

MINUTES
COUNTY COMMISSIONERS MEETING
JANUARY 2, 1991

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MINUTES
COUNTY COMMISSIONERS MEETING
JANUARY 2, 1991

The Board of Commissioners met in session at 2:30 p.m. on Wednesday, January 2, 1991 in the Commissioners Hearing Room with President Rick Borries presiding. The meeting was opened by Deputy Sheriff Tucker, who declared the Commission in session pursuant to adjournment. President Borries welcomed all attendees to the first meeting of the Vanderburgh County Board of Commissioners of 1991.

Mr. Borries said the Board has a brief agenda today and under New Business he intends to nominate a new President. That is usually the first order of business. He is not sure whether the newly elected Commissioner is going to be able to attend today's meeting. If he is not able to, he can handle those duties.

RE: AWARDING OF CONTRACT FOR COUNTY MORGUE

President Borries recognized Mr. Charles Althaus, County Coroner.

Mr. Althaus said seven (7) bids from contractors were received with regard to construction of the new County Morgue. Same have been reviewed by Roger Lehman, Charles Davis, Sam Biggerstaff, Rick Wood and himself. He would like to thank each of the contractors who did file a bid -- because they were all excellent. It is their recommendation that the Commissioners accept the construction bid from Key Construction Company in the amount of \$536,057.40, the low bidder.

Commissioner McClintock asked if the County Engineer has looked at these bids and Mr. Althaus said that he has not. He again stated the names of those who had reviewed the bids (Key Construction, Wink Construction, Phoenix Construction, Industrial Contractors, ARC Construction, ASC Construction, and Deig Bros.). Mr. Biggerstaff was the Engineer with regard to the bid specs and Mr. Lehman was assigned to them at the initiation of this project. In response to query from Commissioner Borries, he confirmed that Key Construction did submit the low bid. In response to query from Commissioner Borries concerning the Engineer's Estimate on this project, Mr. Althaus said it was \$643,000.

Mr. Althaus said there were a couple of things not bid, including furniture and morgue equipment (such as x-ray equipment, etc.). These items will have to be bid. By using this bid, we have approximately \$103,000 left and they believe that after we purchase the furniture and equipment they will be able to turn back in about \$40,000 to the county.

Commissioner McClintock asked if Mr. Lenman has comments concerning this matter.

Mr. Lehman said he has a comment we may want to pass by the Attorney. There was an error on one of the addendum outlines on the quantities. There were two (2) parking lots specified and it seems that every other contractor got one or the other. If you take that line item by itself as an addendum, the low bidder was low bidder in spite of the fact he bid the larger parking lot. Therefore, he expects we will be able to negotiate that cost down.

The next low bidder bid the small parking lot and his bid was still higher than the low bidder. Again, the error was on the addendum, not on the base bid. Therefore, we can throw all the

bids out or take whatever we want. And, again, the low bidder was the low bidder despite having bid the larger parking lot. The average difference on the parking lot between the small parking lot and the large parking lot was between \$8,000 and \$10,000. He bid the large parking lot and his bid was still \$4,000 lower than the next lowest bid.

The County Surveyor had provided the specifications and he looked at them and they all bid either the large parking lot or the small parking lot. He believes there was only one other bidder who bid the small parking lot and they were either the next highest or the highest bidder. Everybody else bid the large parking lot. But the differences were so great he felt there wasn't any way the low bidder wouldn't be low in spite of that fact.

Attorney Miller asked what would be wrong with rebidding only the parking lot -- going ahead and granting the base contract and getting that under way and simply rebidding the parking lots as a unit.

Mr. Lenman said he thinks we would probably be dollars ahead if we could negotiate that with the low bidder. He thinks that if we put it out for bids, someone who now knows they are not going to build the building obviously isn't going to submit as good a bid on just the parking lot, whereas the current low bidder being aware of that may be able to negotiate lower and may want to bid on that.

Attorney Miller asked, "You have a commitment on the larger parking lot from the current low bidder, is that right?"

Mr. Lehman confirmed that is correct.

Attorney Miller continued, "The current low bidder is only bound to the bid to the extent."

Mr. Lehman commented, "That was also bid to quantities."

Attorney Miller said, "You can accept his bid and either negotiate with him for the smaller lot or put the smaller lot out for bids entirely separately."

Mr. Lehman said, "If I may explain a bit more -- the parking lots were bid by quantity -- the excavating, the concrete and the gravel, asphalt, etc., so much per cubic yard. And in comparing the price per cubic yard, everybody was in the same ball park, generally speaking. And I think if the low bidder will accept the quantity specified for the smaller parking lot at the rates he has quoted, then we will be all right. That is the easiest way to do it. But that was the only thing that was kind of iffy. But it was kind of iffy to our advantage."

Attorney Miller said, "It is not fatal to the contract to accept this bid and attempt to negotiate the other, depending upon the amount of the other."

Mr. Lehman said it is going to be from approximately \$18,000 or \$19,000 down to around \$11,000 he thinks.

Attorney Miller said the small parking lot will have to be taken as a separate contract, subsequent to negotiation.

Ms. McClintock asked, "In light of this, don't you think it would be wise to negotiate with Key Construction and then come back next week to award this bid?"

Attorney Miller responded, "No, I think you can award the bid as to what they bid on, except that -- because that apparently is a favorable price and you are happy with that. Accept that bid and

make that a binding contract. Then the only issue you have to deal with is the smaller parking lot and you can either deal with it as an addendum to this contract or you can deal with it as a separately bid item if they can't reach an agreement."

Mr. Lehman said, "It was Alternate #3, except I might suggest the Commissioners accept the bid of Key Construction with the exception of Alternate #3, subject to negotiation -- then that would take the questionable part out of this award and then we can come back and say we've negotiated and they have agreed to a price of "x" amount of dollars."

Attorney Miller said he thinks that is what we ought to do.

Ms. McClintock asked, "Wouldn't it strengthen our negotiating position though if we negotiated with them before we awarded the contract?"

Attorney Miller responded, "Not necessarily."

Ms. McClintock continued, "But we're not in any big hurry. It would certainly make me look at it differently."

Commissioner Borries said, "If I understand what Roger is saying, I think by accepting the bid that increases our negotiating position because at that point you can basically get a large parking lot built for the price of a small one, is that correct?"

Mr. Lehman responded, "No. The small parking lot is really what we want and we only have a price on the large one. So we'll be negotiating downward and the total would be cut. But he did provide unit prices on his quantities and as long as he will accept the unit prices on his quantities per cubic yard, per square foot, etc., the negotiation will really be 'will you utilize the same figures given us?'"

Attorney Miller interrupted, "I misunderstood you -- there is only going to be one parking lot?"

Mr. Lehman confirmed this is correct. There is only one parking lot. The original plans had a large parking lot and the most recent plans had a small parking lot.

Attorney Miller said, "Negotiate with Key. Don't accept the bid. There is only going to be one parking lot. Take it under advisement for a week."

Commissioner McClintock said she spoke briefly with Greg before the meeting and the only other thing she would like to see if in the meantime we could get this engineer who we're going to recommend as the Project Engineer and that would give him time to look at this before the bid is awarded. She moved the matter be deferred for one (1) week and placed on the agenda for January 7, 1991, with a second from Commissioner Borries. So ordered.

RE: AUDITORIUM LIGHTING SYSTEM - STTV/AV

Commissioner Borries said that last week the manager of the Auditorium gave the Board an update and requested the Board waive a fee because of some malfunctions regarding a performance at the Auditorium. Action was taken on the request. The Board also requested that representatives of STTV/AV appear before the Board to provide an update with regard to the lighting system. If someone from STTV/AV would like to make comments at this point as to why this system is not functioning properly at this point, the Board would be glad to hear from same.

Mr. Fred Brown of STTV, 1716 N. Illinois Street, Indianapolis, Indiana, approached the podium, along with Mr. Don Savage of STTV (same address).

Mr. Borries asked if the gentlemen can provide an update as to why we are experiencing problems. We're interested in resolving same before our warranties expire and we want to pinpoint the problems.

Mr. Savage said, "We've put in a system that is not yet totally completed. The package had to be reduced because of limited funds on the first phase. The major problems -- there have been some mechanical failures that were replaced. But a number of the problems that have occurred are due to operator error in the system and I think what it boils down to is that there is not a particular individual who is trained significantly enough at the facility to handle the system or look at the problems. In other words, if something goes wrong, there is not a theater person on staff. For instance, we've had a number of calls where they will call up and say that a certain number of lights don't work -- or this worked before and now it doesn't work. It has been attributed to the fact that someone has changed things around and not let another person know. We've been able to walk them through it over the phone in a number of instances. The control console that they work with is a very flexible unit, but it can only do what you tell it to do. If there are two, three, or four different people over there and one knows what is going on and three don't, then one will change it and when the other person comes back who is used to working with it in a certain way will say 'this doesn't work anymore' and they will call again. So it is a problem with individuals really not knowing how to use the equipment. I am not placing blame on anyone -- it's just that they don't know. We've had one training session and I'm more than happy to do another training session for the right people to help them better understand the system. But essentially whatever is wrong at any time -- we're always available to fix it or as a reference -- they can call us and we'll help them with whatever needs to be done. We're available and always have been."

Ms. McClintock asked, "So, is it working now?"

Mr. Savage responded, "Yes."

Ms. McClintock asked, "Who operates the system?"

Mr. Borries commented, "The stagehands do. We have a stagehands union - there are five or six individuals who are members of this stagehands union and they are the people who are empowered -- as I understand it, it has to be a union house. For example, you probably couldn't get some groups to come in if you didn't have a union house. So if I am correct on that, they're the ones who are supposed to operate this. Have they been properly schooled?"

Mr. Savage responded, "We've done as per the agreement. We did a training session for all people who are supposed to handle the system. It has been our experience (like in anything) that sometimes people get it in one session and others don't -- it will go in one ear and out the other (not saying anything negative) --but that is just the way life is. When you have as large a facility as you have over there now, it sometimes behooves the owners (and this is my own personal opinion via being in business a long time) to have a technical director on staff who knows how to run things as part of the facility -- who knows the facility, who knows the system and knows how to work it -- has been trained in this particular arena. What you have over there is a manager who does the bookings; a maintenance man who does odd electrical jobs, etc., and you have a maintenance staff -- but you don't have a technical director, a theatrical person other than part time stagehands who come in and handle the system -- and they are good. They try. It is not that they are not trying or that they are not open to do a good job, because they try. But it is a large facility and there are a lot of buttons, bells and whistles that you can push over there that if

you don't know what they mean, they have to call us. We'll help, but there is no one there who really knows how a system works and what to look for. You had a person like that way back (Kim Bitz) -- he was a theater person and knew how to run systems and how to work them. But you haven't had that for a while. If you had someone who had theatrical background who could run the system -- I think what I'm really getting to is if you had continuity."

Commissioner Borries asked, "What about Bud Pitt, the business manager for the stagehands union?"

Mr. Brown commented, "Bud is the one who comes in from the stagehands union and runs the console. In this, I would say that is probably where the majority of the problems have been -- lack of proper communication between Bud and the staff and in communicating the problem to us and telling us now it is functioning, etc. A flashing of a light to one person is a flickering light to another person. After talking to Bud this past Monday we found that the problem was that the console had been programmed to run on a different language or protocol. The lights were flickering and it was operator error -- not a mechanical malfunction."

Ms. McClintock asked, "Can Bud run the system?"

Mr. Savage responded, "Yes. For instance, Bud will come in and run a show on Friday or Saturday night and he has to change the system in order to make it function for this particular show. But Bud is not paid to change it back, so someone comes in and wants to use the Auditorium and he has changed things around. As I say, at this point we're in Phase I and there are not enough dimmers to handle all the circuits in the facility at this time. So he may take dimmers from the Gold Room and put them in the stage area. When maintenance comes in and wants to do work in the Gold Room or there is a reception in the Gold Room or something like that, they go to turn lights on in the Gold Room and there are no dimmers in there to control those lights. Bud hasn't stated what he did and all of a sudden it is a major problem, because they don't know why the lights don't come on. So that is what I'm talking about when I cite continuity -- knowing what is going on and where it goes, etc.. In the next phase that problem is solved; the additional dimmers will go into all the circuits and the system will be in its entirety at that time."

Commissioner Borries asked, "Greg, perhaps you can refresh my memory. When we awarded this bid did we understand that that was how long it was going to take to get the entire system operational?"

Mr. Curtis responded, "Well, both the Commission and the Council had a larger project in mind. In fact, we had prepared the specifications and they had been sent out for bid and we were in the process of getting the appropriation. It was determined that Council needed to appropriate the money for the Central Dispatch facility. Therefore, this project had to be cut back to \$150,000. We subsequently revised the specs and sent out an addendum and the system was a partial system that would operate the lights -- but it would operate the lights as a partial system, not as a complete system. I think we have received a lot of good comments (especially initially). However, I think our problem is as they have stated -- and I think Mr. Acker has also stated -- we have the system changed around and the dimmers get changed around and I guess we need to a little more forcefully require that things be put back like they were. If the reprogramming that was done to change something recently had been put back in the way it originally was after that was done, the flickering or flashing problem that was encountered would not have happened (I wasn't in town, but it was referred to in the newspaper article) because there would have been sufficient

power. In their favor, STTV has, to my knowledge, done as reasonable a service as we could ask of them when we have identified a problem. For instance, I do know there have been some problems with the equipment series we have and problems have arisen in other areas of the country where the equipment is in use and the defective materials have been replaced and I was notified of that before I ever heard of it from other channels. And I think they are doing everything they can to make sure we have a quality product in our facility. Once we get Phase II, I don't want to say we won't need the technical expertise Fred was talking about, but we won't need it to the degree we do now, because it won't be necessary to move those dimmers and those modules around as they do now."

Mr. Borries asked if we have a handle on how much Phase II is going to cost us at this point.

Mr. Curtis said, "The original cost for the remainder of the lighting system was approximately \$120,000. However, as Mr. Acker discussed last week, we have a problem with getting dust, dirt, etc., into the actual rack and that was an oversight I would have to admit on my part in not enclosing that to where the air was filtered to some degree (the dirt from outside). If they construct a set for a show or something, particles are obviously going to get into that and that needs to be controlled. We can enclose that as well as put a temperature control unit in that enclosure and alleviate potential maintenance problems in the future. I think it would more than pay for itself in this case, regardless of the system. Some of the past problems with the old dimmers burning out has been blamed, in part, on them being dirty and I think that enclosure will be included in Phase II, as well as there are some additional lighting fixtures that Mr. Higgins had identified over and above what we had originally planned (after Phase I was put) in for Phase II that would be beneficial. I would say that to do all of that, including the enclosure and additional lighting, would be between \$140,000 and \$150,000."

Mr. Borries asked, "And that is it?"

Mr. Curtis said that will complete the lighting system upgrade.

Mr. Curtis said that either he or Mr. Acker will have an appropriation request by January 14th for the February Council Meeting. Mr. Curtis said that he has already started preparing the bid specifications for this project.

Ms. McClintock said, "In the meantime, it seems to me we need to restrict who operates the lights over there. I know it has to be union stagehands."

Mr. Savage said he thinks if we restrict it to Bud Pitt...

Ms. McClintock interjected, "As long as he knows he needs to put everything back after each show. It sounds like we need to talk to Bud."

Mr. Savage said he will be glad to work with whomever. Bud seems to be the most knowledgeable regarding the system at this point.

Mr. Borries said he doesn't know what that does to the rest of the crew -- how they rotate or how they work -- and he doesn't know if Bud can operate it entirely. He has no objections to that; but he does think that, if necessary, we need to get more intensive training for him so that until we are able to complete this system we can offer people what we say we can offer -- which is a lighting system that will function as they would intend. That is our concern here. He knows STTV's system is in operation in other areas of the City (the School Corporation has some sites that use the system) and the Board had some concerns when the problems were brought to their attention. If we don't have happy campers at the Auditorium, we can't have the business.

Mr. Brown said their business is built on their reputation and if they don't have the reputation they don't have the business -- so they take care of their problems.

Ms. McClintock asked who is going to talk to Bud.

Messrs. Savage and Brown said they will talk to Mr. Acker and he would anticipate he would talk to Bud and the stagenands.

RE: COUNTY ATTORNEY - DAVID MILLER

Ordinance Amending Building Code/Flood Plain Management:
Attorney Miller said he has for the Commissioners' consideration on First Reading an Ordinance that is designed to amend the Building Code of the Code of Ordinances of Vanderburgh County relating to flood plain management. This is an Ordinance that seeks to modify the definition of a flood plain and the 100 year flood as contained on those ordinances, as requested by the Area Plan Commission staff. This would be the First Reading and we would then have to have it published for Final Reading. This was prepared at the request of the Area Plan Commission staff. There is in effect a new flood plan Ordinance, as he understands it, that was adopted by both the City and the County and this document simply repeals old definitions that are no longer applicable.

Ms. McClintock asked if we need to advertise this for First Reading and Attorney Miller said that is correct.

Motion was made by Commissioner McClintock that we advertise to amend Sections 150.115 and 150.116 of the Building Code of the Vanderburgh County Code of Ordinances for First Reading, with a second from Commissioner Borries. So ordered.

RE: ACCEPTANCE OF CHECKS - ALEXANDER AMBULANCE LAWSUIT COLLECTIONS

Attorney Miller submitted payments on the Alexander Ambulance Lawuit Collections as follows:

James Woodruff (V1439)	\$ 5.00
Jennifer Wade	40.00
Patty Fetcher (V4505)	20.00
Greg Bland (V2998)	25.00
Norman Smyth (V4438)	65.70
Larry Seib (V7061)	10.00
Brisco (V12461)	20.00
James Woodruff (V2439)	5.00
Thomas Jarvis (V5538)	5.00
David Fritz (AV2397)	20.00
Anna Dillbeck (V3055)	139.39
Tony Grigsby	75.00

Total \$430.09

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

RE: CLAIM - HERITAGE REMEDIATION ENGINEERING, INC.

Attorney Miller submitted a claim to Heritage Remediation Engineering, Inc. with respect to the water sampling recommendations that have been forwarded to us in the amount of \$10,351.25. He said this is for a portion of the work done in connection with the underground water contamination at the County Highway Garage. He would have to say, at least from our standpoint, that these people have been exceedingly helpful and

cooperative and we would have had a very difficult time proceeding with this project had we not had their help. He recommends the claim be approved for payment, subject to affirmation of the individual who has knowledge of the work to be performed.

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

RE: CLAIM - SIMON'S GOVERNMENTAL SERVICES

Commissioner Borries said that on December 26th the Commissioners referred a claim to Simon's Governmental Services to Attorney Miller for his review and counsel regarding the matter and the payments that have not yet been made to that firm.

Attorney Miller said he will check on this.,

RE: COUNTY HIGHWAY - CLETUS MUENSTERMAN

Commissioner Borries recognized County Highway Superintendent Cletus Muensterman, saying he supposes that between the ice and snow Mr. Muensterman has had a busy week.

Weekly Reports: Mr. Muensterman said he had submitted his weekly reports.

Conveyor Belt Expense: Mr. Muensterman said we will probably be receiving a bill within a couple of weeks for a conveyor belt on one of the trucks for about \$1,300. It seems expensive, but it is inside the conveyor that pours the salt from the back of the truck and it broke. It was rusted through and can't be repaired -- it's probably 15 years old, so it's time for a new conveyor belt. We've ordered same. We still have seven or eight trucks going, however.

Knocked Down Mail Boxes: It was noted by Mr. Muensterman that we've had a rash of mail boxes knocked down because of the ice. It seems to be worse when we have ice -- because the snowplows hit big chunks of ice and when the ice flies it knocks the mailboxes down. We've always repaired them (putting in new posts) but this really hurts our finances at the County Highway Garage. He is wondering if the Attorney can check to see if perhaps our insurance covers that. Do we have to keep repairing these or can we get away from repairing these somehow.

Ms. McClintock and Mr. Borries said it seems that if we knock them down we're probably going to have to put them back up.

Mr. Muensterman said if someone has a wreck and knocks them down, then the insurance company pays for it. If our insurance covers it, that would probably raise our insurance rates. We had 15 of them knocked down this time -- he couldn't believe it. But the ice was so hard that when the plows hit it -- it even threw a truck off the side of the road. We even had one go in a ditch and we had to send another truck to pull it out. But we had a truck in the ditch for seven hours on Nolan Avenue. Had we done one different thing we might have lost the truck and maybe the man. It was being held up just by two trees. We had two large trucks from Dallas Towing out there trying to get it out and it took six hours. We'll have a pretty good bill from that -- but we saved the truck and the man, and that is what is important.

Commissioner McClintock said she heard some good things about the County roads -- but they were the only roads she heard good things about.

Commissioner Borries echoed Ms. McClintock's commendation.

Ms. McClintock said she did have one call and Mr. Muensterman may want to make note of this. The gentleman called at 3:00 p.m. on the day the weather was going to be 50 degrees or 60 degrees and he said that St. Wendel Road had not been touched through the whole period.

Mr. Muensterman said that is not the case. The foreman drove it and said we did get it -- so that is what he goes by. He will check this out, however.

Commissioner Borries again expressed appreciation to Mr. Muensterman for the fine job the County Highway did and asked that he pass this along to the crews.

Flooding: In response to query from Commissioner Borries with regard to the current flooding, Mr. Muensterman said it is better than it was -- but the water is coming back up. All the roads in Union Township are pretty well closed. Cypress-Dale is open up to the railroad track and then to Seminary Road. Everything else is closed. Waterworks Rd. south of Weinbach Avenue is closed.

Ms. McClintock said they came across the bridge on Sunday and she's never seen the river look like that. It's almost over the levee at Ellis Park. Ellis is just sitting there like an island.

Mr. Muensterman said Red Bank Rd. was closed Sunday, but the water receded about a foot and they opened it back up. However, the water is coming back up again and the media is predicting more flooding this week.

Commissioner Borries said he thinks the Commissioners want to encourage and communicate through Mr. Muensterman and the media the seriousness of people crossing any road that is barricaded. For example, if Red Bank were closed a while and conditions changed it might be opened. If barricades are up, people should not go around them. We have no idea how deep the water is and some of that water could rise rapidly. It is very important that they obey those barricades.

Mr. Muensterman said the media contacted him and warning was noted in the newspaper to stay off those roads - it's important, because you don't know how swift that water comes across some of these roads and they could be washed out. You can only go as far as the Hybrid Inn on Old Henderson Road.

RE: OLD BUSINESS

Part Time Secretary/Youth Division/Sheriff's Department: Ms. McClintock said that she received a call this morning. Apparently a couple of years ago the Commission had recommended to Council that a part time secretary be hired for the Youth Division in the Sheriff's Department. About a month ago that individual was transferred to the Jail to cover for an employee who is on a leave of absence. The question was raised that if the Council appropriated this money for a specific position within a specific area, instead of transferring that to the Jail, shouldn't they use the money that is in the account of the person on leave of absence to hire a temporary person -- if they need someone to cover that.

Attorney Miller said he thinks they could.

Commissioner Borries asked, "Because the leave of absence is being granted without pay, there should be money in that account?"

Ms. McClintock said, "Right. And I don't know if they can transfer a position that was for a specific purpose."

Commissioner Borries said, "I don't know. If they transferred some money out of that account, they couldn't transfer the entire amount or they would eliminate the position. But it seems there should be a provision for some part time help, if that is what they are asking for."

Ms. McClintock asked if the Commissioners should perhaps have Mr. Riney call Chief Deputy Sheriff Fravel. The employee who was transferred was Michele West (replacing Glamer Taylor, who is on leave of absence). She was hired to help with the Youth Division.

Mr. Borries said he would have Mr. Riney contact Mr. Fravel concerning this matter.

RE: BOARD OF FINANCE

The meeting continued with Commissioner Borries noting the Board of Commissioners constitutes the Board of Finance and since this is an odd number year, the Board of Finance must first meet after the first Monday in February and on or before the third Monday in February to open and consider all proposals. Proposals have to be submitted by February 4th. The Board of Finance Meeting will be held on February 11th, so everything can be finalized prior to the February 18 deadline. An organizational meeting of the Board of Finance needs to be held after the first Monday in February and on or before the third Monday in February, at which time a President is to be elected. The Auditor's office has suggested the Board might want to schedule said meeting on either January 7th or January 14th. Mr. Borries then passed the information to Commissioner McClintock for her review and comments.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, the Board of Finance will hold an organization meeting on Monday, January 7, 1991 at 2:15 p.m. So ordered.

RE: REORGANIZATION OF BOARD OF COMMISSIONERS

Commissioner Borries said he had asked the County Attorney to research the State Law, because in his past history we're in a bit of an unusual circumstance. Normally the Commission reorganizes at the first meeting of the year -- and one person said it might be State Law.

Attorney Miller commented, "I cannot find a Statute that requires that the reorganization occur at the first meeting and inasmuch as the Commission does not have its entire body present today, he thinks January 7th would be okay. The statute his attention was drawn to during the brief research was the statute that said that the Board of Commissioners has the power to adopt all the rules by which it conducts its business. So if the Board wishes to delay reorganization one week due to Mr. Hunter's absence, based upon that statute he thinks they would be within their rights to do that.

Ms. McClintock said that would be her preference, but she appreciates Mr. Borries' willingness to go ahead and do that.

RE: SCHEDULED MEETINGS

Wed.	Jan. 2	2:30 p.m.	County Council Meeting
		3:30 p.m.	Commission Executive Session for purposes of discussing the Teamsters Union Contract with the Jail Corrections Officers
		6:00 p.m.	Area Plan Commission (Rm. 301)

Thurs. Jan. 3 11:00 a.m. Health Department (Rm. 303)
Fri. Jan. 4 1:30 p.m. Commission Executive Session
for purposes of interviewing
firms providing Legal Counsel
and insurance to the County

RE: EMPLOYMENT CHANGES

County Highway (Appointments)

Jeffrey Mitchell Laborer \$9.92/Hr. Eff: 1/1/91

County Highway (Releases)

Jeffrey Mitchell Equip. Oper. \$9.90/Hr. Eff: 12/31/90
Jack G. Waldroup, Jr. Asst. Supt. \$24,259/Yr. Eff: 1/1/91

County Surveyor (Appointments)

Jane Schmitt Ch. Draftsman \$17,341/Yr. Eff: 1/1/91

County Surveyor (Releases)

Charlie Davis Ch. Draftsman \$22,090/Yr. Eff: 12/31/90

Cumulative Bridge (Releases)

Scot Davis Inspector \$18,309/Yr. Eff: 1/2/91

County Commissioners/Soil Conservation (Released)


Rebecca J. Kachanuk Secretary \$15,354/Yr. Eff: 1/1/91

There being no further business to come before the Board at this time, President Borries declared the meeting recessed at 3:35 p.m.

PRESENT:

Richard J. Borries, President
Carolyn McClintock, Member
Sam Humphrey, Auditor
David V. Miller, County Attorney
Roger Lehman, Building Commissioner
Charles Althaus, Coroner
Fred Brown/STTV - Indianapolis
Don Savage/Sttv - Indianapolis
Greg Curtis/County Engineer
Gary Kercher/Asst. County Engineer
Cletus Muensterman, County Highway Supt.
Jerry Riney/Supt./County Bldgs.
Karen Hadfield
Others (Unidentified)
News Media

SECRETARY: Joanne A. Matthews


Richard J. Borries, President


Carolyn McClintock, Member

MINUTES
COUNTY COMMISSION MEETING
JANUARY 7, 1991

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MINUTES
COUNTY COMMISSIONERS MEETING
JANUARY 7, 1991

The Board of Commissioners met in session at 2:30 p.m. on Monday, January 7, 1991 in the Commissioners Hearing Room (immediately subsequent to the organizational meeting of the Board of Finance) with President Rick Borries presiding.

RE: REORGANIZATION OF BOARD OF COMMISSIONERS

Commissioner Borries said the first order of business will be the reorganization of the Board of Commissioners. The first duty would be to elect a President of the Board of Commissioners.

Upon motion made by Commissioner Hunter and seconded by Commissioner Borries, Commissioner Carolyn McClintock was elected President by unanimous roll call vote. So ordered.

President McClintock then entertained a nomination for Vice President of the Vanderburgh County Board of Commissioners.

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, Commissioner Hunter was elected Vice President.

President McClintock said that among the items on today's agenda will be the appointment of Legal Counsel for the Board of Commissioners, the appointment of an Insurance Agent of Record for both the Property & Liability and Life Insurance for the County, and the introduction of the Transition Team.

Item #10 (Awarding of bid on Personal Computers/Printers for the City-County) will be deferred until January 14, 1991. They are not yet ready to award those bids.

Ms. McClintock asked if Mr. Borries has other changes or additions to today's agenda and he responded in the negative.

RE: INTRODUCTION OF TRANSITION TEAM FOR VANDERBURGH COUNTY

President McClintock said it is her pleasure this afternoon to introduce one of the Co-Chairmen for the Transition Team for Vanderburgh County who will give us a listing of the other members of that Team and also explain the goals and mission of that group. Sharon McCarthy is present, who many of the attendees at today's meeting probably know as a former City Controller for the City of Evansville. She has also served as Marketing Director for Welborn Baptist Hospital and most recently as the Foundation Director for St. Mary's Medical Center. She is now semi-retired and has time to do some volunteer work for the County. She then asked that Ms. McCarthy provide the Board with the aforementioned information.

Ms. McCarthy apologized for a touch of laryngitis, saying Commissioners Hunter and McClintock may have to help her if she loses her voice. As Carol explained, Jerry Lamb, Sr. (who is with American Sheet Extrusion) and her will be the Chairmen of the Vanderburgh County Transition Team. Their other committee members are:

Rolland Eckels (who has retired from Bristol Myers)
Chairman, Finance Committee
Ray Mazzocco (Citizens Bank)
Chairman, Insurance Committee

Jim Brookhart (St. Mary's Medical Center)
Chairman, Personnel/Human Resources Committee
Gary Staley (Evansville School Corporation)
Chairman, Property Management Committee
Brent Weil (local Attorney)
Chairman, Law Enforcement/Corrections Review Committee
Jeff Hatfield (contractor)
Chairman, Contractor Relations Committee
Betty Hermann (County Council representative)
At Large Member
Brenda Murray (Evansville Housing Authority)
At Large Member

They are waiting to hear from Commissioner Borries as to his at large appointee. She understands he will have that information shortly.

"The mission of this group is quite simple. We are to study six different areas of County government, with the understanding that we are to look at these areas from a business perspective and be prepared in the coming months to make recommendations to this Commission on the strengths and weaknesses of the areas we've been assigned, to develop recommendations for each area, and to propose priorities within those recommendations that will fit under a realistic time table that will make the transition of County government more simplified. The areas we're going to be looking at are finance, insurance, personnel, property management, law enforcement and corrections, and contractor relations. So we will be back with the Commissioners within the next month to give them our schedule. We have assigned our Chairmen to each of these committees and we look forward to a smooth transition."

Ms. McClintock thanked Ms. McCarthy and entertained questions of the Board.

Commissioner Borries said, "Well, I don't know if I would want to particularly say it is a 'transition'. Usually transitions occur when you have had an election until people take office. I will be happy to have a person participate in this, but I think once you have members in place on a particular team it has gone beyond the point of 'transition'. If we want to call this a 'task force' on studying changes in County government, I can buy that. But I think we're a little past the 'transition' part of it."

Ms. McClintock asked, "So you will get back to us?"

Mr. Borries responded, "I will get right back to you."

RE: APPOINTMENT OF LEGAL COUNSEL

President McClintock said at this time the Board would like to appoint the Commission attorneys for 1991. "As most of you know, we held an Executive Session last Friday afternoon from 1:30 p.m. until 5:30 p.m. and interviewed attorneys, their firms, and also insurance companies in searching for an Agent of Record for Vanderburgh County.

Commissioner Hunter commented, "I would like to say that during this rather marathon session we had last Friday afternoon that there were a number of legal firms that did appear before the Executive Session. They were excellent firms. They were well represented, and it was a choice that was not easy at all. However, after considerable deliberation and discussion, it was our decision to select Messrs. Jeff Wilhite and Ted Ziemer as the County Commission attorneys.

President McClintock said she will second that recommendation. She asked if Mr. Borries has any comments. There were none.

President McClintock said she then will order Ted Ziemer as the first attorney and Jeff Wilhite as the second attorney to represent Vanderburgh County.

RE: APPOINTMENT OF INSURANCE AGENT OF RECORD

In continuing, President McClintock said the second area discussed was the selection of an Agent of Record for our County Insurance (both property liability and life insurance). Again, they felt that all of the companies that expressed an interest in providing this service for Vanderburgh County were well qualified -- certainly were interested in serving the county and working with the county. It is her recommendation at this time that we appoint Torian Agency as the Agent of Record for the property liability and Bob Barthel of Barthel Agency as the Life Insurance Agent of Record.

Motion was seconded by Commissioner Hunter.

Commissioner Borries said, "I do have a comment here. In relation to the Executive Session I am not sure whether or not the life insurance matter was called under the umbrella part of the Open Door Law. I would say this, I also am not sure at this time -- would you want to give me the expiration date of the current provider on the life insurance? Does that take place immediately?"

Ms. McClintock said, "If you would prefer, we could delay that week -- I don't have a problem with that."

Mr. Borries said, "Well, I need to know that -- I am asking the question."

Ms. McClintock said, "I understand it runs from year to year."

Commissioner Borries said, "That was not my understanding and I would like some information on that."

Ms. McClintock asked, "Well, why don't we delay the life insurance until next week?"

Mr. Borries said, "It is my understanding that the liability insurance (at least from PENNCO) runs until February 1st -- so I will be watching very carefully how that change will occur, because for those of us who campaign on a very low tax policy I will not stand by silently -- or sit by silently I should say -- and see this county go off the wall or up through the roof in terms of an increase in taxes, particularly in liability claims. So we will be watching that very carefully."

Ms. McClintock responded, "Okay". I will amend my recommendation just to include Torian Agency as Agent of Record for Property Liability."

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

RE: RESOLUTION RE COMMISSION MEETING DATES FOR 1991

President McClintock said the Commission would now like to set their meeting schedule for 1991. "We apologize -- the first six weeks are a little confusing. I don't think Mr. Hunter was confident he was going to win, so he set a class for himself to teach at the University of Evansville. So our first regular meetings until approximately mid-February will be held at 3:00 p.m. and we do have some Executive Sessions set. We have an entire schedule that we'll be happy to make available to the media, which might make it a little easier for you."

Beginning in February (on the 25th) our regular meetings will be held at 4:30 p.m. on Mondays, preceded by a Department Head Meeting at 3:30 p.m. on Monday afternoons. Those Department Head Meetings will be open to the public and members of the media and certainly all the Commissioners and any Council people who would like to attend. I believe we have a Resolution to pass. The only question she has, she wanted to make sure that both of the other Commissioners were going to be in town on February 11th, as that is the Board of Finance Meeting, followed by the Board of Commissioners at 3:00 p.m. and the Department Head Meetings at 4:00 p.m. She will be attending a Legislative Session in Indianapolis and needs to leave that afternoon. Commissioners Hunter and Borries indicated they will be on hand on February 11th. Commissioner McClintock said she will then leave the meeting date, as scheduled.

The meeting continued with Commissioner McClintock citing the Resolution (copy attached hereto) in its entirety.

Commissioner Borries said, "You guys ought to consider maybe starting a floating crap game -- I mean, this is a pretty good schedule here. The one thing that I do have a question on here would be in relation to the Department Head Meetings. Now these are open to the public. Is it your intention then to have the Department Heads turn around and give a report in the meeting -- or does this suffice for their reports that are normally conducted at the regular time through the meeting?"

Ms. McClintock responded, "It is my intention that the Department Head Meetings would be for purposes of discussion about what is going on in the various departments and what we need to be doing and what plans are and that kind of thing. If there is anything that needs Commission action, clearly they also will need to come to the Commission Meeting so that action can be taken in a regular meeting."

Mr. Borries said, "Okay -- okay. So these will just be informal discussions and there will be no action. Are you going to have minutes taken of these discussions?"

Ms. McClintock responded, "Yes."

Commissioner Borries continued, "So there will be minutes taken, but no official action will be taken?"

Ms. McClintock responded, "Right, no official action. All official action will be taken in the Commission Meeting. So if there is a week that no official action needs to be taken for the County Highway Garage but we have the report about what has been done, it can be discussed in the Department Head Meeting and there is no reason that Cletus would have to wait and stay for the meeting -- if no action needs to be taken on behalf of that department. But, if he had a claim or...."

Mr. Borries said, "Oftentimes it is more than a claim. If the public is going to be served properly, I think there are times particularly when the County Engineer or the County Garage Superintendent must be available in order to answer questions or sometimes react to emergency situations or unexpected situations that will crop up -- and someone will have a request. So I think they will need some rather clear direction from this Board as to what their role will be if they do not have items to discuss or if you want them to stay for the meeting. I think it might be a little embarrassing if a matter is brought up that has to do with the County Highway or an engineering problem and then those people not be present."

Ms. McClintock commented, "Sure."

Mr. Borries asked, "You need a motion here? I won't repeat all of that, but it is a matter for the record. I move that the Resolution be approved."

Motion was seconded by Commissioner Hunter and so ordered.

RE: EXECUTIVE SESSION SCHEDULED

President McClintock said the Board would like to schedule an Executive Session for Friday, January 11, 1991 at 3:00 p.m. for the purpose of interviewing personnel for the following positions: Auditorium Manager, Engineering Technician, Assistant Superintendent/County Highway Garage, and Foreman, County Highway Garage.

In response to query from Commissioner McClintock, Joanne Matthews said she believes that a separate motion is required to approve the Executive Session and advertising of same. Executive Sessions are not included in the Resolution concerning the regular Commission Meeting Dates for 1991.

Upon motion made by Commissioner Borries and seconded by Commissioner Hunter, the secretary was authorized to advertise the Executive Session for purposes stated. So ordered.

RE: MISCELLANEOUS COUNTY APPOINTMENTS

President McClintock said the Board has a variety of appointments to be made to Boards and Commissions. Some are reappointments and some are new appointments. She would like to begin with nominations for the Alcoholics Beverage Commission.

Upon motion made by Commissioner Hunter and seconded by Commissioner Borries, Mr. Danny Spindler (a new appointment) was appointed.

Ms. McClintock said Mr. Spindler is present today. It is the Board's pleasure to have someone of Danny's business experience and knowledge willing to serve in this very important position on the Alcoholic Beverage Commission and she is pleased to so order that appointment.

Commissioner Borries commented, "May I ask that this Commission send a letter to Bert Reed, who, I think, did express some interest. He has served on this Commission as a Republican member for some time and you might say has voted Republican before you and Mr. Hunter were born -- so Bert has been around a while. With your permission, I would like to acknowledge his service by having this Board send him a letter of appreciation."

Ms. McClintock said, "Rick, I'm glad you brought that up, because I've already prepared a letter to go out to all of the outgoing Board members and Karen has those typed and ready for my signature. But I appreciate your bringing it up."

Continuing, Ms. McClintock said, "We're now ready for the Commission representative to the Area Plan Commission."

Commissioner Hunter nominated Commissioner Borries as the Commission Representative to the Area Plan Commission, with a second from Commissioner McClintock. So ordered.

Commissioner Borries said, "Well, thank you. I know you say you are not a politician, but if it quacks like a duck and acts like a duck -- it probably is a duck, you know. Let me tell you -- one year, Don, one year will get you there. This will be the fourth year for me, all right? Carol has had it, too. I've had
| longer -- and I don't know

Would you want to give me some direction as to what you would want me to look for in terms of land use, or just to kind of carry on in your shoes?"

Ms. McClintock responded, "Well, you know they are redoing the Comprehensive Plan right now and so that is something that is going to come before that Commission in the next several months -- so I'm sure that is something you can provide."

Mr. Borries said, "Well, I am not sure I can. I don't know if we would differ or what; but I would like some direction from this Board in the future. And I do think -- and seriously, from an educational standpoint -- I will be happy to continue my education for one more year, which will be my fourth or fifth year on this Board. But only for one more year. Next year I'd be happy to nominate Don for this position, because I do think it is enriching for you to have the experience on the Area Plan Commission. It is a very important part of government and something you need to do."

Mr. Hunter responded, "Rick, I can hardly wait."

Commissioner Hunter nominated Marcia Kreyling as the Commission appointee to the Library Board.

Commissioner McClintock commented, "For those of you who do not know her, I'd like to tell you a bit about Marcia Kreyling. She is a very active community volunteer. She is involved with New Harmony in a very active way. She has also been involved with the Women's Shelter and education for many, many years and will bring, I think, some very fine qualities to the Library Board -- thus, I will so order."

Continuing, Ms. McClintock said there are four appointments to be made to the Tax Adjustment Board.

Commissioner Hunter advised the following have been selected:

Roy Mabrey
Ed Witte
Byron Warren
Ed Ziemer (reappointment)

Mr. Hunter said he would like to make a couple of comments about Roy Mabrey. "Roy Mabrey is the Democratic appointment. As most of you well know, he is the President of the Central Labor Council of Southern Indiana AFLCIO. He has been an electrician for the last twenty-seven plus years and worked his way up through the ranks there from apprentice to general foreman. As a matter of fact, he has an excellent political background in that he worked two and a half years as a Congressional aide for Congressman Frank McCloskey. Roy has been very actively involved in this community; he has worked on the United Way Board of Directors for six years; he has served as Past Secretary for St. Vincent's Depaul Society; St. Phillips' Council; and currently (unless he has been replaced) is with the Evansville Plan Commission as a Mayoral appointee; he is on the USI Technical Advisory Committee and he has many, many labor activities, one with which I was particularly impressed -- he is on Governor Bayh's Labor Advisory Committee. I think it imperative that we have someone from this community who does have somewhat a direct line to the Governor of this State."

Ms. McClintock seconded the nomination and so ordered.

With regard to the Community Corrections Board, Ms. McClintock said this is a minority appointment that somehow can be appointed either by the Commission or the Mayor or the Council and has not been appointed for several years. They felt it important to put a minority member on that Board, so they do have a nomination for the Community Corrections Board.

Commissioner Hunter said it is his pleasure to appoint Mr. Ken Jones. He is with the Bristol Myers Corporation. As a matter of fact, he pretty well heads up their Mt. Vernon operation. He has personally had the opportunity of working with Mr. Jones over the last four years as a teacher at Bosse High School. They have a program in Applied Economics wherein a professional person comes in once a week from the community and works for one hour teaching the economics classes. For the last four years, Bosse has been privileged to have Mr. Ken Jones. He has the ability to use a tremendous amount of foresight on things; he has the ability to turn students on; and when he spoke with him about the Corrections Board, he has also participated in a pilot program at Reitz High School dealing with students at risk. This is the type of program that he will definitely excel in and he is pleased to be able to nominate him.

Commissioner Borries seconded the nomination. So ordered.

President McClintock said the next appointment is to the Auditorium Board Advisory Committee.

Vice President Hunter said it is his recommendation that Mr. Tom Heaton of Citizen's Bank. For those who do not know Tom, he is the Advertising and Marketing Officer for Citizens National Bank. He formerly was with the Convention & Visitor's Bureau located at the Auditorium, so he has a good working knowledge at least of the facilities and they believe his marketing expertise will be of invaluable assistance at the Auditorium.

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

Ms. McClintock said the next appointment will be to the Convention & Visitors Bureau.

Mr. Hunter said the first appointment is a reappointment -- Mr. T. L. Plain of the Executive Inn. The second appointment is Mr. Al Samuelson of Keller-Crescent, who is replacing Mr. Ira Neal.

Mr. Borries said Mr. Neal is a fine person. He (Borries) has some concerns about our building in this community and insensitive to the minorities in that Mr. Neal is one who not only serves the minority community but certainly the community at large very well. He will second, although reluctantly. So ordered.

Ms. McClintock said there are two appointments to be made to the Board of Park Commissioners. One has to be a Republican and one a Democrat.

Commissioner Hunter said they have reappointed Mr. William Phelps (the Republican individual) and for the Democrat, they have selected Mr. Dave Ellison. Again, Dave Ellison is a person he has had the opportunity to work with over the last few years. Dave is a graduate of Mater Dei High School; he is a Vietnam veteran. More importantly, he has had an opportunity to work with him. He is the President of Big Creek Drainage Association and has been very actively involved as Director of the Soil Conservation Service here in Vanderburgh County. He is currently a Director on the Vanderburgh County 4-H Center Board, so he has tremendous rapport and interest in the young people of this community. He is a member of the Vanderburgh County Farm Bureau and, as a matter of fact, is presently serving his fourth year as President of that particular organization. He was awarded the Vanderburgh County Outstanding Conservation Farmer Award in 1987 and was awarded the Vanderburgh County Award of Merit for Outstanding Accomplishments in Resource Conservation which, as we all know, is a very critical area throughout this country right

now, in 1988. His one claim to fame is that he fried 5,000 quarters of chicken at the Vanderburgh County Fair last summer. He thinks Mr. Ellison will be a very welcome addition to the Parks Board.

Nomination was seconded by Commissioner Borries. So ordered.

Commissioner McClintock said she guesses she should say that they appointed Mr. Phelps last year to complete the term of Don McMurtry and she knows that the Parks Department has been very pleased with his willingness to serve and that is why they wanted to reappoint him to that Board.

Mr. Hunter said their nominee to the Vision 2000 Committee is Commission President Carolyn McClintock.

A second to this nomination was made by Commissioner Borries. So ordered.

Mr. Hunter said that likewise he would nominate Commissioner McClintock to the Central Dispatch Board.

A second to this nomination was made by Commissioner Borries. So ordered.

Commissioner McClintock said there are three (3) appointments to the Civil Defense Advisory Board:

Jesse Roberts
John Buckman (reappointment)
Joe Rhodes

Mr. Hunter said he would like to comment about Jesse Roberts. He is, of course, very actively involved with the Alexander Ambulance Service here in town. He is certified by the Indiana Emergency Medical Technicians, he is certified as a Master Firefighter in Arson investigation, certified as auto extrication instructor, certified as an Emergency Paramedic, and his credentials go on and on. Two or three things again that kind of jumped out in his resume is that in the Federal Emergency Management Agency he is a qualified disaster coordinator. We have just gone through and are still in a time when we are very concerned about disasters in this community - whether they be manmade or natural disasters. He has certification from the Texas A&M University in hazardous materials emergency response, which is critically important to the community, and the U. S. Environmental Protection Agency has certified him in hazardous materials incidence response. So he thinks Mr. Roberts will do a very good job in this position.

Commissioner McClintock said they are reappointing John Buckman, who is with the German Township Fire Department. He has served on this committee and, in addition to that qualification, he is our volunteer firemen connection with Civil Defense, and is also an Assistant State Fire Marshall.

They are also nominating Joe Rhodes who, as many of those present know, is with the Indiana State Police. They feel that provides another very important link between the Indiana State Police and our other law enforcement agencies in the event of some kind of civil defense disaster.

Second to the nominations was made by Commissioner Borries. So ordered.

Ms. McClintock said they have two (2) appointments to the Data Processing Board.

Mr. Hunter said they are recommending the appointment of Mr. Dave Koehler and Mr. Bob Parsons, Jr. Mr. Koehler is a teacher of 29 years and presently head of the Social Studies Department (where Rick used to teach -- at Central High School) and, more

interesting, is that Dave Koehler served 16 years (1968-1983) on the City Council. He was President of the City Council twice. He was Finance Chairman of that body for several years and he goes on and on. He has been married for 25 years and has two children (one a teacher at Tekoppel -- and his son Dave is now a Junior at the University of Evansville.

Ms. McClintock said that for the benefit of those who may not know, Bob Parsons, Jr. owns Automated Office Solutions and has a very strong computer background.

Mr. Borries said he is a fine young man and a former student of his. He then seconded the nomination. So ordered.

The appointment to Evansville Urban Transportation Study is to be a Commissioner and Ms. McClintock said she nominates Don Hunter.

Nomination was seconded by Commissioner Borries. So ordered.

Commissioner Hunter said there are two (2) appointments to the Board of Review (one Democrat and one Republican). The Democrat appointment is Mr. Paul Batts and he will be a reappointment. The Republican appointment will be Sherry Musgrave.

Nominations were seconded by Commissioner Borries. So ordered.

Continuing, Commissioner McClintock said the Board needs to make an appointment to the United Way Appeals Committee. What his Committee does is to look at those individual groups that want to appeal to United Way because they feel they have not been given proper funding.

Mr. Hunter said he would like to nominate Mrs. Becky Embry for this position.

A second was made by Commissioner Borries. So ordered.

President McClintock said that concludes the appointments for 1991.

RE: COUNTY CORONER - AWARDING OF BIDS RE CONSTRUCTION OF COUNTY MORGUE

Mr. Althaus welcomed the Commissioners to his world of Forensic Science and said he is here today to complete the selection of the bids for the construction of the Vanderburgh County Morgue. He'd like for Roger Lehman to give the figures to the Board. The Commissioners will recall this matter was deferred for a week for a special reason on a particular alternate bid. Mr. Althaus humorously noted that Mr. Ziemer has been in his world of Forensic Science for fifty years.

Building Commissioner Roger Lehman said that County Engineer Curtis and his office reviewed the bids and specs and he would ask him to come forward and make his comments at this time.

Mr. Curtis said they went through the four lowest bids, in particular, very thoroughly. They had some concerns and, after speaking with Roger and the people who prepared the specs, it would be their feeling that Key Construction is the lowest and most responsible bid.

Ms. McClintock said, "That is your recommendation. Where does that put us on the parking lot then?"

Mr. Lehman said, "I can fill you in on that. First of all, I might make a comment that one of the concerns was over whether or not the owner furnished the furniture in the building, because there is equipment that is in the morgue part of the building

that is included in the base bid and then there is furniture like desks, tables, chairs, etc., that weren't intended to be included -- but there was a question the way the specs and plans were laid out as to whether they were or they weren't. I just spoke with Deig Bros. and they also did not include any of this in their bid, -- because that could be a \$5,000 or an \$7,000 item, which could make the bids a little closer. According to Deig Bros., they bid no desks, tables, chairs or anything -- which was a concern I might add that the County Engineer brought up and I appreciate that."

Mr. Althaus asked to interrupt saying, "On the furniture we will let out bids for the furniture and Mr. Dorsey wrote up all the specs, etc., before he left the City. It will be around February 1st before we do that."

Mr. Lehman continued saying, "I contacted Key Construction re the parking lot and they provided us with a choice of either concrete or asphalt at our option for a total cost of \$13,033.50. This was as opposed to their original bid of \$20,877.70, because of the difference of the quantities that were asked for estimates. Key's total bid would now total \$528,243.20. This would compare with \$540,000 plus from Deig Bros. as the next lowest bidder. So we've reduced another \$7,000.00. Therefore, it would also be my recommendation that we award the bid to Key Construction."

Commissioner McClintock entertained a motion.

Upon motion made by Commissioner Hunter and seconded by Commissioner Borries the bid was awarded to Key Construction in the amount of \$528,243.20. So ordered.

Mr. Curtis said, "Earlier in the process of getting the Morgue to this point we had discussed the hiring of both someone to oversee the construction of the Morgue and had discussed having his office do it. In talking with Charlie and Commissioner McClintock, he would like to recommend that we basically sign an agreement with both Andy Easley for the Project Engineering and Charlie Davis (who designed the Morgue) as an Inspector. His recommendation for Mr. Easley -- we all know his situation and his wife's health and his need for insurance, etc. It would be my recommendation that we employ him for a contract of say 500 hours and he will do the Project Engineering for the Morgue. That will be a minimum of 10 hours per month for the duration of the year. That would make it better for him -- he would be able to continue his insurance. With Mr. Davis, it is his wish not to make more than \$7,080 for the year. It would be my recommendation that we work up an agreement with him for \$10.00 per hour not to exceed 708 hours and pay that in not-to-exceed \$500 per month increments, which is what his constraints are insofar as his monetary income that can exceed. I think having Charlie doing the inspection would give us a good handle on what the intent of the design was and that is always beneficial."

Ms. McClintock asked, "The \$528,243.20 -- how much would we generally pay an outside consulting firm for a Project Engineering Consultant for a project of this type?"

Mr. Curtis responded, "Between 10% and 15 -- basically between \$50,000 and \$75,000. The cost at what the agreement was during 1990 was at 500 hours would be \$10,000 plus insurance -- and I don't know what that cost is. And, of course, with Mr. Davis it would be not to exceed \$7,080."

Ms. McClintock said, "So we're looking at a total cost of approximately \$20,000 as opposed to a minimum of \$50,000?"

Mr. Curtis said, "Mr. Easley has had a concern that if it were not necessary he would prefer not to work the maximum -- particularly when it is in the height of going on. He said he would be able to make his time available, but once it is over he would prefer not to have to fulfill the 500 hours."

Ms. McClintock asked, "So you can bring contracts for both of these to next week's meeting?"

Mr. Curtis responded, "Yes, however in speaking with DoLores Gugin in the Auditor's Office, it was her indication that she needed an action from this Commission to keep from pulling Mr. Easley off the insurance. She needed an indication or an official indication that he would be on the payroll before his insurance would expire, which is February 15th, I believe."

Ms. McClintock asked, "So we need to make a motion pending approval of the contracts."

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

Mr. Althaus said he wishes to express appreciation to the Commission for all their help during the past two years. He'd like for them to really realize that by doing this project in house -- as proposed to them by the previous Commissioners, including Commissioner McClintock, Commissioner Willner and Commissioner Borries, we have saved about \$195,000 by not paying those fees.

Commissioner Borries said Mr. Althaus is certainly to be commended for his yeoman's job of weaving through all the complications of a project like this on his own. Commissioner McClintock echoed Mr. Borries' commendations.

RE: FEMA/U.W. APPEALS COMMITTEE

Mr. Borries said he does have a comment concerning the FEMA Committee. He serves on the Board and has for a long time, because he is a member of United Way. . It is the Federal Emergency Management Agency. This Committee -- he knows Ms. Embry certainly would be a deserving member -- but as he remembers reading this, this Appeals Committee will never meet unless there is an agency which, for whatever reason, appeals. But the Committee is composed of two (2) members of the Vanderburgh County Commission, one of which is a member of a FEMA Local Board. So, another Commissioner needs to serve on that. Then, two members of the Vanderburgh County Council will serve. This will require an agreement from the Commission and the Council to provide this opinion or decision. So it does involve elected officials. He suggested that Ms. McClintock may want to re-read that. It is an Ad Hoc Committee that, hopefully, will never meet; but if it does have to meet, it is composed of elected officials.

Ms. McClintock said she guesses where the Attorney who reviewed this was confused is listed on the Appeals Committee Commissioner Borries is the only Commission Commissioner on the Committee and he would stay on, because he is a member of that Board. She would ask that this matter be put on next week's agenda.

RE: DISCUSSION RE HEALTH INSURANCE ORDINANCE FOR RETIRED DEPUTIES

President McClintock asked Mr. Curt Wortman if, as President of the County Council, if he has comments concerning this matter.

Mr. Wortman said that in reference to this proposal that is kind of appearing before everybody, he thinks this is going to have to have a lot of review and research before we get into this thing. To him, we just opened up a can of worms. He is not against the Sheriff's retirees or anybody else. But we've got to take a look at what this taxpayer is going to be able to afford. Every time we propose something new one of two things is going to happen. We're either going to have to raise taxes or do something

different. The taxpayer cannot stand all of these things. Hopefully, we can reconsider this and if we have some kind of research committee or anything he'd like to be a member of it. We've got to understand -- and he hopes the three Commissioners or anybody else takes action -- we cannot go on like this. Money does not grow up here at the Civic Center -- and that is all that has happened. If we would work as hard at saving money as we do at spending money we wouldn't have a bit of problem up here. We've got to conserve and take a look at these things, because we just can't afford all of these things. The taxpayer wants some relief and we can't start by spending more money. We've got to start by saving money or holding the line -- and he thinks that is the bottom line.

Ms. McClintock said for Mr. Hunter's information, the Commissioners had passed an Ordinance providing Health Insurance for Retired Deputies. That Ordinance went for funding to County Council and County Council is kicking it back to us. What they are indicating to us is that they want us not only for this Ordinance, but for any Ordinances or contracts that the Commission prepare a Financial Impact Statement prior to passing an Ordinance or a contract that has to be funded by the County Council. What she is going to recommend at this point is that this Ordinance be given to the County Attorneys for their review and she will work with Jerry Riney to prepare that Fiscal Impact Statement so it will be available to all the Commissioners for their discussion -- hopefully by the meeting on January 22nd. That will give us two weeks. We are not changing the initial Ordinance or rescinding it at this point -- we are just going to take another look at it.

Mr. Borries thanked Mr. Wortman for his comments and asked if he has any idea what kind of financial impact we're talking about?

Mr. Wortman said he does not yet know -- but he will study it.

RE: ACCEPTANCE OF COUNTY EMPLOYEES FOR 1991

It was noted by President McClintock that a partial listing of the 100-R forms for County Employees for 1991 has been submitted for acceptance by the Commissioners. The 100-R forms list the names and annual salaries of County employees. To date forms have been submitted by the following:

- Health Department
- Human Relations
- Knight Township Assessor
- Sheriff/Jail
- Highway Garage
- Cumulative Bridge
- Burdette Park
- Levee Authority
- Sheriff
- Drug & Alcohol Deferral
- Airport Authority
- German Township Trustee
- Pigeon Township Trustee
- Knight Township Trustee
- Perry Township Trustee
- Darmstadt Town Board
- Center Township Trustee
- Auditorium
- United Way/Legal Aid
- Convention & Visitor's Bureau
- Legal Aid
- Weights & Measures
- Veteran's Service
- Co-Operative Extension Service
- Voter's Registration
- Union Township Assessor

German Township Assessor
Perry Township Assessor
Coroner
Surveyor
Recorder
Treasurer
Auditor

Upon motion made by Commissioner Borries and seconded by Commissioner Hunter, the foregoing list of County Employees for 1991 was accepted. So ordered.

RE: COUNTY ENGINEER

Union Township Project/Approval of Specs, etc.: Mr. Curtis said they brought the plans for final approval a few meetings ago; they have the specifications and his office has reviewed same and found them to be in order and would recommend approval of the specs, as well as the approval of the Notice to Bidder for 3:00 p.m. local time on the 28th day of January.

Upon motion made by Commissioner Borries and seconded by Commissioner Hunter, the specifications were approved and authorization was given to advertise for bids. So ordered.

Union Township Project/Status Report: Mr. Curtis said he also has a Status Report concerning the Union Township Project which he had hoped to discuss with the former County Attorney to see exactly where it was -- we have two parcels (Parcel #11 and #12, which are the home and the body shop owned by Mr. Slaughter that, due to unavailable similar business location, we're unable to arrive at an equitable price. Therefore, it is his recommendation (after receiving information from United Consulting Engineers and their Right-of-Way people) that we proceed with condemnation on those two pieces of property. He assumes we will have to wait until next week, but that will need to be done soon if we are going to receive bids on January 28th.

Authorization to Purchase R/W - Green River Rd.: Mr. Curtis said he has an authorization to purchase for Right-of-Way on Green River Rd. Parcel #2,4,6,8,13,22,25 and 28; the Commissioners should each have a copy of that. If necessary, he can go through which parcels are which. The Appraiser was William Bartlett and the Review Appraiser was David Matthews. He would recommend they be authorized and signed.

Mr. Borries asked if these are in the initial phase of Green River North project?

Mr. Curtis said that is correct. Later he will have a number of claims on the Temporary Right-of-Way Parcels that are all basically for \$150.00.

Mr. Borries asked if this would be all of the Permanent Right-of-Way Parcels?

Mr. Curtis said he believes there are two more parcels. One of them is the parcel that concerns the relocation of Theater Drive -- the shopping center with the meat shop and other businesses. We're still negotiating with that gentleman (he believes his name is Weber) and there is another parcel (Furrows) and the way that company is held, it is a long process to go through there and we've not yet gotten an agreeable settlement.

Mr. Borries asked if part of this project been placed on any bid letting that Mr. Curtis is aware of?

Mr. Curtis said at this time the State has placed us on the May letting and at this time he foresees no problems in achieving that. In the very near future we will need to set up a meeting with the City and get the details ironed out exactly as to who is going to pay what percentage and how that is going to be done. He'll have more information on that after he gets that meeting set up.

Upon motion made by Commissioner Borries and seconded by Commissioner Hunter, Mr. Curtis was authorized to proceed with purchase of right-of-way for the North Green River Road project as outlined. So order.

RE: UTILITY CUT - ST. JOSEPH INDUSTRIAL PARK DRIVE

Mr. Curtis said he has an unusual utility cut. He normally does not bring those to the Commissioners. However, this particular one is the entire length of St. Joseph Industrial Park Drive. It is 20 ft. deep; the width is going to require removal of the entire pavement and replacement and he did not want to approve this on his own. Morley & Associates designed the project. The contract was awarded to Blankenberger Bros., Inc. We have requested and would like to make part of the official action that we will be notified when they are backfilling the material over the excavation so we can somewhat insure there is some stability to the sub-grade once it is replaced. That is his primary concern, because it is going right down the center of the road, rather than having a crown-like possibly be depressed in the center if the material is not compacted correctly.

Ms. McClintock asked, "They have to go down the middle of the road?"

Mr. Curtis said there is nowhere else to put it.

Commissioner Borries said he would only approve with the proviso that the Commission office is notified as to when that cut will be made so they can have a person out there to fully inspect it.

Upon motion made by Commissioner Borries, the request was granted subject to official notification by the Utility Department to our County Highway Department as to the exact time that construction will be, with a second from Commissioner Hunter. So ordered.

RE: REQUEST TO TRAVEL

Mr. Curtis said he has a request for three employees in his office (David Franklin, Gary Kercher, and Delbert Pinkston) be allowed to attend Certified Technician Workshops being put on by the Indiana Department of Transportation. This will allow him to have three individuals that the Department of Transportation will consider qualified and capable to do the construction engineering when the Orchard Rd. Bridge project comes up. They have six different sessions on six different days. The meetings are held in Terre Haute, IN and it would be traveling up there of a morning and traveling back in the evening on Monday, Wednesday and Friday for two weeks. The cost is \$75.00 per session or \$300.00 for all six sessions. There are four sessions he would like for everyone to at least go to; thus, the cost is the same as if we attended all six sessions. He would like to request that the three individuals be allowed to attend all six sessions, which would be a cost of \$900 and they will use one of the County vehicles for transportation if that is approved.

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

RE: CHANGE ORDER - DEMOLITION PROJECT/COLISEUM

Mr. Curtis said he has a Change Order on the demolition project. In the original project we did not include removing the brick alley, which is adjacent to and behind the Coliseum. The bid came in substantially under what was originally expected, therefore there is sufficient funding available. They say they will do that for \$900 and he thinks that is a good price for that work. This also includes the rocks needed for that area. He recommends the Change Order be approved.

Ms. McClintock asked if it is still coming in under the original projected cost?

Mr. Curtis said that is correct -- but it will be an additional \$900 to the bid price.

Mr. Borries asked if that alley is a right-of-way?

Mr. Curtis said we are in the process of vacating that alley. We won't have him proceed until such time as it is vacated.

Upon motion made by Commissioner Borries and seconded by Commissioner Hunter, the Change Order was approved, subject to official vacation of right-of-way. So ordered.

Mr. Curtis said the 28th day of December was the last day Mr. Bowling had to have the project completed. After that time he starts accruing liquidated damages. After the last meeting of the year that Mr. Curtis attended -- but before the last meeting of the year (but he didn't get it to the appropriate people to have it come up December 26th) he requested an extension of time until January 18, 1991. There have been some problems -- not so much in Mr. Bowling working -- but moreso in that he tried to scavage more material than he originally planned. It would be Mr. Curtis' recommendation (there are three days thus far that he has not worked since the 28th) that we assess him \$1,500 liquidated damages in every day from now on that he does not work that is a workable day.

Ms. McClintock asked how far away Mr. Bowling is from completion?

Mr. Curtis said it is graded -- it would be his guess that he could work today and every day until he has it finished that he could have it done in two or three days.

Ms. McClintock asked, "That he could work? We're just going to assess him damages for days where he could work?"

Mr. Borries asked who will determine these days, Mr. Curtis?

Mr. Curtis said that would be his understanding.

Mr. Borries said, "I would think you would try to notify him as quickly as possible that that is a work day and document it to that effect."

Mr. Curtis said, "We will call him and if he is not working we will ask him why?"

Ms. McClintock asked, "So you figure right now \$1,500?"

Mr. Curtis confirmed this is correct.

Ms. McClintock asked for a motion.

Upon motion made by Commissioner Borries and seconded by Commissioner Hunter, the agreement to this effect was approved. So ordered.

RE: AGREEMENT RE BRIDGE #90 - OLD PETERSBURG RD.
(VEACH, NICHOLSON, GRIGGS & ASSOCIATES)

Mr. Curtis said he has given the Agreement with Veach, Nicholson, Griggs Associates re Bridge #90 on Old Petersburg Rd. to Commissioner Hunter. He forgot to bring this last week, but it was reviewed by Attorney John in December. It is his recommendation that the agreement be signed. The Board approved it in December -- it just needs to be signed.

The Commissioners executed the Agreement.

RE: CLAIMS

J. H. Rudolph & Co., Inc.: Claim in the amount of \$158,941.42 for contract paving.

United Consulting Engineers: Claims in the amounts of \$22,12.00 re Columbia/Delaware Bridge #1C, \$28,.980.00 Green River Road, and \$28,790.00 the Union Township Project.

Bernardin-Lochmueller: Claims in the amount of \$220.41 on Boonville-New Harmony Extension and \$564.00 on Lynch Rd. Extension Phase I.

Koberstein Trucking, Inc.: Claims in the amounts of \$25,441.82 Motz Road and \$58,228.09 for Motz Rd.

(Mr. Curtis said he would point out that this is a corrected claim. Originally it was one claim for \$83,669.91 and that was supposed to be two claims out of two different accounts. Thus, he is running that back through as a correction w/two claims.)

Union Township Access Project: Schnur Parcel \$500.00

Green River Rd. Temporary Right-of-Way:

Risley Parcel #1 \$150.00
Spurling Parcel #2 \$150.00
Tornatta Parcel #7 \$150.00
Joest Parcel #9 \$150.00
Hirsch Parcel #11 \$150.00
Sanders Parcel #12 \$150.00
Hirsch Parcel #14 \$150.00
Costner Parcel #17 \$150.00
Smith Parcel #18 \$150.00
Hirsch Parcel #20 \$150.00
Spurling Parcel #21 \$150.00
Hirsch Parcel #23 \$150.00
Munkus Parcel #26 \$150.00

Upon motion made by Commissioner Borries and seconded by Commissioner Hunter, the foregoing claims were approved by docket. So ordered.

RE: DEEDS

Mr. Curtis said he has a number of Deeds for those parcels which need to be recorded, as well as a Deed for a parcel with the Swifty Oil Service Station wherein they donated the parcel but the parcel was never recorded. (He submitted same to Joanne Matthews for recording.

RE: BRIDGE #34 OUTER DARMSTADT RD.

Continuing, Mr. Curtis said they have done an estimate for Bridge #34 on Outer Darmstadt Rd. We had the project in our budget for last year, but not having our Design Engineer position filled we were unable to get the contract ready before the end of the year.

They have a request from Mr. Wortman and the County Council, as well as an original recommendation from Commissioner Willner to look into raising the road in that area because it floods. The additional cost to raise the road will be \$71,360. (He commented to Mr. Kercher that this is not the cost of the approach, that is the difference of the cost between just putting in the bridge and raising the road.)

Commissioner McClintock asked if this is the same Mr. Wortman that was just talking about tax dollars?

Mr. Curtis said he and Mr. Wortman have talked about this on a number of occasions. Mr. Fred Jarvis in that area has talked to us about this a number of times. There is a problem. It doesn't take an April 3, 1989 storm to make the road flood, but it does take a significant amount of rain. It isn't something that comes up every time it rains, but anytime we have a lot of rain we do have a problem out there. Mr. Curtis noted they will be talking with the Soil Conservation Service concerning certain items. His real question is whether the Board wishes him to proceed to investigate raising the road at an anticipated cost of \$71,000. He is not saying we don't want to do it or we do want to do it. He just doesn't want to prepare the plans if we don't. Because of the cross sections in the roadway design, it requires a significantly larger amount of plan preparation.

Ms. McClintock asked Councilman Wortman for his comments.

Mr. Wortman stated, "I think this project out here is limited to the amount of people who use it, although has the Corps of Engineers ever been contacted with regard to what the backwater would do up to Highway 41?"

Mr. Curtis said that is one of the problems they would be discussing during their initial contact with the Soil Conservation Service -- to determine what effect this might have. For instance, there is a bridge just upstream on Old Princeton Rd. where there is some flooding. We obviously do not want to make that flooding worse. Even if everything checks out, before they prepare this whole thing and have to come back and re-do it, he wants the Commission's instructions.

President McClintock said if agreeable with President Wortman, let's talk to the Soil Conservation Service and determine what this would do to water downstream prior to making a decision.

Mr. Borries said before he approves this project, he wants President Wortman to go on record that he supports the project -- no rhetoric aside.

Mr. Wortman said what we have to do is make sure that everything is all right there. And these farmers out there are requesting this and they are good taxpayers, etc. As long as we don't get out of bounds with our finances, because that is what he is concerned about. But their land is the farmers' livelihood and they have to be able to get to their land. But as long as it is practical and we don't spend money in excess for anything. We don't want to do it halfway. While we're on the project, let's do it right and then we don't have to come back in ten or fifteen years and ask why didn't we do it right.

Commissioner Hunter said he has also talked with Mr. Rice and there are some drainage problems out there.

Mr. Borries asked if the span under this bridge is going to be widened?

Mr. Kercher said right now it only spans about 40 ft. and it will be widened.

Following further brief comments, President McClintock requested that Mr. Curtis get back to the Board on this as soon as he has additional information so a decision can be made.

RE: COLUMBIA-DELAWARE STREET BRIDGE PROJECT
GREEN RIVER RD. PROJECT

Mr. Curtis said his last item of business concerns a request to travel to Indianapolis (he will go up and return the same day) to discuss local assistance with two or three items on each of the subject projects and preparing them for bid letting.

Motion to approve the request was made by Commissioner Borries with a second from Commissioner Hunter. So ordered.

RE: COUNTY HIGHWAY - CLETUS MUENSTERMAN

Weekly Reports: Mr. Muensterman said he has submitted his Weekly Reports to the Commissioners.

Overtime Funds: It was noted by Mr. Muensterman that he has used a little better than half of their overtime funds since Christmas from this year's budget. Thus, we'll probably have a problem in this regard about half way through the year and he will probably have to request an appropriation. He is just making the Commissioners aware of this.

Flooding: Flooding continues, particularly in the southwest and east areas. They had to block off a road out by Burdette Park this morning -- that is all under water and people are currently having a hard time getting in and out.

President McClintock thanked Mr. Muensterman for his report and said he is doing a good job on the roads.

RE: HEALTH DEPARTMENT

Mr. Sam Elder said he feels he is a little out of sync with the requests to travel. They submitted it the same way they have been doing with the City and they always submit same in writing. He gave the Commissioners his list this morning, as there was a problem in finding the requests -- he thinks they have them now.

He noted the other Department Heads submit a report at every meeting. All of the Health Department reports are kept on a monthly basis, because they have to submit them to several different places. He would request that they just submit their reports once a month on the statistics. This is the way they have done it for the Mayor's Office.

Ms. McClintock said this is fine with her, and Commissioner Borries echoed agreement. Mr. Borries noted the Treasurer, the County Clerk, and several other departments submit monthly reports.

Health Department Vehicles: Mr. Elder said it is his understanding that the Health Department autos were transferred to the County from the City and they have left those on the back parking lot. However, they've had a lot of problems with vandalism. The City had a provision for take-home vehicles by which the employee who took it home paid for the cost of driving it back and forth. He'd have to check the schedule on this. He wondered if the County had this type of provision.

Mr. Borries said he doesn't think we do.

Mr. Elder said that if the vehicles were his, he personally would rather see the person drive the vehicle home and keep the vehicle than leave it on the back lot. It seems that anytime they break windshields they always get some that belong to the Health

Department. In response to query from Commissioner McClintock, Mr. Elder said they have one take-home car and the man pays the City. The rest are left on the lot. They have trucks at the City Garage, which he assumes the City will ask them to move. Therefore, they will need space for these somewhere.

Commissioner Borries said he would want to review the request for the take-home vehicle. How is the charge determined?

Mr. Elder said they have a rate they charge -- so much per month and you pay the City Controller's office if you're going to drive it home. It's supposedly to pay for the mileage to and from work.

Ms. McClintock said if agreeable with the other Commissioners, she would ask Mr. Elder to get with Jerry Riney tomorrow to look at the number of cars, the number of employees who would want to take vehicles home, and the rate they are currently paying the City and bring that back to next week's meeting.

Mr. Elder said that would be fine.

Mr. Borries asked, "Sam, are those vehicles registered now with the County in terms of all the serial numbers, have a County sticker on them for the State Board of Accounts, etc.?"

Mr. Elder said they are in the process -- and as to just where they are in the process he is not sure. The next question is, who is our Insurance Agent of Record now -- should they have a problem on those cars?

Ms. McClintock said, "Torian Agency. Well, right now it is Helfrich until February 1st -- then it will be Torian Agency (Greg Hoffmann or Bob Dillow)."

Claims: With regard to claims, Mr. Elder said that with the City, the way the Attorney interpreted it to them, two of their Board members had to sign their claims, and then the Department Head. The County normally doesn't require anyone but the Department Head to sign the claims.

Ms. McClintock said we need to check the State Statute on that.

Mr. Borries said he would imagine that as long as the claims have been reviewed and verified by the Department Head, then they would come to the Board of Commissioners for approval.

Mr. Elder said they formerly took their bills with the City to the Board of Works, because they meet every week. He knows they won't do that anymore -- just bring them to the Commissioners -- so that will be one less step for them. At a meeting with the Health Department employees on the changeover (he believes Commissioner Borries was present) there was an indication that the County Personnel Policy was being re-written. Has that been done?

The Commissioners said this has not yet been done. Ms. McClintock asked if Mr. Elder has a problem with it in regard to his employees?

Mr. Elder responded, "Well, yes and no. The way I read it -- and I'm going to ask Mr. Ziemer -- is that it says that a department such as ours that is governed by a Board may adopt the County Personnel Policy. With the City it was mandatory that we use the City's Personnel Policy."

President McClintock asked Attorney Ziemer to review this matter. She then asked if there are any other County departments that have not adopted the County Personnel Policy?

Mr. Borries said there are none that he is aware of.

Ms. McClintock said every other department does, but Attorney Ziemer will review this.

Mr. Elder said there is no problem with the Health Department Board adopting it, but what they had indicated was that they were going to make some changes in the policy to comply with the changes in the County's Teamster contract.

Ms. McClintock said the Teamster's contract hasn't changed.

Mr. Elder advised there were some changes in it this year.

President McClintock suggested again that Attorney Ziemer will review the matter.

Travel Requests: Mr. Elder said they have some employees who are on Federal Grants and all of their travel requests -- even if they are paid with Federal Funds -- do the Commissioners want them to be brought before the Commission? They have, for example, the Aids Investigator (STD prson). They work 17 counties; it is all funded Federally and we'd had a blanket approval for them to travel in these 17 counties from the City -- because they never know from day to day where they might have to go.

Ms. McClintock said she has no problem with the Health Department going ahead and doing those. As far as the other ones, Mr. Elder can bring those monthly to the Department Head Meeting and the Commissioners can go through them and announce which ones are approved.

Mr. Elder said he had made a written request for blanket approval for the Aids Investigator.

Ms. McClintock said she has that in her folder.

Salary Ordinance: Ms. McClintock said she wanted to notify the other Commissioners that according to the Vanderburgh County Employee Salary Ordinance we cannot pay extra help or part time employees a rate greater than \$7.00 per hour. In the Health Department there are some employees who do make more than \$6.00 per hour. Therefore, the Commission does not want Mr. Elder to pay them less than they are supposed to make, but we need to re-work the Ordinance to include his employees and she wants him to know the Commission is going to do that. That comes from the County Council and this was brought to Commissioner McClintock's attention today by Councilman Hermann. She will be following through with it.

RE: SALE OF COUNTY-OWNED SURPLUS REAL ESTATE

Commissioner McClintock asked if there is anyone present for purposes of purchasing surplus real estate from the County. There being no response, Ms. McClintock said this item is to be included on next week's agenda.

RE: OLD BUSINESS

President McClintock entertained matters of Old Business to come before the Board. There were none.

RE: TRAVEL REQUESTS

The meeting continued with Commissioner McClintock presenting travel requests as follows:

County Assessor - Request for permission to attend the
Assessors State Conference on January

27-30. This would include Jim Angermeier, Evelyn Lannert, Chief Deputy and Dorothy Joest, Real Estate Deputy.

Health Department - Denise Curry (Legislative Training W.S.)
Connie Block & Barbara Roe (USI/Evlie.)
Fran Straeffer, Dinah Kramer,
and Dennis Myers
Barbara Roe (Scottsburg)
Dorethea Spahn (Indianapolis)
Nancy Fosnaugh (Indpls)
Barbara Roe (Jasper, IN)
Barbara Roe, Barbara Sprinkle, and
Connie Block (Jasper)
Terri Reuter (Indpls. and several
counties)

Knight Assessor: Annual Assessor's Conference
Jan. 28-30. (Assessor + 2 Deputies)

Center Assesor: Annual Assessor's Conference
Jan. 28-30 (Alvin Stucki)

Upon motion made by Commissioner Borries and seconded by Commissioner Hunter, the foregoing travel requests were approved. So ordered.

RE: HEALTH DEPARTMENT - REQUEST FOR LEAVE OF ABSENCE
PENNY ANN ROSE

President McClintock said she has a request from the Health Department that Penny Ann Rose (Social Worker/Maternal Child Health Division) be placed on leave without pay, with insurance benefits, when her annual leave and sick leave time have been used up. Ms. McClintock asked Mr. Elder, with leaving her on the insurance benefits but with her paying the premium?

Mr. Elder said that is correct.

Motion to approve the request was made by Commissioner Hunter, with a second from Commissioner Borries. So ordered.

RE: REQUEST FOR EXTENSION OF LEAVE OF ABSENCE/BURDETTE PARK

Commissioner Borries submitted another request concerning leave of absence for employee at Burdette Park for her perusal.

RE: ALEXANDER AMBULANCE LAWSUIT COLLECTIONS

Commissioner Borries read the following Alexander Ambulance Lawsuit Collection payments into the record, explaining that these are payments owed for ambulance runs on past due accounts. These went to the former County Attorney and subsequently came to the Commissioners:

James Woodruff	V1439	\$ 5.00
Karen Arnett	AV11278	20.00
Hattie Fetcher	V4505	40.00
Larry Seib	V7061	10.00
Thomas Jarvis	V5538	5.00
James Woodruff	V1439	5.00
Rodney Masterson	V3182	20.00
Charles Sanford	AV7584	55.00
Tex Oaten	AV8917	90.00
Thomas Jarvis	V5538	5.00
Marcella Kasinger	V5196	9.80
Alvin Hill	AV11096	10.00
Pearl Brwer	V2126	5.00
Tim Wells	V7855	20.00
James Woodruff	V1439	5.00

Pearl Brwer	V2126	5.00
Tim Wells	V7855	20.00
James Woodruff	V1439	5.00
Chris Hunt	V6544	50.00
Conrad Morse	V4279	5.00
Tex Oaten	AV8917	78.00
Raymond Williams	V9118	14.79
James Woodruff	V1439	5.00
Thomas Jarvis	V5538	5.00
Total		\$ 507.59

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

RE: CLAIMS

President McClintock said she has a couple of claims. These are claims which normally are stamped and approved -- she won't read all of the claims, but if anyone in the audience is interested in reviewing same -- they are available.

Helfrich Insurance Co.: Claim for public employment bonds of \$2,200.

Bowers, Harrison, Kent & Miller: Claims in the amount of \$14,225.00, \$14,547.03, \$1,274.80, \$140.00, and \$6,115.35..

Upon motion made by Commissioner Borries and seconded by Commissioner Hunter the claims were approved for payment. So ordered.

RE: EMPLOYMENT CHANGES

Prosecutor (Appointments)

Barbara Shelton	Secy.	\$19,042/Yr.	Eff: 1/1/91
Stanley Levco	Prosecutor	\$10,161/Yr.	Eff: 1/1/91

Prosecutor (Releases)

Neil Thomas	Dep. Pros.	\$27,905/Yr.	Eff: 1/1/91
Barbara Shelton	Secy.	\$17,275/Yr.	Eff: 1/1/91
Robert Pigman	Prosecutor	\$10,161/Yr.	Eff: 1/1/91
Stanley M. Levco	Dep. Pros.	\$26,869/Yr.	Eff: 1/1/91
Steve Bohleber	Dep. Pros.	\$19,029/Yr.	Eff: 1/1/91
Bettye Norrick	ParaLegal	\$18,136/Yr.	Eff: 1/14/91
Marilyn Mayhew	ParaLegal	\$16,451/Yr.	Eff: 1/14/91

County Council (Appointments)

Bettye Lou Jerrel	Councilman	\$11,025/Yr.	Eff: 1/1/91
James Raben	Councilman	\$11,025/Yr.	Eff: 1/1/91

County Council (Releases)

Harold Elliott	Councilman	\$10,500/Yr.	Eff: 12/31/90
Robert Lutz	Councilman	\$10,500/Yr.	Eff: 12/31/90

County Assessor (Releases)

Sylvia Angermeier Dep. Clk. \$15,080/Yr.
(Extension of Medical Leave until 4/30/91)
(Note: Ms. McClintock said she has no problem with the extended Medical Leave, but she believes Mrs. Angermeier should pay for her portion of

her insurance as we just requested the Health Department employee to do. Mr. Hunter so moved and motion was seconded by Mr. Borries.)

Health Department (Appointments)

Sharon King	Supv. I VR	\$19,226/Yr.	Eff: 1/14/90
Theresa Robbins	Sec./Envir.	\$13,680/Yr.	Eff: 1/14/91

Health Department (Releases)

Sharon King	Sec./Envir.	\$17,459/Yr.	Eff: 1/12/91
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Health/LHMF (Releases)

Theresa Robbins	Dep. Reg.	\$5.00/Hr.	Eff: 1/12/91
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Treasurer (Appointments)

Tonya Bennett	Clerk	\$5.00/Hr.	Eff: 1/7/91
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Circuit Court (Appointments)

Karen Altman	Adm. Asst.	\$20,129/Yr.	Eff: 1/1/91
Thomas Svetstka	Ver. Off.	\$18,708/Yr.	Eff: 1/1/91
Charles Locke	Guard	\$18,059/Yr.	Eff: 1/1/91
Charles Marx	Secy.	\$16,452/Yr.	Eff: 1/1/91

Circuit Court (Releases)

Connie Sisco	Adm. Asst.	\$22,190/Yr.	Eff: 1/1/91
Norman Hoskinson	Trans. Off.	\$20,267/Yr.	Eff: 1/1/91

Circuit Court (Appointments)

Edward Heeger	Intern	\$5.00/Hr.	Eff: 12/17/90
Pamela Jacke	Med. Asst.	\$14,000/Yr.	Eff: 1/1/91
Amanda Busan	Secy.	\$14,000/Yr.	Eff: 1/1/91
Larry McDowell	Spec. Stipend	\$3,247/Yr.	Eff: 1/1/91
Janice Wade	Prob. Officer	\$22,652/Yr.	Eff: 1/1/91
Deana Dunkel	Secy.	\$17,275/Yr.	Eff: 1/1/91
Hugh Nicholas	T.O.	\$20,267/Yr.	Eff: 1/1/91

Circuit Court (Releases)

Deana Dunkel	Secy.	\$14,000/Yr.	Eff: 1/1/91
Robt. Saunders, Sr.	Spec. Stipend	\$3,247/Yr.	Eff: 1/1/91

Pigeon Assessor (Releases)

Kathleen Pajak	Clerk	\$5.00/Hr.	Eff: 1/1/91
Jane Schmitt	Clerk	\$5.00/Hr.	Eff: 1/1/91

Armstrong Assessor (Appointments)

Wilbur Kron	Chief Dep.	\$3,579/Yr.	Eff: 1/1/91
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County Clerk (Appointments)

Mary B. Judge	Dep. Clk.	\$5.00/Hr.	Eff: 1/1/91
Betty Strauss	Dep. Clk.	\$5.00/Hr.	Eff: 1/1/91
Dorothy Lindsey	Dep. Clk.	\$5.00/Hr.	Eff: 1/1/91
Lisa Belwood	Dep. Clk.	\$5.00/Hr.	Eff: 1/1/91
Rhonda Clayton	Dep. Clk.	\$5.00/Hr.	Eff: 1/1/91

County Clerk (Released)

Mary B. Judge	Dep. Clk.	\$5.00/Hr.	Eff: 1/1/91
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Betty Strauss	Dep. Clk.	\$5.00/Hr.	Eff: 1/1/91
Dorothy Lindsey	Dep. Clk.	\$5.00/Hr.	Eff: 1/1/91
Lisa Belwood	Dep. Clk.	\$5.00/Hr.	Eff: 1/1/91
Rhonda Clayton	Dep. Clk.	\$5.00/Hr.	Eff: 1/1/91

Burdette Park (Releases)

Arthur Pagett Union \$10.00/Hr. Eff: 1/1/90

(Requests Extended L.O.A...Medical Leave..for
additional two months (January and February)).

Also requests insurance. Commissioner McClintock said she thinks this needs to be referred to the County Attorney. He is currently on L.O.A. and is paying his portion of the insurance coverage. She doesn't think we can continue that leave of absence and not treat him the same as any other employee. According to Mr. Tuley, Mr. Pagett is going to have another surgery. In response to query from Mr. Borries, Ms. McClintock said it hasn't been a year yet and he can take up to a year. Mr. Borries said as long as the request is within the guidelines of the Personnel Policy, he would move that it be approved subject to review by the Attorney. Motion was seconded by Commissioner Hunter. So ordered.

RE: SCHEDULED MEETINGS

Fri. Jan. 11 3:00 p.m. Commission Executive Session for
purposes of interviewing
personnel.

There being no further business to come before the Commission at this time, President McClintock declared the meeting recessed at

PRESENT:

Carolyn McClintock, President
Don Hunter, Vice President
Rick Borries, Member
Sharon McCarthy
Jeff Wilhite, Attorney
Ted Ziemer, Jr. Attorney
Robert Dillow/Torian Agency
Greg Hoffmann/Torian Agency
David Castle
Carole Davis
Al Foltz
Charles Davis
Charles Althaus, Coroner
Jimmie Tucker, Sheriff's Department
Rick Wood, Coroner's Office
Sam Elder, Health Department
David Gries, Health Department
Dave Fox, Pigeon Assessor
Ron Johnson, Pigeon Assessor's Office
Danny Spindler
H. W. Labe
Annabelle McLain
Jeff Hatfield
Greg Staley
Bob Steele, Recorder
Helene Hunter
Betty Hermann, County Council
Curt Wortman, County Council
Roger Lehman, Bldg. Commissioner
Sam Humphrey, County Auditor

Greg Curtis, County Engineer
Cletus Muensterman, County Highway Supt.
Jerry Riney, Commission Office
Margie Meeks, Commission Office
Others (Unidentified)
News Media

SECRETARY: Joanne A. Matthews


Carolyn McClintock, President


Don Hunter, Vice President


Rick Borries, Member

MINUTES
COUNTY COMMISSIONERS MEETING
JANUARY 22, 1991

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(Attorney Wilhite to research and provide The Board and Ms. Hermann a report re same. A Corporate Vice President of Human Resources is looking into the entire County Personnel Matter and study should be complete in 6 to 8 weeks and proposals will come to the Commission for consideration at that time.)	

Undersized
documents

T A P E (Portrait)

1/14/91
minutes
missing

(Landscape)

T
A
P
E

MINUTES
COUNTY COMMISSIONERS MEETING
JANUARY 22, 1991

The Vanderburgh County Board of Commissioners met in session at 6:00 p.m. on Tuesday, January 22, 1991 in the Commissioners Hearing Room with President Carolyn McClintock presiding.

RE: PRAYER FOR THOSE SERVING IN THE PERSIAN GULF

The meeting was called to order by President McClintock, who subsequently noted that even though we do not have a large crowd this evening she knows that (particularly for her -- because she talked with her brother just a few hours ago -- he in the Reserves, but not yet a participant in Operation Desert Storm) that the Persian Gulf is on our minds and she would ask the meeting participants to pause for a moment's silence and pray for the men and women who are defending us in the Persian Gulf.

RE: APPROVAL OF MINUTES

The meeting continued with Commissioner McClintock entertaining a motion for approval of minutes for meetings held on December 26, 1990 and January 7, 1991.

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

Upon motion made by Commissioner Hunter and seconded by Commissioner Borries the minutes of January 7, 1991 were approved as engrossed by the County Auditor and reading of same waived. So ordered.

RE: SALE OF COUNTY-OWNED SURPLUS REAL ESTATE

President McClintock asked if there is anyone present who wishes to purchase the remaining available parcels of County-owned surplus real estate. There were no bids and the sale will continue.

Ms. McClintock then noted Joanne Matthews had sent her a note regarding preparation of the deeds for the new owners on parcels purchased to date. Ms. McClintock said that since we have sold certain parcels, if it pleases the other Commissioners she thinks we should go ahead and prepare the deeds for the new owners. The other Commissioners indicated their agreement. Ms. Matthews was then instructed to forward complete information to Attorney Ziemer as soon as it is available so that he can prepare the new deeds. So ordered.

RE: AUTHORIZATION TO PURCHASE "UNITED WE STAND" FLAGS

President McClintock said she has been contacted by Sandy Fisk, who is with the United We Stand group and she had requested that the County purchase some United We Stand flags for our County flagpoles at \$25.00 each. We have three (3) flagpoles currently owned and operated by Vanderburgh County (one at the Auditorium, one at Burdette Park, and one at the County Garage). Currently on the flagpoles at the Auditorium and the County Garage we are flying a United States Flag and an Indiana flag. At Burdette we simply have a U. S. flag. She would entertain discussion at this time as to whether the Commissioners are purchasing one or more of the United We Stand flags and, if so, how many and where we might be interested in flying same.

Following brief discussion, upon motion made by Commissioner Borries and seconded by Commissioner Hunter, the Board authorized the purchase of three (3) United We Stand flags at \$25.00 each for a total of \$75.00 and instructed Mr. Riney to look tomorrow for an appropriate line item from which we can purchase the flags.

RE: ACCEPTANCE OF CHECK

Commissioner McClintock presented a refund check from the Michie Company (law publishers) in the amount of \$38.20 as a result of a double billing.

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

RE: ALEXANDER AMBULANCE SERVICE, INC.

President McClintock asked Mr. Riney if he had yet contacted Alexander Ambulance Service in regard to the reports requested by the Commissioners last week.

Mr. Riney responded that he has talked with them and we should have this information for the next meeting.

Ms. McClintock asked Mr. Borries if he would like for Alexander's to come to the meeting and explain the reports. Mr. Borries said that would be fine -- but he would like to see the reports first and then perhaps invite them to a subsequent meeting to explain the reports.

Ms. McClintock said if the reports are received, copies will be forwarded to the Commissioners for review and then perhaps it can be discussed at the next meeting.

Upon motion made by Commissioner Hunter and seconded by Commissioner Borries, the reports from Alexander Ambulance Service for months of October and November of 1990 were accepted and given to the secretary to be filed. So ordered.

RE: COUNTY APPOINTMENTS

It was noted by President McClintock that the Board needs to make a Commission appointment to the E.A.R.C. Board (to replace Mark Owen).

Building Authority: The Commission also needs to make an appointment to the Building Authority Board and they have requested that Mr. William Needler be reappointed.

Auditorium Advisory Board: The Commission would also like to reappoint Mr. Richard Eykamp to this Board. His term actually ended December 31, 1990. He does not want to be appointed to a two year term, which is generally the term of an appointment. He is only willing to serve one (1) more year.

Mr. Hunter indicated an interest in serving on the E.A.R.C. Board and upon motion made by Commissioner Borries and seconded by Commissioner McClintock, Commissioner Don Hunter was appointed as the Commission representative to the E.A.R.C. Board. So ordered.

Upon motion made by Commissioner Borries and seconded by Commissioner Hunter, Mr. William Needler was reappointed to the Board of Trustees of the Evansville-Vanderburgh Building Authority. So ordered.

Upon motion made by Commissioner Hunter and seconded by Commissioner Borries, Mr. Richard Eykamp was reappointed to the Auditorium Advisory Board for a one (1) year term, effective January 1, 1991 thru December 31, 1991. So ordered.

RE: TRAVEL REQUESTS

Area Plan Commission: Request for Mr. Joe Ballard to travel to Indianapolis to serve on the Advisory Committee for the Indiana Population Working Group at a meeting on January 28, 1991. He will only require gas for the County vehicle and meals for the day.

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

Area Plan Commission: Request for Barbara Cunningham to travel to New Orleans, LA to attend the American Planning Association National Planning Conference on March 23-17-, 1991. She requested funds at Council Meeting to attend said conference and they indicated the travel monies are placed in the County Commissioners budget. She has funds in the Seminar/Tuition account to cover her registration costs for the conference.

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

Union Township Assessor & Armstrong Township Assessors: Requests from John Bernard and Randall Kron respectively, to attend the Assessor's Conference in Indianapolis on January 27-30, 1991. (The Board approved several requests for the same purpose at last week's meeting.)

Upon motion made by Commissioner Hunter and seconded by Commissioner Borries the requests were approved. So ordered.

RE: BURDETTE PARK - MARK TULEY

Request from Harralson & Associates, Inc.: Mr. Tuley said that last week he indicated he'd be back concerning discussion of request letter from Harralson & Associates with regard to a survey on User Survey for Aquatic Center. Having talked to the Commissioners individually concerning same, it seems with the County's current tight fiscal constraints he would recommend that the survey be done in house. He has currently started conducting the survey and should have a recommendation concerning the 1991 rates at next week's meeting.

Ms. McClintock said she does not mind saving \$2,000 and the Commissioners concurred with the study being conducted in house by the Burdette staff.

Mr. Tuley said they have contacted the World Water Park Association and they have forwarded us information with regard to Water Parks with attendance between 100,000 and 300,000 (a comparable range) and their admission, attendance, etc. This information was free. They've also checked with other parks re camping fees. They've also check State Parks in surrounding areas (Audubon Park, etc.). One of the reasons we got into this was that due to the minimum wage going up, Burdette's operational costs are obviously going to raise considerably.

Implementation of Catering Charge: To increase revenues, Mr. Tuley is suggesting the Board consider implementing a catering charge such as that used at the Auditorium -- and that is on food and beverage. All caterers using our Burdette's facilities would be assessed a percentage. To his knowledge the Auditorium assesses 20%. Since this goes to the catering companies and is probably passed on to the companies -- it is not reflected by the everyday citizen. He thinks this might have a lesser impact on

the general public. In 1990 they had roughly 197 company functions at Burdette, the majority being catered. He thinks this will generate quite a bit of revenue. Perhaps the Commissioners will want to recommend that we set that in at 15% the first year, since they've never had this at Burdette. The only problem is that it becomes 15% at Burdette and 20% at the Auditorium -- so he doesn't know if this would be a problem for the Commissioners.

Ms. McClintock asked, "When you do the survey of other park facilities, can you ask them?"

Mr. Tuley said they've tried to do that, but the problem is (especially in the private sector when it comes to parks) they do their own food, catering, concessions, etc. So we're having a little trouble in that aspect of it. But in talking with other municipalities, that is standard -- that there is a catering fee. Therefore, he does not think the Commission would be out of line by implementing such a charge. The Commissioners have been contemplating doing this for the last two years. It has not yet been done, but he thinks it is time we address that.

Mr. Hunter asked if Mr. Tuley has any kind of feel for the amount of revenue this would generate?

Mr. Tuley said it is hard to say. The only thing he can say is that on some of the larger picnics he understands there are some considerable catering bills associated with same. But since they don't receive copies of these bills and the companies are free to use whatever caterer they so desire, he does not have a line on that. He would estimate, however (especially if we're utilizing a 20% charge) he would think this would generate quite a bit of revenue. He would say that 70% of the companies utilizing Burdette's facilities probably use some kind of caterer. He would hate to put a dollar figures on this, however, as they have companies from 20 people up to 2,000 people.

Mr. Hunter asked, "You don't feel that by adding that 20% on the top that you will lose organizations and groups, do you?"

Mr. Tuley said that is a risk you take. You might get some feedback from that. That is why I'm saying that maybe the first year we'd want to lessen the amount. But when you look at your total cost for somebody to go into a comparable facility (Holiday World or wherever else they may go), when you look at what they pay per person, Burdette is considerably lower. Thus, he thinks it will keep us a little below the competition.

Mr. Hunter asked if Holiday World charges a caterer's fee.

Mr. Tuley said they charge the companies a per person charge, which includes all the entertainment, the rides, the food -- their total cost of the picnic package, depending upon what they want -- and they do their own food. Jim Reis does a lot of catering at Burdette, as does Kokie's. He can call them and try to get some kind of feedback from them, because ultimately they are going to pass it on to the companies -- or at least he assumes that is what they do over at the Auditorium. He will check this out and try to let the Commissioners know something next Monday.

President McClintock said they were just talking about catering percentages at the Auditorium -- and that is pretty standard. If you do go into a facility and it has catering, you know you're going to have to pay something for the use of the facilities for clean-up and that kind of thing.

Mr. Tuley remarked, "Well, exactly, because it is only right. The caterer comes out and they're there for two hours. They serve the food and then they're gone. The Burdette crew is then there (sometimes with eight or ten people on that pavilion)

putting it back together which, obviously, is a cost to the County. Therefore, the County needs to be compensated for that. Either that or the caterers ought to be responsible for cleaning it up -- one of the two -- and he doesn't think they are going to do that."

Resolution Authorizing M. Tuley to Enter Into & Execute Leases:
Mr. Tuley submitted to President McClintock a copy of the subject Resolution for perusal by the County Attorney.

State Grants for Work on Lake at Burdette Park: At the request of Commissioner McClintock, Mr. Tuley said he has made contacts concerning State grants and has a couple of packages on the way. This concerns the possibility of obtaining a grant(s) to do some work on the lake at Burdette. As we all know, that lake is in need of desperate help. As soon as this information arrives concerning grant qualifications he will pass same on to Ms. McClintock.

RE: AWARD OF BID FOR CITY-COUNTY PERSONAL COMPUTERS & PRINTERS

Mr. Roger Elliott of Data Processing said he has a review of the personal computer bids opened on January 2, 1991. After reviewing the bids, there were only two organizations that fully met all of the requirements: Dell Marketing Corporation and The Computery (Evansville). They looked at all the prices, however, to insure that there was no low bidder that did not submit a State Form 95. The end result is that The Computery is, in fact, the low bidder for all of the 18 models on which we were requesting bids. None of the bidders bid on an "XT" model so they are recommending a "No Award" on Configuration #1. They are likewise recommending "No Award" on Configuration #6, which was the printers we were after. In the other areas, we are recommending award to The Computery on Configurations #2, #3, #4 and #5, all of which are varying sizes of A.T. Model Computers.

Mr. Borries asked, "Roger, this has gone through the Computer Board, is that correct?"

Mr. Elliott confirmed that this is correct.

Mr. Borries then asked, "Who will get these personal computers?"

Mr. Elliott responded, "This is a blanket bid for any department within the City or County that needs a P.C. for this coming calendar year."

Mr. Borries asked, "So at this point, it only fits the specs you've developed here, but we're not doling these out yet?"

Mr. Elliott said, "Oh, no, by no means."

Mr. Borries continued, "And when we do, will your Board screen those requests, as well?"

Mr. Elliott confirmed that this is correct.

Mr. Borries said he is not sure -- but he would assume if Office "X" or Office "Z" wanted a computer, it would have to come out of their line item and their budget.

Mr. Elliott said, "It should come out of the line item in their budget. There is no general budget for P.C.'s as far as the County is concerned. The intention is that it would have to come out of the individual department budget."

Auditor Humphrey interjected, "For example, we have two in my office and ..

Mr. Borries said, "We have moved through this complicated system of keeping all of the County and now the City's data processing together on board. My concern is that we don't end up with a whole bunch of just off-the-wall kinds of equipment that has not been screened by your Board. I just don't see how that would be cost effective. That would not be anything I would want to support. That is why I wanted to ask those questions."

Mr. Elliott commented, "It would not be cost effective."

Commissioner McClintock entertained a motion to award the bid to The Computery for Configurations #2, #3, #4, and #5 in varying sizes of the A.T. Model Computers.

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

RE: VANDEBURGH AUDITORIUM - JACK KIRWER

Heating/AC Coils & Maintenance Agreement: President McClintock asked Mr. Kirwer if he was able to obtain prices on the heating/air conditioning coils and the old maintenance agreement.

Mr. Kirwer stated that he obtained bids -- what happened on that, Mr. Acker said at the last Commissioners meeting that he called a couple of people at random (which was Schmitt at 600 N. Heidelberg and A. C. Tilley). Schmitt came by and looked at the unit and they called him back to find out why he did not bring the contract today and he decided he did not want to bid on either contract. A. C. Tilley said he would come over, but he never showed up. He called the other Schmitt (thinking this was the other Schmitt Air Conditioning and Refrigeration anyhow at 200 S. Governor). He did come over and he bid on both of those and brought the bids in today. If the Commission wants those bids, he has bids from Schmitt Air Conditioning and Refrigeration and Shekell's. (Mr. Kirwer handed the two bids to President McClintock.) One is for the coil and one is for the maintenance agreement. What he did with those, they had Shekell's and he whited out the prices and the name and gave him the two proposals -- so the proposals would be exactly the same. In response to query from Commissioner McClintock, Mr. Kirwer said Schmitt did not know the prices nor the name of the competitor.

Ms. McClintock said for the heating coil in the lobby, the bid from Shekell was \$2,235. The bid from Schmitt is \$2,094.00.

For the equipment maintenance agreement with J. E. Shekell (which ends on January 31, 1991) to provide for maintenance on the heating and air conditioning at Vanderburgh Auditorium the bid is \$3,500.00 with monthly payments of \$292.66. The bid from Schmitt Refrigeration is \$3,200.00 in payments of \$266.66. She asked that Mr. Kirwer refer these to County Attorney Wilhite for review -- with particular attention to the maintenance agreements -- to make sure they are identical, etc.

Commissioner Borries asked if Mr. Kirwer knows whether the two bidders pay similar prevailing wage scales.

Mr. Kirwer said he has no idea. J. E. Shekell was here and bid our maintenance agreement.

Mr. Borries said it seems to him that J. E. Shekell does -- but he is not familiar with the other bidder.

Mr. Kirwer said both firms are listed as Carrier equipment in the telephone book.

Ms. McClintock said she thinks Schmitt is union, as well, but that is something else to check when comparing the two bids.

She again suggested the bids be referred to County Attorney Wilhite and he can check them for form and make sure the firms pay the prevailing wage scale.

Mr. Kirwer said he would call the Commissioners' attention to the fact that on the maintenance agreement (this was called to his attention) that this only includes the maintenance on the new coolers and the stuff on the roof. It doesn't include anything inside the building. But that is what Shekell was covering, too, so it's apples for apples you might say.

Martin Luther King Dedication Ceremony: Mr. Kirwer noted that the Auditorium opened for the Martin Luther King Dedication Ceremony yesterday on an emergency basis and he needs approval for a "no charge" rental. He went down and opened the Auditorium and stayed there personally.

President McClintock said they called her yesterday concerning this and she requested that Mr. Kirwer bring this to the Commission meeting today for approval.

Upon motion made by Commissioner Borries and seconded by Commissioner Hunter the "no charge" rental of the Gold Room at the Auditorium for the Martin Luther King Dedication Ceremony by the Martin Luther King Committee on Monday, January 21, 1991 was approved. So ordered.

Petition Protesting Charge of \$1.00/Day Parking Fee: Mr. Kirwer submitted a Petition signed by Civic Center Employees protesting the \$1.00 per day charge after 8:30 a.m. at the Auditorium Parking Lot. He said he doesn't know whether the Commissioners want to take any action today or what.

Ms. McClintock said, "Jack, you just had a meeting with the Auditorium Advisory Board. So this is something they are looking at and you hope to come up -- I wasn't able to stay long enough -- when are you going to meet again?"

Mr. Kirwer said they will meet 13 days from now (February 5th). By that time they want him to have some suggestions and different rates. He left his notes at the Auditorium, but he is supposed to investigate a lot of different things, including perhaps a new meter as you go in. That one is very old and has parts from about four different units in it (Johnson, Stanley Magic Door, and some other units). We do have a lot of problems with it -- they were out there last night repairing it. The last time he worked at night they had to fix it. It was also frozen up this morning.

Ms. McClintock asked, "So they feel they would be able to act on these recommendations on February 5th and subsequently could come to this Commission for some action as early as February 11th?"

Mr. Kirwer confirmed that this is correct.

Mr. Borries said, "I'm not clear, Jack, on this. Is there a suggested change in the rates -- or are we still charging the same fee?"

Mr. Kirwer responded, "This Petition -- they just don't like the fact (and I can understand that) that the Civic Center employees manually keep the parking lot open in the morning until 8:30 a.m., charging 50 cents per vehicle. After that when they leave, you have to put in four (4) quarters, which cost \$1.00 -- and they don't like that, because they go in and out of that parking lot perhaps at noon for lunch. When they return they have to pay \$1.00 -- thus, they're paying \$1.50 per day. And in a way he can understand their objections to that. It is his understanding we've done various things over there in the past. Some departments have tokens; some departments have bought tokens and some haven't."

Mr. Borries commented, "We've done everything short of installing scud missiles over there."

Auditor Humphrey humorously noted that there's always somebody with a patriot.

Mr. Borries continued, "Well, they may have had one over there -- because what happens, we have people who play games with the mechanical arm. It is not all the weather. It's people who don't like the weather who do other things. We have slugs in the meter. It's just a real exercise -- it will keep you busy."

Mr. Kirwer said there are not enough spaces to pay for a full time attendant -- it just wouldn't do. He'd rather get the attendant off the parking lot and have just the machine.

Mr. Borries said "We did. We used to have a full time attendant there all day and that is when we went to the other system, thinking it was more cost effective. I do think you need to look at some alternatives -- some kind of machines. But again, they are going to have to be very strong machines and I will await your report on that."

President McClintock said she appreciates Commissioner Borries' comments, because he has had to put up with the problem longer than she has. Also, as indicated, she thinks Mr. Kirwer is going to have to look at the other alternative, which is looking at putting a part time person over there -- as to what the cost effectiveness of that would be.

Commissioner Hunter said another consideration would be how much revenue the parking lot generates during a year's period as opposed to the cost of having someone sitting out there collecting dollars or fifty cent pieces.

Mr. Kirwer said they also have to look at what it is costing us now because we don't have anybody sitting out there full time. He said he hopes to be back with information re the parking lot on February 11th.

Ms. McClintock said she also understands they are looking at standardizing not only the regular rental fees, but the catering fees and not-for-profit recommendation, etc.

Mr. Kirwer said the rent structures should also be complete by the February 11th meeting date.

RE: TUFF LITES, INC. - JOHN SPELLS

President McClintock recognized Mr. John Spells of Tuff Lites, Inc. (a competitive firm that had tendered a bid on the new Auditorium lighting system). Mr. Spells presented copies of a letter to the Commission, and read same into the record, as follows:

January 21, 1991

Board of Commissioners
of Vanderburgh County, Indiana
Room 305 - Civic Center
Evansville, IN 47708

Dear Commissioners:

In light of all the publicity and allegations concerning Vanderburgh Auditorium, which I am sure will be in the public's thoughts for quite some time to come, there is still a major issue that you will be faced with in the coming weeks, months, and possibly years ahead. Is

the ENR dimming system which you rushed approval on without the recommendation of a bi-partisan professional theatrical consultant going to hold up to its cosmetic reputation that it's manufacturers have bestowed upon it? Where is the reality that it has proven to be an unreliable, dangerous, and sometimes costly investment worthy of more taxpayer dollars?

As a professional in the lighting industry with credentials and resources that were always appreciated at the County Auditorium when services and supplies were needed until the final decision of the new lighting project, it is my responsibility to inform the public through whatever means I feel is necessary to inform the many concerned citizens and business representatives that utilize the Vanderburgh Auditorium facility of the safety hazards that they may be placing themselves in.

As of this date, it is my understanding that the ENR Series is still not being shipped, nor are any orders being taken at the possibility of the ENR product line being discontinued.

Can you honestly think for one moment that had this information been towards equipment manufactured by Kliegl that its competitors would sit by and not go to whatever means or methods possible to expose a potentially dangerous defect in design materials? I think not. What if Tuff Lites were too busy or didn't care enough to bring the situation to your attention and to the public, who should be aware that if something isn't done, the mistake of investing an additional \$150,000 (which is twice the cost of an earlier proposal from the same agent -- STTV of Indianapolis -- would be wrongfully invested in more defective equipment? There are several solutions to the many problems that you have already encountered, as well as the countless problems that I predict you have yet to face.

Respectfully yours,

TUFF LITES, INC.

John Spells"

President McClintock thanked Mr. Spells.

Commissioner Borries asked, "In your bid, you know, there were some concerns (as you are aware) about your bid at the time these proposals were being considered. What was your bid based upon?"

Mr. Spells responded, "My bid was based upon the specifications on the Addendum that Mr. Curtis had supplied after the original specifications were drawn up."

Mr. Borries said, "So, in other words, your bid was modified, too, in relation to the amount of money that was going to be available? And your system would not have been one hundred percent operational either then, based upon the revised figures that were issued, right?"

Mr. Spells responded, "My system would have been one hundred percent operational based on the specifications on the Addendum."

Mr. Borries asked, "Which were not the specifications in the original bid, right?"

Mr. Spells said, "Correct."

Mr. Borries asked, "Okay. What would we have gotten in the original bid for the full amount, which was different from what your bid would have been in the Addendum?"

Mr. Spells asked, "As far as a price range?"

Mr. Borries said, "As far as equipment on the original?"

Mr. Spells responded, "On the original bid specifications you would have gotten the quantity of equipment that was originally requested. As the budget dropped, so did the amount of equipment that the Highway Engineer had drawn up in the Addendum."

The Commissioners expressed appreciation to Mr. Spells, and Commissioner McClintock said, "I know that when both Rick and I voted on this some time ago, I know that I felt (and I would assume that he did, too) that we were acting in the best interest of the County and I still believe this is something we can work towards remedying and get this operational and working for all the citizens of Vanderburgh County. And to that end, I will be meeting with the STTV individuals with their Counsel and our Counsel and our County Engineer later this week and I will report back at next week's Commissioners' meeting as to the result of that meeting and hopefully we can get something resolved very soon."

RE: COUNTY ENGINEER - GREG CURTIS

Highway Feasibility Study: Mr. Curtis had Mr. Kercher distribute copies of the Summary of the Highway Feasibility Study on the Evansville to Indianapolis Highway, which he received recently. He did an overview and is presenting same to the Commissioners for their information.

Red Bank Road Project: It was noted by Mr. Curtis that we've had a final inspection on that project and will be paying our final claims this evening. The original bid amount was \$177,702.55 and when we've totally paid for the project we will have paid \$12,291.00 underneath that. It is not his intention to write a Change Order for an underrun (we don't normally do that) -- but he wanted to bring this to the Board's attention. The projects don't always overrun -- sometimes they do underrun -- it's just usually not brought to the Board's attention.

Mr. Borries said he thinks Mr. Curtis did a fine job on the Red Bank Rd. Project. He knows that the citizens and all those who will be using Burdette Park will appreciate the better visibility and safety as a result of removal of the curve. This project has been a long time coming and he would commend Mr. Curtis.

Request for Permission to Attend Training Session: Mr. Curtis requested permission (although it may be somewhat premature inasmuch as the employment form has not yet been approved for Frank Hassel -- an employee he highly recommends hiring) for Mr. Hassel to attend the INDOT Certification Training Seminars in Terre Haute with the other employees in the Engineer's Office. Since obtaining approval from the Board for \$900 for eighteen sessions, there are enough sessions that he doesn't feel it is necessary for some of the personnel to attend. For instance, there is a traffic seminar that rather than having all three employees attend, it is his intention to have only one attend -- because it will be rare that we will have a traffic item contract through the Department of Transportation. In any event, the attendance of Mr. Hassel will not require additional funding. He will send him within the 18 sessions for which the expenditure has already been authorized. In any event, it will be a fourth individual who will be gone out of his office for three of the five remaining sessions.

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

Claims: It is Mr. Curtis' recommendation that the following claims be approved for payment:

J. H. Rudolph & Co.: Claims in the amounts of \$95,192.42 and \$16,541.12 in re the Red Bank Rd. project.

Veach, Nicholson, Griggs: Claim in the amount of \$3,348.70 re Fifth Avenue Bridge #67 and Orchard Rd. Bridge #158 in the amount of \$223.25.

United Consulting Engineers: Claims in the amounts of \$1,700.00 and \$3,255.00 re Green River Road and \$14,750.00 re Columbia-Delaware Bridge #1C and \$19,611.00 re Union Township Access Project; Claim in the amount of \$11,500.00 re CSX Transportation, Inc. and \$250.00 re Katherine Curtis (right-of-way on Union Township Access project).

Upon motion made by Commissioner Borries and seconded by Commissioner Hunter the foregoing claims were approved for payment. So ordered.

Deed/Katherine Curtis (Union Township Access Project): A Quit Claim Deed was submitted and accepted and subsequently given to the Secretary to be recorded.

Mr. Curtis said he has two copies of the Consultant Agreement with United Consulting Engineers forwarded two months to the Department of Transportation for the Construction Engineering on Green River Rd. Those agreements have been approved by the State. They have yet to be executed by the State, because the State won't execute them until we have. He would ask the Commissioners to execute same. (The Department of Transportation needs the two Original copies back.)

Upon motion made by Commissioner Borries and seconded by Commissioner Hunter the agreement was executed. So ordered.

Title Sheet/Green River Rd. Plans/Phase I: Mr. Curtis stated the plans are completed; final tracings will be submitted to the State for final approval and processing for the potential May letting of the project upon United's receipt of the signed Title Sheet. His office has done some review of the plans, as have United and the State. It is his recommendation that they be approved by the Board of Commissioners by their signatures on the Title Sheet.

Mr. Borries asked if Mr. Curtis expects that letting to occur this spring?

Mr. Curtis responded we are currently scheduled for a May letting barring unforeseen circumstances, such as right-of-way delay on this project (which at this time it appears will not happen).

The Commissioners signed the Title Sheet.

Street Plans/Eastland Estates Section D-5/: Mr. Curtis said he has a somewhat unusual item of business. We have a set of street plans for Eastland Estates Section D-5, which at some point in the past were run through the Commission meeting (he had them rolled up with another set of plans run through the meeting). However, he doesn't know if that particular evening they did run or just intended to run the plans through or whether they just went through the plans or whether he didn't make a definite break in discussing and it didn't show up in the minutes or what. In any event, we have no official record of approving those plans and they need that date for the street plan approval to be recorded.

He has another set of plans and he would ask that the Commissioners approve same this evening. The approximate time frame when those were brought in was September or October of last year. Again, whether he did or did not do it before, he would recommend those plans for approval.

Upon motion made by Commissioner Borries and seconded by Commissioner Hunter, the following acceptance of street improvements in Eastland Estates Section D-5 were approved:

Greencove Avenue	437.54 LFT
Last Court (0.04 mi.)	<u>201.34 LFT</u>
Total	638.88 LFT

Acceptance of Street Improvements/Copperfield Subdivision
Section I: Continuing, Mr. Curtis recommended (as does Mr. Muensterman at the County Highway Dept.) that the following streets in the aforementioned subdivision be approved:

Copperfield Drive (0.05 mi./29'	285 LFT
Benningfield Drive (0.06 mi./29'	336 LFT
Copperfield Drive w/cul-de-sac (24')	280 LFT
Greendale Drive w/cul-de-sac (24')	<u>445 LFT</u>
Total	1,336 LFT

Upon motion made by Commissioner Borries and seconded by Commissioner Hunter the streets were accepted for County maintenance. So ordered.

Commissioner Borries asked that the linear feet as described in both subdivisions be forwarded to the Indiana Department of Highways to be put on the road list for reimbursement.

Notice to Bidders: Mr. Curtis presented a Notice to Bidders re a Culvert Replacement Project on Old State Road and Nurrenbern Road. The Old State Road culvert is in front of Brookview Heights Subdivision. We have been in ongoing negotiation with Mr. Bussing and Morley & Associates as to who is going to pay for what. It is the developer's intention, since we need to replace the pipe under the road, to pay for the additional length of pipe and the needed bedding underneath that pipe. For estimating purposes, it is our estimate that it will be \$2,000 and he has agreed to pay \$2,000 toward that culvert of this project.

The other location is a location on Nurrenbern Road that is much deeper than the County Highway's capabilities are in replacing culverts because of the amount of fill over the pipe. The advertisement has been sent in with bids scheduled for opening on February 11, 1991. He would recommend approval of the project and authorization to advertise for bids.

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

Hamilton Golf Course: Ms. McClintock requested that Mr. Curtis call Jim Hamilton at Hamilton Golf Course and tell him what we are planning for bid letting, length of construction, etc.

Mr. Curtis said that to update the Commissioners on this project, we obviously have not been having good weather for doing much of anything and he thinks that because of the high water near the end of the year and early January that the necessary survey work to begin the design on that project has been somewhat delayed. We are, however, pushing on that with the utmost persistence so that project can be done as quickly as possible.

Ms. McClintock said Mr. Hamilton has the usual obvious concerns.

Mr. Curtis said we have two things the project will basically wait on -- or actually three things. We've asked for funding and provided that is approved at the February Council meeting, we will likely either be waiting on the actual plans (which have been delayed because of the weather in trying to complete the survey work) or we will be waiting on the Department of Natural Resources' approval. We have that in to them and we have been assured that we will be moved along as quickly as possible -- but with DNR that is not always as fast as we'd like. We generally know what the DNR is going to require, but we cannot receive bids on the project until such time as we have that approval in writing. We don't anticipate that being a problem, but we did not anticipate that it would take as long as it has on USI -- which reminds him of another item of business he forgot to include on his agenda. But we didn't think it would take as long as it has to get that old schoolhouse project moved along, as well.

Request for Executive Session: Mr. Curtis said we need to have an Executive Session for purposes of discussing with USI officials and Bernardin-Lochmueller Associates the right-of-way acquisition -- as we did twice last year. We're to the point where we need to have this session in order to give them some guidance as to what direction to take with regards to parts of that.

Ms. McClintock said the Board has an Executive Session set on February 4, 1991 at 4:00 p.m. to again discuss with Union Representatives and Jail Corrections Officers the proposed agreement with the Teamsters Union. It does not appear that we are going to be ready for any kind of meaningful discussion at that point. She wonders if the Commissioners might be willing to change the purpose of that meeting to discuss the old schoolhouse at the University of Southern Indiana and set the other Executive Session later in February or even early March.

Mr. Borries asked if the Executive Session has been advertised.

Ms. Matthews said she sent it to the newspaper today, but it has not yet been advertised and she can make the correction tomorrow.

Ms. McClintock instructed Ms. Matthews to change the purpose of the meeting to discuss USI property acquisition. She said if anything else comes up it can be discussed at that point.

RE: COUNTY HIGHWAY

Commissioner McClintock stated that Mr. Cletus Muensterman, County Highway Superintendent, didn't have anything requiring action this evening. She assumes the other Commissioners received a copy of his Weekly Reports, as did she. Enclosed was a letter and she quotes,

"Last week we had a problem with the water standing in front of our property at Dieffenbach Road. I made a phone call explaining my problem to your office. The problem was taken care of that same day.

Thanks to everyone involved for the prompt service and a job well done.

Rene Schnur"

RE: DEPARTMENT HEAD REPORTS

President McClintock asked if there are other department heads who have anything to be reported. There were none.

RE: COUNTY ATTORNEY JEFF WILHITE

Attorney Wilhite said that first of all, he thinks Attorney David Miller should be congratulated for a job well done.

Secondly, since he and Attorney Ziemer will alternate meetings, he would ask that the Board give some consideration to when the Board gives them something to do, to wait two weeks. That way, there will be less duplication of effort. For example, tonight we have the heating and air contract. He knows we need to get that done and that's fine -- and he and Ted communicate very well. But on some of the changes which have been discussed there is no rush and it might be more efficient in terms of legal services they provide for the Board to wait two weeks.

Thirdly, he and Ted have been working on the transition and appreciate the help of David Miller and Curt John. He thinks the most significant thing he and Ted have accomplished is that they got their County parking permits, which would probably come under Old Business.

Continuing, he said that given the situation with the tire contract, the question comes up 'what happens when we need to buy tires if we don't have a contract? Legally, what can we do? His answer is that as long as we don't need to buy more than \$2,000 worth of tires per month, there is a statute that allows (with the Commissioner's approval -- he thinks this would follow a motion) the Commission to authorize the County Highway Department to purchase up to \$2,000 of materials without bidding and without notice. The ideal would be a certain small minimous level. As he understands it, they might not want to cap it that high. They might entertain a motion (that is not for him to decide) -- but under Indiana Code you have that option. If, for some reason, it got worse and you needed more emergency expenditures before you a contract, there is another statute that allows you if there is a specific reason to declare an emergency and authorize expenditures without bidding. But I think you need the motion tonight in order to do that until you get a contract.

Ms. McClintock said, "My preference would be to add to that motion that they still need to call three (3) vendors and obtain three prices on whatever tires they are purchasing."

Mr. Borries said he doesn't have any problem with that. In fact, there may be a State list where we've purchased vehicles from the State of Indiana and there may be through that whole mechanism a State list of tires.

Ms. McClintock commented, "They could purchase from that list. So we could make the motion that we approve up to \$2,000 worth of tire purchases and other tire services per month by the County Garage and that those purchases should either be made from the State list or if there is no such list, then they should call three local vendors for prices and purchase from the lowest of three. We can do that."

Mr. Borries said he thinks we ought to inform this Board at their next meeting so there could be some monitoring mechanism as to how many tires are being purchased. He doesn't see it as being a big problem. The big problem is the consumers as well as the County Highway departments in this County are going to be mystified by the kind of tires that are out there. So that might be something -- the Attorneys at some point were going to look at redoing this. He doesn't know if anyone has talked to the City-County Purchasing Department.

Ms. McClintock said they sent her the specs and she has talked briefly with Susan and this would, of course, come to the Commission. What they are looking at is whether the bids can really stand the way they are. Apparently what happened before

was that they just awarded the tires and did not award the service. But everyone bid the service. Therefore, they're thinking now pending the results of this investigation, that we may be able to go ahead and award on these bids -- if we award everything.

Commissioner Borries said he thinks all of that does need to be clearly delineated, but his concern goes deeper than that. There are tires and then there are tires. "Do you know what kind of tires are on your care and how long they are going to last?"

Ms. McClintock said, "Well, they're all bid very specific. I understand exactly what you are saying."

Mr. Borries said, "Tires are wearing out. If tires are wearing out on a unit or a vehicle, it may be that those tires are inferior in relation to the kinds of steel belts, bias plies and all the other gibberish that goes into tires. I think that there are tires and tires. You can put a cheap tire on a truck and it will wear out tomorrow. And then you can put another tire on there. So instead of somebody laying charges on that there has been a bait and switch here, I think we need to find out what kind of tires we need on that -- maybe even before we buy them -- because if we're going to make that expenditure -- somebody said they did need this kind of tire on an old truck. What makes an old truck different from a new truck? As old as our equipment is since we don't go out and purchase vehicles randomly every year, our trucks have to last a long time. And the tires ought to last the same way.

Commissioner Hunter said he thinks Mr. Borries' point is well taken, but he thinks on the newer trucks, would the manufacturer recommend the kind of tires that should go on there?

Ms. McClintock said she thinks Mr. Borries is absolutely right. She thinks the people that we hire at the County Garage should determine what types (and the bid doesn't determine that -- the bid doesn't say you have to have these kind of rotten, old, or awful tires). The problem with what has been happening is that tires have been bid (and I agree with you that he can't stand up in here and say you shouldn't have bought those kinds of tires). The problem is that the services have not been included and there have been differences in charges in services -- and that should be standard. And we should leave it up to our experts at the Garage or the Parks or whatever as to what kind of tires.

Mr. Borries said it is difficult. Most consumers don't understand tires. He doesn't understand tires. And most of the time people are going to try to sell you the most expensive tires so they can make more money off of them and that is the unfortunate part about it. But be that as it may, we ought to have some clearly delineated kinds of bids here to see what kind of tires we can put on them. We can put a cheap tire on them that will wear out tomorrow or we can put a tire on them that will wear well. But I think they need to have that kind of information.

Auditor Humphrey said that when he got out of college he sold a lot of trucks one time. And every truck that comes out of the factory has a set of wheels on it. But he's never had one that had a particular application that they didn't change the wheels, springs, etc.

Mr. Hunter said he had just assumed that with the Federal regulations on automobiles now and automobile tires that there would be some reference as to whether it was a steel belted radial or a bias belted radial or different ones. That there would be some government forced recommendations to give to the consumer.

Mr. Humphrey said, "A tire on a police pursuit car, for instance, has to have a certain speed rate, etc. and it's a different animal. If you use it in the field, you'd have a different kind of tire on it. In the oil fields we always used the best tires we could buy for a vehicle."

Mr. Hunter noted that last week the vendor mentioned \$7.00 per wheel for balance.

Mr. Humphrey said, "Well, again, that's the dealer. I wasn't going to say anything about this, but one of the companies that was in here, I asked them for certain tires for the car I've got, which has 30,000 miles on it. It's a special wheel and it will only take one tire and that's a speed tire. And one of the companies said, 'Why you don't want to buy those, it would be \$550 for that set of tires.' That did shake me a little bit. But I got the same tire for \$350, mounted, balanced, they're on the car and I'm driving it. It will only take one size tire -- that is all it will take. And the difference of \$200 is a big difference to me. \$200 bucks is \$200 bucks -- and it was one of the companies that was right here."

Mr. Borries commented, "I think it behooves this Board to get as much information from all sources as we can and we certainly want to respect those vendors who raised the concerns. But we also have to get information from City-County Purchasing in order to make a clear judgment on this."

Ms. McClintock said that hopefully the Board will have that in a couple of weeks and what we're experiencing will be a temporary situation.

RE: OLD BUSINESS

Census: Ms. Barbara Cunningham of the Area Plan Commission said she received Census information this afternoon. The memo she just handed the Commissioners says that in September the County Commissioners received the preliminary Census figures of 163,400. At that time the County was asked to comment only on housing unit counts -- not on population. But we were led to believe at that time (and I should have done this while Mr. Kirwer was here so he could give us a little more insight into it) that the Census was really only 90% finished at that time. So the count would go up. Both City and County are waiting the final figures. We were told last week that the Commissioners would be receiving the final figures by January 25th of this year. Today we were notified unofficially that the figures are in the mail. So you should be getting them momentarily. We believe that the Census Bureau is trying to make a concentrated effort to quickly release any figures, since they are used for redistricting and particularly in Indiana, where there is a short session.

Ms. McClintock asked, "So we don't need to be concerned about doing anything?"

Ms. Cunningham responded, "We have done everything we can do. We have participated in pre-Census; post-Census; etc. Everything we have done -- it is up to them."

The Commissioners thanked Ms. Cunningham for this information.

Mr. Borries asked, "What happens if we don't believe the figures they turn in?"

Ms. Cunningham responded, "I don't know what our recourse is, Mr. Borries. We participated in....."

Mr. Borries said, "I'd like to have someone research that, because I'd like to see them in Court."

Ms. Cunningham said, "Probably what will happen is that New York, Boston, etc., will file a suit (as they tried to last time) and they're trying to ask them to adjust their figures."

Mr. Borries said, "I think we should. Those of us who travel Green River Road regularly as well as a few other things -- I find it hard to believe that the census of this City would go down. I'm not saying it has exploded for that the community. But we have had growth here and that is certainly evidenced in the last 10 years and when you hear accounts of where in some places they are taking Census figures on estimates by the number of toys in the backyard, it sure scares me as to what kind of final figures we can have. So I have some concerns about it. If it is lower than our figures of ten years ago, then it is my opinion that we need to explore our legal rights."

Ms. Cunningham said, "In 1988, the estimate was to be 166,000 and the figure they gave us was 166.4."

President McClintock said she would ask Attorney Wilhite to research what our recourse might be following a final count.

RE: NEW BUSINESS

President McClintock entertained items of New Business to come before the Board.

Ground Breaking/County Morgue: Ms. McClintock said County Coroner Charles Althaus called her this afternoon. If it pleases the other two Commissioners, he would like to set the groundbreaking for the County Morgue for Thursday, January 31, 1991 at 2:00 p.m. Commissioners Borries and Hunter voiced their approval.

Ms. McClintock gave notes to Ms. Meeks and requested her to send notices out to the media, the Mayor, DMD, Redevelopment, and the County Council, etc.

Appeal by Employee re Termination: President McClintock said the Commission has received a letter from an employee who was terminated on January 14, 1991 and would like to appeal said termination to the County Commission. If agreeable with the Commission, she would ask Attorney Wilhite to research exactly what the employee's legal recourse is at this point.

Ms. McClintock said she also spoke with Auditor Humphrey this afternoon. The County has a couple of places where we have full time positions that have been vacated; one because of a leave of absence, where we are no longer paying benefits of any type. The other is a Workmen's Comp that looks like it may go on and on where, again, we are not paying benefits out of the health insurance type of account. She asked that Attorney Wilhite research whether we can hire a temporary person in those positions. According to Sam the money is there; the position is there, but the person is not there.

Attorney Wilhite asked if the leave of absence individual is coming back.

Ms. McClintock said the employee is scheduled to return June 1, 1991. If ever approved, the Workmen's Comp individual also plans to return to work. She said that apparently this has come up several times and....

Auditor Humphrey interjected, "We simply can't put two people in one slot. If there is another way of doing it, we need to know."

Ms. McClintock said both of these cases are at the County Highway Garage and one of the positions is getting fairly critical, because it is a supervisory position. The other position is not critical at this point, but when we get around to doing our roads, weeds, etc., in the summer it will become more critical.

Circuit Court Contracts: President McClintock said she would also refer various agreements/contracts sent to the Commission by Karen Altman of Circuit Court for review.

RE: AGREEMENT RE COST ALLOCATION PLAN - D. M. GRIFFITH & ASSOCIATES

Ms. McClintock presented an Agreement with David M. Griffith & Associates re the County's Cost Allocation Plan. They recovered a gross amount of \$73,000 plus during 1990. Their fee (determined by population category of the County) is the same as last year, \$13,125.00. She requested that Attorney Wilhite review the agreement.

RE: APPROPRIATION REQUESTS

Supt. of County Bldgs.: Requesting \$35.84 in order to replenish the account, due to insufficient funds in 1990.

Motion to approve the request was made by Commissioner Borries with a second from Commissioner Hunter. So ordered.

County Commissioners: \$12,463.79 for Retirement Fund for Commissioner Borries. Apparently they have not been paying into Mr. Borries' retirement fund during the period he has been a Commissioner.

Motion to approve the request was made by Commissioner Hunter with a second from Commissioner McClintock. So ordered.

County Commissioners (Transfer of Funds): Request of transfer of \$16,024.00 to Andy Easley for payroll, social security, and insurance. This is being transferred from the Morgue Account to the Salary Account so they can pay Mr. Easley for supervision of the construction of the County Morgue.

Motion to approve the request was made by Commissioner Borries with a second from Commissioner Hunter. So ordered.

Soil Conservation: Request transfer of \$1,000 to pay part time person \$5.00 per hour to replace the full time clerk, until such time as the slot is filled. (This transfer was informally approved at last week's meeting.)

County Commissioners (Earthquake Study): \$22,500; Mr. Riney said this request comes from the Building Commission. It was requested last year, but we didn't get it in in time to encumber same. The City puts up so much money and the County does likewise; the County's share is \$22,500. It is a joint study that will be conducted by the Emergency Planning Committee, along with the Building Commissioner, in re protection of the people in the community at large.

Mr. Riney said if the Commissioners like, this request can be postponed until the next meeting and he can have Mr. Lehman provide the Commission with complete information. It was the consensus of the Board they would like to have Mr. Lehman make a presentation at next week's meeting and answer any questions.

RE: COUNTY TREASURER - MONTHLY REPORT

The monthly report from the County Treasurer for November 1990 was submitted.....report received and filed.

RE: PUBLIC OFFICIAL BOND - RANDALL KRON

A Public Official Bond for Mr. Randall Kron was accepted and given to Ms. Matthews to have same recorded.

RE: VANDERBURGH COUNTY HEALTH MANAGEMENT TEST SUMMARY REPORT
& ORGANIZATION SUMMARY REPORT

President McClintock said she left copies of the subject reports on each of the Commissioners' desks this past weekend and asked Mr. Riney to ask Maureen O'Connor to come to one of our future meetings to give the Commissioners an opportunity to ask any questions they might have.

RE: ASSOCIATION OF INDIANA COUNTIES

It was noted by Ms. McClintock that the bulletin from the Association of Indiana Counties has been received. If there are any matters the Commissioners would like for the Board to act on or ask Margie to prepare a letter to go out on, then this should be done fairly soon.

RE: AUTHORIZATION TO ADVERTISE FOR BIDS FOR OFFICE FURNITURE
FOR THE COURTS

Ms. McClintock said the Board needs to authorize Purchasing to advertise for the subject bids. They would like to receive bids in the Purchasing Department by 4:30 p.m. on February 25, 1991.

Motion to approve the request was made by Commissioner Borries with a second from Commissioner Hunter. So ordered.

RE: SCHEDULED MEETINGS

Mon.	Jan. 28	2:00 p.m.	Department Head Meeting
	Feb. 4	3:00 p.m.	Commissioners Meeting
		4:00 p.m.	Executive Session re USI Property Acquisition

RE: CLAIMS

President McClintock said there are no further claims to be submitted for approval this evening.

* * * * *

RE: REZONING PETITIONS

VC-21-90/Petitioner, Southern Indiana Dock: Petitioner is requesting rezoning from Agricultural to W-1 (Waterfront Industrial). There being no one present either to speak in behalf of the petition or remonstrate against same, a motion was entertained.

Motion was made to approve the petition on First Reading for forwarding to Area Plan by Commissioner Borries, with a second from Commissioner Hunter. So ordered

VC-17-90/James E. Loehr: Ms. McClintock said this is the 3rd Reading. Mr. Loehr appeared at the last Commission meeting and downgraded his request from M-1 to C-4. She said Mr. Loehr is currently operating an auto repair garage that he has zoned C-4. He is requesting to more than double the size of his business by adding on the rear an auto storage lot. The C-4 zoning does not allow him to perform some of the activities he wants to.

Mrs. Cunningham noted that Mr. Loehr is currently zoned M-1 on the front lot (zoned in 1987), which allows him to do the body work, etc. Now he is asking for C-4 for the property in the rear.

Ms. McClintock asked if there are remonstrators who have comments concerning this rezoning.

Mr. Tom Titzer, a neighbor diagonally across from Mr. Loehr, said Mr. Barnes was the initial person who was here the last time. He is working out of town. His wife was going to come, but she came up ill. Therefore, he will offer comments. He supposes we have a lot of neighborhood businesses (beauty shops, tax work, etc.) that are not zoned. But they are discreet about it and the neighbors don't complain. The neighbors came up here in 1987 and Mr. Loehr had a complaint. They granted him this M-1 zoning at that time under the impression that it was going to more or less be a small family-type operation. Mr. Loehr, his two sons, etc., and he had some neighborhood boys working for him from time to time. It has gotten to the point where they feel he has to move or cut back. They oppose the requested zoning primarily because if we grant any type of zoning whatsoever that he can use as a business, and for some reason he would decide to sell, anyone could come in there regardless of the neighbors feelings and ideas of what this business could grow into and establish anything they wanted to. He believes the Commissioners have photos of the cars parked in the back and elsewhere. They feel Mr. Loehr does not need this extra parking space if he would perhaps schedule a lot of his overhaul and repair work on a daily or weekly basis to where people could bring their cars out on a certain day and pick them up that evening or possibly the next morning. He believes Mr. Loehr has stated he has two (2) steady employees in addition to himself -- and more or less, only two. He has had as high as five (5) part time/full time help. He has three full time help now. He has a little business behind his garage that he started after the 1987 zoning was approved where he does a little machine shop on tork converters and he has one full time man there in the building he attached onto his garage. Mr. Loehr bought the property behind his house to use it to start expanding his business, park a lot of cars back there, etc. He knows from a one time count there were at least fifteen cars plus five in his driveway and two parked on the street -- and that is what he could see from his location (of course, he was looking out the upstairs window, being a nosey neighbor when he did this). He thinks the other neighbor has pictures from a lower elevation from the back of Mr. Loehr's lot that show numerous cars there. That is another reason they are opposed to this -- it almost looks like a used car lot or salvage lot, and he thinks that is detrimental to a residential neighborhood.

Ms. McClintock advised Mr. Titzer the Commissioners do have copies of the information he provided earlier and all have had an opportunity to review same. She then asked if Mr. Loehr would like an opportunity to again address the Commissioners.

Mr. Loehr said he has two (2) full time employees -- the same number he has had all along. He has used part time employees occasionally when he gets behind to help him get caught up. But he has two employees, himself, and a son (maybe he calls him an employee).

Ms. McClintock asked, "But he does not work in the business?"

Mr. Loehr acknowledged that he does, saying he and his son work together.

Ms. McClintock then asked, "You, your son, and two other people? That's four (4) people. Are there other questions?"

Commissioner Hunter asked if Mr. Loehr is wanting to go to a C-4 zoning for purposes of expansion?

Mr. Loehr said, "No. As I said all along, I've already been using this parking lot for five years -- and I couldn't zone it the first time because I didn't own the property. The reason I need the zoning for the parking lot is because I had a complaint on it. I'm not doing anything different back there now than I've done during the last five years actually and I don't plan to expand. I just need a place to keep the cars out of the front of the area of the house and driveway to keep it looking more residential. The parking lot will help me do that."

Ms. McClintock asked, "Mr. Loehr, do you understand why these neighbors are concerned about a business in there?"

Mr. Loehr acknowledges that he does and said he agreed at the last meeting -- Mr. Borries suggested he draw up whatever it takes to reverse this back to Agricultural/Residential should something happen to his wife or him to protect his neighbors from this thing.

Mr. Borries said he doesn't remember saying that, but he does remember that there were some concerns that if he made it C-4, basically what he is doing is coming into compliance with the law and he can park his vehicles there. It does not, in effect, allow him to expand his business, because all he could do would be park the vehicles.

Ms. McClintock entertained further questions.

Mr. Hunter asked, "So you are telling us basically that everything you do is located in one building?"

Mr. Loehr said this is correct; it's one building, but a long building.

Mr. Hunter asked, "The same building you started out in?"

Mr. Loehr confirmed that this is correct.

Ms. McClintock interjected, "No, no, no, no. no."

Mr. Hunter asked, "No additions?"

Mr. Loehr said the addition was on there the last time -- in other words, it is as it was when he zoned it the first time -- there are no changes -- definitely not.

Mr. Hunter asked, "When you appeared before the Commissioners on December 21, 1987, was this your full time occupation at that time? Has this always been your full time occupation?"

Mr. Loehr responded, "It was my full time occupation at that time -- but it has not always been, no. I started full time about that time. That is when I got into the zoning thing, because my business increased when I started full time."

Mr. Hunter asked, "And has your business increased since 1987?"

Mr. Loehr responded, "Well, it is up and down. I am busy most of the time."

Mr. Hunter asked, "Apparently you have about four employees -- did you have that many employees?"

Mr. Loehr responded, "Yes -- same thing."

Mr. Hunter asked, "And were they all more or less full time employees?"

Mr. Loehr responded, "Yes, Sir."

Ms. McClintock asked if Mr. Titzer has any final comments?

Mr. Tizer said, "First, C-4 -- does that allow a building?"

Ms. McClintock responded, "Sure."

Mr. Titzer asked, "So if any kind of zoning is granted, Mr. Loehr can put up any kind of building back there -- a larger shop, four bays and whatever -- and he could expand his business just by the right of the zoning so to speak. Jim said something about reversing the zoning, and I think at the last meeting Mrs. Cunningham said there is no reversal zoning - and I am taking that as fact. So whatever he decides to do about zoning, if he leaves the zoning would stay there. So if he would leave, anyone could come in and disrupt the neighborhood from a small business to whatever they could get on the lot. That is the way I understand it and that is primarily what we're concerned about. As Jim stated, I am under the impression that when Jim got this zoning he had his sons, or a neighbor's son -- two young fellows helping them. They would do the little brake work, put the plugs in and Jim would make sure everything would run after they got it together. Now, the one employee (as Jim stated) does work in a little machine shop unrelated so to speak to this auto repair. He takes these tork converters out of automobiles and has this gentleman cut them apart and repair the inside and weld them back together and ship them on out. So it is an unrelated business that Jim didn't really have at the time the zoning was granted. The whole thing is that it is a nice little residential neighborhood. We didn't mind Jim doing a little work to maintain a living. But now we feel he is trying to maintain a living for more than himself and that is expansion so to speak, regardless of how you want to look at it. And the zoning would only create a problem he's sure they would regret they gave him the zoning to start with.

Ms. McClintock asked if there are further comments either by the petitioner or the remonstrator. There being none a motion was entertained.

Motion was made by Commissioner Borries that VC-17-90 be approved, with a second from Commissioner Hunter. Commissioner McClintock then asked for a roll call vote: Commissioner Borries, yes; Commissioner Hunter, no; and Commissioner McClintock, no. President McClintock said the petition is denied -- and that concludes the rezoning petitions to be heard this evening.

* * * * *

RE: AGREEMENT RE COST ALLOCATION PLAN

Continuing with the regular meeting agenda, President McClintock said County Attorney Wilhite has indicated he believes the agreement with David M. Griffith & Associates should be executed by the Commission. She then entertained a motion.

Upon motion made by Commissioner Hunter and seconded by Commissioner Borries the agreement was approved. So ordered.

RE: EMPLOYMENT CHANGES

Commissioner McClintock requested that Commissioner Borries read the following employment changes into the minutes:

Auditorium (Appointments)

John F. Kirwer Exec. Dir. \$25,574/Yr. Eff: 1/15/91

County Assessor (Appointments)

Debra Clements B/R Secretary \$5.00/Hr. Eff: 1/22/91

County Assessor (Release)

Patricia A. Job B/R Part Time \$5.00/Hr. Eff: 1/14/91

County Highway (Appointments)

Carole Davis Asst. Supv. \$25,471/Yr. Eff: 1/17/91

Prosecutor (Appointments)

Robin Mastison ParaLegal \$17,725/Yr. Eff: 1/21/91

Auditor (Appointments)

Patricia Goetz ParaLegal \$16,451/Yr. Eff: 1/15/91

Burdette Park (Appointments)

Shauntrece Crider Rink Guard \$4.35/Hr. Eff: 1/1/91

Burdette Park (Releases)

Shauntrece Crider Rink Guard \$4.00/Hr. Eff: 1/1/91

Health Dept. (Releases)

Penny Rose Social Worker \$23,158/Yr. Eff: 2/1/91
*Medical Leave w/o pay, with insurance. Expected to
return to work 2/13/91. The Board approved the L.O.A.
request last week, and this is just a bookkeeping formality.

Circuit Court (Appointments)

Betty Craig Prob. Officer \$21,574/Yr. Eff: 1/14/91
Michael Cardarelli Intern \$5.00/Hr. Eff: 1/7/91
Melisa Howell Intern \$4.50/Hr. Eff: 1/2/91
Steven Scarpa Guard \$5.00/Hr. Eff: 1/12/91

Circuit Court (Releases)

Betty Craig Prob. Counselor \$5,463/Yr. Eff: 1/14/91
Karen Altman Part Time \$5.00/Hr. Eff: 1/11/91
Pamela Jacke Part Time \$5.00/Hr. Eff: 1/11/91
Amanda Busan Part Time \$5.00/Hr. Eff: 1/11/91

Community Corrections (Appointments)

James Worley W/R Officer \$18,059/Yr. Eff: 1/14/91
Charles Locke W/R Officer \$17,199/Yr. Eff: 1/14/91

Community Corrections (Releases)

Jams Worley W/R Officer \$17,199/Yr. Eff: 1/14/91
Charles Locke W/R Officer \$18,059/Yr. Eff: 1/14/91

County Clerk (Appointments)

Patti Job Dep. Clerk \$13,680/Yr. Eff: 1/16/91

Cumulative Bridge (Appointments)

Frank Hassel Technician \$15,064/Yr. Eff: 1/23/91

Superior Court (Appointments)

Debbie Wallace Court Reporter \$22,562/Yr. Eff: 1/21/91
Terri Golding Riding Bailiff \$17,341/Yr. Eff: 1/21/91

Superior Court (Releases)

Debbie Wallace Riding Bailiff \$20,073/Yr. Eff: 1/18/91

RE: REQUEST TO UPGRADE SECTIONS OF ROSENBERGER AVENUE
AND HOGUE ROAD

Betty Lou Jarboe, City Clerk, said she came to ask the Commissioners to take a look at Rosenberger Avenue and Hogue Road. Since the opening of the University Shopping Center on the West Side, Rosenberger is an access road into the University Shopping Center and that prevents people from having to go out onto the highway. It is very narrow and very dark and the traffic has increased dramatically. Also, people are coming in on Hogue Road to get onto Rosenberger and that is a narrow road. She was wondering about the possibility of upgrading sections of both of those roads.

Ms. McClintock said the Board will be happy to ask the County Engineer to do that and come back to the Commissioners with a report in a couple of weeks.

Mrs. Jarboe said it is so dark in there -- and there are ditches on both sides.

Ms. McClintock said she will ask them to look at it at 8:00 p.m. and thanked Mrs. Jarboe for her comments.

RE: COUNTY EMPLOYEES/WORK HOURS

Betty Hermann, County Council Vice President and Chairman of the Personnel Committee, said she is here for purposes of requesting consideration in a time change for working hours for the County employees. Instead of working from 8:00 a. m. to 5:00 p.m., to work from 8:00 a.m. to 4:30 p.m. The people who work in the Civic Center have been asking if they take a half hour lunch if they can work from 8:00 a.m. - 4:00 p.m. If they take an hour lunch, they will work until 4:30 p.m. We are the only County in Indiana that works until 5:00 p.m. We have also done a Cost Study on keeping the offices open an extra hour and there is very little business in any of the offices. They would like to come back before the Commissioners next week after the Attorney has done his homework to see if it would be feasible for the Commissioners to give consideration to the 8:00 a.m. - 4:30 p.m. working hours. She has talked to different officeholders, elected officials, etc., and this can be worked out in the individual offices. They, too, have no qualms.

Commissioner Borries said, "I don't understand, Betty. You are saying -- as a County Council person, don't you give raises and weren't there salary adjustments made based on extra hours? Are you talking about then removing money?"

Mrs. Hermann responded, "No, I am not asking them to remove money."

Mr. Borries asked, "Are we going to pay them more to do less?"

Mrs. Hermann responded, "No. If you remember, Mr. Borries, we were working from 8:00 a.m. to 4:00 p.m. and we did not adjust the salaries when we changed the work hours for employees to work from 8:00 am. - 5:00 p.m."

Commissioner Borries asked, "Well, in effect, before wasn't there a lunch hour that was included within that 8:00 a.m. to 4:00 p.m structure?"

Mrs. Hermann responded, "Yes, and this worked fine for many years and there was no new rule written other than when the Job Study was put in at one time..."

Mr. Borries asked, "Wasn't there some discussion as to how many hours were worked and what constituted a work week? The definition of a work week was a critical element in this."

Mrs. Hermann responded, "Which we would not be changing. If we changed back from 8:00 a.m. - 4:00 p.m. we would be changing this."

Mr. Borries said, "If we change from 8:00 a.m. - 4:30 p.m., then how much time are we working in relation to our lunch hour?"

Ms. McClintock stated, "Eight hours, with a half hour lunch."

Mrs. Hermann said, "Yes. So the people who take a half hour lunch -- if it can be worked out in the office -- this is what most of the young people here in the Civic Center who have families have requested. I'm sure many of you have received phone calls and letters and petitions."

Mr. Borries asked, "But couldn't we still look at an alternative -- this is something we can consider. I thought you said we were going to have an hour lunch and work from 8:00 a.m. - 4:30 p.m."

Mrs. Hermann responded, "No, no, no. It would be a half hour lunch. The offices would be open from 8:00 a.m. - 4:30 p.m. It can be worked out equally between the offices if you take a half hour lunch...."

President McClintock interjected, "Hold it. We've discussed this and Mr. Hunter has been lobbying me on this issue and what I have indicated all along is that we have a volunteer who is Vice President of Human Resources for one of the finest institutions in town and he is going to spend a lot of time looking at personnel matters County-wide. We have not asked him to look at individual employees. We have asked him to look at policies like this. And I think it would behoove us to look at this in relationship to other benefits that we might be offering County employees or we might have proposed to offer County employees."

Commissioner Borries agreed and said this County is the fourth largest in terms of the delivery of services. This Board is only required to meet, by law, one time a month. Because of the press of business and the amount of information, as well as services that have to be provided in this County, we literally have to meet once a week. That is the purpose of that. He certainly understands and is sympathetic here, but if we're talking about taxpayer dollars and paying in terms of extra hours worked, aren't we talking out of both sides of our mouth if we suddenly are now increasing our pay but now going back and working less hours? How do we justify that?

Ms. Hermann responded, "We would not be working less hours."

Commissioner Hunter asked, "Did you originally work 37-1/2 hours per week?"

Both Ms. McClintock and Mrs. Hermann responded, "Yes, forever."

Mr. Hunter said, "And through the Job Study it was increased to 40 hours per week?"

Ms. McClintock and Mrs. Hermann jointly responded, "Yes."

Commissioner Hunter continued, "Now, my first question is, was there any increase in salary for that additional hour's work per day?"

Mrs. Hermann responded, "No."

Commissioner Hunter repeated, "The answer is no."

President McClintock said, "Well, we're not going to settle this."

Mrs. Hermann said, "No, I am just asking, so our attorney can do some research.."

Ms. McClintock said, "And I appreciate that. We need to do some research on it, because we've had one other opinion. And Betty (Hermann) is on the Personnel Committee and the Job Study Committee and, hopefully your work will be completed in six to eight weeks and we'll have a whole picture of proposals to come back to this Commission and that can be considered at that time. This is something I've already mentioned to Jeff. I've told him he's going to hear this over and over again. So it is something he is aware of."

Commissioner Hunter said he guesses he has two thoughts on this. First of all, he's concerned about these folks getting home at a reasonable hour if they have small children. He's also equally concerned that there be some way that, if this were cut back, we could see either an increase or at least the same level of productivity. There has to be some visible sign -- some means -- by where you could justify it. I'm trying to figure out how that could be done.

Commissioner Borries said, "It's real simple, Don. If you say that you're for extending tax dollars in defining the work week (and you have an Attorney here that works for that). You see, we got into a lot of discussion about the Job Study which you need to research and go back and look at."

Ms. McClintock and Ms. Hermann said, "We are."

Commissioner Borries continued, "Well, you need to go back and do some more. Because if you want to define the work week as 37-1/2 hours, then anything the employees work over that you have to pay overtime for. We have to give some compensatory time. Now, employees today are working for more money than they did last year. Is that correct?"

Mrs. Hermann said, "That is correct."

Mr. Borries asked, "And you are saying that is not a raise?"

Mrs. Hermann said, "Well, it was never put in the form of a raise, Rick. I know where you're coming from."

Mr. Borries continued, "Well, if you are working for more money this year than you did last year....."

Mrs. Hermann said, "Well, sure we are -- because of the cost of living and their.....but not for a raise per se."

Mr. Borries said, "Well, but you have to define the salary adjustments made."

Mrs. Hermann said, "I'm just here to go on record, because I can find you all in a body here; and also so the Attorney can do some research. I am here on behalf of the people who work in this building and, also, being the Personnel Committee Chairman, I feel I should speak on their behalf. So if you can get back with me."

Attorney Wilhite said he will research the matter and President McClintock asked that he give the report to Mrs. Hermann. She then thanked Mrs. Hermann for her comments and said they are appreciated.

There being no further business to come before the Board,
President McClintock declared the meeting recessed at 8:20 p.m.

PRESENT:

Carolyn McClintock, President
Don Hunter, Vice President
Rick Borries, Member
Jeff Wilhite, County Attorney
Sam Humphrey, County Auditor
Greg Curtis, County Highway Engineer
Jerry Riney, Supt. of County Bldgs.
Margie Meeks, Commission Office
Barbara Cunningham, Area Plan Commission
Mark Tuley, Manager/Burdette Park
Roger Elliott, Data Processing
John Kirwer, Auditorium Manager
John Spells, Tuff Lites, Inc.
Gary Kercher, County Engineer's Office
James Loehr, Petitioner/Rezoning
Tom Titzer, Citizen
Betty Lou Jarboe, City Clerk
Betty Hermann, County Council/Personnel Committee
Others (Unidentified)
News Media

SECRETARY: Joanne A. Matthews


Carolyn McClintock, President


Don Hunter, Vice President


Rick J. Borries, Member

MINUTES
COUNTY COMMISSIONERS MEETING
JANUARY 28, 1991

I N D E X

<u>Subject</u>	<u>Page No.</u>
Meeting Opened at 3:00 p.m.	1
Approval of Minutes	1
Authorization to Open Bids re Union Township Access Expansion Project	1
Request to Advertise for Office Equipment/County Morgue	1
Occumed Program/St. Mary's - Maureen O'Connor	1
Earthquake Study - Roger Lehman	3
(Approved going on Council Call for \$22,500 for County's share -- City funding already in place)	
Sale of County-Owned Surplus Real Estate (No bids)	8
New Ordinance re Health Insurance for Retired Sheriff's Deputies, etc.	8
(To be advertised, with First Reading on 2/19/91 and Final Reading on 2/25/91)	
Burdette Park - Mark Tuley	9
1991 Rate Schedule approved Approved implementation of 10% Catering Fee	
County Engineer - Greg Curtis (No Report)	10
County Highway Garage - Cletus Muensterman	10
Vanderburgh Auditorium - Lighting System	10
Mr. Fred Brown of STTV working on two proposals following survey of user groups and will submit same to the Board	
Travel Requests (Approved)	11
Health Department, Weights & Measures, & County Auditor	
Petition to Vacate Public Easement/2100 Lexington Rd. in Kauai Industrial Park	11
(Public Hearings scheduled 2/19/91 at 6:00 p.m.)	
Sheriff - Monthly Report	11
County Attorney - Ted Ziemer	11
Raymond E. Slaughter Condemnation Proceedings Opinion re removal of equipment at Auditorium by STTV	
Proposed Ordinance re Benefits for Sheriffs' Deputies Employment Agreement between County & Andy Easley (T. Ziemer to prepare Resolution and Resolution & Agreement to be simultaneously approved by the Board; will also require Amendment to Salary Ordinance for position and payment of \$20.00/hr. -- to be coordinated with Council.)	
Approved Specifications for office furniture for Superior Court	

Employment Agreement between County & Charles Davis;
 No Resolution required; however, will need to
 coordinate amendment to Salary Ordinance for slot
 and salary.
 Attorney is looking after the County with regard to
 a mortgage foreclosure action
 Opinion provided to John Harl re Salary Ordinance
 to provide certain Health Dept. medical care providers.
 Transmitted Quitclaim deeds (2) to Commissioners re
 property sold to Metropolitan Development Commission
 Made recommendations re proposed modification to Lease
 Agreement at the Auditorium and Board approved
 modifying the lease with Vee Corporation. Mr. Kirwer
 instructed no further modifications to be included
 in lease agreement without the approval of the Commission.
 Submitted contract between Commission, Council, and WNIN-TV
 for televising Commission and Council meetings. (To be
 executed 2/4/91 when Commissioner Borries returns.)
 Recommended Commission execute AT&T contract; and returned
 agreements re Community Corrections Program (Circuit
 Court), as well as proposal from J. E. Shekell re
 heating coil for Auditorium lobby and voiced no
 objections to same. (Ms. McClintock instructed
 Mr. Kirwer to proceed with the coils and bring Mtce.
 Agreement back to the Board for their approval.
 Approved the matter of form with regard to Resolution
 authorizing Burdette Park Manager to negotiate leases.
 C. McClintock to confer w/M. Tuley to determine how
 often he does this. Board is uncertain whether they
 want Mr. Tuley negotiating fees without first coming to
 the Commission.

Reading of Bids re Union Township Access Project	14
(Bids taken under advisement by County Engineer, who will make a recommendation in two weeks (2/11/91))	
Caranza Sewer Project - Jeff Harlan	15
Board accepted four (4) easements from James Morley, with the provision that he does not have to pay the assessment for the new sewer.	
Request for Transfer of Funds/County Attorneys Salaries ...	16
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Attorney Glenn Deig to be at next week's meeting re new procedure for collection of Alexander Ambulance fees	
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(Attorney Wilhite will respond with regard to the appeal letter of Irene Mastison at a later date.)	
Acceptance of Check - Zeidler Floral Company for parcel of Real Estate	16
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Meeting Recessed at 4:35 p.m.	17

MINUTES
COUNTY COMMISSIONERS MEETING
JANUARY 28, 1991

The Vanderburgh County Board of Commissioners met in session at 3:00 p.m. on Monday, January 28, 1991 in the Commissioners Hearing Room, with President Carolyn McClintock presiding. Commissioner Rick Borries was absent. Commissioner McClintock welcomed all attendees and directed their attention to the meeting agenda. She subsequently introduced various County personnel including the following: Ted Ziemer, County Attorney; Greg Curtis, County Engineer, Margie Meeks, Executive Assistant to the Commission; and Joanne Matthews, Secretary to the Commission. She said County Auditor Sam Humphrey will arrive momentarily.

RE: APPROVAL OF MINUTES

Upon motion made by Commissioner Hunter and seconded by Commissioner McClintock, the minutes of January 22, 1991 were approved as engrossed by the County Auditor and reading of same waived. So ordered.

RE: AUTHORIZATION TO OPEN BIDS RE UNION TOWNSHIP ACCESS PROJECT

Upon motion made by Commissioner Hunter and seconded by Commissioner McClintock, the County Attorney was authorized to open the subject bids. So ordered.

RE: REQUEST FOR APPROVAL TO ADVERTISE FOR OFFICE EQUIPMENT FOR THE COUNTY MORGUE

Ms. McClintock said she has a letter from the County Coroner, Charlie Althaus, indicating he would like to advertise for bids on February 7 and 14, with bid opening on March 4, 1991.

Upon motion made by Commissioner Hunter and seconded by Commissioner McClintock, the request to advertise for bids was approved. So ordered.

RE: OCCUMED PROGRAM/ST. MARY'S - MAUREEN O'CONNOR

Commissioner McClintock said the Commission had requested that Ms. Maureen O'Connor of St. Mary's present a brief update on the Wellness Program report she submitted to the Commissioners.

In summary, she said that last January the Commissioners decided to fund not only the Work Comp and Pre-Employment Physicals for the County, but also an ongoing Wellness Program on an annualized basis for County employees. In particular, those employees at the Auditorium, the County Garage, Burdette Park, and the Sheriff's Department -- those people initially -- and then perhaps expand it to Township offices, etc., beyond that. It was funded by the Council in April, received State approval in May, and in July they submitted a Wellness Proposal to Jerry Riney, which was brought before the Commissioners to review insofar as their suggestions as how best to start an ongoing Wellness Program. One of the things you want to do if you are going to do a prevention program is identify your risks of your population. Their recommendation was to start off with a Health Fair, screening for some common risk factors -- these being pulmonary function, blood pressure, cholesterol, and glucose or

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blood sugar, and also to do a questionnaire health test to find out from the people their lifestyle factors, family heredity, other things that can feed into personal problems. Those programs were all coordinated through Cindy Williams in their Health Matters Center, but she could not be here today. Basically, in October and one date in November they screened 175 County employees for those factors. This was entirely voluntary, so they did not have 100% participation. She thinks as the knowledge of what they were doing grew, where they went the number who participated also grew. At the earlier sites they were wondering what was going on, then they got into it. Prior to that they also did poison ivy shots in the Spring (for those who are exposed to poison ivy, so they wouldn't be off work with bad cases of that). As part of the Health Fair they also offered flu shots so, hopefully, cases would be kept to a minimum so people wouldn't lose work as a result of the flu.

What was sent to the Commissioners (she thinks it was sent last week) was a lot of statistical information that is really quite interesting about the employees. It is broken down by the Garage, the Sheriff's Department and the Auditorium is a mixed bag, because a lot of different people went there who didn't pick it up other places. Thus it included township people, people from here in this building, etc. Then, an overall summary report from the County. The Commissioners received two (2) reports; one is an organization summary for each sub-group and then a management summary. The organization summary simply collated the answers of everybody involved. So it would tell us how many have a family history of this; how many have elevated cholesterol; how many are overweight, etc., how many don't wear seat belts -- all kinds of things that become of interest. There is no individual information, because this is all confidential information that the employee puts in. This is just summary information. Of interest is the fact that of that 175, 38 were in the high range on cholesterol; 69 in the high range on blood pressure; 15 on the high range for blood glucose -- those are all controllable factors, and if those people go in and work with their doctor to bring those within proper ranges, our chance of lowering future health costs is much improved -- and that is the whole goal of a program like this.

"The Management Summary then takes that information and suggests to you, the employer, how best you can assist your people in improving reducing the risks that have been identified. Basically it listed risks such as positive ways to manage stress. So stress is a high factor among county employees. And then there was fat in the diet, desirable weight, etc., down the line. From this Management Summary then, we will be able to come back this year and make a recommendation on what we should approach next, now that we know what the risks are -- at least in the group that participated. Where can you get the most value for the dollars you intend to spend annually to assist your people in living the best possible lifestyle? From talking with you all, I think we will be working with Betty Hermann on that initially, as sort of a person who has those personnel interests. We will be working with her to come up with some recommendations, which will then go through whatever process -- that is to have everyone else agree with it. But that is where things stand. I would think that on some routine (every two years, every three years or whatever) you would re-do this kind of a health test, because the computer program that is used can then tell have you improved over your initial readings? Where do you stand now? Have your programs had an impact? If so, you should be able to see that in your results."

President McClintock said, "We have now (as of half an hour ago) established a committee within the Health Department. They had a committee of City employees and are now County employees for their wellness program. So I think we definitely need to get a copy of this summary to those individuals. And it probably would

be a good idea for you to contact the Health Educator in the Health Department that is in charge of that program and see how we might be able to coordinate some programs."

Following further brief discussion between Commissioners Hunter and McClintock, the Board requested that Ms. O'Connor send a copy of the information to the Health Educator. In response to query from Commissioner Hunter, Ms. O'Connor said everybody who participated in the screenings participated in the questionnaire. There were 175 participants in the screenings and the possible number of participants was in the two hundreds -- something like 220 or 230.

Again, in response to query from Commissioner Hunter as to whether they had access to County records insofar as absentees, illnesses, etc., to see if there was any type of correlation between what they found and what the employee's work record was, Ms. O'Connor said, "No. In fact, I think a very important thing with the Wellness Program is the fact that the people understand it is totally confidential -- because then they are willing to share confidential information with the understanding it will not be shared. That would be an interesting statistic -- and she supposes if the County had them sign releases at some point, that could be correlated. Again, she would recommend the health test screenings be done every two or three years. But now that we know what our risks are, let's see what we can do to reduce those risks. See what we can get them to do to reduce cholesterol; see what we can do to get them to reduce their weight -- and then see if within three years from now those programs have been productive -- which is the ultimate goal. If they are productive we should see some reduced risks.

In answering Commissioner Hunter's query concerning funding, Ms. O'Connor said the program was funded at \$8,000 per year. The Health Fair itself for these people cost \$5,572.00. The poison ivy shots were additional -- but that was less than \$200 as she recalls (again, that was voluntary). She would say that is about the range they will work within. We have the funding where we matched funding out of our monies that are set aside to pay insurance claims (the loss fund), with the understanding that if we are reducing potential losses it makes sense to use some of that money for prevention. That is where the funding came from. It's a great program and the employees should appreciate it.

RE: EARTHQUAKE STUDY - ROGER LEHMAN, BUILDING COMMISSIONER

The meeting proceeded with President McClintock introducing Mr. Roger Lehman, Building Commissioner. Mr. Lehman said he appeared before the Commissioners last August and presented some information to the Commissioners concerning a Study that was being proposed by the Indiana Geological Survey to better help us understand how our soils will react under seismic conditions and how, therefore, buildings and other structures may react to seismic conditions. At that time the Commissioners approved and passed on to the Council the request for funding. Up until last Friday he assumed it had been taken care of. Obviously the funding was never put into place and now he is here to do it again. He has given the Commissioners basically a copy of what was submitted at the last go round, because none of that has really changed other than there has been some additional study done through a grant by the State -- a \$10,000 grant, which permitted us to do five drilling sites in Evansville and get us some preliminary information from those.

Today he would like to introduce from Bloomington, the Indiana Geological Survey, the State Geologist, Dr. Norman Hester, and also Don Eggert, a Staff Geological Technician from the Survey and he would ask them to come to the podium for purposes of answering questions or sharing information -- whatever the Commissioners would like at this time.

In response to query from Ms. McClintock as to whether the Study has been started, Mr. Lehman said it has been started with State funds. It was funded to the tune of \$10,000 for 1990 -- so that part has almost been completed. The holes have all been drilled, but the information is not quite totally put together yet from that portion of the study. The City and County portion of the funding would be to expand that study from the five sites (which were the hospitals, the Civic Center, and the Sheriff's Sub-Station) to include the entire county -- so we would determine this information not just for a few buildings, but get a map of the City and the areas that may be more susceptible to danger than others. The other two gentlemen can best relay details as to what has been done to date.

Mr. Hester said, "I've been supportive of this program since I came to the Geological Survey four and a half years ago and I might add that we just started getting support after the so-called prediction was made by Iben Browning. So some things have really happened that allowed us to get much more activity started in this area that we had in the past. Four years ago we sent a proposal to the Geological Survey for funding which failed, but we're still trying to get matching funds. We have another proposal into them. The work that we've done this past few months was through the Indiana Department of Fire & Building Safety and was part of a larger plan. But as a result of that funding and the dedicated effort we have put in through the Geological Survey (internal funding) we have probably taken 75% or maybe more of our effort to concentrate on the Greater Evansville Area, because we figure that is where the greatest risk is in the State of Indiana. Don Eggert is directing the whole program and, as I said before, I am very supportive of it -- but I would really prefer that he talk to you about the specifics of the program -- and I will be glad to answer any questions I can."

Mr. Eggert said, "I don't know exactly what kind of questions you might have of us, but we will do our best to answer any questions you may have."

Ms. McClintock asked if they're studying any other areas in the State -- or is this just Evansville-Vanderburgh County?

Mr. Eggert responded, "Presently we have a contract with the Indiana Department of Fire Prevention & Building Services to study seven (7) other additional urban areas, as well as Evansville."

Ms. McClintock asked who is providing funding for that.

Mr. Eggert said the Department of Fire & Building Services is providing the funding. They are doing this at some other sites also under that same grant.

Ms. McClintock asked, "The State is not going to be paying for this additional study that you want to do in Evansville and Vanderburgh County?"

Messrs. Lehman and Eggert confirmed that is correct.

Ms. McClintock asked, "What would we expect once the Study is done and you have compiled this report -- what happens then?"

Mr. Eggert said, "I was telling Roger this morning that California and Washington State are two of the fastest growing states in the country insofar as population and urban development -- and they probably have far more problems seismically than any other states in the country. They solve their problems largely via engineering and geological research. Our aspect of it at the Geological Survey is to identify where you have a soil that is

going to be behave differently. In some parts of the community -- we were involved a little over a year ago with the McCutchanville portion of the county -- and much of the uplands of Vanderburgh County (where the soils are very thin) will behave very much more favorably in an earthquake than in places in the county that have very thick soil situations. What our work -- including the preliminary work we did with this fall here in Evansville -- is to get actual numbers we can start working. With the money (if it is provided by the County and the City) our College of Civil Engineering at Purdue are submitting a grant proposal to the U. S. Geological Survey & Earthquake Hazards Program to do further engineering work on the data that we are proposing to generate between the term of the contract with your organization. Ultimately down the pike we would expect that the data we are collecting will end up in being able to identify how the different parts of the county and city will respond during a strong earthquake. Similar types of work have been done in both Los Angeles County and San Francisco County. They have a very joint effort between geologists, engineers, and seismologists and the upshot was they were able to predict the neighborhoods that would see the more severe damage versus the neighborhoods that would have less damage. So the idea is to develop a mitigation against earthquakes and the basic starting point is knowledge of the nature of the soils and then that data goes to the engineering community, who can then design their buildings to either be more safe at that type of location or perhaps a decision to move within the community at some place that is a little different soil setting. So it is basic information that will go into the civil engineering design of future buildings to be more resistant to earthquakes -- so that is where we hope to go."

Commissioner Hunter asked, "Don, do you feel that Evansville, by virtue of where it is in relation to the New Madrid fault is probably the most likely candidate for a serious earthquake as opposed to the rest of the state?"

Mr. Eggert responded, "Yes, that is exactly why we are focusing so heavily on Evansville at this time. We are a relatively small agency -- Dr. Hester will testify to that any day. So we have limited resources ourselves. We made the decision that this area was of greater risk by its proximity to both the New Madrid and its proximity to the Wabash Valley faults, and the activity that occurs in the Wabash Valley. So we would say that this urban area is by far at higher risk than the other urban areas in the state. That is why we are putting most of our eggs in this basket right now."

Mr. Hunter said, "You have mentioned at least three times your concern about soils in this area and this occurs if you have sandy soils?"

Mr. Eggert responded, "Sandy and silty soils. Clay soils, such as in some of the lake basins in Evansville, we do not expect to see significant problems with."

Mr. Hunter asked, "Do you have any idea what percentage of the soils would be at risk if we did have a 6 or 7 on the richter scale earthquake?"

Mr. Eggert said that is kind of a loaded question. He would say where we're in such a preliminary state of knowledge that it is pretty dangerous ice to be skating on. But he would say that we are probably looking at less than one-third of the County, particularly down along the Ohio River, that he would say there would be a greater risk. In the lake basins and upland areas soil liquifaction is extremely unlikely event. It would really take one hell of an earthquake at the epicenter right here in Evansville almost in order to get that stuff to liquify. It would shake like crazy. Also a point to make is that not just to

worry about soil liquifaction, the thick soft clay that is in the lake basins can destroy a building simply just on severe shaking alone without having any soil liquifaction involved. So shaking risk is also going to be true for the thick sandy soils, as well. Without that severe shaking you are not going to have a liquifaction.

Mr. Hunter asked, "So as a result of this extra money, you can identify what area of the soils would be extremely difficult to deal with in terms of an earthquake, and from that we could design building codes that would make the structure safer? Is that what we are saying here?"

Mr. Eggert responded, "It is going to take a number of years to come to that level. One of the things we've been doing right now is taking engineering borings from Interstate 164 and the engineering borings for the Lloyd Expressway, as well as some of the other miscellaneous engineering borings we've gotten from different people in the community. From those we are looking for particularly soft sands and we hope that we will be able to set up a data base where we can identify those, both geographically and quickly. The key thing right now is that if we get funded here and John Lieu at Purdue Civil Engineering Department gets his grant approved as well, we will have additional money to do additional laboratory work which will answer that question probably a lot better than what we are able to at this time. You've got to start someplace."

Mr. Hunter asked, "At what point do you feel that you would have acquired enough data that you could give the feedback in our direction and we could be utilizing this data to begin to develop a plan of sorts, an emergency kind of plan if we were hit in the areas where the greatest amount of damage would occur?"

Mr. Eggert said he thinks they will have a pretty good idea within a year -- that they will be starting to see things. They've seen a lot of things with the data they've gathered. He was just telling Roger this morning that some of the things they found were more comforting than derived from some of the information in the past -- that some of the sites were somewhat better off than they had expected them to be. But from what he is being told by his colleagues at the U. S. Geological Survey, there is enough just from the data already available to us to say that there is going to be significant variations in response in the event of a major earthquake. Without any funding from anybody other than internal funding since 1987, they did a survey find on the June 10, 1987 earthquake in the urban area and they are still trying to process some of the data from there into a more manageable form. They had four neighborhoods where they had an idea of the geology. Two were thick bed rock, where the soils were very thick; and two where the soils were very thin. And they saw from that data that there definitely was a much stronger response where the soils were thicker and the shaking was more severe. What they are hoping is that if the people in the community -- both on the building side and also on the emergency response side were targeting mitigation -- they are hoping that any buildings built in the future are built more safely. But on the other side of the coin we have the people in the Fire, Police, and Emergency Medical, and they need to know when something does happen where there is going to be more need for their services, as well. So our data will fork in those two different directions to identify to the emergency planners as well as to the people who plan buildings.

Mr. Lehman commented, "One of the hospitals that participated in the initial study has been in the process recently of developing a five year mitigation plan for some of the hazards that were recognized because of the some of the information from the study. So it is not only new buildings, as Don said, and not only emergency management -- but also an existing building that people

are aware there are certain things they can do if they are in a high hazard area that might not cost a lot of money, then they can begin to take those steps. If it is in an area that is recognized as probably not having much of a problem, then there is no point in them spending a lot of money on different things. So, again, this will help in the area of existing buildings as well as new, as well as help us market resources as well as emergency response."

Mr. Hunter asked if they will be able to use any of the data they collected in the McCutchanville area in this?

Mr. Eggert responded, "Yes. We got to see, particularly on Kansas Road, a transition from the upland area (McCutchanville, where you have soils maybe only 5 ft. thick) down to places where soils were into 70 ft. and 80 ft. thick. And they had access to the Highway Department's engineering borings. From those they can really see changes -- they can roughly measure or estimate from the engineering borings the syreway velocity and the soil periods. The soil periods in McCutchanville indicated very rapid shaking, whereas in the Pigeon Creek bottomland in the event of a major earthquake they would definitely expect to see a much longer period of shaking. And typically, the longer the period of shaking the more likely it is to do structural damage to a building."

Dr. Hester interjected, "In response to question as to how soon we can be expected to use the data, I think in a regional way we can already start to use it -- because we are already so far ahead of where we were a year ago, it might seem incredible. We knew a lot about the general thickness of these soils over 100 ft. thick in some parts of Evansville. We knew something about the general distribution of those and the thickness, but we really didn't know much about the engineering propoerties. The engineering companies did and we now have that in our data base. I would say that a few months from now -- especially with funding which would allow us to put in a larger effort -- I think we could make some significant strides forward in providing information to the planners -- to Roger. And this gives me an opportunity to say we don't really want to be involved in interpretative work early on. I think it is not the responsibility of the Geological Survey to get involved in legislating certain things about building codes. We're going to provide a data base, a packet of facts that any planners could use for the area -- just as they have in the California area."

Mr. Hunter said he was just thinking of something he saw last week re the Comprehensive 2010 Plan and the emergency response buildings. . He is sitting here thinking of the very worse scenario, because we know it is not a matter of "if", we know it is a matter of "when" it occurs. How quickly could we find out if any of the emergency response buildings in the County are on these really bad sites in terms of an earthquake? We'd certainly hate to lose a lot of emergency response equipment in a matter of seconds. In other words, should we give you a copy of that report which identifies those and then you can....."

Mr. Lehman interrupted, "I think we've got some of that in that we provided them a map with the fire stations, schools, and those types of buildings."

Mr. Eggert said if they had the engineering borings for any of the structures those would help. At the time they wrote up the proposal initially, it was stressed where they would collect their data points -- hospitals, schools, publicly owned buildings (police stations, fire stations, the Jail) and one of the first buildings they drilled was this building. So they have an idea now about the soil that they did not have. Roger came up with the engineering borings done when this building was first in the planning stage and today if the building was built it probably

would be more sophisticated. But that was twenty some years ago when those drillings were done. But they now have a pretty good idea of how the soil would behave, which is a start as to how the structure would behave.

Commissioner Hunter voiced the opinion that step one would be to learn if our emergency response teams are located in bad situations? Could they get back to us as quickly as possible on this?

Mr. Eggert said they had planned in the program to drill at the more critical facilities first -- the high priority was placed on structures that would be considered to be of strategic importance to the community.

Mr. Lehman advised the City has their money in place as of now, so he supposes of regardless of what the County does they are probably going to proceed with at least a portion of the program -- obviously that would not include outside the City limits. But it would make it much easier if there were a combined effort and get the County as a whole all at one shot.

Upon motion made by Commissioner Hunter and seconded by Commissioner McClintock, the Board approved the appropriation request be forwarded to Council for funding the earthquake study.

RE: SALE OF COUNTY-OWNED SURPLUS REAL ESTATE

The meeting continued with President McClintock asking if there is anyone present who wishes to purchase any of the remaining parcels of County-owned surplus real estate. There were no bids tendered and the sale will continue.

RE: ORDINANCE AMENDING BUILDING CODE RE FLOOD PLAIN MANAGEMENT

The Board then heard on First Reading the subject Ordinance. Upon motion made by Commissioner Hunter and seconded by Commissioner McClintock the Ordinance was approved. Final Reading will be held on February 4, 1991. So ordered.

RE: ORDINANCE RE HEALTH INSURANCE FOR RETIRED SHERIFF'S DEPUTIES

President McClintock said we have a newly revised Ordinance relating to health insurance for retired Sheriff's Deputies.

Lt. Pete Swain from the Sheriff's Department and Secretary of the Vanderburgh County Sheriff's Department Pension Board said they have another version of this Ordinance (a copy of which he provided Ms. McClintock last week). Mr. Hunter and Mr. Ziemer also have copies. Lt. Swain said there have been a couple of changes in the wording. One thing that was deleted was the provision for a number of people to whom they don't think this Ordinance applies. Quite frankly, there were a number of people added somewhere along the line and they don't know exactly how that happened -- but between the time this was originally presented and the time that it was passed in December. Another deletion was regarding payments for the Supplement Plan. They have also provided Ms. McClintock with a projection of those persons eligible for retirement within the next five (5) years. At the bottom of the cover page, they have what the savings are to the County if the insurance is provided, if it is not provided, and the difference between those two figures. He has also included a copy of an Ordinance they found in the process of researching some of this that was apparently passed in 1986 by the then Commission that provides health insurance to other County employees at age 55 after 20 years of employment -- that they did not know was in place. So he guesses basically since their retirement age is 50, this in essence is their version of that Ordinance for the other County employees. With the

difference in the funding notwithstanding, it is pretty much the same kind of situation with five years difference in the retirement age.

Commissioner McClintock said the Board has to set this for a Public Hearing and a second and third reading. She subsequently set First Reading on February 19th at 6:00 p.m. and Final Reading on February 25th at 4:30 p.m..

Motion to this effect was made by Commissioner Hunter with a second from Commissioner McClintock. So ordered. (She said she will get copies of the justification to both Commissioner Borries and Commissioner Hunter.)

RE: BURDETTE PARK - MARK TULEY

1991 Rate Schedule/Catering Fee: Mr. Tuley said last week he was here to discuss the 1991 Rate Schedule and the Commission requested that the Burdette Staff make recommendations to the Board this week. He is submitting same to the Board today (Copy attached hereto). There was brief discussion between the Commissioners and Mr. Tuley prior to adopting a new schedule.

Mr. Tuley said he talked with Jim Reis and he seemed to think that a 20% catering fee was a little excessive for the first year if Burdette is going to try to keep a competitive edge. He does picnics at Burdette and several competing facilities around the Tri-State area and thought 10% was very reasonable. This would also allow the Commission the opportunity to review it at the end of the first year and, if needed, to increase the fee. If we went ahead and charged 20% and lost some business, it might be a little harder to come back and lower it. His recommendation is 10% of gross amount.

If the Commission elects not to implement a catering fee, he would recommend the base rates for the Pavilion be raised. If we implement the catering fee, he would recommend the rates remain the same for the large pavilion.

Regardless of whether or not the catering fee is implemented, he is recommending the rental be raised on the Bishea Building (the largest enclosed building in the park, which was remodeled last year at a cost of approximately \$40,000) and Shelter #18 (which is currently being renovated at a cost of about \$30,000). They are recommending the fee for these two buildings be increased by \$25.00, raising the rental fees to \$225 and \$175, respectively.

Upon motion made by Commissioner Hunter and seconded by Commissioner McClintock, a 10% assessment of gross catering fee will be implemented at Burdette Park for a one (1) year period, and rental fees for Bishea House and Shelter #18 will be increased by \$25.00, with the rental fees being \$225 and \$175, respectively. So ordered.

Campground Rates: Mr. Tuley said they are recommending an increase to the following amounts:

Electric & Water	\$8.50/Day	\$51/Week	\$145/Month
Electric, Water & Sewer	\$10/Day	\$60/Week	\$170/Month
Tent Sites	\$5.00*		

*(Currently \$6.00; we are reducing rental by \$1.00.
They feel the \$5.00 is a reasonable fee.)

Aquatic Center: Their recommendation is that the general admission be raised to either \$2.75 or \$3.00 for age 3 and over, and the waterslide be dropped to either \$3.00 or \$3.25. The total cost to do both would still remain \$6.00. His staff feels the waterslide people have had to pay for most of the improvements. This way the cost of the new center, the new deck, the children's slides, etc. would be spread among all the users

of the facility. They feel this would be the most fair way to change pricing. In the past few years we've always upped the waterslide and left the general admission alone. When you look at the pricing of the other facilities around the country, we are still giving away the farm so to speak. Most of those places do have a one price admission. Of eight facilities, the lowest is \$7.95 and our combined price is \$6.00, plus he still recommends we continue the discount program we've been doing with Hardy's the past couple of years. On Mondays, Tuesdays, or Wednesdays, with a coupon from any Hardy's (you don't have to purchase the coupon, just pick it up) you can swim and slide all day for \$4.00. So the people who can't afford to pay the \$6.00 can come out any of those three days at a reduced rate.

Skating Rink: His recommendation for the skating rink is that fees remain unchanged and private party fees remain the same.

Upon motion made by Commissioner Hunter and seconded by Commissioner McClintock, the general admission for the Aquatics Center is to be \$2.75 for age 3 yrs. and over and cost of waterslide is to be set at \$3.25 -- with the total Aquatics Center package remaining at \$6.00.

RE: COUNTY ENGINEER - GREG CURTIS

President McClintock said Mr. Curtis indicated he did not have a report today.

RE: COUNTY HIGHWAY GARAGE

Copies of Mr. Muensterman's Weekly Reports were accepted.....reports filed.

Flood Damage: Ms. McClintock queried Mr. Muensterman re his letter concerning flood damage. He asked that we hold it. They are going to let us know what percentage they will be able to pay or what we've done down there.

RE: VANDEBURGH AUDITORIUM - LIGHTING SYSTEM

Mr. Fred Brown of STTV, the lighting contractors for Vanderburgh Auditorium, said there were some problems that existed last year and were brought to the attention of the Commission. Those problems have been addressed and no longer exist. There have been no problems at the Auditorium in reference to the lighting system since December 24th. As stated at the last meeting he attended, most of the problems were due to operator error. They have scheduled and will schedule additional training sessions for Auditorium staff members so that everyone is up to speed on how everything runs and they do not push the wrong buttons at the wrong time.

Mr. Brown said he is currently working on compiling two lists or two proposals to be presented to the Commission for Phase II on the lighting system at the Auditorium. One is a "need to" list and one is "wish" list. He is talking with individuals from the City Schools, people from the Philharmonic, Stagehand's Union, Civic Theater, and Vanderburgh's in house personnel to compile this list. It will then be up to the Commissioners to decide what is best and affordable for the County.

Ms. McClintock thanked Mr. Brown and said they met about 45 minutes this afternoon and she knows they are making every effort to be sure we get this project finished in a timely fashion and she appreciates his willingness to get that input from the user groups for the Auditorium. She thinks that will be a big help and should eliminate any future problems.

RE: TRAVEL REQUESTS

Health Department Travel requests were submitted for Wallace Corbitt, Barb Sprinkle, Jo Sayle, Gina Bosard, Diana Dippel, Donna Berning, Jo Woods, Johnetta Finnerty, Ethel Daniels and Connie Block.

Weights & Measures: Three inspectors to attend 1991 Winter Training School.

County Auditor: Request from Sam Humphrey to travel as a representative of the Indiana County Auditors Assn.

Upon motion made by Commissioner Hunter and seconded by Commissioner McClintock the requests were approved.

RE: PETITION TO VACATE PUBLIC EASEMENT/2100 LEXINGTON RD
(KAUAI INDUSTRIAL PARK)

President McClintock said she has a Petition to Vacate a Portion of a Public Easement on the property commonly known as 2100 Lexington Road in Vanderburgh County.

Mr. Andy Easley said he is present for purposes of amending the legal description and they are willing to type the amended legal description or do whatever has to be done. This easement was a platted easement that ran across the south end of a lot in Kauai Industrial Subdivision. The Skyway Airport swapped a parcel to lengthen the runway with the owners of the subdivision. Now the easement runs across the middle of the north end of the runway. They would like to be a part of this vacation procedure.

Ms. McClintock said we need to advertise the Vacation, using the amended legal description. She entertained a motion.

Upon motion made by Commissioner Hunter and seconded by Commissioner McClintock, the public hearing was set for Tuesday, February 19, 1991 at 6:00 p.m. So ordered.

RE: SHERIFF - MONTHLY REPORT

The monthly report from the Sheriff's Department was submitted.....report received and filed.

RE: COUNTY ATTORNEY - TED ZIEMER

In reporting things that have transpired since his last meeting with the Commissioners, Attorney Ziemer cited the following:

- 1) They filed the Raymond E. Slaughter condemnation proceedings and have an indication they will be having their first hearing on that on February 8th and they will proceed with that.
- 2) They did research further the matter of the STTV removal of material from Vanderburgh Auditorium and attached to your report is our "official" opinion (if you will) on the title to that removed property.
- 3) Relative to the insurance benefits -- there may be substantive changes in the proposed Ordinance for those benefits for retired deputies, but even if you chose to go with what has been presented so far there would be some technical modifications that we would recommend.
- 4) They have prepared and are herewith handing the Commission a proposed form of Employment Agreement to be entered into between the County Commissioners and Andy Easley for his employment by the County on a part time basis as Assistant County Engineer, reporting to the County

Engineer. The substantive terms in the agreement were recommended by the County Engineer and they have prepared the agreement accordingly. It would require the adoption of a Resolution by the County that he be eligible for the health and life insurance benefit programs for full time employees. And then, to the extent permitted by law, he would be entitled to other benefits. He mentioned in his report that it is their opinion to be eligible for other benefits beyond health and life insurance would require the enactment of an Ordinance. (Ms. McClintock commented, "We don't want to do that.") In addition to the Resolution, there would be an amendment to the Salary Ordinance providing for this slot and the payment of \$20.00 per hour.

(Ms. McClintock asked if Attorney is going to prepare the Resolution before the Board executes the agreement. Attorney Ziemer responded, "Yes. I guess at this point we wanted to know if the terms of the agreement were satisfactory and, if so, they would go ahead and prepare the Resolution. Ms. McClintock said it looks fine to her. She asked if we could get the Resolution prepared and get with Council.)

- 5) Attorney Ziemer continued by saying they were asked by City-Council Purchasing to review the proposed specifications for office furniture for the Vanderburgh County Superior Court. Jeff Wilhite indicated to him that he had not done that at the last meeting. They have now reviewed those and find them to be satisfactory. Therefore, that can proceed at the appropriate time.
- 6) They have also prepared a form of employment agreement to be entered into between the County and Charles Davis.

(Ms. McClintock asked if a Resolution is needed for this?) Attorney Ziemer said it is not. This would be for his employment as Part Time Consultant on the construction for the County Morgue. Neither a Resolution nor an Ordinance would be needed in this particular case. But the Salary Ordinance will have to be amended to provide for the slot. Ms. McClintock said he needs to call the County Council Attorney. Attorney Ziemer said, "Again, the terms of this agreement were as recommended by the County Engineer.)

- 7) The County has been named a defendant in a mortgage foreclosure action and they're looking out for us in that respect.
- 8) They did prepare the opinion for John Harl that Madam President directed them to do in connection with the Vanderburgh County Salary Ordinance to provide for certain Health Department medical care providers.
- 9) They also provided an opinion for Joanne Matthews that it would not be necessary to advertise for meetings of Department Heads. He discussed that with her.
- 10) He has Quitclaim Deeds for purposes of transferring property from the County to the Metropolitan Development Commission, and this was previously authorized by the County and the deeds simply require execution.
- 11) At the request of Jack Kirwer they reviewed the Auditorium Standard Lease and a proposed modification of the Lease Agreement relative to liability, which was suggested by a prospective Lessee. They reviewed the language suggested and made some modifications and as

modified would be satisfied that the standard agreement could be modified to this extent. (Does Jack just take care of that himself? Ms. McClintock said, "No, we need to approve it. She asked that Mr. Kirwer come to the microphone. Mr. Kirwer said the only reason he sent that was to get your opinion as to if that is what we needed to do. This particular person wanted that in their lease. And if you thought this was necessary in their lease or anybody else's -- or all of them.

Attorney Ziemer responded, "We really would prefer not to include this in every lease. We're satisfied that it can be included from a legal perspective and the County's rights will be adequately protected. But I would prefer to stay with the Standard Form of Lease and then when questions are raised we will analyze it. But modified now just for this particular lease."

Ms. McClintock asked, "So, shall we do this or not?"

Attorney Ziemer responded, "Do it."

Ms. McClintock asked what the deal is with Sesame Street Live?

Attorney Ziemer said they are a large national touring group and they have requested that the standard lease be modified to provide that they won't be liable to us if something happens there due to our negligence. Our standard form of lease doesn't say that. And so it doesn't surprise me from time to time that somebody would mention that. They did and are currently saying that as a requirement of signing the lease they would like this language inserted.

Ms. McClintock cautioned Mr. Kirwer that the Board doesn't want this language included unless it is approved by the Commission.

Upon motion made by Commissioner Hunter and seconded by Commissioner McClintock, based upon Attorney Ziemer's recommendation, the lease with Vee Corporation is to be modified as requested. So ordered.

- 12) Mr. Ziemer said, "Finally, I have a contract to be entered into between the Board of Commissioners, Vanderburgh County Council, and WNIN T-V on their part the televising of County Commissioner and County Council meetings and airing those on Cable Television and WNIN and the payment by the County to WNIN for \$40,000 in two (2) \$20,000 installments for that service. They have modified the original suggested form of agreement to include some termination provisions that they thought better protected the County and reviewed those with the General Manager of WNIN, who indicates he has no objection to our revisions. This was approved previously by both County Council and the County Commissioners in concept, subject to a contract being prepared."

Ms. McClintock said she thinks we should put the approval for this on next week's agenda, because she can't vote on it for obvious reasons.

- 13) Jeff Wilhite, who attended the last meeting, indicated there were three (3) contracts the Commission was anxious to have a report on for this meeting (the AT&T Contract for use of public telephones; the agreements regarding the Community Corrections Program,

and the proposal of J. E. Shekell for heating coil for the lobby at the Auditorium. He asked him to hand these to Ms. McClintock, and say that they have reviewed these, and have no objection to any of them.

Ms. McClintock said Mr. Wilhite was to check these for form. What they want to do is enter the same identical agreement, but with Schmitt Refrigeration at 200 S. Governor, because Schmitt's bid was \$139.00 less for the coil and \$300 less per year for the maintenance agreement -- so it is \$439.00 cheaper. She entertained a motion.

Motion to this effect was made by Commissioner Hunter with a second from Commissioner McClintock. So ordered. She instructed Mr. Kirwer to have Schmitt go ahead and do the coils -- call them and tell them to fix that. However, he needs to come back with a Maintenance Agreement.

Upon motion made by Commissioner Hunter and seconded by Commissioner McClintock the annual contract with AT&T was approved. So ordered.

- 14) Finally, Attorney Ziemer said Mr. Wilhite asked him to hand her a 1985 Resolution authorizing the Burdette Park Manager to negotiate and execute facility leases at the Park.

Ms. McClintock said that is just something they wanted him to look at to see if we want to continue that policy. Because, in light of what we found out about the Auditorium, do we really want Mark Tuley negotiating fees without it coming past the Commission?

Attorney Ziemer said that is a Commissioners' decision. If they do not, then a Resolution like this would not be....

Ms. McClintock interrupted, asking that Mr. Ziemer hand the Resolution back. She will talk to Mr. Tuley to see how often he is doing this.

Attorney Ziemer said he thinks Attorney Wilhite is saying that the Resolution as it stands for 1985 is satisfactory as a matter of form, if the Commission decides they want to proceed that way.

RE: READING OF BIDS RE UNION TOWNSHIP ACCESS PROJECT

The meeting continued with Ms. McClintock asking Attorney Ziemer to read the bids tendered on the Union Township Access Project, as follows:

	<u>Prop. "A"</u>	<u>Prop. "B"</u>
Koester Contracting	\$2,980,653	\$ 0
John Manns	3,391,909	3,574,784
Blankenberger Bros.	2,947,986	3,158,123
Sam Oxley & Co.	3,393,879	0
Deig Bros.	3,503,842	3,681,586

Attorney Ziemer said all of the bidders had their Non-Collusion Affidavits and their Bonds, except in the case of the bond for Blankenberger for Proposal "B", the amount would not be quite enough. Their bond for Proposal "A" was satisfactory and all of the financial statements are in place.

Upon motion made by Commissioner Hunter and seconded by Commissioner McClintock, the bids were referred to the County

Engineer for his review with a recommendation to be made in two weeks (February 11, 1991). So ordered.

RE: CARANZA SEWER PROJECT

Attorney Jeff Harlan was recognized and said there are two purposes for him to attend today's meeting: First, to bring the Board up to date concerning the Caranza Sewer Project; and, secondly, to address one aspect of that.

The construction of the project is complete. He's been told by Mr. Veach of Veach, Nicholson and Griggs that all the construction of the project is complete. He's been told by Mr. Nicholson of VNG that all the requisite testing has been made on the sewer and evidently the Water & Sewer Department is satisfied. Before the latter will accept the project, they need to obtain all the easements. In the process of construction there were three (3) easements that were modified and we just recently obtained all three of those easements - so there is no problem with that. The last one is with Jim Morley who lives up on a hill and, because of the distance from where he lives to the sewer project, he is not required to tap in to his home. And we did get an easement from him over that property. He does also own four (4) unimproved lots over which an easement must pass and the sewer has been placed. His easement - he added language to the effect that he did not want to be responsible for any of the construction cost of the sewer -- and that kind of raised a problem that has been present throughout the process of constructing the sewers. How is this going to be paid for? And I think a decision was made some time ago that the cost was going to be borne by the people who actually have homes out there. There was some talk at some time to assess the front lots and at some time in the future if a home was constructed upon a lot to then try to get money out of that person. The County did not want anything to do with that given the nature of the Barrett Law statute, we just wanted to get the money -- and if the homeowners out there wanted to do that, that was up to them. Because there are several lots in that area (he would say seven to ten lots that are unimproved, including Mr. Morley's). But what he would like to get approval from the Commissioners today is to accept the easement from Mr. Morley over the four unimproved lots, with the understanding because there are no homes on the property that he will not have to pay any of the assessed costs of the sewer that has been constructed. There are other factors weighing in favor of that decision. If we did not accept it, we would have to condemn the property and that would take some time. Even if we did condemn the property we would have to pay Mr. Morley whatever the Court determined would be the cost of the easement. The approximate cost to each homeowner in the area is in the neighborhood of \$3,500 -- that was the most recent estimate we've had and his recommendation would be to go ahead and accept the easement from Mr. Morley and get these last easements recorded so the Water & Sewer Department will accept it, and shortly thereafter the Commissioners can accept it by statute and then we can proceed to prepare a list for Notice of Assessment for each homeowner listed, how much they will bear of the cost, and then that is published in the newspaper, a public hearing is held in front of the Commissioners, and at that time the Commissioners approve or modify the list of assessment and once that is done the homeowners are given the opportunity to pay the assessment within thirty (30) days or over a ten year time period -- just like you pay your normal taxes. And that is basically a thumbnail sketch of the remaining portion of this project.

President McClintock entertained a motion.

Upon motion made by Commissioner Hunter and seconded by Commissioner McClintock, the easements for the four (4) undeveloped lots belonging to Mr. James Morley were accepted, with the agreement that he does not have to pay the assessment for the new sewer. So ordered.

RE: OLD BUSINESS

Request for Transfer of Funds/County Attorneys Salaries:
President McClintock emphasized that the new County Attorneys are not going to take the County benefits, which will save the County about \$10,000 per year. However, we need to go on Council Call to transfer those Attorneys' salaries into legal contractual services. Same thing with the Drainage Board -- Legal Services to Legal Contractual Services.

RE: NEW BUSINESS

Ms. McClintock said Attorney Glenn Deig will be at next week's Commission meeting and he will have an agreement for a new system for collection of fees for ambulance service in the Treasurer's Office which will be much less expensive than the former way we were doing collections. He will be bringing a proposal to next week's meeting and she wanted to let everyone know that in advance.

RE: COUNTY TREASURER - MONTHLY REPORT

The monthly report for December, 1990 from the County Treasurer was submitted.....report received and filed.

RE: EMPLOYMENT CHANGES

County Clerk (Releases)

JoAnn Page	Dep. Clerk	\$14,144/Yr.	Eff: 1/25/91
Robin Mastison	Dep. Clerk	\$14,362/Yr.	Eff: 1/18/91

Area Plan Commission (Releases)

M. Irene Mastison Sr. Secretary \$19,042/Yr. Eff: 1/14/91

(Ms. McClintock noted Ms. Mastison had requested a hearing and Jeff Wilhite was to check to see what legally was to be done. Secretary Joanne Matthews commented that Attorney Wilhite returned the employment status form to her for the Commissioners' signature and transmittal to Payroll. The effective date of release should be as shown, January 14, 1991, and he will respond with regard to the appeal letter at a later date.)

RE: ACCEPTANCE OF CHECK

A check in the amount of \$1,958.45 from Ziedler Floral Co. as payment for a parcel of property sold to them. The check needs to be endorsed and given to the secretary for deposit into the proper accounts by the County Auditor.

RE: SCHEDULED MEETINGS

Mon.	January 28	4:00 p.m.	Executive Session re Proposed Agreement with the Teamsters Union re Jail Corrections Officers
Mon.	February 4	3:00 p.m. 4:00 p.m.	Commission Meeting Executive Session re USI Property Acquisition

RE: CLAIMS

Commissioner McClintock said there are no further claims to be presented for approval.

There being no further business to come before the Board at this time, President McClintock declared the meeting recessed at 4:35 p.m., with an announcement that the Drainage Board will convene immediately. She said the Commission was supposed to have met in Executive Session at 4:00 p.m., so the Sheriff is waiting. She requested that Mr. Hartman, Chief Deputy Surveyor, be brief, and apologized to Sheriff Hamner for the delay in beginning the Executive Session.

PRESENT:

Carolyn McClintock, President
Don Hunter, Vice President
Richard J. Borries (Absent)
Ted Ziemer, Attorney
Sam Humphrey, County Auditor
John Spells, Tuff Lites
Greg Higdon, RESCO
Bea Mann, John Mans, Inc.
Dave Campbell, LIWNA Local 561
Pat Grady, J. H. Rudolph
Cecil Davis, J. H. Rudolph
Don Gibbs, Sam Oxley & Co.
Al Deig, Deig Bros.
Rick Niehaus, Koester Contracting
Jeff Bislick, United Consulting Engineers
Gretchan Gambo, Soil Conservation Service
Darrell L. Rice, Soil Conservation Service
Ken Gerling, Sheriff's Dept.
Peter M. Swain, Sheriff's Department
Jim Moers, Sheriff's Department
Gail Cummings, Union Township
Don Eggert, Indiana Geological Survey
Norman Hester, Indiana Geological Survey
Roger Lehman, Building Commission
Beverly Behme, Area Plan Commission
Others (Unidentified)
News Media

SECRETARY: Joanne A. Matthews


Carolyn McClintock, President


Don Hunter, Vice President

Richard J. Borries, Member

MINUTES
COMMISSIONERS MEETING
FEBRUARY 4, 1991

I N D E X

<u>Subject</u>	<u>Page No.</u>
Meeting Opened @ 2:30 p.m.	1
Approval of Minutes of 1/28/91	1
Suggested Change in Format for Commission Mtg. Agenda ...	1
Contract w/Southwest Public Broadcasting, Inc. (Approved by Commission; given to Council for their approval on 2/6/91); also needs WNIN signature) City to pay \$20,000 and County \$40,000 -- for a total of \$60,000 for one (1) yr.)	2
Resolution Supporting Reinstitution of Federal Regulation of CATV (Attorney Wilhite to report back to the Commission re this on February 19th.)	3
Insurance Renewals/Torian, Hoffman & Dillow	5
Ordinance Amending Building Code re Flood Plain Management (Approved on Final Hearing).....	6
Purchase of Paper thru City-County Purchasing Department - Roger Elliott (M. Meeks to send memo to all Department Heads; If procedure works well with paper, Commission will explore centralized system of all office supplies, possibly coordinating w/EVSC, as well)	7
County Engineer - Greg Curtis Approval of Extension of Bid on Pipe & Culverts thru 1991/M&W Concrete	9
Travel Requests/approved	
Acceptance of Caranza Sewer Construction Project (Commission accepted conditionally, subject to approval by Water & Sewer Dept. on 2/5/91)	
Supplemental Agreement/Lynch Rd./Bernardin- Lochmueller & Assoc. (Additional \$2,600)	
Claim/Bernardin-Lochmueller (\$793.00 re USI Overpass)	
County Highway - Cletus Muensterman Employee Insurance Matters (referred to Attorney Wilhite for his review and recommendation).	10
Request for Federal Assistance/Flood Damage/ Union Township (Appointed S. Greer to be Commission Designee in handling of Federal paperwork	
Quotes on Tractor & Mo-Trim (Board gave authorization to have Purchasing prepare specs to be advertised for bids)	
Cleaning of County Highway Garage scheduled 2/6/91	

Vanderburgh Auditorium - Jack Kirwer	11
Equipment Maintenance Agreement/Schmitt Refrigeration (approved)	
Advisory Board Meeting scheduled 2/4/91	
County Attorney - Jeff Wilhite	11
Report to the Board re Census prior to making a decision to exercise any legal options the County might have. Attorney Wilhite will investigate further, meet with B. Cunningham, and get back to the Board prior to taking any further action.	
Travel Requests (Health Department, County Council, Commissioners, County Auditor, & Weights & Measures	12
Old Business	12
Authorized Procedure for purchase of tires as discussed two weeks ago.	
County Employee Attendance Reports; (In areas where there are time clocks (County Garage) employees will sign time cards and not be required to complete an Employee Attendance Report.)	
Sale of County-Owned Surplus Real Estate (No bids)	
New Business	13
Proposed Contract re collection of Ambulance Fees & Back Property Taxes, etc. (J. Wilhite to review contract and make recommendation to the Commission.)	
Board authorized Glamer Taylor returning to work on February 15, 1991	
Soil Conservation Service/51st Annual Banquet scheduled on 2/12/91. D. Hunter will attend.	
Capable Challenged Adult Persons Advocating Better Environment (D. Hunter will attend Reception on 3/7/91.	
New Parking Lot/Coliseum; J. Riney is to work on proposals and submit same to Commission on February 19th.	
Annual Road Hearing; Scheduled at 6:00 p.m. on Monday, March 18, 1991.	
Acceptance of Checks	14
United Artists (Cable T-V).....\$26,896.64 Hillcrest-Washington Home\$148,836.68	
Resolution by Vanderburgh County Board of Health Adopting County Employee Personnel Policy	15
Claims	15
PFM \$909.07	
Employment Changes	15
Scheduled Meetings	16
Meeting Recessed at 4:35 p.m.	16

MINUTES
COUNTY COMMISSION MEETING
FEBRUARY 4, 1991

The Vanderburgh County Board of Commissioners met in session at 3:00 p.m. in the Commissioners Hearing Room with President Carolyn McClintock presiding.

RE: APPROVAL OF MINUTES

Upon motion made by Commissioner Hunter and seconded by Commissioner McClintock the minutes of January 28, 1991 were approved as engrossed by the County Auditor and reading of same waived. So ordered.

RE: SUGGESTED CHANGE IN FORMAT FOR COMMISSION MEETING AGENDA

President McClintock said she hopes each of the Commissioners had a copy of the Board of Trustees of the Evansville-Vanderburgh School Corporation's agenda. She is looking at the way the School Board operates their meetings and trying to organize the Commission in such a fashion that we would have consent items that could be taken at the top of the agenda. She knows she has seen several of the School Corporation's agendas, as have Commissioners Borries and Hunter where the items will be taken in the same order each week, so that the individuals who appear regularly before the Board of Commissioners would have some idea as to the flow of the Commission Meetings and where these items could be expected to come up if they had to appear before the Commission. If the agenda is put on the computer already in the Commission Office she thinks this would be an easy way to do that. Ms. McClintock then entertained comments from the other two Commissioners.

Commissioner Borries said he has often felt -- and certainly the School Board is entitled to do theirs -- but he doesn't think this Board has to act in any capacity as a School Board Part II here. What we need to do is always be cognizant about the kind of meeting we represent here. It does not have to be chaos by any means -- and he would certainly support any way Ms. McClintock would want to make it more orderly or efficient, if necessary. But it seems to him the public ought to have a way of communicating with the Board of Commissioners because of its very nature. To him, it represents one of the last pure vestiges of pure democracy. We allow people to come and discuss things; sometimes giving up part of their work day or evenings -- so he thinks we always have to be sensitive that there are always going to be some last minute items that are going to be brought up. Or if a person is irate or needs some help, those kinds of things have to be addressed. In the past he thinks Margie would normally try to firm up the agenda around noon that particular day. If there are certain items that need to be there on a regular basis, such as the Department Heads (Engineer, County Highway, County Attorney, etc.) -- he commends that. But he would like to further discuss this. As he says, he wants to make sure this meeting is always accessible to the public.

Commissioner McClintock said she couldn't agree more. She thinks by organizing it in a fashion that would allow us to deal with items such as claims, travel requests, etc. -- if the Board could get those items listed on the agenda so it is something the Commissioners can review prior to the meeting, she thinks it is

something they could deal with a little more quickly and that would provide them with more opportunity for public comment and input into the meetings.

Commissioner Hunter said Rick's point is well taken. He thinks the Board needs to maintain an atmosphere of an open forum. But he also thinks there are claims, etc., where he finds himself sitting here signing, when he should be listening to what is being said at the podium. As a result, he may have missed something important because he is signing a document.

Commissioner Borries queried Mr. Hunter re the nature of the documents he is speaking of.

Commissioner Hunter cited claims for reimbursements, travel requests, etc.

Commissioner Borries said travel requests are generally routinely done. He doesn't think it is a lengthy procedure other than to sign one document. Most claims, as Mr. Humphrey can testify, if Commissioner Hunter wants to talk about claims they could sit here all day. He would not want to sign every claim and the only claims brought before this Board are those deemed either by the Auditor or an office person as being something unusual that demands perhaps some discussion or review by a Commissioner at that particular time. If it is an Attorney's bill submitted, for example, normally the procedure was to take a week or so to review and answer any questions. He guesses his point is "If it ain't broke, don't fix it" from the standpoint he will support any way to speed that up, but there are certain items that go on in this Board that do demand attention and certainly must be accessible to the public. That is his point.

Commissioner McClintock asked if Mr. Borries would be willing to look at a revised edition of the meeting agenda as compared to the regular agenda for a couple of weeks and see what the difference will be. Mr. Borries having acknowledged a willingness, Ms. McClintock said the Board will proceed in that fashion.

RE: CONTRACT WITH SOUTHWEST PUBLIC BROADCASTING, INC.

The meeting continued with President McClintock introducing Mr. David Dial, General Manager of Southwest Indiana Public Broadcasting, who made a lengthy presentation concerning the contract between the Commissioners, County Council and Southwest Public Broadcasting re televising the Commissioners Meeting, County Council Meetings, and City Council Meetings. In summary, his comments included the following highlights.

Each meeting will be carried twice. Coverage would be on Cable Channel 12 or 13 the next evening, and then repeated again on the weekend. This fashion would provide maximum accessibility to the public -- where they could see what our local government is doing in an unedited fashion, without any commentary, without a reporter sitting there telling us what to think about the actions that have been taken. So the actions would stand on their own, without a reporter interpreting what would be going on. They would cover all the regular meetings of the City Council, County Council, and the Commission as they occurred. In addition, they would provide one (1) other important government meeting per month. Those would include the budget hearings, zoning board hearings, a landfill hearing or something of that nature -- whatever happens to be occurring at a given time over the course of the regular events that occur within government. Over a period of time, he thinks the public at large would have a greater idea as to what was occurring in the City and the County. This information is very important when it comes to your decisions in voting. Right now we have to rely on a limited source from the newspaper or the 30 second sound bites that

happen to be on radio or television -- and this would be a chance for the public to see government at work. It is also an opportunity to work with the Evansville School Corporation to make sure that the channels that have been dedicated to instructional use get maximum utilization, as well.

Mr. Dial said he would hope we can approve this and move on to explore the same types of possibilities that are now available in Indianapolis, Cincinnati, St. Louis and other metropolitan areas. This is something that is very common around the country and he thinks it would be a very good service for the people of Vanderburgh County and Evansville to make this possible.

Total cost for one (1) year will be \$60,000, with the City paying one-third (\$20,000) and the County paying two-thirds (\$40,000). Ms. McClintock noted that County Council appropriated the money last year -- so the funding is in place..(Acct. 130-393)

Following Mr. Dial's presentation, President McClintock entertained questions or comments from the Board.

Commissioner Borries said Mr. Dial may want to change "Evansville Cable T-V" to "United Artists Entertainment Company" and asked if he has talked with the City of Evansville? Are there any funds provided by them for televising of City Council Meetings or Board of Public Works Meetings?

Mr. Dial said, "Yes. In fact, City Council has approved it and their separate contract is currently being drawn up for their approval. That is simply the paperwork following their decision."

Mr. Borries noted there is a possibility the Board of School Trustees' meetings will also be televised. That is the single largest local government budget -- so that can also be an important event in the future.

Mr. Dial said that although he sees this as being live on tape coverage, certainly down the road as we progress with it, he doesn't think there is anything that would stand in the way of our doing these meetings live and then repeating them at a given time. As he said, the possibilities with a service like this are endless and this should be viewed just as the beginning. As we get into it, any ideas which the Commissioners might have which would improve the service, they are very open to making sure that it is something that is good for everyone.

Motion was made by Commissioner Hunter to approve the contract, with a second from Commissioner Borries.

President McClintock asked for a roll call vote, saying she will abstain. She is an employee of Southwest Indiana Public Broadcasting, Inc. She does not have a legal conflict of interest because she is completely separate from this entity. She will not make more money or anything else. But she feels because of that association that it is better that she not vote on this particular proposal or contract. Therefore, she would ask for a roll call vote.

Commissioner Borries, yes; Commissioner Hunter, yes.

RE: RESOLUTION SUPPORTING REINSTITUTION OF FEDERAL
REGULATION OF CATV

President McClintock said she provided each of the Commissioners with a copy of the Resolution that City Council passed at their January 18, 1991 meeting supporting reinstitution of regulation of cable T-V. She knows that all three of the Commissioners have been contacted by members of the public who are very concerned about the recent hike in fees and additional proposed hikes in

fees and prior to spending time preparing this Resolution, she wanted to make sure there was interest on behalf of the other Commissioners in having such Resolution appear before this body. In other words, are they interested in asking the County Attorney draw up a similar Resolution for Commission approval either next week or the following week's meeting.

Commissioner Borries said he would like for the County Attorneys to review the Resolution. He has had some calls on it. However, it is something he would like to study further. The concerns he would have -- he would like to have someone review the original Charter and see if what is written here -- he does not want to do anything in violation of the current Charter here. He thinks that is his biggest concern. He thinks there are other groups interested in getting into the cable industry, specifically one that likes to reach out and touch someone on a regular basis (and he won't mention any names beyond that.) But he is not sure how that configuration stacks up in this kind of situation -- if that's provided for, or whether that would be addressed in this and that would be his other concern.

Commissioner McClintock said David Dial is still present and if Commissioner Borries would like some brief information as to what is happening in the industry, she had indicated to him this would be on the agenda and it might provide some insight.

Commissioner Hunter indicated he's like to hear from Mr. Dial.

Mr. Dial said there is currently an inquiry going on in the F.C.C. concerning cable television. Also, last year Congress had the Cable Television Act of 1990 which did not pass and Congress is looking at it once again. Thus, there is great interest both on behalf of the F.C.C. and the Federal Government to look at what is occurring with cable and to hear from the municipalities on what their feelings are about cable. When the original charter for cable systems was given out -- after that point a Federal Judge banned the municipalities from setting the rates or from approving the rates or having any oversight over the systems themselves. So there is no oversight that the municipalities have at this point. The question on the agenda of Congress is whether or not they should have some type of input into the system. So that is really what is going on. If there is something the County wants to say to the Federal Government or the F.C.C., this is certainly the time to say it.

Mr. Hunter asked why there was a ruling that communities could not have any input in setting of rates? What was their thinking?

Mr. Dial said he cannot say. It was outlawed on some legal ban and Jeff Wilhite could address that better than he can. It didn't really have anything to do with the idea of setting rates as much as it did perhaps that cable should be unregulated and that occurred in 1984 -- when there was an attempt to deregulate a lot of the systems in this country and, in some cases, it was very successful and in other cases the marketplace is not necessarily the best. He thinks it is up to the Commissioners to make a decision on what their position should be. There are currently no regulations on cable television. Cable television can set their own rates; they may decide the channel placement; there is no 'must carry' laws. There are no laws governing cable television whatsoever now and the question is whether there should be laws governing cable. Something to be explored in the Charter is whether or not you can legally allow competition in by the Charter we have given them. But that is not something that has been decided by the Federal Government. The one thing I can tell you is that in the studies I've seen is that in those places where cable has competition, the rates tend to be lower and the service tends to be higher -- at least according to the Wall Street Journal."

Mr. Hunter said he had a phone call the other night from an individual in the inner city whose cable was going out two or three times a week. Just like Rick, he's had several people say cable rates are too high. In 1984 he had cable for the first time and he has seen a tremendous escalation in those rates since 1984.

Commissioner Borries noted we do have three (3) cable providers in this community right now, two of which are very small -- but there are three. One of them changes names about every other month -- but one of them provides for a small portion of the west side. He doesn't know whether there are any exclusive territories or not. He also knows that the original charter provided (or most standard charters provide) something like a 3% payback to the sponsoring municipality, such as the city or the county. United Artists currently does more than that. They provide this county with 5%, rather than 3% and have done so (when Mr. Ossenbergh was President) for something like three years. Attorney Wilhite may also want to examine that. If they really wanted to play hard ball they could come back in and say they are going to provide 3% rather than 5% and we could be hanging out there. And they have returned some substantial revenue over the years.

Attorney Wilhite said he will report back on this in two weeks (February 19th).

RE: INSURANCE RENEWALS

Mr. Greg Hoffman of Torian, Hoffman, & Dillow Insurance and his associate, John Hodge, were recognized. Mr. Hoffman said they want to again thank the Commissioners for the opportunity to work with the citizens and taxpayers of Vanderburgh County. Last week they delivered the invoice for the continuation of the All Lines Aggregate Insurance Program for PENCO and in examining same they will find there was an approximate 7% (\$36,000) decrease in insurance premiums. The liability coverages remained the same; there were some increases in property values to maintain their insurance to value, as recommended by Jerry Schenk and basically approved by the Commissioners. A lot of the decrease also has to do with the Commissioners, the County Office Department Heads, and the employees. They are very involved in loss control and that has had a great effect and at a time when insurance costs are going up it is unusual to see insurance premiums going down. But PENCO and Lloyds of London (the Underwriters) are very impressed with the program and the loss control that Vanderburgh County has done and it is reflected in their rates.

In order to maintain the loss fund, the Underwriters are again recommending the addition \$250,000 into the loss fund program. He thinks this will bring it up to the level they feel will be the proper buffer to cover any unexpected losses -- not only now, but in the future.

Ms. McClintock asked Mr. Hoffman if he is working with Mr. Riney with regard to the addition of the \$250,000 to the loss fund.

Mr. Hoffman confirmed that he is.

In response to query from Commissioner Hunter, Mr. Hoffman said the Insurance Auditors out of Indianapolis will be down here in a week or so.

Mr. Hunter said there are three or four things the Insurance Auditors have recommended in the past that have not been instituted, for one reason or another.

Mr. John Hodge said that they have been working with the County for a many years and he feels they provide a unique service also in the State of Indiana.

Commissioner Borries said that we're on the right track here in terms of controlling some costs that five years ago were out of control. We will have some lobbying to do with County Council, because oftentimes those funds put into an account and not used -- there is always that clamor to use them for something. But he feels the \$250,000 is essential if we are going to maintain the integrity of the program.

Auditor Humphrey asked if that requires additional funds?

Mr. Hodge said, "No, not at this time. I think we're going to be okay on the budget now. The recommendation is not a mandatory deposit. But if things work the way they worked the last two years we're going to be fine."

Mr. Humphrey asked how much we have in the fund now.

Mr. Hodge said we have almost \$750,000 now. Some of that will be used up with claims during the year.

Mr. Humphrey asked if they are recommending another \$250,000 increase?

Mr. Borries said it is his understanding the goal was to move toward \$1 million anyway.

Mr. Hodge said the \$250,000 is not a solid actuary figure. It is a recommended figure. But there is a minimum involved, too, that they feel is very important and PENCO is also working with them on that figure -- so they can get this down to a solid figure -- what the insurance company feels is solid enough to protect against any disaster. So far the County has done very well. A lot of counties have not done as well and lost the program. But all the Officeholders in Vanderburgh County have been very cooperative in making this work and that is very important.

President McClintock thanked Messrs. Hoffman and Hodge and said the County appreciates the \$36,000 savings. She is certain we will find somewhere to spend it.

RE: ORDINANCE AMENDING BUILDING CODE RE FLOOD PLAIN MANAGEMENT

Ms. Behme of Area Plan said there is a section relating to the flood plain ordinance currently in the City Code and the County Code. This had to be amended to reflect the new Flood Plain Management Ordinance. The new Ordinance has already been passed; this is just a matter of amending where it is going.

Mrs. Barbara Cunningham said the new Flood Plain Management Ordinance has been approved by the Department of Natural Resources. We pretty much followed a model Ordinance and the changes we made have already been approved by the DNR and the Ordinance is on file with them as of this time.

Commissioner Hunter asked who all had input on this? He knows Jim Morley did, because he just chatted with him about it.

Ms. Cunningham said the following had input: Levee Authority, Soil & Conservation Service, the City Engineer, the County Engineer, Building Commissioner (Roger Lehman has a lot to do with the Ordinance), the Health Department -- and everybody else that would touch the flood plain or flood advisory.

Mr. Hunter asked if any non-governmental agencies were involved with it?

Ms. Cunningham said, "Mr. Morley -- but he was representing the Levee Authority. It was a 'must do' thing -- we've been under notice to do something."

Motion was made by Commissioner Hunter and seconded by Commissioner Borries to approve the Ordinance.

Commissioner McClintock asked for a roll call vote: Mr. Borries, yes; Mr. Hunter, yes; and Ms. McClintock, yes. Commissioner McClintock declared the Ordinance passed by unanimous roll call vote. So ordered.

RE: PURCHASE OF PAPER - ROGER ELLIOTT

Mr. Roger Elliott said he is in front of the Commission today for a reason not normally accomplished by Computer Services. He has been working with Susan Jeffries of Purchasing and Jerry Riney to get what he considers to be reasonable prices for paper. By paper he means other than computer paper. He means Xerox paper, the works. He is currently sitting with some prices that will allow for monthly delivery of paper into the complex to be purchased by the City and the County. As an example, for computer paper (which he uses quite a lot of) at \$23.49/case. That is a price he has been guaranteed that will be good for six (6) months.

He is in front of the Commissioners because it is his understanding that the Commissioners buy paper for the entire county out of their budget and, in effect, deliver it. He would like the Commissioners to go on record saying that Department Heads will, in fact, use the paper purchased by the Commissioners and not buy it outside, because they can pay as much as \$35.00/case for the same paper he is buying. The substantial savings potential here is tremendous. Some figures he looked at indicated the County and the City could save upwards of \$40,000 this year alone if this were, in fact, done. It depends upon how much paper is used and the other questions involved. There is a potential for savings only if, in fact, the plan is utilized.

Ms. McClintock said the Commission likes that savings. She asked Mr. Riney if the statement is correct that we are buying all the paper?

Mr. Riney said we are buying it ourselves. In the future we will buy it from the Purchasing Department and get billed just for what we use and that's all. But we'll be getting it at a much cheaper price.

Ms. McClintock asked if Mr. Riney is recommending that the Commissioners approve this and Mr. Riney responded in the affirmative.

Commissioner Hunter said he thinks Mr. Elliott's idea of saving money is good. Is there any reason why we couldn't work with the Evansville-Vanderburgh School Corporation on this? They, too, have to watch their pennies. Phil Schoffstall gave a talk the other day and it was amazing the millions upon millions of pieces of paper the EVSC generates every year.

Mr. Elliott said, "I think the expression 'you've got to crawl before you walk' comes to mind."

Mr. Hunter asked if this would be possible?

Mr. Elliott said that is his plan for next year.

Ms. McClintock said she and Mr. Elliott spoke last week about this and one of the things she indicated an interest in was that if this worked with paper, trying to work out a system wherein we centralize all of our office supplies. First of all, Department Heads would not have to be calling around getting supplies. They could just get a requisition, which would save man hours. And we would be looking at saving additional dollars.

Mr. Elliott cautioned that this implies that we have the people to staff that type of operation -- and he doesn't believe we do at this time -- in the County or the City.

Auditor Humphrey said, "By Legislative Act the Auditor is required to supply certain forms. Not only that, by Legislative Act there are certain printers that can print them. And this would, of course, be outside this. One thing I'd like to ask Roger is, 'Is there going to be a current supply on hand?'"

Mr. Elliott said that right now he has a 1-1/2 months supply sitting in the basement. He will get monthly deliveries of approximately 150 cases of paper per month.

Mr. Humphrey said he just noticed the Sheriff ran 33,000 copies through the copier in the Auditor's office this past month. They spend a lot of time on the copier. The Auditor's office is normally the big users of that copier and we didn't quite top him -- which is the first month he can remember.

Ms. McClintock entertained a motion.

Upon motion made by Commissioner Hunter and seconded by Commissioner Borries, Ms. Meeks is to send a memorandum to Department Heads to request individuals in the County who are ordering paper (not special forms as required or provided by the Auditor) that they purchase that paper through the City-County Purchasing Department.

Mr. Humphrey said the Auditor's office has found people running forms on the copier and it cost three or four times as much as it does to go out and get it printed. They have tried to stop it, but they have no authority to do it. We need a dedicated operator -- it would save us a lot of money.

Mr. Elliott said he would love to take the credit -- but he would be selfish. The only way that he can reduce his cost (in the computer area) is to get more people to buy more paper at one time.

Commissioner Hunter said he would like for Mr. Elliott to forge ahead with whatever he needs to do and try to include the School Corporation. While he's doing that, he'd like for him to begin to think about some system whereby we can have the City, the County and the EVSC involved in a paper recycling program -- because we're not very far away from that.

Commissioner Borries said we're doing that now.

Mr. Hunter countered, "But not on any great...."

Mr. Borries interrupted, "It is pretty significant -- particularly for the people who are involved in that. You must also look at the markets that are involved. I'm talking about the County. We're not doing any consolidation here yet -- I know you were a little afraid of that during the campaign. We do have a lot of Joint Departments. I don't know what the City is doing, but I suspect they are doing the same type of thing. But we do have a recycling program.

President McClintock requested that those recycling boxes be placed in the Commissioners' office with the instructions. She thinks that is probably why Mr. Hunter doesn't know what we're doing. (And she'd been meaning to ask him for one for herself.)

RE: COUNTY ENGINEER - GREG CURTIS

Extension of Bid on Pipe & Culverts thru 1991: Mr. Curtis said that in December we accepted pipe and culvert bids for the month of January. He would like to request that that be extended for the remainder of the year. In reviewing the available suppliers of aluminum culverts in the mid-western United States, there is no one else close enough who can afford the transportation cost to service us in the manner we need to be serviced in getting culverts -- both in large quantity, as well as occasionally an emergency situation -- being able to supply us culverts in a timely manner. So other than M&W Pipe there is no one else who can bid on aluminum culverts. Therefore, he would recommend that bid be accepted for the remainder of the year.

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

Travel Requests: Mr. Curtis said he has three (3) travel requests. The first would be next Tuesday for County Government Day at the Legislature. There are a number of issues wherein he thinks it would be beneficial to speak with our Legislators (solid waste, County highway funding, bridge funding, Federal Aid funding through the IDOT). He will go up that morning and come back that evening.

Secondly, the Indiana Department of Transportation is putting on a Seminar for Local Public Agencies to assist them in knowing what to do when we do our design in house on a project. (We are in the process of doing a 3-R project on Boonville-New Harmony Road and it would be very beneficial to attend that.)

Commissioner McClintock and County Auditor Humphrey brought it to his attention that the Department of Natural Resources has a proposed rule that basically is wanting to bill Counties significant fees for application requests. At the present time, for example, to get a bridge permit we have to pay \$50.00. He is not certain what the proposed fee is, but it's something like \$500. The Union Township Project would have been \$10,000. Those fees that have to be incurred by local governments is a bit excessive when the State is already looking for ways to cut their funding for local governments. He would like permission to attend that and voice his opinions, as well as take notes to report back to the Commissioners. One meeting is on February 19th and the DNR meeting is on February 20th, so he would stay overnight.

Upon motion made by Commissioner Hunter and seconded by Commissioner Borries the requests were approved. So ordered.

Acceptance of Caranza Sewer Construction Project: Mr. Curtis said he would request that the Commissioners conditionally accept the Caranza Drive Sewer Project. The project has been reviewed and approved by everyone, with the exception of the final acceptance by the Water & Sewer Department, which he is told will come tomorrow. The County Council has indicated they will not appropriate the money (which comes up for a vote on Wednesday) unless the Commission has accepted the project. So he is in a situation of needing Commission acceptance, which they didn't really want to give until we had the Water & Sewer Department's acceptance. He would ask the Commissioners to conditionally accept the project as complete, based on the acceptance of the project tomorrow by the Water & Sewer Department. This is not the final acceptance of all the assessments, etc. This is just acceptance of the construction.

Upon motion made by Commissioner Hunter and seconded by Commissioner Borries, the Caranza Sewer Construction Project was conditionally accepted, based upon approval of the project on February 5, 1991 by the Water & Sewer Department. So ordered.

Supplemental Agreement/Lynch Rd. Project/Bernardin-Lochmueller & Associates: Mr. Curtis said he has a Supplemental Agreement with Bernardin-Lochmueller re the Lynch Road project. Attorney Ziemer has not yet signed same. The agreement is in regard to the Pigeon Creek area and concerns wetlands. Those requirements have significantly increased since the time the original agreement with Bernardin-Lochmueller was executed. Therefore, there is a significant amount of additional work to be done. The additional cost is \$2,600, which changes the total not-to-exceed fee on the contract of \$352,715. In comparison to the total, it is an insignificant sum. He would recommend the agreement be signed.

Upon motion made by Commissioner Hunter and seconded by Commissioner Borries the supplemental agreement was approved. So ordered.

Claim/Bernawrdin-Lochmueller: A claim in the amount of \$793.00 re the USI Overpass was submitted, and Mr. Curtis said he recommends approval..

Upon motion made by Commissioner Borries and seconded by Commissioner Hunter the claim was approved. So ordered.

RE: COUNTY HIGHWAY - CLETUS MUENSTERMAN

Employee Insurance Matters: Ms. McClintock said we have an employee in the Persian Gulf who didn't have the money to pay the insurance. Apparently the Military does have some insurance. We need some research done on how we can help this person get their insurance.

Mr. Muensterman said this concerns another employee - an employee on Workmen's Comp. He has not been approved by Occumed to return to work. They asked him to come back for a recommendation as to what we are to do.

Both matters were referred to Attorney Wilhite.

Request for Federal Assistance/Flood Damage/Union Township: Mr. Muensterman submitted documentation re flood damage in Vanderburgh County to be submitted in an effort to receive federal assistance.

Ms. McClintock advised that they called Thursday afternoon and wanted a Commissioner to go up there Friday morning. Sherman Greer's office was unable to contact anyone but her. She couldn't go on such short notice. The Board needs to designate that Sherman Greer was the Commissioners' proxy to sign these papers to get the money back from the Federal Government. We need to put that on the record -- that he did go on the Commissioners' behalf and he did sign the papers from the Federal Government.

Mr. Muensterman said he will work with Mr. Greer on this to be sure they have the correct amount of money.

Upon motion made by Commissioner Borries and seconded by Commissioner Hunter, Mr. Sherman Greer was designated as the Commissioners' designee with regards to flood damage in Union Township. So ordered.

Quotes on Tractor & Mo-Trim: Mr. Muensterman said he obtained two (2) quotes on a tractor and Mo-Trim. He had \$35,005 and \$34,505. He has money in the budget for this and the County Garages needs this badly. The one they have is broken down -- it's a 1973 tractor. In response to query from Commissioner McClintock he said the low bid was from Stevens in Evansville (\$34,505) for the tractor and the Motrim. The tractor was \$18,805 and the Mo-Trim was the balance (\$15,700).

Ms. McClintock entertained a motion.

Mr. Muensterman said he wants to bid these. He would request authorization to ask Purchasing to prepare specs so we can subsequently advertise for bids.

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

Cleaning of County Highway Garage: Commissioner McClintock stated that Cletus' crew is going to start cleaning the garage on Wednesday (February 6th) and they ask that if the Commissioners have time, they get out there some time tomorrow or early Wednesday and they would appreciate it. She is going to try to go out first thing tomorrow morning. She said we are looking forward to a clean garage.

RE: VANDEBURGH AUDITORIUM/EQUIPMENT MAINTENANCE AGREEMENT
- JACK KIRWER

Schmitt Refrigeration: By way of cleaning up an old item of business, Mr. Kirwer submitted an Equipment Maintenance Agreement re the two Carrier 150 ton flotron chiller at the Vanderburgh Auditorium. The County will pay Schmitt \$3,200.00 in installment payments, with monthly payments being made on the 30th of each month in the sum of \$266.66 for eleven (11) months and one (1) payment of \$266.74. Contract period is from February 1, 1991 to January 31, 1991.

Following brief discussion, upon motion made by Commissioner Hunter and seconded by Commissioner Borries the agreement was approved. So ordered.

Advisory Board Meeting: Ms. McClintock said Mr. Kirwer has a meeting tonight with the Advisory Board and will try to report back next week with regard to the Board's recommendations concerning the Auditorium..

RE: COUNTY ATTORNEY - JEFF WILHITE

County Attorney Jeff Wilhite said they are working on several matters and there is really only one thing he needs to report back to the Commission on today or seek more guidance -- and that involves the Census. He was requested to see what our legal remedies, if any, were -- or if any even existed. The Commissioners may recall the Census people (at least in the media) were reporting that basically nothing could be done -- we're stuck with it. The preliminary research he's done indicates that we do have legal remedies. There is past history where other cities and counties have sued essentially, the arm of the U. S. Government that is responsible for the Census when they disagree. And there is legal precedence for doing that. The kinds of questions that we would have to look at -- one, have we been timely in our objection? The Courts say that we can't wait until it is all over and the report is in the President's hands before we object. His understanding is we did object preliminarily to some things -- he's not sure we objected enough -- but there may be a timing problem. We need to make sure we didn't waive that right. And then there are some other complicated procedures we'd have to go to. What he decided to do instead of pursuing it further was to just report back preliminarily that yes, there is a legal option. Counties have done it before. It is not a silly thing to do. But the next step would be a rather detailed factual investigation in legal terms of what we have done -- have we preserved our rights. And he wanted to make sure before he did that work that the Board really is pretty serious about going forward. Maybe they can't decide that today, but are they serious enough to consider legal options to then go back and pursue it further? Or are they satisfied at this point with just his general report which is, "Yes, you do have a legal option".

Commissioner Borries said he is not satisfied. He still has not been able to decipher how the City of Evansville annexed 7,000 people or more all the way to the Eastern part of Vanderburgh County and still drop 4,000. And it didn't seem to be the corresponding drop in the County's total population, which was a drop of maybe some 4,000 or so. He has some concerns about it. It is true we are now the third largest City in the state; but it doesn't seem to him to add up when one City annexes -- that would seem to him that the City would have lost some 11,000 to 14,000. The other thing is that the school enrollment within the Evansville-Vanderburgh School Corporation has probably increased a bit over the last few years. There have been some who would give you the ramification that perhaps the counties took a big hit in the early part of the 80's with all the recessions and that kind of stuff. But, in his opinion, that is pretty hard to prove based on school enrollments around the community. Again, he has some real concerns.

Commissioners McClintock and Hunter agreed wholeheartedly.

Attorney Wilhite suggested he do two things. First, investigate whether we preserved our right to object. Secondly, get with Barbara (Cunningham) and other people and make a preliminary decision as to whether there was a factual basis that might have a decent chance of holding up in Court. He will then report back to the Board prior to taking any further steps, such as drafting a complaint, etc.

Ms. Cunningham said they have done everything they were asked to do. She offered further comments, but they were inaudible because she was not speaking from the podium.

RE: TRAVEL REQUESTS - HEALTH DEPARTMENT, COUNTY COUNCIL, COMMISSIONERS, AUDITOR, WEIGHTS & MEASURES

President McClintock said she has travel requests for Brett Townsend and George Thompson of the Health Department to travel to the State Board of Health on February 6, 1991 and a request from Bill Taylor to attend Legislative Government day; a request from Carol McClintock to attend Legislative Government Day; a request from Sam Humphrey to attend Legislative Government Day; and Loretta Townsend needs to extend her trip by one (1) day (\$88.00) to the Winter Training Seminar in Indianapolis.

Upon motion made by Commissioner Borries and seconded by Commissioner Hunter the requests were approved. So ordered.

RE: OLD BUSINESS

Tires & Service on Tires: Ms. McClintock said she spoke with Susan Jeffries and she is still working on a spread sheet to award the tires and the service on tires for 1991. She asked her to check with the State Board to see where they are on their investigation re the tire situation. In the meeting where tires were discussed, Rick indicated he was interested in looking at the State list. Don indicated he wanted the lowest prices. The Commissioners sort of reached a consensus, but they did not actually vote that they wanted those individuals purchasing tires to call and get three (3) prices and then purchase those tires according to the low bid on the three prices based upon what they wanted. The Board needs to go on record with an actual vote on that issue.

Upon motion made by Commissioner Hunter and seconded by Commissioner Borries, the procedure discussed two weeks was approved. So ordered.

County Attendance Sheets: President McClintock said that, based upon the recommendation of then County Attorney David Miller, the Commissioners approved all County employees completing the white County Attendance Sheets. Since then (at the County Garage, in particular) they have a time clock. So they are punching a time clock and filling out an Employee Attendance Report (which records all their vacation, sick, and everything that they use) and filling out the white attendance sheet. She spoke with Larry Downs (our Labor Attorney) and he says since they have a time card there is no reason that they should have to fill out this additional piece of paper. Cletus checked with the State Board of Accounts and they have said there is no reason they have to fill out that piece of paper. A motion is needed to approve an exception in the case of the County Garage, where they will fill out a time card, and we will request that each employee who punches a time card, sign a regular employee attendance record that is kept by the bookkeeper at the garage. And that those individuals then do not have to fill out the regular County Attendance Record -- the white sheet.

Mr. Muensterman asked if the Foremen need to fill out a County Employee Attendance Sheet?

Ms. McClintock said that the Foremen will need to. Just the employees who have a time card that is punched by the time clock will not be required to fill out the Employee Attendance Report -- the famous white sheet.

Motion was made by Commissioner Borries, with a second from Commissioner Hunter, that in areas where there is a time clock the employees will be required to sign the time cards and they will not be required to complete the employee attendance record. So ordered. (He was afraid there was going to be a move to abolish. It seems as though we have little chinks here in what County Council really approved last year in defining the scope of working hours. Of course, the Commission has a hand in that. But it is the County Council that sets wages. Also, if his memory serves him correctly, had something to do with that white sheet. He thinks we'd have to get County Council approval. But he believes in this case -- where the employees use a time clock -- a motion in that area would suffice.)

Sale of County-Owned Surplus Real Estate: President McClintock asked if anyone is present who would wish to purchase any County-Owned Surplus Real Estate, as advertised and effective 1/18/91. There was no response from the audience.

RE: NEW BUSINESS

Collection of Ambulance Fees & Back Property Taxes: Attorney Glen Deig was recognized and said he brought with him a proposed employment contract. It is fairly straightforward. The employment contract states that for each case he takes it would be \$75.00 per case. The first \$75.00 he collects would go back to the County. Thereafter, it would be a contingency fee basis. If he does not have to file suit, he would get one-third and the County would get two-thirds. If he does have to file suit, one-half would go to the County and he would get one-half. In addition, the County would be obligated to pay for reasonable expenses involved (postage, photocopies, etc.).

Commissioner McClintock said it is estimated that the cost of doing collections this way will be less, because previously we were doing collections on a per hour basis (\$70.00 per hour) regardless of the amount recovered. This has a flat fee. The most the County can be out of would be \$75.00 for each case. She said when she talked to the County Treasurer he indicated there are lots of opportunities in the Treasurer's Office for collection that really had not been looked at aggressively for

several years. So they think with aggressive pursuit in this matter that we could generate some additional revenue for the County.

Commissioner Borries asked for a week to study the matter. Are the Treasurer's cases involved in this, too?

Mr. Deig responded affirmatively.

President McClintock said the County Attorney should also review the employment contract prior to approval by the Commission. Ms. McClintock said the other discussion they had was that this system would be evaluated at the end of six months and compare at what cost we had been able to get "x" amount returned to the County to what had been returned to the County in previous years at what cost -- so we could evaluate how this system worked. She asked that this be placed on the agenda for 2/11/91.

Request to Return to Work/Glamer Taylor: Ms. McClintock said Glamer Taylor, who has been on extended maternity leave, has requested to return to work on February 15, 1991.

Motion to approve the request was made by Commissioner Borries with a second from Commissioner Hunter. So ordered.

Soil Conservation 51st Annual Banquet: This event is scheduled on Tuesday, February 12, 1991. She will be in Indianapolis. Commissioner Hunter said he will be attending and he already has tickets. (She handed tickets to Commissioner Borries in the event he also wishes to attend.)

Capable Challenged Adult Persons Advocating Better Environment: Ms. McClintock is requesting someone's presence at a reception to be held on March 7, 1991 at 7:00 p.m. "This is to give us an opportunity to express our views to the State Level on issues related to the disabled." She will not be able to attend and Mr. Borries said he cannot attend. Commissioner Hunter will attend on behalf of the Commission.

Parking Lot/Coliseum: Commissioner McClintock said the Board needs to direct Jerry Riney to begin working on some proposals as to what the Commission wants to do with the new parking lot behind the Coliseum. We haven't done anything with that yet. She requested that he submit the proposals in two weeks (February 19th).

Annual Road Hearing: County Engineer Greg Curtis said the Board needs to schedule the Annual Road Hearing. Traditionally we've held that public hearing at the evening meeting in March. In any event, we need to schedule that meeting and advertise same.

Commissioner McClintock entertained a motion.

Upon motion made by Commissioner Borries and seconded by Commissioner Hunter, the Annual Public Hearing on Roads was scheduled at 6:00 p.m. on Monday, March 18, 1991. So ordered.

RE: ACCEPTANCE OF CHECKS

United Artists (Cable T-V: A check in the amount of \$26,896.64 was submitted for 4th Quarter Franchise Fees.

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

Hillcrest-Washington Home: A check in the amount of \$148,836.68 for fees collected for services during 4th Quarter 1990 was submitted.

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

Commissioner Borries said he also wants to give Councilman Curt Wortman particular notice re this check. Mr. Borries said he was rather dismayed concerning some of the comments made about the Hillcrest-Washington Home, particularly in light of the outstanding job that the Southwestern Mental Health Foundation has done in relation to providing quality services and treatment for troubled children and also the amount of money returned to this County under that system. He believes it is far more than Mr. Wortman realizes -- so he would certainly want to call that to his attention.

Ms. McClintock said she must have missed that.

Commissioner Borries said Mr. Wortman made some comment in the newspaper. He would encourage Mr. Wortman to attend a forthcoming meeting at Hillcrest and maybe his questions will be answered. A substantial amount of money has been returned to this County in relation to offering that facility under the Foundation.

RE: RESOLUTION BY VANDERBURGH COUNTY BOARD OF HEALTH
ADOPTING COUNTY EMPLOYEES PERSONNEL POLICY

President McClintock said she has a Resolution by the Vanderburgh County Board of Health adopting the Vanderburgh County Employees Personnel Policy which needs to be filed.....Resolution received and filed.

CLAIMS:

Public Financial Management: A claim in the amount of \$909.07 for management of the construction fund was submitted.

Upon motion made by Commissioner Borries and seconded by Commissioner Hunter the claim was approved. So ordered.

RE: EMPLOYMENT CHANGES

County Clerk (Appointments)

Kristie M. Joest	Dep. Clerk	\$13,084/Yr.	Eff: 1/28/91
Mary B. Judge	Dep. Clerk	\$13,680/Yr.	Eff: 1/21/91

County Clerk (Releases)

Mary B. Judge	Part Time	\$5.00/Hr.	Eff: 1/17/91
Kristie M. Joest	Part Time	\$5.00/Hr.	Eff: 1/25/91
Joann Page	Dep. Clerk	\$15,144/Yr.	Eff: 1/25/9

Area Plan Commission (Appointments)

Barbara Cunningham	Ex. Director	\$38,018/Yr.	Eff: 1/1/91
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Area Plan Commission (Releases)

Barbara Cunningham	Ex. Director	\$34,581/Yr.	Eff: 1/1/91
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Circuit Court (Appointments)

Bart Gooch	Part Time	\$5.00/Hr.	Eff: 1/14/91
Melisa Howell	Part Time	\$5.00/Hr.	Eff: 1/14/91
Karla Spencer	Prob. Counsel.	\$5,463/Yr.	Eff: 1/28/91

Circuit Court (Releases)

Charles Marx	Part Time	\$5.00/Hr.	Eff: 1/14/91
Robert White	Part Time	\$5.00/Hr.	Eff: 1/14/91
Thomas Svestka	Part Time	\$5.00/Hr.	Eff: 1/14/91
Melisa Howell	Part Time	\$4.50/Hr.	Eff: 1/14/91

Burdette Park (Appointments)

Julie Alvey	Cashier	\$4.00/Hr.	Eff: 1/18/91
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County Council (Appointments)

Joseph Harrison, Jr.	Atty.	\$19,157/Yr.	Eff: 1/30/91
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County Council (Releases)

Alan Kissinger	Atty.	\$19,157/Yr.	Eff: 1/25/91
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Cooperative Extension Service (Releases)

Rosalie Mesker	Part Time	\$4,080/Yr.	Eff: 12/31/90
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Prosecutor (Appointments)

Robert P. Carithers	Dep. Pros.	\$19,019/Yr.	Eff: 1/28/91
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Recorder (Releases)

Mary Victoria Ohl	Mtg. Deputy	\$14,723/Yr.	Eff: 2/15/91
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RE: SCHEDULED MEETINGS

Mon.	Feb. 4	4:00 p.m.	Commission Executive Session re USI Property Acquisition
Tues.	Feb. 5	3:00 p.m.	Job Study Committee/Training
Wed.	Feb. 6	2:30 p.m.	County Council Meeting
Mon.	Feb. 11	2:30 p.m.	Board of Finance Meeting
		3:00 p.m.	County Commission Meeting
		4:00 p.m.	Department Head Meeting

There being no further business to come before the Board, President McClintock declared the meeting adjourned at 4:35 p.m. She said the Commission Executive Session will convene immediately. She would ask the Jail Corrections Officers, etc., to convene in Room 303 at this time.

PRESENT:

Carolyn McClintock, President
Don Hunter, Vice President
Richard J. Borries, Member
Jeff Wilhite, County Attorney
Sam Humphrey, County Auditor
Greg Curtis, County Engineer
Cletus Muensterman, County Highway Supt.
Jerry Riney, Supt. County Bldgs.
Barbara Cunningham, Area Plan Commission
Bev Behme, Area Plan Commission
Roger Elliott, Data Processing
David Rice, President/USI
John Hodge, Torian, Hoffman & Dillow
Margie Meeks, Commission Office
Others (Unidentified)
News Media

SECRETARY: Joanne A. Matthews

Carolyn McClintock, President

Don Hunter, Vice President

Richard J. Borries, Member

MINUTES
COUNTY COMMISSIONERS MEETING
FEBRUARY 11, 1991

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MINUTES
COUNTY COMMISSIONERS MEETING
FEBRUARY 11, 1991

The Vanderburgh County Board of Commissioners met in session at 3:00 p.m. on Monday, February 11, 1991 in the Commissioners Hearing Room with President McClintock presiding.

President McClintock called the meeting to order, welcomed the attendees, and subsequently introduced the Staff, as follows: County Attorney Ted Ziemer; Commissioners Don Hunter and Rick Borries; County Auditor Sam Humphrey; Joanne Matthews, Secretary to the Commission; Jerry Riney, Supt. of County Buildings; Cletus Muensterman, County Highway Superintendent; Jack Kirwer, Manager of Vanderburgh Auditorium; and Sheriff Ray Hamner.

RE: PLEDGE OF ALLEGIANCE

Commissioner McClintock asked that the meeting participants stand for the Pledge of Allegiance.

RE: CONSENT ITEMS

Ms. McClintock entertained questions or comments concerning consent items listed on the agenda.

Commissioner Borries said he has comments and would like for the County Attorney to perhaps research this and provide the Board with some answers. He reviewed the first claims coming in from the two new legal firms representing the County. At two different times he sees where we are being billed for what was reported to be some kind of investigation on tires (that he read recently amounted to \$74.00). But both firms are doing research on that. It was not his understanding that this was to take place -- that both firms would not do that kind of research. Surely one firm would -- but he can't quite understand why both firms were doing that research.

Attorney Ziemer said, "Both firms aren't doing research on the same issues. But different issues arose and one question was asked that Jeff Wilhite research and another question of our firm, which we research -- but they were separate issues and so there is nothing inappropriate there I wouldn't think."

Mr. Borries said, "Certainly, I have the highest respect for you, but I have some questions about the perimeter then of where the scope is in relation to what the retainer is and it was always my understanding that extraordinary matters that came before this Board -- particularly matters of litigation -- was where the hourly fees were billed for various aspects of work. I see one on there for one of the firms, for example, at G.O.P. Headquarters in relation to Personnel Policy and I can't quite understand how that would be an extraordinary matter that would fall under this category."

Attorney Ziemer said he hadn't seen that item, but would be glad to look at it.

Mr. Borries said if Attorney Ziemer would look those over, he'd like to have a clearer understanding of what constitutes the retainer, which is now the kind of the fee paid to Attorneys Wilhite and Ziemer. It is his understanding that Mr. Ziemer's firm will

have to obviously do research on various matters that come before the County and that was the kind of thing he understood was to be billed back to the County. But preparing the agenda for these meetings and in looking at and reviewing personnel policies, it seems to him he thought that would be under the scope of either someone in his firm or Mr. Ziemer -- would be able to handle that on a somewhat routine basis.

Attorney Ziemer said it is being handled on a routine basis by virtue of the credit which is given for the contractual fee of roughly \$1,500 per month, which is the \$19,500 per year, which is the retainer fee. The credit is set forth on the statement and then a separate claim is filed for amount of \$112.00 of the \$19,500. And that is in accordance with the terms of the contract.

Mr. Borries said he saw those. These are itemized aspects of various extraordinary or litigation or some kind of work that occurred on the part of either Mr. Ziemer's firm or the other firm -- and that is why he was requesting some information.

Attorney Ziemer continued, "As the agreement reads, if there were extraordinary items which would not necessarily be litigation -- a bond issue or something of that nature -- we would approach the Commissioners and describe the work to be done and ask for a fee depending on the work to be done. Nothing in any of these statements represents an extraordinary item -- that is, work done for the County Commissioners at the agreed rate of \$70.00 per hour. Mr. Miller did it differently. He simply did not put down those items and took his salary of \$1,500 per month, as did Mr. John. We think it is a much better arrangement to show you all the time that we are spending at \$70.00 per hour (the agreed rate) and then to show a credit against that of the amount of the retained, which is roughly \$1,500. And that is what the bill reflects."

President McClintock asked if there are any other questions concerning the consent items? She does need to move Item "i" which is a re-schedule down to "Action" items and she would ask the other Commissioners to so note.

Commissioner Borries said his only comment about President McClintock's agenda is that we put the people here last -- that maybe some persons in the room might want to do business with the Commission and have given up some of their day to do that. It would be his suggestion that we need to be considerate of some of the people in the audience and their time constraints, as well.

Ms. McClintock asked if Mr. Borries would prefer to move the "Consent" items to the bottom of the agenda.

Mr. Borries responded in the affirmative, saying that those are matters that can, in his opinion, wait until last. And those people in the audience who wish to address this Board can be recognized first.

Ms. McClintock asked Commissioner Hunter if he would make a motion to approve the Consent agenda. He so moved, with a second from Commissioner McClintock. So ordered. The Consent agenda included the following:

- a. Approval of minutes of 2/4/91 meeting.
- b. Approval of claim docket
 - Torian, Hofmann & Dillow (\$194,214.00)
 - Torian, Hofmann & Dillow (\$3,000.00)
 - Torian, Hofmann & Dillow (\$315,500.35)
 - Torian, Hofmann & Dillow (\$3,865.00)
 - Kahn, Dees, Donovan & Kahn (\$1,596)
 - Kahn, Dees, Donovan & Kahn (\$100.00)

Kahn, Dees, Donovan & Kahn (\$2,590.02)
Ziemer, Stayman, Weitzel & Shoulders (\$100.00)
Ziemer, Stayman, Weitzel & Shoulders (\$1,597.00)
Ziemer, Stayman, Weitzel & Shoulders (\$8,891.80)

- c. Travel Requests
 - a. Health Dept. (4 employees) March 3, 4, & 5
- d. Approval of employee changes
 - Superior Court - Appointments:
 - Amy D. Cron Secretary \$17,275 1/1/91
 - Veterans Service - Releases
 - Mark Acker Asst. Vet. Off. \$19,736
2/21/91
 - Pigeon Township Assessor - Appointments
 - Roy L. Carter Part Time \$5.00/Hr. 1/11/91
 - Kathleen Pajak Part Time \$5.00/Hr. 2/4/91
 - Health Dept. Appointments
 - Julie A. Simmons Part Time \$5.00/Hr. 2/7/91
 - County Commissioners - Releases
 - Andy Russell Part Time \$5.00/Hr. 2/7/91
 - County Assessors - Releases
 - Betty L. Singer Part Time \$5.00/Hr. 2/8/91
 - Clerk of Circuit Court - Appointments
 - Betty Singer Part Time \$5.00/Hr. 2/8/91
 - Sheriff - Releases
 - James Fravel Dpty. Sheriff \$31,171 3/18/91
- e. Scheduled meetings
 - Feb. 12 - Data Processing Board 8:00 a.m. Room 301
 - Design Review Committee 8:30 a.m. Room 307
 - Subdivision Review Board 9:30 a.m. Room 303
 - Feb. 14 EUTS Technical Committee 10:00 a.m. Room 303
 - EUTS Policy Committee 4:00 p.m. Room 307
 - Feb. 19 Co. Commissioners Meeting 6:00 p.m. Room 307
 - Rezoning Petitions 7:30 p.m. Room 307
- f. Checks for approval and deposit
 - AT&T Commission Check \$1.44 - Public Phones
- g. Holiday Closings
 - All County offices will be closed on Monday, February 18th in observance of President's Day
- h. Auditorium Parking Lot closed Thursday, Feb. 14 (8-Noon)

RE: BID OPENING ON FURNITURE FOR SUPERIOR COURT

Upon motion made by Commissioner Hunter and seconded by Commissioner McClintock, the Board approved request from Purchasing to delay the bid opening scheduled for February 25, 1991 until March 4, 1991 at 4:30 p.m. on the furniture for Superior Court. So ordered.

RE: ACTION ITEMS

- a. Sale of Surplus Property - No bids.
- b. Bids submitted for Culvert Replacements on Old State Rd. & Nurrenbern Rd.

Motion made by Commissioner Borries and seconded by Commissioner Hunter to authorize the County Attorney to open subject bids, to later be read into the record. So ordered.

- d. Revised contract on the fee collection agreement with Glenn Deig.

Following brief outline of the contract, upon motion made by Commissioner Hunter and seconded by Commissioner Borries the contract was approved. So ordered.

- e. River City Biathlon Series/Shane Thread request to use County Roads (two races, both at USI).

Upon motion made by Commissioner Hunter and seconded by Commissioner Borries the request was approved.

- f. Citizens USI Run. Same action as in "e" with regard to County Roads. Subsequently to be forwarded to the Sheriff's Department for their approval.

RE: CONTRACT WITH GLENN DEIG RE COLLECTION OF FEES

County Auditor Sam Humphrey said he is not sure he understands the agreement with Mr. Deig. It says "County agrees to pay Contractor the initial sum of \$75.00 for each collection matter assigned to the Contractor by the County." The law requires us to pay for services rendered. Does that come under that category?

Attorney Zeimer confirmed that it does. To elaborate, he is being paid for services rendered on a contingency fee basis rather than a flat fee basis. And what he is getting is a minimum fee of \$75.00 for each collection that he undertakes. He gets no expenses and that would compensate him for....

Mr. Humphrey interrupted, "I understand what you are saying. But that still leaves me a little hesitant about it. It says specifically, "with pay for services rendered" and that is what a blue claim says. If we give this in advance, that really isn't a service at that point. The State Board of Accounts is going to come back on us. I need an answer. Or, you need an answer."

Attorney Zierner said, "I believe you are talking about a matter of procedure. He would file the claim form for the \$75.00 for services he is rendering in connection with that at that particular point."

Mr. Humphrey said it may well be a procedural problem. But what he is asking is, "Are we being asked to pay \$75.00 now, then he does his examinations?" If that is the case, we're paying in front of the event.

Attorney Zierner said he understands that and he doesn't believe it is a problem. But he will take a look at this.

- g. Request for Traffic Study at USI intersection.

Commissioner McClintock explained that the Board held an Executive Session last week with officials at USI, our engineering firm, and the County Engineer. It was requested that the Board of Commissioners officially request EUTS perform another traffic study at the USI intersection to assist in the promotion of this interchange project at USI.

Upon motion made by Commissioner Hunter and seconded by Commissioner Borries, the Commissioners are to give EUTS a written request to perform the subject traffic study. So ordered.

- h. Tornado Preparedness Week.

At the request of Sherman Greer of the Emergency Management Agency, upon motion made by Commissioner Hunter and seconded by Commissioner Borries, the County is to prepare a Proclamation declaring March 3 - 9, 1991 as Tornado Preparedness Week. So ordered.

With regard to Mr. Greer's request to participate in the Annual Tornado Preparedness Week, the Indiana Department of Education and the Indiana State Police have

selected March 7, 1991 as the date for the Statewide tornado exercise. This will be the 13th annual exercise of this type involving a test of the communications and warning capabilities within the State. The test will take place between the hours of 2:00 p.m. and 4:00 p.m. CST. The exact time of the drill will not be disclosed to create a more realistic test. This matter will be referred to the Sheriff's Department and Central Dispatch.

- i. Ms. McClintock announced that tomorrow (February 12th) is the Association of Indiana Counties Annual Meeting in Indianapolis with our Area Legislators. Auditor Humphrey will be attending and Commissioner Borries said he plans to go tomorrow evening. Ms. McClintock said in reviewing the information received from the AIC, she wondered if there is any legislation of particular interest which the Commissioners or Mr. Humphrey should be talking to our elected officials in Indianapolis about, which perhaps may have been overlooked. S.B. 410 concerns fees charged by landfills and incinerators are subject to approval by the Indiana Utility Regulatory Commission. Citizens have expressed interest concerning this bill. There is also a bill which would require the Lottery Commission and Auditor of the State to contribute 10% of surplus revenue from the lottery to counties, cities, and towns, based upon population of the unit.

- j. Alexander Ambulance Service, Inc. All Care

Ms. McClintock recognized Mr. Mike Kleub, Chief Operating Officer of Alexander Ambulance Service, Inc., who requested that the County extend Alexander's All Care subscription agreement for the residents of Vanderburgh County for the 1991 calendar year. The first full year they had 1,430 members and in 1990 they increased to 1,806 members. In the past, the approval of the Commission was always based upon the approval of City Council. Last Monday night the City Council did approve the All-Care plan for 1991.

Commissioner Borries noted that although he understands the concern of the citizens to have this service provided, it is a bit unusual for the County to provide an ongoing subsidy for a business that is privately owned. He would like to explore this further. Perhaps this Board and City officials should encourage as many people as possible to sign up with the program in an effort to make the All Care program one that is ongoing through Alexander's own resources.

Mr. Kleub said it is their ultimate goal to enjoy high enrollment in the program. Therefore, they could limit or reduce the requirements the City or the County would have to help pay for providing ambulance paramedic to the residents of the City and the County.

Upon motion made by Commissioner Hunter and seconded by Commissioner Borries, the Board gave their approval for the awarding of the contract, contingent upon receipt of modified version of the City contract. So ordered.

- k. Auditorium Secretary

President McClintock said the Board has a recommendation from Auditorium Manager Jack Kirwer to terminate Gulya Payne, who is currently serving as secretary. She then entertained discussion concerning same.

Commissioner Borries said that in view of the rhetoric heard throughout last year's campaign and all of what President McClintock has said is her goal for professionalism, he thinks this matter has been handled about subtly as Saddam Hussein's situations over in Saudi Arabia right now. If we're going to professionalize things, he doesn't think a department head should walk in and ask a person just not to show up the next day. To him, that implies to him -- who, first of all, approved this firing? Secondly, it seems to him that the person needs to have some kind of reason in writing that that kind of situation took place. He would say that this person is a graduate of the University of Evansville and has a degree in Communications. There was some reference that it had something to do with the fact that she wasn't able to type. The job description says that you must be able to type. It does not say how much you have to be able to type nor how many words per minute. The job description says 'ability to type'. If you can read you might be able to type. He guesses his questions are: Who approved this kind of firing? He thinks that if there has ever been a termination of employees, a couple of things would have to happen. He would think the person would need to be given his or her rights in writing. There would be, in his opinion, some statement of benefits and accrued kinds of things which that person is entitled to upon termination. And perhaps some discussion in an Executive Session. He can't recall any department head doing that kind of thing on his own or her own in his experience on this Board. It is this Board, that speaks through the minutes, that officially terminates a person. It may not be the cleanest situation possible. There may be disagreements. But he believes Commissioner McClintock mentioned it one time and the Board took a public vote on a person who was terminated at that time. Therefore, he doesn't think it was handled properly at all. He thinks there was a lack of professionalism; a lack of compassion for the person involved. And he would certainly like to have some answers in relation to why a person was told on a Thursday before this meeting not to show up on a Friday or whenever.

Commissioner McClintock said Mr. Kirwer contacted her and indicated there were some problems with this individual employee; that he was going to recommend her termination. For her protection, she would prefer not to go into those reasons. She will say that it is necessary that the individual responsible for all of the bookkeeping and the secretarial work at a facility like the Auditorium -- does indeed need to be able to type -- and type in a manner that will provide a quality service to the citizens of this community.

Mr. Borries asked if there isn't another person over there on a part time basis strictly for typing?

Ms. McClintock responded, "Right. Well, your former Commission hired a part time person to type because the person who was hired to type can't type."

Mr. Borries said, "Well, that is a matter of speculation, but that's fine. The issue is how it is handled."

Ms. McClintock said the issue is before us today for a vote in a public meeting.

Mr. Borries said, "It is in a public meeting now. But why was she asked not come back then on Friday? Who made that decision? At what private point was that decision made?"

Mr. Kirwer said he went over the job description with her; and not only does the job description go into typing, it says you must be able to operate a computer. She cannot operate a computer; and, just for the record, she types 12 words per minute, which he doesn't think is sufficient for any office -- whatever it is. He talked to her on January 16th about her job qualifications and told her at that time that he thought she was a very nice person and seemed to answer the phone very well, but didn't fulfill the requirements he needed over there. He thinks she had been given sufficient notice. At that time she told him she was interviewing for another job and was looking for another job. He waited and she never found another job. He decided after three weeks that we had enough time of inactivity in the office over there where nothing was being done except the phone answered when she was there and he decided it was time to terminate her and get somebody in there that could. He located an employee that not only can type, but use the computer they have (which hasn't been used for a year and a half and told her she didn't need to show up on Friday.

Mr. Borries said that is not a proper way of doing that. He may have had some disagreements with her and that sort of thing, but he believes it is Mr. Kirwer's role to recommend to this Board. Mr. Kirwer didn't come through the interview process, but Carol had an interview with him at some point and he was approved in a public meeting. And he was not hired nor did his benefits start before that particular time. It would seem to him that a proper role for Mr. Kirwer, as a department head, would have been to call the person in charge (Ms. McClintock at this point), perhaps confer with Commissioner Hunter and this matter could have been discussed in an Executive Session (as most personnel matters are when there are situations like that) and the Board would act or not act at a later date at a public meeting. We could go on to all kinds of things in terms of incompetence. Doors have been left wide open on a Sunday night. It is his understanding that there have been accounts of engineers (at least on one occasion this last week) being locked in the building. We could do all of these things. He guesses the bottom line is that he would appreciate some kind of compassion to a person who, if Mr. Kirwer was dissatisfied with her performance, it is up to this Board to do the hiring and firing -- unless there has been some change legally that he is not aware of here.

Attorney Ziemer said the Personnel Policy seems to delegate to Department Heads the authority to implement the provisions of the policy and it so states. One of provisions of the policy has to do with discharge. The policy is not as clear as it could be in this respect, but he believes a fair interpretation can be made that it does give department heads the authority to terminate employees under their jurisdiction, if they follow the provisions of the personnel policy. The personnel policy contains no provision requiring two weeks notice or any notice of any kind for that matter. The personnel policy does contain a provision relative to prior notice to the employee of deficiencies and the matter of conducting his or her job with an opportunity to correct those deficiencies. It is his understanding, from hearing Mr. Kirwer, that that was done in this case -- verbally, by him. And, given that interpretation, then the matter is finally before this Commission with a change of employment; and if that is approved by the Commissioners, then that is ratification of the actions of the department head in terminating that employee. If not,

then that employee would have to be reinstated -- if the Commissioners did not ratify that action. I said at the outset that the personnel policy was not as clear in this regard as it could be, and it might be that, due to that fact, number one, it needs some review and clarification to set forth more clearly what the Commissioners' direction is going to be to department heads in this regard. But that to cure any possible defect that might exist, the Commissioners could determine to vote today in this public meeting to terminate that employee effective tomorrow, and pay that employee for the time between Thursday and today and that would settle that matter. He reiterates, again, however, that the policy is ambiguous and certainly can be interpreted to give department heads this authority.

Mr. Borries said he would concur with Attorney Ziemer's opinion; obviously, he is the expert here. He would only say that during his experience on this Board, there has never been any time when department heads could point to the door and tell somebody in a very unprofessional manner to hit it. That was not done. Any action taken was done in a public meeting and he thinks it was wrong. He would also concur that this person was entitled to benefits, because he doesn't think there was any official termination until the matter was brought before this Board. She also, in his opinion would have accrued some benefits, because she has been an employee of the County for over a year. He is not sure you can hire two persons in the same slot until some of those benefits at this point have been charged over to her. He thinks we'd have to get the Auditor's opinion as to how quickly that salary slot could be filled. Again, he thinks it gets back to the fact that we do need to work on that Personnel Policy -- that is obvious -- because he prefers to have things written in a progressive fashion. We're talking about some verbal things, oftentimes here where there are no witnesses. He understands there was one other person there (not a Commissioner) who apparently was a witness to whatever statements were made. Again he thinks there was some confusion. She had called and asked for some clarification from his standpoint and he was totally surprised about it. He just doesn't think that is a good way to do business and he would certainly concur and support any efforts if Attorney wants to strengthen the Personnel Policy in relation to a progressive style of either discipline or remediation. And we've done that in the union contract, where there are certain written things. Obviously, you are not going to fire any employee who is a member of the union with a mere verbal expression to hit the door. That's not good.

Ms. McClintock said she would concur wholeheartedly that the personnel policy needs to be revised. If indeed Mr. Kirwer did not handle this as professionally as Mr. Borries says, she will be happy to talk with him about that. One of the things they want to review with all department heads is both hiring procedures and termination procedures. However, she will say that it is not her intention to become involved on a personal level in the hiring and firing of every county employee. If the Board doesn't have enough faith and confidence in the department heads they hire in this county to handle their own personnel matters, then perhaps they should be looking for new department heads. Yes, the personnel policy is something we need to look at. And, yes, the final approvals of hiring and terminations of every County employee needs to come to this Commission and that is one of the reasons we are here today. A

motion to approve the termination of Guyla Payne was entertained.

Motion to this effect made by Commissioner Hunter and seconded by Commissioner McClintock.

Ms. McClintock then asked for a roll call vote: Commissioner Borries, no; Commissioner Hunter, yes; and Commissioner McClintock, yes.

6. Department Head Reports

Auditorium: Proposal from Auditorium Advisory Committee that parking meters in Auditorium Parking Lot during daytime operation be set at 75 cents for all day. Parking would be 25 cents for three hours. (This, as opposed to paying the current \$1.50 (if employees leave the lot and then pay \$1.00 to re-enter the lot). The Auditorium still would run the parking lot on their own during the evening and on weekends. The parking meter department has sufficient meters.

Ms. McClintock said she would like a revenue estimate as to what the 9 hr. parking meters would do for us.

Also to be included in the estimate is what our evening revenue would be on collection. She would like a memo circulated to the departments, asking them for their input.

Mr. Borries asked who would pay for the installation of the parking meters?

Mr. Kirwer said Mrs. Jarboe said they would install them, service them, empty them, etc. and, in turn, we'd split the revenues 50-50.

In response to query from Commissioner Borries, Mr. Kirwer said there would be 75 meter heads (two meters per head).

Mr. Borries said he would like to see a financial revenue statement.

In response to query from Commissioner Borries, Mr. Kirwer said if a renter wants to rent the parking lot all evening, they rent it for \$150.00. Otherwise, he has an employee go out and take their money for about one and a half hours. The gate and small shed would remain for evening use.

In response to query from Commissioner Hunter, Ms. McClintock explained that if the Auditorium rents the facility and the renter also wants to rent the parking lot, they rent it for \$150.00. A memo is then sent to all City-County Employees advising them the lot is closed for a designated period.

In response to query from Commissioner Hunter as to what about other people who come down town to conduct business at the Civic Center, etc., Ms. McClintock said they would be treated the same as employees. If all the parking spaces are occupied, they would have to find other parking.

Mr. Borries said no preference has ever been given to City-County employees; it is just closer for them. Their money spends the same as anybody else's. There are no normal days, because if it is hot or cold, you are going to have a bunch of employees parking over there.

Ms. McClintock said there will be no exclusive use of the meters. It could be people from here or others. It's on a first come-first serve basis. If it is rented, a notice is sent to City-County employees.

Mr. Kirwer noted that by their handling the parking in the evenings, they can check revenues almost to the car. On weekends when they have an all day function, it is a little harder to check because they are going and coming -- but they still get \$1.00 per car.

Auditor Humphrey asked if we're using the vehicle counter. He said his reason for asking that is because the State Board has asked him when monies come into the Auditorium -- what verifies this? With the Auditorium receipt, the Auditor needs signed verification that these are the number of cars there and these are the dollars received for same.

Mr. Kirwer again emphasized it is impossible to verify number of vehicles for all day events on the weekend.

Mr. Humphrey countered that if the number of vehicles is impossible to verify, so are the dollars. That is the point he is trying to make. What is going to keep somebody from saying this is \$10.00 or \$20.00 less than \$223.00, or whatever it might be.

Commissioner McClintock stated that if the counter is used and a car enters and goes across the counter and pays, she doesn't care what kind of day it is. It still has to enter and pay its money -- so it should still be counted on the counter.

Mr. Kirwer said you can manually set the counter now -- taking it back to zero. We have to take that out of the system so you cannot change it.

Ms. McClintock said that needs to be fixed so it works. The number of dollars coming in needs to match a counter.

Mr. Kirwer said he understands that. But there are a lot of tokens out there which have been distributed and he doesn't think we'll ever get that to work right. We won't have that with the parking meters.

Ms. McClintock again asked that Mr. Kirwer provide the Commissioners with a revenue estimate; send a memo to the departments and ask them for their comments.

Technical Director: Mr. Kirwer said he has another proposal from the Auditorium Advisory Board which may need to go to the Job Study Committee. They suggested hiring a part time or full time Event or Technical Director. This person would be on hand at all functions with responsibility for the lighting system and to make sure all problems are properly handled. This individual would consult and take directions from the Auditorium Manager. There is an individual that does that for the Evansville Philharmonic, and the individual may or may not take that job. But he offered to take it on a part time basis at a very, very reasonable salary.

The Commissioners advised this does need to go to the Job Study Committee.

Membership in International Association of Auditorium Managers: Mr. Kirwer said the Auditorium Advisory Board also proposes membership in the International Association of Auditorium Managers. This is \$150.00 initiation fee, plus annual fee of \$250.00. They have a couple of meetings each year; one is in Kansas City and another in Pittsburgh, neither of which is too far away.

Ms. McClintock asked whether membership would be in the Manager's name or the Facility's name?

Mr. Kirwer said he thinks it would be in the facility's name.

The Commissioners took this matter under advisement and requested that Mr. Kirwer check this out and get back to the Board.

Johnson Control Maintenance Agreement: Mr. Kirwer said we have not yet signed an agreement with Johnson Control for maintenance. The cost should go down, as the maintenance man at the Auditorium has had more training.

Mr. Borries queried Mr. Kirwer concerning the warranty period on those controls? Has the warranty expired?

Mr. Kirwer said he could not answer that question.

Ms. McClintock requested that Mr. Riney compare the proposed agreement with last year's agreement and determine if there is a cost difference and, if so, what it is.

Mr. Borries said he doesn't understand why the cost would go down. Normally, as things age, the maintenance agreements go up rather than down.

Mr. Kirwer said he will check on this and let Mr. Borries know.

RE: COUNTY HIGHWAY ENGINEER - GREG CURTIS

Auditorium Lighting Project: Mr. Curtis said a few weeks ago the Board requested Mr. Fred Brown of STTV to get with the Philharmonic, the Civic Theater, and the School Corporation to determine exactly what (aside from the needs we knew we had) things they would like to see included in the Phase II lighting project. He has given each of the Commissioners a packet and Mr. Brown is present today for purposes of answering any details. In looking at a rough estimate, we would need to go on Council Call for \$90,000 to do the items needed. If we wish to do both the items needed and the items being requested, then we would need to go on Council Call for \$155,000. Neither of those numbers include building and enclosure for the dimmer rack previously discussed in. Neither he nor Mr. Kirwer have talked to any contractors concerning cost for that. We do have information from the manufacturers as to what they would give as guidelines, but they have yet to present that to any contractors. If the Board has questions, he would like to refer same to Mr. Brown of STTV.

In response to query from Ms. McClintock, Mr. Brown said he talked with Jack Schreiber of the Public Schools; Dick Engbers of Civic Theater and his Technical Director; Bud Pitts (the Technical Director and Lighting Technician for the Philharmonic); the head of maintenance at the Auditorium; and Mr. Kirwer, the Auditorium Manager. He tried to glean as much information as possible. "Needed" essentially means items needed to complete the initial design. Initially the project was designed to replace the system that was existing -- not improve the system. What we are doing here is replacing items to bring the system up to 100% operational capacity and get things rolling. The items "requested" are the items that will better make the facility more functional for incoming touring groups. A lot of the fixtures

are in the items "requested" area simply for the reason that the existing fixtures are 25 years old and it is becoming harder and harder to find parts and we do not have enough fixtures for the number of circuits we have and they say it is "under lit".

Ms. McClintock asked if Mr. Brown can prioritize the \$65,000 -- not today -- for the Board. She needs to know how much the item cost and what that specific item will do. She asked if items "needed" will bring the system to operational capacity and Mr. Brown confirmed this is correct.

Mr. Borries said he is not sure there is a line item yet for "needed" items. The "requested" items are almost going to have to be a phase, also. He does know that a lot of the off-Broadway shows and touring groups bring in their own lighting and sound anyway. He is sure we would like to please all the people who use the facility, but he concurs that if we need additional fixtures or outlets in order to make certain we have the correct AMP service for those professional shows that would come in (David Copperfield, Sesame Street Live, etc.) -- as long as we have the correct AMP service he thinks we need to look at the items "needed" and make our best shot with that at some point.

Ms. McClintock said the larger user of the facility for shows of that type is the representative of Larry Aiken with WWOK and probably the best thing to do would be to call Larry and confirm pretty much what Mr. Borries is saying and ask him about those kinds of requirements and Mr. Borries concurred.

Commissioner Hunter said he had a call today from Calvin Dentino (Old National Bank) today about this and requested that Mr. Brown also contact him. Mr. Hunter said Mr. Brown had indicated he would be glad to train additional individuals concerning the lighting system. He and Calvin had thought that perhaps he could also train someone from the School Corporation, since they are involved in this in the summer programs they put on.

Mr. Brown said he does not like to train more than three or four individuals max at a time -- just because it goes in one ear and out the other. He could do three or four training sessions of 3-4 different people at a time.

Mr. Curtis said if the Board wishes to expedite this, the deadline for submitting Council Call requests is this week for the March meeting.

Upon motion made by Commissioner Borries and seconded by Commissioner Hunter, Mr. Curtis was authorized to go on Council Call in the amount of \$100,000 for those portions of the proposal received today under Phase II (specifically those items called "needed"), to include the enclosure to protect the dimmer rack enclosure. So ordered.

Union Township Access Project: Mr. Curtis said we received bids two weeks ago and the apparent low bidder is Blankenberger Bros., Inc. They were the low bidder on both Option "A" and Option "B", whichever we would choose. United Consulting Engineers went through the bids and there was an error on Blankenberger Bros. bid on Option "A" of one penny and on Option "B" there was a \$1,000 error. It is his recommendation that of United Consulting Engineers that we accept the bid from Blankenberger Bros., Inc. on Option "A", in the amount of \$2,947,986.01.

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

Mr. Curtis said they will have a pre-construction meeting a week from Thursday, at which time they will be going through the project, getting some time tables from the contractor, as well as reviewing some safety options brought to their attention, and seeing if we want to include some extra things in that.

RE: REQUEST FOR WAIVER OF SIDEWALKS - DEERFIELD SUBDIVISION

Mr. Curtis said the developer of Deerfield Subdivision is requesting waver of sidewalks. This is a very large lot exclusive subdivision (all of the lots are in excess of one acre and most of the homes are built on more than one lot).

Ms. McClintock said that when this was previously discussed, Mr. Willner's concern was that this was going to be a thru subdivision. It is her understanding that there is no longer a road to get out the back of the subdivision. Mr. Curtis confirmed that the thru road has been taken out.

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

RE: RIGHT-OF-WAY PURCHASE AUTHORIZATION/GREEN RIVER RD.

Mr. Curtis said he has a right-of-way purchase authorization for Lot #5 on Green River Rd. in the amount of \$30,900. This is to purchase the Weber property at Theater Drive and Green River Rd. He recommends approval.

Upon motion made by Commissioner Hunter and seconded by Commissioner Borries the purchase authorization was approved. So ordered.

RE: PROPOSAL TO RECOVER OVER CHARGES THROUGH THE PETROLEUM INDUSTRY

Mr. Curtis said currently the Board utilizes the services of David M. Griffith & Associates to recover funds for the County. He has a proposal from a firm that wants to recover over charges that we didn't know we were being charged through the petroleum industry. He has reviewed the proposal to some degree and is going to discuss it with Auditor Humphrey and try to set up a meeting with David M. Griffith & Associates - if the Commission is interested.

The Commissioners instructed Mr. Curtis to go forth on this.

RE: REQUEST FOR ROAD NAME CHANGE

Mr. Curtis said he has a request from an individual concerning the clarification as to correct name of a County road. The records in Area Plan show it as being "King's Road" and all of his records show it as being "King Road". The individual is requesting that the Commissioners name the road "King Road" so that the APC can change their records, because she is not getting her mail. There is only one (1) person who lives on the road. He believes the sign says "King" Road. But the APC and the Post Office have "King's Road".

Mr. Borries asked what we get reimbursed from the State on?

Mr. Curtis responded, "King Road".

Upon motion made by Commissioner Hunter and seconded by Commissioner Borries, the Commission is to inform the Area Plan Commission that the correct name of the road is "King Road". So ordered.

RE: TRAVEL REQUEST

Mr. Curtis said the Board will recall he sent four (4) people from his office to the Indiana Department of Transportation Training Seminars for Certified Inspectors. The tests are scheduled for Thursday and Friday of this week. Cost of each test is \$20.00. He would like four of the people to take all

four tests and he would like one person to take two of the tests, which brings the test fees to \$280.00. The tests begin at 8:00, and he would like for them to go up on Wednesday evening, which makes for two rooms for two nights, or a total of \$302.28; per diem for two days the four people is \$192.00 or a total of \$774.28. He is requesting this be approved.

Motion to approve was made by Commissioner Borries, with a second from Commissioner Hunter. So ordered.

RE: HERITAGE REMEDIATION ENGINEERING, INC.

Mr. Curtis said that before we made a request to County Council, we had a proposal from Heritage Remediation Engineering, Inc. for Site Investigation, etc. in preparation for giving IDEM the information they are requesting. We asked for that money and it was approved this past week. We do have sufficient money in the budget to back this up. However, it is earmarked for something else at a later date. There is sufficient money to back up the agreement. It is his understanding from reading the Commission minutes that the Board has already approved this pending available funds. Once he gets their signed copy of the agreement, does he just bring this to the Commission to obtain the signatures or run it through a meeting.

The Commissioners said they have already approved it and Mr. Curtis only needs their signatures.

RE: CLAIMS

DNR: Mr. Curtis submitted a claim in the amount of \$100.00 for permit applications for the bridge and utility relocation for the bridge on Old Petersburg Road. He is going to take that tomorrow to Indianapolis. The Auditor's office has indicated they will have the check ready tomorrow morning and he will leave as soon as he has it. He is requesting approval.

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

Mr. Curtis noted we will advertise for bids on this the day we receive DNR approval. They are processing our permit and have indicated they won't issue the permit until they receive payment. Normally these things take a long time, but they have assured us they will not in this case.

Upon motion made by Commissioner Borries and seconded by Commissioner Hunter, the following claims docket was also approved. So ordered:

<u>United Consulting Engineers:</u>	
Green River Rd.	\$ 4,340.00
Green River Rd.	\$ 1,700.00
Col.-Delaware Exp. Br. #1-C	\$19,175.00
Union Township Project	2,575.00

<u>Bernardin-Lochmueller & Associates:</u>	
Lynch Rd. Extension Ph. I	\$ 100.00
Lynch Rd. Extension Ph. I	\$ 5,750.29
Lynch Rd. Extension Ph II	\$ 4,923.60
Eickhoff-Koressel Rd. Ph. I	\$ 7,188.27
Eickhoff-Koressel Rd. Ph. II	\$25,845.84

<u>Sub-Tech, Inc.:</u>	
Cont. Serc. (Diesel Tank)	\$ 3,285.00

<u>Veach, Nicholson, Griggs</u>	
Old Petersburg Rd. Br. #90	\$ 7,500.00

<u>Koberstein Trucking, Inc.</u>	
Cont. Services (Motz Rd.)	\$10,000.00
<u>Hanson Testing & Engineering, Inc.</u>	
Old Petersburg Rd. Br. #90	\$ 500.00
<u>Bowling Contractors:</u>	
Demolition Contract	\$29,947.50
<u>Rogers Group</u>	
Cont. Services (Retainage)	\$10,000.00
<u>SIGECO:</u>	
Motz Rd. Utility Reloc.	\$ 5,023.79

Ms. McClintock called upon County Highway Superintendent Cletus Muensterman for his report, but Commissioner Borries interrupted by saying we have a number of people in the audience waiting for the County Attorney to read the bids. He would suggest that the County Attorney read said bids at this point, to expedite matters for those who may need to get to other business.

RE: COUNTY ATTORNEY - TED ZIEMER

The meeting continued with Attorney Ziemer reading the following bids into the record. He said there are seven (7) bidders; all have their non-collusion affidavit, bond, and financial statement unless otherwise noted.:

Koberstein Trucking, Inc.	\$33,570.00
Southwest Engineering	\$35,319.00
Deig Bros.	\$34,227.00
Hazex Construction	\$38,280.00
Key Construction	\$44,290.00
Phoenix Construction	\$41,899.18
J. H Rudolph Company	\$34,603.00

Southwest Engineering does not appear to have a financial statement, though they may have one on file.

Upon motion made by Commissioner Borries and seconded by Commisisoner Hunter, the County Engineer will take the bids under advisement. So ordered.

RE: COUNTY HIGHWAY - CLETUS MUENSTERMAN

Union Contract: Mr. Muensterman said his workers have been inquiring about the union contract.

Ms. McClintock said she has it and was going to bring it up under new business. She imagines it will be deferred until next week.

Physical Examination/Truck Drivers: Mr. Muensterman said he believes he had asked the attorneys at one of the meetings how the drivers could get their physical examinations paid for which they have to have for the operator's license they have to have for the trucks.

Ms. McClintock said she wonders if they couldn't do this through the ongoing Occumed Program we have. She asked that Mr. Muensterman call Ms. O'Connor to see what they can do for us there.

Paving Program Instructions: Mr. Muensterman said he was asked to check on a paving program instructions. He has talked with Ron Smith of Koester Construction and he seemed to think we could get some video tapes, etc., and he was thinking of that earlier.

Diesel Fuel: It cost about \$180.00 per year for taxes for diesel fuel. If we buy it from Wannemuehler or Co-Op, we're still going to pay taxes -- that's the law -- we can't get out of it.

Removal of Electric Fence/Bromm Rd.: Mr. Muensterman said he had sent Mr. Arnold on Broom Rd. a letter concerning his electric fence being so close to the road that the hogs are undermining Bromm Rd. He has removed the electric fence and is putting up another fence off our line.

Road Paving Meeting: Mr. Muensterman said there will be a Public Hearing concerning County Roads on March 18th at 6:00 p.m. The Commissioners set that last week. and he is just confirming same. Ms. McClintock confirmed the date and time.

Inventory/Mechanic Crib Parts: It was noted by Mr. Muensterman that they are currently working on an inventory of parts for the mechanics crib. Carole (Davis) has suggested some changes be made and they're working on this together. He called Mr. Kurtz (the auctioneer) and he has suggested that as soon as they complete the equipment list to get it to him. Do we have to advertise for an auctioneer?

Ms. McClintock said the Commissioners first have to declare it surplus before they can do anything with it. She thinks it would be a good idea to get a proposal from him as to exactly what he is willing to do. Is he going to pay for the ads? How many ads is he going to place? And what percentage does he want? Then, obtain proposals from a couple of other auctioneers and take whoever is the most competitive. We don't have to advertise it, because it is a service.

Compressor for Bridge Crew: Mr. Muensterman said he has the money in the budget and needs to advertise for a compressor for the bridge crew. He has two quotes (Reid-Holcomb - \$9,000 and Wayne Supply for \$9,050.00). Both are the same size, except they have different manufacturers.

The Commissioners authorized Mr. Muensterman to advertise for bids.

Grader: Mr. Muensterman said they are going to need better than \$2,000 worth of parts for the front end of the grader. J&R Machinery can get them cheaper than anyone (he obtained a couple of quotes). Wayne Supply wants almost \$4,000 for the same parts. He is going to go ahead and purchase from J&R Machinery.

Flood Damage/Quotes: He said he has sent an estimate of flood damage to both the Federal and State agencies and we should be hearing from them.

Weekly Reports: Mr. Muensterman said he has already submitted his Weekly Reports.

RE: COUNTY ATTORNEY - TED ZIEMER

Attorney Ziemer submitted a letter concerning the status of various legal matters handled since the last meeting he attended. (Copy attached hereto).

Resolution & Employment Agreement/Andy Easley: Attorney Ziemer said he has the employment agreement with Andy Easley re the County Morgue for execution, as well as the Resolution authorizing him to receive certain County employment benefits. This will save the County thousands of dollars as opposed to hiring an outside engineering firm. -The County Council approved funding for Mr. Easley's employment as Assistant County Engineer at its February 1991 meeting by adoption of an ordinance to that effect.

Upon motion made by Commissioner Borries and seconded by Commissioner Hunter, the agreement and Resolution were signed. So ordered.

Addendum to Maintenance Agreement/Schmitt Refrigeration: With regard to Item #8 in his letter, Mr. Ziemer said at the request of Auditor Sam Humphrey they reviewed the aforementioned approved agreement. There was one paragraph in the executed agreement that didn't make any sense due to, he thinks, a typographical error. To correct the typographical error and make the agreement meaningful, they prepared an Addendum and are now submitting same for execution.

Upon motion made by Commissioner Borries and seconded by Commissioner Hunter, the Addendum was approved and signed. So ordered.

Pre-Employment Interviews: Mr. Ziemer reported that at the request of Commissioner McClintock, they prepared a memo for her and the other Commissioners relative to pre-employment interviews. It might be worthwhile to have same distributed to Department Heads. It does outline all relative issues in connection with pre-employment interviews, permissible questions, etc. No action is required, it is just for the Commissioners' information.

Resolution Authorizing Auditorium Manager to Negotiate & Execute Facility Leases: Mr. Ziemer said he has prepared the foregoing Resolution, but he has a late note from Commissioner McClintock indicating this agreement is identical (with the exception of the facility involved) to one that the Commissioners have with Burdette Park relative to the authority of the Manager to negotiate and execute on behalf of the Commissioners leases for temporary use of facilities. Both agreements say that those negotiations shall be at rates fixed by the Board, subject only to further supervision and control, if necessary or appropriate. She has said she would like to have included "rates being fixed by the County Commissioners unless otherwise approved by the full Commission. He will need to revise this and will have same ready for the next meeting.

Employment Agreement with Charles Davis: Mr. Ziemer submitted an employment agreement between the County and Mr. Charles Davis to employ him as an employee to perform consulting services in connection with the County Morgue project. The Ordinance concerning the salary for this position was approved by the County Council at its February meeting. He recommends approval of same.

Upon motion made by Commissioner Borries and seconded by Commissioner Hunter, the agreement was approved. So ordered.

(Note: The agreement was subsequently revised, and the revised version approved and signed on 2/19/91.)

Agreement between Circuit Court & Francis Pharmacy: Mr. Ziemer said he has reviewed the foregoing agreement with regard to antibus and he recommends approval of same.

Upon motion made by Commissioner Borries and seconded by Commissioner Hunter the agreement was approved. So ordered.

RE: OLD BUSINESS

Commissioner McClintock entertained matters of Old Business to come before the Board. There were none.

RE: NEW BUSINESS

Request to Advertise for Proposals for Printing of Tax Bills: Pat Tuley, County Treasurer, requested permission to advertise for proposals for printing of tax bills.

Upon motion made by Commissioner Borries and seconded by Commissioner Hunter, authorization was so given. So ordered.

Insurance Sales: Commissioner McClintock said she has had several calls concerning the County's policy regarding insurance sales people. Apparently, we say it is okay and then the sales people call a department head and say they have been approved and they want to set meetings up on the insurance.

Mr. Riney said the Commissioners only give approval for the insurance sales people to come into the building and they have to obtain permission from each officeholder. If the office holder says no, then that is it.

President McClintock said she thinks we need to get a memo out to the Officeholders stating that the Commissioners are not recommending or endorsing these companies in any fashion. All we've done is give them permission to come into the building.

Addendum to Union Contract/County Highway & Burdette Park: President McClintock said she has an addendum to the Union Contract to add two employees at the County Garage and the receptionist at Burdette Park to the Teamster's current agreement. She just wanted to mention this and include it on next week's agenda.

Mr. Borries asked why wouldn't other County departments such as this one or the Auditorium been included on that particular addendum?

Ms. McClintock said this was presented as a proposal to the Commissioners by the Teamsters. She didn't draw this up -- it is not her proposal. It is for next week's agenda. She provided Commissioner Borries and Attorney Ziemer with a copy of same.

Ms. McClintock then asked if there are any other groups or individuals present who wish to address the Commission for any reason.

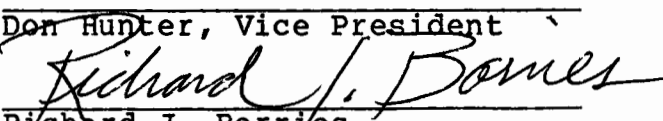
There being no response, President McClintock declared the meeting recessed at 4:50 p.m.

PRESENT:

Carolyn McClintock, President
Don Hunter, Vice President
Richard J. Borries, Member
Sam Humphrey, County Auditor
Ted Ziemer, Jr., County Attorney
Greg Curtis, County Engineer
Cletus Muensterman, County Highway Supt.
Sam Elder, Health Department
Jack Kirwer/Vanderburgh Auditorium
Charles Althaus, County Coroner
Jerry Riney, Commission Office
Margie Meeks, Commission Office
Others (Unidentified)
News Media

SECRETARY: Joanne A. Matthews


Carolyn McClintock, President


Don Hunter, Vice President
Richard J. Borries
Member

MINUTES
COUNTY COMMISSIONER MEETING
FEBRUARY 19, 1991

I N D E X

<u>Subject</u>	<u>Page No.</u>
Meeting Opened @ 6:00 p.m.	1
Pledge of Allegiance	1
Proposed Resolution Supporting Reinstitution of Federal Regulation of CATV	1
Data Processing/Software License Agreement	2
Sale of Surplus Properties (No Bids)	2
Award of Contract for Culvert Replacement on Old State and Nurrenbern Roads to Koberstein Trucking (\$33,570.00).....	2
Ordinance re Group Health Insurance for Qualified Sheriff's Deputies (First Reading/..... (Deputy Swaim to bring back to 3/11/91 Meeting)	2
Petition to Vacate Utility Easement on Lexington Road	4
County Treasurer/Pat Tuley/Public Financial Management	4
Request for Appropriation for Dues & Subscriptions	5
Teamsters Agreement Local #215/Addendum to Contract	5
Surplus Properties/Quit Claim Deeds	7
County Morgue/Approval of Contract w/Key Construction Co. ...	7
Auditorium/Jack Kirwer	7
Equipment Maintenance Agreement/Johnson Controls	
County Engineer/Greg Curtis	8
Audubon Estates, Section "C"/Storm Sewer Approval West Summit Drive & Ogelsby Drive/Culvert Project (Bid Opening on 3/18/91) Brookview Heights/Section 3/Plan Approval Claims/Heritage Remediation (\$539.50 and \$377.63)	
Old Business	8
Burdette Park will be at Boat Show this weekend with their new booth	
Superior Court/Letter/Re-Bid on Furniture	
New Business	9
Applicants for Position of Assistant Veterans Service Officer/Commissioners to review apps and a decision made on 3/4/91 or 3/11/91	
County Personnel Policy (Copies of Hiring & Discipline Guidelines to be circulated to Departments for input and returned to the Commissioners for determination as to whether changes need to be made in Personnel Policy	
Meeting Recessed @ 7:15 p.m.	9

R E Z O N I N G P E T I T I O N S

VC-1-91/Petitioner, Jeff Carneal/First Reading
(Approved)

VC-19-90/Petitioners, James & Betty Rittenhouse/Third Reading
(Continued)

VC-20-90/Petitioner, Mildred Hordynski/Third Reading
(Denied)

VC-21-91/Petitioner, Southern Indiana Dock, Inc./Third Reading
(Approved)

Meeting Adjourned @ 8:30 p.m.21

MINUTES
VANDERBURGH COUNTY COMMISSIONERS
FEBRUARY 19, 1991

The Vanderburgh County Board of Commissioners met in session at 6:00 p.m., on Tuesday, February 19, 1991 in the Commissioners Hearing Room with President Carolyn McClintock presiding.

The meeting was called to order and Commissioner McClintock then proceeded to introduce staff members, as follows: Attorney Larry Downs, Commissioner Hunter, Commissioner Borries, Auditor Sam Humphrey, Commission Secretary Joanne Matthews and Margie Meeks, Administrative Assistant. Department heads present included: Greg Curtis, County Engineer; Charles Althaus, County Coroner; Jerry Riney, Commission Office and Pat Tuley, County Treasurer.

RE: PLEDGE OF ALLEGIANCE

Ms. McClintock asked the meeting participants to stand for the Pledge of Allegiance.

Ms. McClintock subsequently asked if there is anyone who does not find themselves on the agenda this evening who wishes to address the Commission on any issue. There was no response.

RE: ACTION ITEMS

A. With regard to supporting reinstitution of Federal Regulation on CATV, Attorney Wilhite said there is a Proposed Resolution adopted by the City Council asking Federal Congress to regulate cable television rates. He has researched the issue and there is a maze of Federal and State law concerning this issue. The broad picture is that during the 1980's during a period of deregulation, the cable industry was deregulated and Congress passed a law saying that localities like Vanderburgh County could not regulate rates of cable television. There is a report due in Congress some time this year to see how that has been working. The idea was that it should be a competitive industry and the market should take care of itself. In Evansville, since we have three networks we are considered a competitive cable market, so we can't regulate rates.

There is currently a bill in our State Legislature for State regulation of cable television, which does not appear to be heading toward passage. He doesn't think the State could do that anyway in light of Federal Regulation. He reviewed our local charter to make sure that passing a Resolution asking Federal Congress to regulate rates did not violate our charter. He does not think it does. Our local charter is a license agreement and basically says we will give Evansville Cable TV use of these public lines and spaces in exchange for 5% of their gross subscriber fees. That is all it says. This charter expires April 14, 1991, so in upcoming months we are going to have to renegotiate this license agreement. If the Commissioners, as a policy matter, would like to encourage more regulation of cable rates at the national, state or local level, it would not violate our local license agreement nor any existing law of which he is aware to pass a Resolution much in the same form as the City Council did. He can draft same if the Commissioners wish.

He had asked Joanne Matthews to obtain a copy of Senate Bill 12 introduced to the Senate of the US on January 14, 1991. It is a bill to insure the carriage of cable TV, local news and other programming and restore the right of local regulatory authorities to regulate rates and for other purposes. So apparently the bill has been introduced.

Following further comments, it was noted by Attorney Wilhite that there is a handwritten note on Page 2 of the 1980 agreement wherein the franchise 3% fee was increased to 5% in 1986. Commissioner Borries stated he is certain there is a subsequent agreement. (Ms. Matthews noted the young attorney who came to her office at 5:00

p.m. today asked for the initial agreement and did not take the renewal agreement dated 1988, because it was just a one-page document extending the agreement and referring to the initial agreement.)

Upon motion made by Commissioner Borries and seconded by Commissioner Hunter, the Board requested that Attorney Wilhite draft a Resolution similar to the City Council Resolution, to be acted upon next week.

Attorney Wilhite said he will draft the Resolution and bring it to the March 4th meeting.

B. Upon motion made by Commissioner Hunter and seconded by Commissioner Borries, the Board approved and signed a software license with regard to data processing, as requested by Roger Elliott. The approximate cost is \$6,000.00 with 1/4 of it to be paid by the City and 3/4 paid by the county. This was included in the budget insofar as last year's presentation in concerned. So ordered.

C. Sale of county owned surplus real estate. Commissioner McClintock entertained bids on the county owned surplus parcels of real estate. There were no bids and the sale will continue.

D. Awarding of contract for culvert replacement on Old State and Nurrenbern Roads. Mr. Curtis said the County received six bids ranging from a low bid of \$33,570.00 from Koberstein Trucking to \$44,290.00. His office reviewed all bids and found the low bid to be the best bid. He recommends the contract be awarded to Koberstein Trucking, Inc.

Motion made to this effect by Commissioner Borries, and seconded by Commissioner Hunter. So ordered.

E. Ordinance providing group health insurance benefits for qualified Sheriff's deputies. President McClintock said this is the first reading of this ordinance.

Deputy Pete Swain said he wants to bring one typographical error in this version of the draft to the attention of the commissioners. It is in the last paragraph just prior to the signature block. It should read, 'This ordinance shall become final and binding...'

Additionally, one change recommended by their Pension Board Attorney is that he believes that the Commissioners should consider reducing the number of years from eight years to five years for a former Sheriff to fall in line with the 100% vesting of a Sheriff in our particular pension. He is vested 100% after having served five years rather than having served eight years.

Mr. Swain said he think the Commissioners have all received a fiscal impact statement on this ordinance. Commissioner McClintock had requested they make a five year projection. The only difference is that the figures were done prior to their discovering the ordinance from 1986 that gave the rest of the County employees insurance at the 50% rate after twenty years of service. Then years, of course, had to be completed just prior to retirement.

Commissioner McClintock said she has talked with a couple of the members of County Council and they still have some serious concerns about funding this program and had requested a meeting with the Sheriff, a member of the Commission, and the President and Finance Chairman of the Council to go over the fiscal impact statement which was provided. Unfortunately, the first time that she can get a meeting set up with them to everyone's convenience is not until March 8th. She has not problem if the rest of the Commission wants to go ahead and pass this on first reading, but the final reading will have to be moved to the Monday past that date.

The other new information she has is that we wanted to make sure if we pass this ordinance that our insurance companies would honor what we are saving, because we really can't make them do that. They have indicated they will. However, and the ordinance needs to be changed to reflect this (and perhaps our attorneys can help us)--if once retired, you don't have the option to get back in.

Deputy Swain said they understand that. The reason they opted to keep that provision in is in case we go with a self-insurance program somewhere down the line.

According to Blue Cross and Accordia they give you a lot more flexibility as far as being able to do that--such as the City Police have now and the City Fire Department. With the City being self-insured, that gives them a lot more flexibility. He talked with Accordia, Blue Cross and Welborn HMO. They would be willing to do that. As it stands now, after the retirement age of 50 you would continue to stay in the program and not have any lapses in coverage.

Ms. McClintock said that is not what the ordinance says. It says the retired member may reserve the option to receive the coverage under the plan on the date on which the retired member is no longer enrolled in any other health insurance program. And what our health insurance company is telling us is that they won't honor that.

In response to query from Attorney Wilhite, Mr. Swain said that even though we've had several different drafts of this ordinance, they wanted to see if they couldn't keep that in against the event of eventually going to a self-insurance program.

Ms. McClintock said it occurs to her that the whole ordinance has to be based upon what our insurance companies will cover anyway. We are to get a letter to the effect of what they are willing to do today. But ten years from now they may say they won't do that anymore.

Attorney Wilhite asked if it causes a big problem to exclude that now? Couldn't we always go back and change it again if we go to self-insurance?

Mr. Borries said he talked with Pete before the meeting and has no philosophical problems with that, but he frankly can't figure who is in and who is out from the most recent thing.

Deputy Swain said that will depend on whether this passes and on which date the Commissioners make it effective. Council might be able to guide the Commission as to whether any of this is retroactive.

Attorney Wilhite said he thinks the way it is written this would include all former retired Sheriffs.

Ms. McClintock said, "I thought the intent was to offer this to the employees who are currently looking at retirement now--not people who retired previously."

Deputy Swain said, "You might bear in mind that we don't have but one or two who would fall into that category--who have their time in who are less than 65 years of age and have previously retired."

Attorney Wilhite said he hates to delay this further, but especially since the Commission needs to meet with the County Council re the fiscal impact statement, is it really a problem to redraft it in those two areas? One, clear up the opting back in question. And, secondly, add some language to clarify the Commission's intent that we are only dealing with current employees? His suggestion would be that the Board not pass this ordinance on first reading tonight.

Ms. McClintock said she thinks this is one of the concerns of Council, that ten years down the road the insurance companies may say they are not going to do this anymore--and then this money has to come out of the county general fund. We may well have move to self-insurance by the, which we hope we have.

Deputy Swain said he wants to bring to the Board's attention that they have one Chief Deputy who retired around January 4, 1991, based upon the ordinance passed in December 1990. Had he known the Commission was going to change this, he may have opted to stay on. If this passes and gets funded, Deputy Swain said he would want to make sure that Deputy is covered.

Attorney Wilhite said that is a policy question. Whatever everyone agrees on can be written--but to answer Deputy Swain's question, the way it is now it would cover anyone who was currently a retired Deputy or Sheriff. If that is too broad...

Ms. McClintock suggested Deputy Swain come back to the Commissioners meeting on March 11th at 4:30 p.m., after the March 8th meeting with Council, before we again advertise for public hearings.

F. PETITION TO VACATE UTILITY EASEMENT ON LEXINGTON ROAD

Andy Easley: "I had expected a representative, Don Mills indicated that he would be here. I think that Jerry Lamb agreed that he would give them another easement if they would get this one vacated. And if you recall a couple of weeks ago the legal description was amended to extend the easement further west. (inaudible). There has never been anything buried in it. Apparently no one has objected to it and I think that they have turned in letters certifying that they had no objections."

Commissioner McClintock: "Is there anyone here wishing to speak regarding this petition to vacate the public utility easement for Lexington Road? Since we are refuted at a previous meeting I will entertain a motion to approve the vacation."

Motion made to approve by Commissioner Hunter with a second by Commissioner Borries. So ordered.

G. PAT TULEY/COUNTY TREASURER

Pat Tuley: "What we need to do is go for the Council and finalize the funding of the consulting fees for Public Financial Management so that they may be paid for the services they rendered in reference to our cash management system and our investment policy. The total fees as I have mentioned are going to be 20,446.13. This project actually got under way in 1989 and was finalized in January of this year so the actual program went into effect on January 1. The report that you have got there shows that there was a couple of carry-overs on there. The first two you see are carry-overs 90's. Those were done in the very end of 1990 up through today's report we have generated and receipted 95,166.62 to the general fund. In addition to that in the month of January we generated interest for the bridge fund, the road and street fund, reassessment fund and the self-insurance funds which are on the second page, totally 38,082.82. So actually what we have done altogether so far this year is generate 133,249.44. In comparison, I realize that the tax bills went out late last year, we only generated approximately one million and a half dollars--maybe--from all investments last year. And we are just in the middle of February where we don't have the tax money coming in yet so when you look at the rates the rates are obviously much lower this year than what they were last year. I think that the highest that we have gotten so far this year has been 7.25 with the low of 5.70. So our money has been--the 20,000.00 dollars which is a one time fee, I think that from this point be it myself or anybody else that comes in to the Treasurer's office after I am gone should be able to take the information and the

package that was provided by Public Management and do this in the future ourselves. We should not have to go to an outside consultant again. So, it should be a one time fee and it is going to come back to us many, many, many times over what we have paid. I believe that we have the best system in the state. It just does so much more for us in terms of giving us an actual investable balance everyday that we can see by calling it up on the computer and reinvesting. If you look at that report. There is about six different investments there that are one day overnight investments. And basically all that is the float. Before the only thing that I had to operate from was our checkbook balance. So I compare that against what we show on the ledger verses what the bank says we have as investable funds. Therefore, we are generating a lot of extra interest. If this was just a NOW Account the rate that I was quoted today was 4.5% and any time you minus out the reserve requirements you have got effective yield of about 4.32%. (inaudible) It is a good program and (inaudible) we have worked with that company before and I think that they are really a good corporation."

Motion made to approve the request by Commissioner Borries and seconded by Commissioner Hunter. So ordered.

H. REQUEST FOR APPROPRIATION FOR DUES AND SUBSCRIPTIONS

Commissioner McClintock: "This is a request for an appropriation for dues and subscriptions to the Association of Indiana Counties this is additional money because the dues have been increased. The dues are now 5,325.00 dollars so we need to go on Council call for an appropriation of 1,700.00 dollars."

Motion made to approve by Commissioner Borries and seconded by Commissioner Hunter. So ordered.

I. TEAMSTERS AGREEMENT LOCAL 215-ADDENDUM TO CONTRACT

Commissioner McClintock: "This is regarding the employees at the Vanderburgh County Garage and Burdette Park. We do currently have one of the office workers at Burdette park is currently in the Teamsters Union. This would include that receptionist also in the union and add the bookkeeper/payroll clerk and the secretary to the union contract at the highway garage. This would not change any of these individuals salaries. We have based those wages that are effective on what the budget book is now, so are there any other questions? They are exempted from the uniform and clothing allowance."

Commissioner Borries: "Why were some employees at the County Garage and Burdette Park either asked or allowed to sign union cards and others for example, maybe in this office not afforded that opportunity? Or at the auditorium?"

Commissioner McClintock: "It is my understanding that these employees contacted the union. I mean we didn't contact these employees and tell them to contact the union. These employees contacted the union. There is a precedence set particularly at Burdette Park, because the other office worker at Burdette Park was in the Teamster Union. That is why they contacted the union and signed cards."

Commissioner Borries: "So if another person wished to do so they could do so on their own by contacting the union? Is that correct?"

Commissioner McClintock: "Well they can sign a card by contacting the union but then they have to be in one of the bargaining units. I mean, we have agreements with as you know, with Burdette Park, with County Highway and with the Auditorium. We don't have an agreement with the office and the teamsters, so that would be a whole other contract that would have to be negotiated."

Commissioner Borries: "But we are in effect, that is a whole other

contract that you are negotiating there. Those are office employees. Those are not highway employees."

Commissioner McClintock: "This is an addendum to the contracts that we currently have regarding Burdette Park and the Highway Garage."

Commissioner Borries: "My point is, we can have addendums to any contract with any facility that is negotiated through the Commissioners. It can be negotiated through the Commissioners."

Commissioner McClintock: "Right. That is correct."

Commissioner Borries: "You can have a office-those are office personnel-they have nothing to do with highway at all other than they are responsible in relation to, taking care of highway financial business and highway secretarial business. But they are not part of the bargaining unit. They will not be until we sign this."

Commissioner McClintock: "Right. I understand that."

Commissioner Borries: "Ok, you still haven't answered my question in relation to other areas of responsibility by this Board in terms of Commission, that if a person wishes to join the union they may do so."

Commissioner McClintock: "He or she may sign a card with the bargaining unit but just like we are doing with the corrections officers right now, and until this Board recognizes that unit and then begins negotiating with them and has a contract that card doesn't mean or the recognition of the card doesn't mean anything. I mean, we have correction officers that signed cards six, nine months ago? I mean, we still don't have a contract with those members. They are not paying union dues. They have signed a card; they are county employees. They are not members of the union."

Commissioner Borries: "My point is a matter of information and fairness here, and semantics that is what I am trying to determine at this point."

Commissioner McClintock: "Mr. Hunter (inaudible) oh, you have got it. (inaudible) Do you have any questions?"

Commissioner Hunter: "No, I don't I am assuming these people are being added to a unit that's a bargaining unit that is already established."

Commissioner McClintock: "That's right."

Commissioner Hunter: "Rick, are you talking about establishing a whole new bargaining unit? These are people that are joining..."

Commissioner Borries: "They are not part of a bargaining unit in terms of the highway. You are adding another layer in effect creating a separate bargaining unit at this point."

Commissioner McClintock: "No we are not."

Commissioner Borries: "Sure."

Commissioner McClintock: "No we are not."

Commissioner Borries: "Sure you are. You have different job descriptions here..."

Commissioner McClintock: "I see where you are going..."

Commissioner Borries: "You have different job descriptions, you better see where I am going because I am saying that you can't just hit and miss here and there and be fair to all employees. You are

in effect creating a separate bargaining unit. There is one person at Burdette Park as you refer, who was in a bargaining unit but there were never other personnel. And I am not saying that I am opposed to that but my point is, is why there were some people that were allowed to do this and others not. That is the question. It is a different bargaining unit. Are you saying that all the members--they are not they don't do the same jobs. They are in different bargaining units."

Commissioner McClintock: "Ok, well Commissioner Borries since you raised the question we will ask Mr. Downs to contact Mr. Whobrey and make sure that we have a clear understanding on this before we..."

Mr. Downs: "And my understanding is that no one has been prohibited from signing a card."

Commissioner Borries: "I didn't determine that. I was asking for some information as to how this process happened."

Commissioner McClintock: "They appeared before us, ok?"

J. QUIT CLAIM DEEDS ON SALE OF SURPLUS PROPERTY

Motion made to approve the deeds as submitted by Commissioner Hunter with a second by Commissioner Borries. So ordered.

K. APPROVAL OF CONTRACT WITH KEY CONSTRUCTION/COUNTY MORGUE

With recommendation from Andy Easley and approval from legal council a motion to approve the standard approval of contract on the bid submitted from Key Construction on the County Morgue was made by Commissioner Hunter and seconded by Commissioner Borries. So ordered.

Andy Easley: "The change order is 11,636.00 dollars and contains items--(inaudible) I and Roger Lehmen met three times with Key in going over some suggestions that I had some requests that the Coroner's office had and some recommendations that Key Construction had and there were some things that were included in their bid. Such as, the sewer tap and some underground piping that was changed. There is a good summary there. Everything has been thoroughly discussed and analyzed and this does through a series of extra small items some of which is like a 168.00 dollars to use a higher strength mortar on the concrete blocks to make the blocks more resistant to possible differential settlement or earthquake, up to an item that adds drywall to the ceiling of the garage to make it cleaner and function better was 3,500.00 dollars. We have added a couple of extra hold bins, outside receptacles, et cetera. This still makes the contract less than the next lowest bidder. Which is comfortable. (inaudible)"

(inaudible)

Motion made to approve the change order by Commissioner Hunter with a second by Commissioner Borries. So ordered.

(inaudible)

RE: DEPARTMENT HEADS REPORTS

AUDITORIUM:

Jack Kirwer: "I would like to resubmit the equipment maintenance contract with Johnson Controls. We were talking about that last week and I mentioned (inaudible) and there was a question on why, here is the original. The reason that it went down is, I explained last week, it is hard to understand but the reason was they went to less scheduled services instead of having 12 they are going to have

six. The original 12 was because of new equipment and they wanted to be sure that it was working properly and they were doing training of our maintenance personnel over there. I talked to him today and he thought that the six service visits would still be covered under the contract as far as the maintenance contract. I don't think that there is any problem. They are the only ones that are qualified to service this equipment. They did go from 6,340.00 dollars last year, to 5,100.00 dollars this year. Next year they will not go down any farther because they will still have the six visits. It will probably go up by whatever the current consumer price index (inaudible)."

Commissioner McClintock: "Jeff, have you had an opportunity to look at this agreement?"

Jeff Wilhite: "Which agreement? With Johnson Controls? No I haven't."

Commissioner McClintock: "Will you do that for us? We will have him look at that then...go ahead."

Motion made to approve the equipment maintenance agreement with Johnson Controls by Commissioner Hunter and seconded by Commissioner Borries. So ordered

RE: COUNTY ENGINEER/GREG CURTIS

Storm Sewer Approval/Audubon Estates, Section "C": County Engineer Greg Curtis said the first item on his agenda is the approval of storm sewers in this subdivision. They have performed site inspection and there is 145 ft. of 21-inch concrete pipe that lies outside of the county right-of-way. It has been installed in accordance with county standards and he would recommend approval.

Motion to approve made by Commissioner Borries, with a second from Commissioner Hunter. Commissioner McClintock so ordered.

Culvert Project/Request to Advertise for Bids: Mr. Curtis said we've had a problem with water flowing into the street in two subdivisions. We need to put in a trench drain so it will catch the water. He has prepared notice to bidders and is requesting permission to advertise. We would receive bids on March 18, 1991.

Motion to approve made by Commissioner Borries, with a second from Commissioner Hunter. So ordered.

Brookview Heights/Section 3/Plan Approval: Mr. Curtis said he has the plans for Belmont Drive and Meadow Drive and would recommend approval of same. The drainage plans were previously approved.

Motion to approve the plans was made by Commissioner Hunter, with a second from Commissioner Borries. So ordered.

Claims: Mr. Curtis also submitted the following claims for approval concerning the County Highway Diesel/Chemical Problem:

- 1) Heritage Remediation/Engineering, Inc.

Consulting Services	\$539.50
Consulting Services	\$377.63

Motion to approve the claims was made by Commissioner Borries, with a second from Commissioner Hunter. So ordered.

RE: OLD BUSINESS

Ms. McClintock noted that Mark Tuley was in the office earlier and she just wanted to let the other Commissioners know that Burdette Park will be at the Boat Show this weekend with their new booth to explain all the wonderful attractions at Burdette Park.

Superior Court/Letter to Re-Bid Furniture: Ms. McClintock said that at last weeks's meeting it was determined to delay the bid opening for furniture for Superior Court until March 4, 1991. They had asked the County Engineer's office to develop a drawing to lay out the furniture specified in the bid. The drawing was great deal of help -- only once everything was on paper and the arrangement made clear, more questions arose. Apparently it is not feasible for Superior Court to use the furniture specified in the bid in the way that they had intended, since the furniture will not fit into the arrangement the department planned to achieve. They have now asked several vendors for assistance in the development of proper requirements. Superior Court would like to put this matter on hold for a while. In order to receive appropriate bids, they feel it necessary to revise the specs. Therefore, they are requesting permission to cancel the request for bid, develop new specs and re-bid at a later date.

Motion to approve was made by Commissioner Hunter, with a second from Commissioner Borries. So ordered.

RE: NEW BUSINESS

Assistant Veterans Service Officer: Commissioner McClintock announced we have had several applicants for this position. She believes we need to make an appointment to this position as soon as possible. Not only are we missing the services of the Assistant Veterans Service now and obviously there is a need for those services, but we have a pending influx of veterans with the current Persian Gulf Crisis we have going on. She is going to be out of the City for the next ten days beginning Thursday, but, if agreeable to the Commission, she will provide each of the Commissioners with copies of the applications received in this office for their review at their leisure. If they would like to talk to any of the applicants, they should do so. But she would like to be ready for a vote if possible at the March 4th Commission Meeting or on March 11th meeting at the latest.

County Personnel Policy: As per discussion a last week's meeting Larry Downs of Kahn, Dees, Donovan & Kahn has prepared County Hiring and Discipline Guidelines and he wants to emphasize "Guidelines" -- these are not in ordinance form. She has not even had an opportunity to review them. She just wants to request that all the Commissioners review them and that they further be taken to the various Department Heads for input and then be brought back to the Commission for any changes we may want to make to the County policy.

There being no further regular business to come before the Board at this time, the meeting was recessed at 7:15 p.m. for fifteen minutes. President McClintock said they will reconvene promptly at 7:30 p.m. for rezonings.

* * * * *

R E Z O N I N G P E T I T I O N S

The Board reconvened at 7:30 p.m. for purpose of hearing rezoning petitions. President McClintock called the meeting to order and said the Board would proceed with the hearings.

VC-1-91/Petitioner, Jeff Carneal/First Reading: Common known address is 2700 S. Green River Rd. This is currently zoned Agricultural and requested zoning is C-2 (Community Commercial).

Present existing land use is residential and proposed land use is commercial subdivision. President McClintock asked if there is anyone present to speak to this petition. There being no response, she entertained a motion for approval on First Reading.

Motion to approve the petition on First Reading and forward to the Area Plan Commission was made by Commissioner Borries, with a second from Commissioner Hunter. So ordered.

VC-19-90/Petitioners, James & Betty Rittenhouse/Third Reading:
President McClintock said the Board will give the Petitioners and/or their representatives to present their case. We will give an equal amount of time to the remonstrators and then give the Petitioner an opportunity to respond.

Attorney Les Shively said, "For the record, my name is Les Shively, representing the Petitioners and to expedite these matters I have prepared a packet for each of the Commissioners. Briefly, Ladies and Gentlemen, this particular proposal is to rezone a section of land located near the intersection of Millersburg Rd. and I-164. It is to relocate the business of J&R Equipment owned by the Rittenhouses, which is currently at a location that the Rittenhouses' lease at I-164 and Weinbach. They propose to build a new warehouse building which will be used for storage and sale of parts. There will be no tearing down or breaking down of equipment for salvaging or anything of this nature at this location. That will be done at another location. A couple of things I would just like to comment on briefly -- the Staff Field Report -- this was on the agenda back in January, so I think Staff has probably updated some of these matters. But I would like to briefly address -- first of all, the area in question is right along here (pointing to map). This actually would be the southern border. There is an existing M-1 zoning that has been there for some years to apparently accommodate a body shop or auto repair operation that a person conducts near their home. Apparently it has been there for a number of years according to the records in the APC. Further to the south is an M-2 use which in just driving by would appear that is a salvage yard facility or some sort. It has been there a number of years and predates this particular request. We would note the following. There have been five (5) rezonings since 1989 along the I-164 corridor, rezoning over 200 acres of land. One from Agriculture to M-3 at South Green River Rd.; one from R-1 to C-4 near Spry Rd.; one from Agricultural to M-3 South Green River Rd., another of about 109 acres without any definite plan from Agricultural to C-4 near the Lloyd Expressway and I-164; and the latest this Commission approved in June of last year Agricultural to M-2, the Boonville-New Harmony Rd., which is just north of the subject area. This was obtained by Koester Contracting and this is for a truck hauling operation and truck storage operation. Also, 11 billboard permits have been issued since 1990 for the I-164 corridor. I have included in your information a report from Daniel Riddle, an independent fee appraiser, regarding a tract of land on the other side of I-164 that the Rittenhouses own that was judicially decreed to be M-1 by the Court. Now, that decision is on appeal. Mr. Riddle's report is in there because it is analogous to the subject property which shows that due to I-164 and what is done to the tracts of land in that particular area (that's the third exhibit I might note) the area does not lend itself agriculturally to uses. This was continued from the January meeting because the staff brought to our attention three concerns. Whether we could put a septic system there; whether the property was in the floodplain; and whether there were any wetland concerns. By the way, for those of you who are going to be involved in zoning for a while the new buzz word now concerns wetlands. You're going to see a lot of that. We hired Mr. Jim Morley of Morley & Associates and his report is the last item in your packet. And, given the constraints of time, let me briefly say this. We can put a septic system in there and the State has given tentative approval to a sand filter system and the specifics of that are attached to

Mr. Morley's letter. But a septic system can be placed there. The land in question that we plan to build on -- because the southern portion of the tract of land -- most of this land is now a big lake where a borrow pit used to be. We're obviously going to be building where it is dry land and that is to the south of the property and most of that is out of the floodplain but to the extent there are floodplain concerns, we have taken the necessary steps to show that we will be building at the proper elevations and there will not be any floodplain concerns. Mr. Morley also, on our behalf, checked with the Department of Natural Resources. There are nounder the DNR guidelines, the Corps of Engineer guidelines -- so all three of the concerns that staff has raised, we have met those concerns to show we can put sanitary sewer, septic system -- and we don't have a problem with floodplain to the extent we do, our elevations planned will meet those concerns and there are no wetland problems. The comprehensive plan for 1987 will be in effect until official action is taken to adopt the most recent comprehensive plan, along with the I-164 corridor and it gives guidance to this body as to land use in this particular area. In that particular plan, especially on Page 39, it recognizes that zoning is your prerogative as the legislative body of the county and that deviations from that plan are justified when there are compelling reasons for that. We submit to you that on five occasions the County Commissioners have found those compelling reasons to rezone over 200 acres of land to industrial or commercial classifications. We also note that the rationale that was used to rezone the 20 acre plus tract at Boonville-New Harmony to M-2 -- a much more intensified industrial use -- there was a rationale for that decision and certainly it is more appropriate where we have an existing M-1 and immediately southwest to the subject property an M-2, and (inaudible).....

Attorney Shively continued by saying "We would ask that you approve this rezoning, not only to assist the Rittenhouses in relocating their business, but also to make sure that the residents of Vanderburgh County do not deny themselves the same economic base creating benefits that have occurred in Marion County. We would also note that with this particular use, this is a low traffic generator. We note that the EUTS folks apparently changed their report and my comments regarding the changed report are, as follows.

Their report was changed apparently the day of the Plan Commission meeting back on February 6th. We were not notified of that. Nor did Ms. Zigenfus inform us as to what additional data she had. She found it to be a low traffic generator -- as she found Mr. Koester's rezoning on Boonville-New Harmony Rd. to be a low traffic generator. I do not understand her rationale and I do not understand why EUTS changed their opinion. But, once again, we feel this is a low traffic generator and as long as it remains such, it will not present a traffic problem. There is no necessity for this particular use to have access on I-164. In a nutshell, that pretty well covers this particular request and I would be more than happy to answer any questions the Commissioners may have at this time."

Commissioner Borries said, "Les, the question came up at the Plan Commission about the possibility of billboards being placed along this. I would have questions if you're going to rezone a whole area that is going to be useless here in terms of a borrow pit lake. What is the purpose of that? There can't be any industrial use for that. Why do you want to rezone that whole entire thing that has a borrow pit?"

Mr. Shively replied, "Mr. Borries, you will recall the discussion at the Plan Commission meeting -- excluding from the legal description the borrow pit area. We have no problem with that. Here, again, I would note that Mr. and Mrs. Rittenhouse have already spent between \$5,000 and \$10,000 with engineers, lawyers,

soil testers -- and to actually have another legal description would require another expense. We'd be more than happy to do that if that is what concerns the Commissioners. I have expressed that same willingness to do that at the Plan Commission meeting and have said we'd be more than happy to submit a Use & Development Commitment if we could do that. We're still willing to do that."

Mr. Borries asked, "Do you have any comments regarding billboards along this particular route?"

Mr. Shively responded, "I just want to say once again very plainly -- as I did at the Plan Commission meeting -- there are Federal laws that govern the placement of billboards on interstate highways, where they can be located and describing where they can be located -- and these petitioners, as well as those property owners, have to abide by those laws. To the extent that putting signs there would be illegal, you would be asking Mr. and Mrs. Rittenhouse to give up a legal property right if they do that. That eleven other property owners have been given the right to do it on I-164 -- and if that's something that is important to the County Commission, then we're willing to enter into negotiations to purchase these rights from the Rittenhouses. But, you know, this past year you've given eleven other property owners the right to put up billboards and that is recognizable property, right? In fact, looking at some of the leases I've seen out there, they are paying anywhere from \$300 to \$400 per month just to rent space for those signs. So if that is of concern to the Commissioners, to prevent that from happening here, to expand to more than the eleven signs there, we'd be happy to enter into negotiations with the County to purchase the Rittenhouses' rights to put those signs up. But, again, there are very strict statutes that govern advertising signs. There is no present intent; no one has contacted us; no one has expressed any interest in doing that at this location. Mr. and Mrs. Rittenhouse are not in the business of outdoor advertising; they are in the business of the sale of used equipment parts for heavy equipment."

Commissioner McClintock asked if there are any remonstrators. If so, do they have a spokesperson. And, if so, they should come to the podium and identify themselves.

Mr. Ron Titzer approached the podium and stated he is speaking for the remonstrators and neighbors of this particular property. "As you may or may not know, that is all agricultural and single family dwellings. He alludes to two zonings that are M-2. There is one zoning that is now the defunct junkyard. I say now defunct because it has not had any activity for several months -- five or six months at least. And the others, I don't know where the zoning is that he is alluding to on Millersburg Road. The only other one that comes to mind is that quite a number of years ago there was a man that did have some property zoned to sell meat. The Board of Health didn't pass it and it's never been acted on. Everything is single family dwelling or agricultural in that area. The Attorney alluded to the floodplain in that area. There is not an inch of property that he owns that is not under floodplain. I can attest to the fact that every inch of it was under water at one time. The county road there is not designed for that kind of equipment and heavy traffic. But from looking at what he has at Weinbach, I know that he is going to overload that road number one -- and I don't know what M-1 will allow him to do -- but he's asking for a warehouse. Does a warehouse need an M-1 if all you're going to do is sell parts? I don't have all that information, but I'm led to believe to believe you don't need anything as heavy as M-1 for a warehouse. The neighbors are definitely opposed to it. And if anyone would allow him to move his salvage, his junkyard or whatever to that location -- if you'll drive down I-164 and note his location there, we don't need it moved from one spot on I-164 to another. There are places, I believe, in the master plan that this body and the zoning board have set up for development. There

are industrial parks and there is property set up in this master plan for such areas. And I think that is the proper place for this kind of operation. Now, once he gets his zoning, he says he is going to put a warehouse in. Does he have to stay with just the warehouse? And does the warehouse have to have a roof on it? Does it have to have sides you can't see through or can it have clear sides? And, I say this in respect to what those in the farming community refer to as the 'blue skyway'. And maybe that is what he calls his place of operation on South Weinbach. That may be a warehouse. To me, it looks like a junkyard -- a salvage yard. Whatever term you use to describe it, I know that being a neighbor doesn't mean degrading the property values of those around you; impending our view from what we live there for; what we moved there for. We live in the country and we like it in the country. The master plan doesn't call for this kind of development in this area. We, in a nutshell, ask you to deny the rezoning."

President McClintock thanked Mr. Titzer and entertained further questions.

Attorney Shively said, "Let me say this. Mr. Titzer was at the January meeting and he was at the February meeting. At both of those meetings I think he called them a liar. I don't know why he sees fit to do that. But I will say it again -- as I said then -- I didn't make this map up. I got it from the Area Plan Commission office. Whether this salvage yard is defunct or not, you've got an M-2 right there that will be an M-2 forever and ever unless someone changes it. You've got an M-1 there that will be an M-1 forever and ever unless somebody changes it. Mr. Titzer can stand up there and say all he wants to say, but that is the law and that is the fact. And that is not a lie, these are public records. We have no intention right now of doing anything with that property other than what we were going to do. Once again, as we said at the January meeting and the February meeting, the laws -- the ordinances -- of this county require that he not only have a closed building, but an opaque fence which we will put up. We're required to do that. And as we indicated at the January and February meetings, we can't put a salvage yard there. That requires a special use permit. We're not going to apply for a special use permit. If we would, we'd have to give notice all over again and these folks would have us right where they want us, because they not only would have us in a lie, but they could also tell the Board of Zoning Appeals, who would deny us in a New York minute. Regarding other matters concerning the uses there, we're more than willing to enter into a Use & Development Commitment for these folks, as expressed on several occasions. We'd put it in writing for the record, which would run along with the land exactly what we intend to do here. There would be no tearing down of equipment. Just storage and sale of parts only. Mr. Gerhardt can testify, too. I contacted him on another rezoning in the same vicinity. We had worked out an agreement with him on another rezoning. He is familiar with Use & Development Commitments. This is the first time I've seen Mr. Gerhardt present to remonstrate. At prior hearings, only Mr. Titzer has been present. The other five property owners received notice and have not been to the public hearings. The M-1 classification, once again -- Mr. Titzer asked why we're asking for M-1. He asked this in the January meeting and the February meeting. Hey, I don't make the laws -- you guys make the laws. And the law says we have to have an M-1 if we want a warehouse. If the law said we could do it in a C-1, then we'd only be asking for a C-1.

Ms. McClintock looked at Mrs. Cunningham from APC and asked, "Why are you shaking your head?"

Ms. Cunningham replied, "You may do a retail store specializing in the sale and rental of industrial equipment in a C-4 zone with outside storage.

Mr. Shively countered, "All I am saying, Mrs. Cunningham, I'm not trying to put you on the spot -- this question has come up since January and I went in before I filed this thing and I thought we could a C-4, too. Your staff said we had to do an M-1. So we'll pare it down to a C-4. We don't want any more than what we need and we're more than happy to continue this matter on that basis, or a Use & Development Commitment -- and also to pare down to C-4 if they can do that particular use. We don't want more than we need. With regard as to whether we should rezone this, folks, six months you rezoned Koester's property M-2 -- almost identical to this -- with no M-1, M-2 anywhere in site. And that was approved unanimously by this county. In this particular case we have less acreage, a less intrusive use with the existing M-1, M-2 near it. If it was a case in Mr. Koester's rezoning, then it is certainly a case in Mr. and Mrs. Rittenhouses' rezoning. We only ask that you treat us and do for us what you did for Mr. Koester. Indianapolis -- Marion County -- is one of the fastest -- I would say controlled, economically developed commercial, industrial residential areas not only in the State -- and one of the biggest booms to that community was the Outer Belt I-465 from the center of Indianapolis to the edge of I-64 on either side with the 50 miles of that highway created to see some of the most dynamic increase in tax bases, jobs and economic development that community has ever seen. Vanderburgh County should not be denied that same right. This tract of land will never be productively farmed by itself. It does not lend itself to agricultural purposes. As Commissioner Borries pointed out, most of it is under water for that matter -- unless we are going to grow rice. And I don't think rice is one of the main products in this area. The only thing it can be made useful to increase the tax base is a use such as Mr. and Mrs. Rittenhouse are proposing, which doesn't require a lot of traffic. Most of their orders are phone orders. It's a perfect fit. They are going to put improvements on those buildings and, ultimately, will pay more taxes in this community -- and you can extend infrastructures -- water, sewer, etc. It's good zoning. We ask that you approve this rezoning and if the Commission feels -- and Mr. Borries made an excellent point -- they'd only like to see the land and not the sea rezoned -- they'd like to see a different legal description or a smaller legal description, we can do that. If the neighbors want to see in black and white that we are not going to do anything other than what we need to do -- we can put that in black and white in a Use & Development Commitment. And if Mrs. Cunningham says we can do it with a C-4, we'll amend back to a C-4. I think properly it would have to be continued and go through the process again. But we are willing to do this. We don't want anything more than we need and all we want is to be treated the same way that others who have come before you with the same request, facts, etc. Thank you."

Commissioner McClintock asked, "So you're saying at this point, Mr. Shively, that your clients are willing to go back, down size the legal description to include only that portion of the property that they are planning on using. To down zone to a C-4. And to enter into a formal Use & Development Commitment, just outlining the things that you've already assured the Area Plan Commission..."

Attorney Shively interrupted, "We could get a draft of that done within ten days or less and if they will give me names for a spokesperson, I will circulate sufficient copies of them for review and comment or to have their own lawyers look at or what have you -- we'd be happy to do all of that."

Ms. McClintock said, "I think it is good you're willing to do all of that. I sat on the Plan Commission, as did Commissioner Borries, when we rezoned the Koester property and one of the points that the Koester representatives were able to make was the appearance of the property that Koester currently operates on Highway 41, which I think with the berms, the lake, the landscaping, etc. -- everyone would have to agree is a nice

addition to our community. I was also here -- and they brought with them plans and explanations and specifics on what exactly that was going to look like. What you are telling us tonight -- and I know you are going to put a warehouse and that opaque fence -- is not quite as specific and I think what has happened is these folks have gone down on Weinbach and looked at what is there and don't want that in their neighborhood."

Attorney Shively stated, "And I agree with them. You know, that is a good point. We don't own that. We lease it and that is part of the reason why the property looks as it does. They want to get out of there. They are going to own this -- and one of the things that we had discussed (I don't know if any came up in any public hearings, it may have and may not) is that along with that opaque fence will be pine trees or whatever for natural screening. I would note on the Koester rezoning that they can't now legally put any kind of sanitary sewer or septic system there because they have already disturbed the soil and didn't follow State guidelines. Mr. Rittenhouse, however, has followed State guidelines; has not disturbed the soil; and has gone by the proper steps. Unlike Mr. Koester, he will be able to put a legally valid, State-permitted septic system there. Mr. Koester can't do that -- and I think this is important in the studies."

Ms. McClintock said, "I think what these folks are concerned about is aesthetics. So let me explain to the remonstrators what is being proposed here. Mr. Rittenhouse is willing to withdraw his petition at this point. We would have to vote on that, of course, and come back. Then what they are offering is to work with you to see -- and we're not saying if they do all of this and come back it will be approved, I want you to understand that. But what they are saying is that they have willingness to work with you to try to reach some kind of agreement as to what you would like to see out on that property, to down zone it to C-4, and to provide us with a smaller legal description as to how much of that property would actually be rezoned C-4. Does everyone understand what is going to happen? They would have to re-file this with the Area Plan Commission office -- not re-file it, but continue it and file the Use & Development Commitment and then it would have to go back to the Area Plan Commission and then come back here to the County Commission for a vote."

Mr. Bruce Claridge of 9020 County Line Road approached the podium and stated, "What it is, the Koester thing he is talking about was built right there at the interchange. He is right; that is as good place for it, you know. Where he is out here on Millersburg Road there are no off or on ramps. For one thing, how is he going to get his trucks in and out of there bringing in heavy equipment. I don't think any heavy tractor/trailer traffic is even allowed on Green River Road. And as far as Millersburg Road, it goes right by Green River Estates and Oak Hill School, and I've never seen any tractor/trailers there either that I can recall. I mean, how is he going to bring the equipment in? It's heavy equipment. What road is he going to use to get in there to bring it in?"

Ms. McClintock commented, "That's probably a good question. They would have to comply with all the weight load limits on any existing road -- just like anyone else. Just like you would or I would."

Attorney Shively said, "That would be a concern if we were going to have actual equipment there. All we're going to have is parts."

Ms. McClintock asked, "You're not going to have equipment?"

The response was, again, negative.

Ms. McClintock asked, "Mr. Shively, are you requesting a continuance here this evening?"

Mr. Shively responded, "Yes."

Ms. McClintock said, "We are going to go ahead and vote on the continuance, because we are going to be back here to debate this issue again."

Mr. Borries said, "If I am correct now, this will be reintroduced back at the Area Plan Commission. Was there a vote taken at the last APC meeting?"

Ms. Cunningham responded there was and the vote was 9 against, 0 in favor and one abstention.

Mr. Borries said, "Okay. So it would be my strong recommendation that if this is going to be an amended motion it would certainly deserve discussion and certainly an examination by the Area Plan Commission before it is brought back to this Board."

Commissioner Hunter asked, "So all we're going to vote on at this point is the continuance?"

Ms. McClintock replied, "The continuance -- to allow them to try to enter into this Use & Development..."

Mrs. Cunningham offered comments, part of which were inaudible,...."I am a little confused. I don't know what the legal description is going to do -- take the lake out? ...(again, inaudible). So the reason for it going back to Plan Commission is that it is going to be an amended legal, with a Use Commitment and down zoned."

Ms. McClintock said she would entertain a motion to continue and send this petition back to Area Plan.

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

Ms. McClintock said, "Thank you all for coming."

VC-20-90/Petitioner, Mildred Hordynski (Third Reading): President McClintock said this is the next rezoning, requesting rezoning from an AG to an M-2.

Attorney Robert Musgrave approached the podium and stated, "Madam President, Commissioners, Attorney Wilhite and Mrs. Cunningham, for the record I am Attorney Robert Musgrave, representing Ms. Hordynski in this request for rezoning. There are no remonstrators to this particular petition. Ms. Hordynski had a piece of property which, like so many pieces of property in that part of the county, was cut in half by the interstate. The part that is left has 20 acres of usable land -- if you want to call it usable. You can farm it, but you can't build a house or anything else on it. And, in today's market you can't really farm it very well, because twenty acres is not a reasonable, economical parcel of land to farm. You'd have to spend \$80,000 on a tractor and \$120,000 on a combine. You can't put that kind of equipment and take two swipes up and down the field in order to plant soybeans and corn.

Ms. Hordynski, as we explained to the Area Plan Commission, has entered into a conditional sales agreement with Perfection Hydraulics, Inc. This is a local business on the east side of Evansville that employs about sixty people. It has been there for several years and it is believed it is a good corporate business addition to Vanderburgh County. It is a conditional sales agreement because if the zoning is not approved, the sale will not go through. The President of Perfection Hydraulics is also here this evening. Perfection Hydraulics, as its name implies, is involved in the repair and re-machining of hydraulic parts -- particularly for the mining industry. When a part on the equipment goes bad, they will take that part of the equipment, put it on a

truck and send it to Perfection, where they will re-drill, fix it up and send it back. Those parts weigh between 100 to 1,000 pounds. There would be no problems with traffic, because those parts come in sporadically. There would be no problem with the weight of those parts, because those parts weigh less than the average automobile. There would be no problem with traffic because of the number of employees. Sixty people is not really enough to create a major upset to the traffic pattern in that part of the county. We are coming here before you, by the way things fall, immediately after the Rittenhouse property. And there are some similarities to the Rittenhouse property. It is in the same part of the county, it is similar size, and it is a generally agricultural and size that can be used for agriculture. There are, however, several differences. At the APC -- and as Mr. Borries stated here tonight -- there is an area with signage -- and we want to keep the signs out. Ms. Hordynski voluntarily, before anyone asked, entered into a Use Commitment by which there is no signage off premises, that is, off the building itself, allowed on the property even if it is rezoned. So that problem is obviated. It will not be a problem. That was entered into with Perfection Hydraulics because this place wants to be, has to be on the interstate spur. It is now on Burkhardt Road. It is not in a good location in terms of public relations. What Perfection Hydraulic proposes to do is build a building on this property next to the interstate spur in a high traffic area, a nice building, a good looking building, a building that will say to the AMAX and Peabody people who drive up and down here that here is a place they will remember and send their work to be done. The building, itself, will be an advertisement for the company. That, in and of itself, we think, will be sufficient reason to make sure that this will not become a trashy industrial or commercial site. As noted previously, there are no remonstrators here tonight. We sent out, I believe, ten notices to surrounding property owners on both sides of the interstate. We were very particular -- even parcels that did not touch this parcel were sent notices and no one is here tonight to remonstrate. Mr. and Mrs. Hordynski have lived in that area for a long time and have talked to their neighbors and although it is hearsay, it is my understanding that no one has any objection to this rezoning. They know the Hordynskis and I believe we can say that their absence is at least some evidence that they trust them to do what is proper for that area and to develop it in a proper and appropriate way. There will be problems, as pointed out in the field report, potentially with the flood zone. It is below the 100 year zone. There will be a problem potentially with the septic system. Those are known. Those can either be taken care of with the site plan or by other methods. What we are here tonight for is to determine whether the best use of this land -- this tiny parcel of land that cannot be used for farming, that cannot be used for anything unless it is rezoned -- should stay in this uneconomical, financially unfeasible state -- or whether it should be allowed to be increased in zoning to an M-2 to allow this major employer on the east to begin to use it profitably. We would note also, though it is not exactly germane, that if this is left as farmland it will be worth about \$800 to \$1,000 per acre. The sales contract (although we won't go into the terms of it to a great extent) is for something far in excess of five times that amount. As commercial land it is worth much more to the Hordynskis. This is cash in the bank as is farmland to anyone. If the Commission tonight decides **not** to rezone it, not to allow this commercial development to move forward, it would be saying to Ms. Hordynski, 'Take that money out of the bank and throw it away, because you can't have it. You have to keep it in this non-profitable, uneconomic state. This is, we feel, something which is to an extent against the comprehensive plan. We will note that even the comprehensive plan states that in this area development should only be delayed and deferred until a proper superstructure is able to support it. If there was a large parcel of land for those superstructure to be built for this development alone, that problem is not there and we feel you should go ahead and allow its

development. Development, as even the comprehensive plan understands it, is either now or in a few years. If we have the problem and the process and the ability to do it now, why not allow the business to go ahead and do it. If the Commission is to be as we hope it will be, a pro-business commission, it needs to make decisions which are pro-business. It has to allow businesses to move where they have to move to, to obtain reasonably priced land where they can develop and expand. We think, in this case, that would be a decision to allow the rezoning to M-2. Any questions?"

Commissioner McClintock asked "Why do you need an M-2?"

Attorney Musgrave replied, "We need M-2 because that is what we need. Well, under the current zoning code, in the manufacturing process dealing with heavy equipment, the parts are heavy and we need an M-2."

Commissioner Borries asked, "Is there going to be outside storage?"

Attorney Musgrave replied, "There will be no outside storage. There will be parking -- but that would e..."

Mr. Borries asked, "Then why would you need 34.45 acres that are below the floodplain -- and you mention utilities. There are no utilities at this point."

Mr. Musgrave said there are SIGECO utilities.

Mr. Borries continued, "But there is no water, sanitary sewer. You talk about interstate spur -- now, where is the interstate? Where is the exchange?"

Attorney Musgrave replied, "There is no exchange."

Mr. Borries asked, "Then what is the interstate spur?"

Attorney Musgrave replied, "I-164 is the spur."

Mr. Borries asked, "But what is the access to the interstate spur? I mean, if you call that a spur..."

Mr. Musgrave said, "If you have the map in front of you, going from the interstate is the access road built by the State of Indiana, which goes to Olmstead -- east or west to other roads."

Ms. McClintock said, "It's not -- I mean, I've got to ask that, too."

Mr. Musgrave continued, "There is no access directly to...."

Ms. McClintock asked the representative from Perfection Hydraulics why he wants to buy this piece of property? Why doesn't he want to buy a piece of property at an interchange?

The response was mainly because of the price.

Ms. McClintock asked, "You mean that the property that is along the interstate at the interchanges -- how much is it an acre?"

The response was -- "I don't know."

Ms. McClintock asked, "Well, if you don't know, how do you know how expensive it is?"

The response was, "Well, I know it is way more than this is."

The response was that it is believed according to figures from Knight Township that it is \$20,000 per acre.

Mr. Hunter asked, "You mean it's zoned agricultural and it's \$20,000 per acre?"

Mr. Musgrave replied, "If it is considered to be undeveloped, usable land."

Ms. McClintock asked, "Well, what are you going to do about this flood zone?"

Mr. Borries stated, "Every bit of it lies in the flood zone. It is 385 ft. and the minimum floor requires 387 ft. It could be subject to wetland restrictions."

Mr. Musgrave said he believes 14 acres has some wetland problems --

Mr. Borries asked, "Then why would you want to rezone -- if you're talking 20 acres -- all of it is in the floodplain, I don't know how much of it could be usable. But, again, it gets back to the question of why you would want to rezone 34.45 acres."

Ms. McClintock asked, "So how far are you away from an interchange?"

Mr. Musgrave replied, "You mean an interchange on I-164 itself?"

Ms. McClintock responded affirmatively.

Commissioner Hunter interjected, "Morgan Avenue on the south and Boonville-New Harmony on the north. It's quite a distance in either direction."

Commissioner McClintock asked, "What are you planning on doing about the sewer and the water?"

Mr. Musgrave replied, "We'll have to work with the State to have a system that meets the specifications and codes. We know it's a problem, we discussed that with the APC staff. (Inaudible)"

Commissioner McClintock entertained final comments.

Ms. Hordynski said she has lived in that area almost all of her life and they have built at least two wells. The Commissioners say it is in the 100 year floodplain. Well, she's never lost any soybeans or any corn.

Mr. Hunter asked if she lives in this area.

Ms. Hordynski replied that she was born and raised on this piece of property.

Mr. Hunter asked if the two wells they put in are still operating?

Ms. Hordynski said, "At the old house we built a well in about 1970 to 1973. A number of years before that (around 1954) they built a well across the road -- on the part that faces Burkhardt Rd.

Mr. Hunter asked, "But both of these wells that you put in -- are either of them currently being used?"

Ms. Hordynski responded affirmatively, saying they are good drinking water. (She offered further brief comments, but they were inaudible.)

Ms. McClintock thanked Ms. Hordynski for her comments. She then asked the representative from Perfection Hydraulics if he can provide further details on the proposed building.

He replied that it will be a steel building, approximately 40,000

sq. ft.

Commissioner Borries asked if there is any change in what the APC heard and what the presentation is tonight.

Attorney Musgrave said there was not.

Mr. Borries asked if there was a vote taken at the APC meeting?

Mrs. Cunningham said it was 9 against, 0 in favor, and 1 abstention.

Commissioner McClintock entertained a motion.

Motion to approve VC-20-90 on Third Reading was made by Commissioner Borries and seconded by Commissioner Hunter.

Ms. McClintock asked for a roll call vote: Commissioner Borries, no; Commissioner Hunter, no; and Commissioner McClintock, no. Petition declared denied by unanimous roll call vote. So ordered.

Commissioner McClintock thanked all parties for their attendance.

VC-21-90/Petitioner, Southern Indiana Dock, Inc./Third Reading:
Commissioner McClintock said the Petitioner is requesting a WI zoning with Use & Development. She then recognized Mr. Richard Mourdock.

Mr. Richard Mourdock approached the podium and stated, "I am here as Vice President of the Petitioner, which is Southern Indiana Dock Corporation. I think you are seeing the APC Field Report, as Mrs. Cunningham is handing them to you. Our request is, I think, very straightforward. The owner of the property that we are seeking to rezone is Koester Contracting Corporation, which is an affiliated subsidiary to Southern Indiana Dock. The 108 acre parcel is presently zoned as agricultural and we wish to rezone that to Waterfront Industrial. The property is located directly south of Green River Road. And if you picture in your mind going south on Green River Road -- crossing over or under Interstate I-164, continue on a straight line and you would get right to this property. Presently to access the property you have to use a private road, which was obtained through individual easements by Koester Contracting Corporation, to another dock facility on the Ohio River. In February of 1990, the APC and the County Commission approved rezoning for a piece of property about 1-1/2 mile north of this proposed location and that property was rezoned for use as an asphalt plant. That plant has been built. The dock we are proposing to construct would, in fact, service that plant so that much of the rock and sand and materials that are to be turned into asphalt would no longer be hauled on county roads or city streets, but would come directly off the river to the plant. We think one of the most advantageous points to this rezoning request is that there are no residences which would be affected. There are no remonstrators. We think this makes sense for the entire area. The questions that have come up tonight seem to particularly center on sanitation and availability of water. I would point out that this will be a seasonal facility, that porta-johns will be used for refuse and disposal and water will be brought to the site. If you were at that site this evening, you would have to have your hip boots on, because it is presently under water. Because of that, it is obviously in the floodplain and we are also requesting from the Indiana Department of Natural Resources and U. S. Army Corps of Engineers permits to fill part of this property. As part of that permitting process, we will be required to construct seven basins. We have those under way, although we have received neither of the permits. Also, because we need both of those permits, we are willing through our Commitment Plan here, to agree that if we do not receive both of those permits within a two year period, to have the zoning revert back to agricultural use. If we do not get those

permits approved through the Corps and the DNR, there would be no need for the property. They would petition to rezone if they do not receive the two permits needed.

In response to query from Commissioner McClintock, Mrs. Cunningham said the vote at APC was 9 affirmative, 0 negative, and 1 abstention.

Mr. Borries asked, "Are you going to have one structure on that, Richard -- an office? Is that a permanent structure?"

Mr. Mourdock said, "It essentially would be an office trailer and it would be built on one of the areas....."

Mr. Hunter interrupted, "Richard, do you have any reason to believe at this point that the DNR would not approve your seven basins you have sketched on this map?"

Mr. Mourdock replied, "No, I don't believe we'll have any problems with the IDNR. I would never bet on a State government, nor would I bet on the Corps of Engineers, particularly in the design and structure -- we've done this before. We're operating two other dock facilities that do meet the same criteria, so we have experience in it -- and, I would expect the permit. To be very honest and frank, it has been slow going through the Corps."

Commissioner Hunter asked if the dock facilities they operate now are in Indiana or elsewhere.

Mr. Mourdock said they are both in Evansville. One is Southern Indiana Dock and the other is Evansville Terminal, which is their coal route facility -- which is approximately half a mile down the river from this property.

Commissioner McClintock entertained a motion.

Motion to approve VC-21-90 on Third Reading was made by Commissioner Borries, with a second from Commissioner Hunter.

Ms. McClintock asked for a roll call vote: Commissioner Borries, yes; Commissioner Hunter, yes; and Commissioner McClintock, yes. Petition approved by unanimous affirmative vote. So ordered.

There being no further business to come before the Board, Commissioner McClintock declared the meeting adjourned at 8:30 p.m.

PRESENT:

Carolyn McClintock
Don L. Hunter
Richard J. Borries
Sam Humphrey
Jeff Wilhite
Larry Downs
Peter Swaim/Sheriff's Department
Pat Tuley/Treasurer
Roger Elliott/Data Processing
Bob Claybrook
Sherry Claybrook
Virgil Gerhardt
Paul Gerhardt
Robert Hirsch
Ron Titzer
Lawrence Titzer
Rodney R. Gerhardt
Ronald R. Johnson/Pigeon Assessor's office
Kenny Collins/Sheriff's Dept.
James Tucker/Sheriff's Department

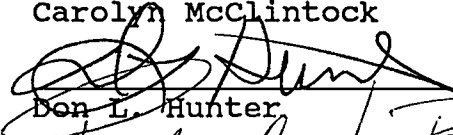
COMMISSIONERS MEETING
February 19, 1991

22

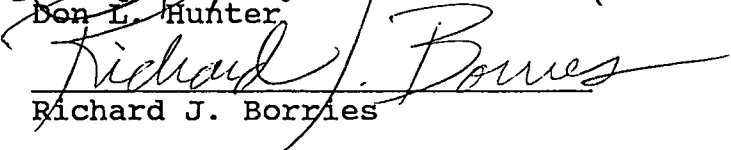
Richard Mourdock/Southern Indiana Dock Corp.
Mildred Hordynski
Steve Klamer
Others (Unidentified)
News Media

SECRETARY: Joanne A. Matthews

Carolyn McClintock



Don L. Hunter



Richard J. Borries

AGENDA
VANDERBURGH COUNTY COMMISSIONERS

FEBRUARY 19, 1991

- ✓ 1. Call to order
- ✓ 2. Introduction of staff
- ✓ 3. Pledge of Allegiance
4. Any groups/individuals wishing to address the Commission
5. Action Items
 - ✓ a. Report supporting reinstitution of Federal Regulation on CATV (Jeff Wilhite)
 - ✓ b. Signature on software license (Roger Elliott - Data Processing) ^{DN/RB}
 - ✓ c. Sale of County owned surplus real estate
 - ✓ d. Contract to be awarded for culvert replacement on Old State & Nurrenbern Roads
 - ✓ e. Ordinance providing group health insurance benefits for qualified Sheriff's deputies (First Hearing)
 - ✓ f. Petition to vacate portion of public easement 2100 Lexington Road
 - ✓ g. Approval to go on Council Call - Commissioners (Pat Tuley to explain 130-370)
 - ✓ h. Agreement w/Teamsters on Co. Highway & Burdette Park employees
 - ✓ i. Deeds on sale of surplus property, to be signed
 - ✓ j. Approval of Contract for the Morgue
6. Consent Items
 - a. Approval of minutes
 - b. Approval of claims:
 - Willard Library for Local Government Archives Svc. \$36,474.00
 - Bowers, Harrison, Kent & Miller
 - Fees & Costs - \$7,556.04
 - Fees & Costs - \$294.00
 - Fees & Costs - \$791.00
 - c. Approval of travel request - Judge Young
 - d. Checks received:
 - Capital Cable
 - Alexander Ambulance Payment (31 checks) Totalling \$1282.57
 - e. Approval for change of voting place in Ward 2, Pct. 15
 - f. Approval of Public Official Bond/Knight Twp. Assessor
 - g. Acceptance of County Clerk's monthly report
 - h. Approval of employment changes
 - Recorder - Appointments
 - Doris Hatt Mtg Deputy - \$13,679.00 2/25/91
 - Clerk of Circuit Court - Appointments
 - Mary Judge (101-146) Dpty Clerk - \$13,680.00 2/11/91
 - Patrecea Gilbert Juv. Clerk - \$14,362.00 2/11/91
 - Patricia Job Min. Clerk - \$13,680.00 2/11/91
 - Eunice Heacock Dom/Civ Clk \$14,362.00 2/11/91
 - Clerk of Circuit Court - Releases
 - Mary Judge (101-118) Dpty Clerk - \$13,680.00 2/11/91
 - Patricia Job Juv Clerk - \$13,680.00 2/11/91
 - Patrecea Gilbert Min Clerk - \$13,737.00 2/11/91

Auditorium - Appointments

Janice Bentle Part-time - \$5/hr 2/11/91
Janice Bentle Sec/Bkkpr - \$15,064.00 2/20/91

Auditorium - Releases

Guyla Payne Sec/Bkkpr \$15,816.00 2/11/91
James Johnson Part-time \$5/hr. 2/8/91
Janice Bentle Part-time \$5/hr. 2/19/91

Knight Township Assessor - Appointments

Amy Koonce Deputy \$13,680.00 2/14/91

Health - MCH - Appointments

Gail Robb Lead RN \$12,087.00 2/25/91

County Council - Appointments

Karen Hadfield Secretary \$8,302.00 1/1/91

County Council - Releases

Karen Hadfield Secretary \$8,223.00 12/30/90

County Commissioners - Appointments

Ralph Easley Inspector New Morgue \$20/hr. 2/11/91
Karen Hadfield Secretary \$8,302.00 2/11/91

County Council - Releases

Karen Hadfield Secretary \$8,224.00 2/8/91
Pam Rice Secretary \$5/hr. 2/11/91

Burdette Park - Appointments

Bennie Trent Rink DJ \$4/hr. 1/31/91
Juliana Murphy PT Gd Crew \$4/hr. 2/1/91

Scott Township Assessor - Appointments

Norma Miller Dpty Ass. \$5/hr. 2/4/91

Election Office - Appointments

Nancy Kleiman Clerical \$5/hr. 1/30/91
Mary L. Bassemier Clerical \$5/hr. 1/30/91

Prosecutor - Releases

Dana Lee Shuler Felony/Inv. \$23,299.00 3/4/91

County Assessor - Appointments

Ramona Ireland Part time \$5/hr. 2/11/91

Treasurer's Office - Appointments

Laurie Pate Part time \$5/hr. 2/15/91

1. Scheduled meetings

Feb. 21 - Board of Zoning Appeals - 4:00 p.m. Room 301
Feb. 21 - County Council/Job Study Committee 4:00 p.m. Room 303
Feb. 25 - Commissioners-Dept. Heads Meeting 3:30 p.m. Room 307
- Co. Commissioners Meeting 4:30 p.m. Room 307

7. Department Heads Reports

- ✓ a. Jack Kirwer - Vand. Auditorium/Proposals on parking lot
- ✓ b. Greg Curtis - County Highway Engineer
- ✓ c. Jeff Wilhite - County Attorney

8. Any Old Business

- a. Letter to re-bid furniture for Superior Court

9. Any New Business

10. Rezoning Petitions

First Reading - VC-1-91/Petitioner Jeff Carneal - Ag to C-2
Third Readings - VC-19-90/Petitioners, James & Betty Rittenhouse
Ag to M-1. *Carneal*
VC-20-90/Petitioner, Mildred Hordynski
Ag to M-2
VC-21-90/Petitioner, Southern Indiana Dock, Inc.
(Waterfront Ind.) with use & development commitment

11. Meeting recessed *Feb. 3, 1991*

THE VANDERBURGH CIRCUIT COURT

CIVIC CENTER COMPLEX
COURTS BUILDING - ROOM 210 • PHONE 426-5192
EVANSVILLE, INDIANA 47708

RICHARD L. YOUNG, JUDGE

ROBERT S. MATTHEWS, SR., MAGISTRATE

ADULT PROBATION DEPARTMENT

K. ALLAN HENSON

CHIEF PROBATION OFFICER

REV. ROBERT L. SAUNDERS

PROBATION OFFICER

LARRY G. McDOWELL

PROBATION OFFICER

JOHN R. MUELLER

PROBATION OFFICER

HARRIS HOWERTON, DIRECTOR

ROBERT L. HART, JR.

ASSISTANT DIRECTOR

WORK RELEASE PROGRAM

BAIL BOND PROGRAM

COMMUNITY SERVICE

S.A.F.E. HOUSE

February 12, 1991

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

Dear Commissioners:

I have been informed by the Indiana Judicial Center of Indianapolis that there will be a seminar on Evidence on February 22, 1991.

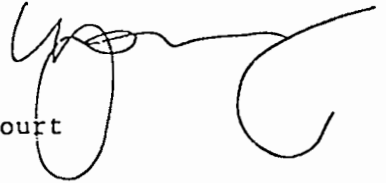
The attached information details what will be covered during this seminar, so my attendance is necessary.

Therefore, I respectfully request permission to travel to Indianapolis on February 22, 1991.

Sincerely,



Richard L. Young
Vanderburgh Circuit Court



Enclosures

ok
cmc



MEMORANDUM

INDIANA JUDICIAL CENTER, 101 West Ohio Street, Suite 1110, Indianapolis, Indiana 46204

TO: Indiana Judges, Magistrates, Full-time Referees and Commissioners

FROM: Catherine M. Springer *CMS*
Education Director

DATE: January 16, 1991

RE: Evidence Seminar on February 22, 1991

On Friday, February 22, 1991, the Indiana Judicial Center will conduct a seminar on Evidence. Evidence replaces the originally scheduled topic of court security. The seminar will be held at the Adam's Mark Hotel in Indianapolis. The Adam's Mark Hotel is located at 2544 Executive Drive, near the Indianapolis International Airport. Registration for the seminar will be from 8:30 to 9:30 a.m. The seminar will begin at 9:30 a.m. and will adjourn at 4:15 p.m.

The morning session will focus on the hearsay rule and its exceptions. Professor Henry Karlson from the Indiana University School of Law at Indianapolis will serve as faculty. The afternoon session will consist of videotaped simulations of a trial where various evidence issues will be presented and discussed by an experienced panel of judges.

The Center will provide lunch, but mileage expenses will not be covered. Pre-registration for the seminar is necessary. Please return the enclosed response form to the Center by Friday, February 15th. If you have any questions, or would like further information concerning the program, please let me know.

Judicial College Credit Offered: 5 hours
CLE Credit Offered: 5 hours

CMS/wh
Enclosure

COUNTY ENGINEER'S AGENDA

FEBRUARY 19, 1991

ITEMS

1. Storm Sewer Approval
2. Plan Approval - Brookview Heights III
3. Culvert Project - Bid Advertisement
5. Union Township Project
4. Claims -
 - County Highway Diesel/Chemical Problem

Heritage Remediation/Engineering, Inc.

Consulting Services \$ 539.50

Consulting Services \$ 377.63

FAXFORM

FAX LEGAL AD TRANSMISSION

ATTN: Paula Nance

FROM: Joanne Matthews - Auditor's Office, Room 208, Civic Center,
Evansville, IN 47708

NUMBER OF PAGES SENT INCLUDING COVER 3

BILL LEGAL TO Same as above

LEGAL AD
RUN SCHEDULE Tuesday, February 26, 1991 and
Tuesday, March 5, 1991 in The Courier & The Press

EXTRA PROOFS OF
PUBLICATION NEEDED -
AND WHO TO

SPECIAL REQUESTS FOR SETTING STYLE Per attached

COPY OF LAST TIME LEGAL RAN ATTACHED -

VANDERBURGH COUNTY AUDITOR.....FAX NUMBER 426-5344

Paula,
Please call and confirm that you received this?

Many thanks,

Joanne

NOTICE TO BIDDERS

Sealed Proposals, or Bids, for Trench Drain Installation on West Summit Drive and Ogelsby Drive in Vanderburgh County, Indiana will be received at the Office of the County Auditor (Rm. 208) until 6:00 p.m. LOCAL time as prescribed by the Acts of the Indiana Legislature in Chapter 172, year 1957, on the 18th day of March, 1991, at which time all Bids will be publicly opened and read aloud in the County Commissioners Hearing Room (Rm. 307).

Any Bids received after the designated time, for any reason, will be returned unopened.

Contract documents are on file in the office of the Vanderburgh County Engineer, Vanderburgh County Auditorium 715A Locust Street, Evansville, Indiana.

Bids shall be delivered in a sealed envelope bearing the name and address of the bidder indicating identification of the project and the branch of the work on which bid.

Bids shall be submitted on the Itemized Proposal Form (form enclosed) and Bid Form No. 96 (Indiana Form No. 96, Rev. 1987, provided separately), with a Non-Collusion Affidavit (form enclosed), all properly executed, signed, and sealed. The Non-Collusion Affidavit must also be properly notarized.

Each Bid shall be accompanied by (enclosed in the same envelope) a Bid Bond (form enclosed), Certified Check, Cashier's Check, Bank Treasurer's Check, or Bank Money Order in the amount of five percent (5%) of the total bid submitted.

No Bid shall be withdrawn after the opening of the Bids without the expressed consent of the Vanderburgh County Commissioners for a period of thirty (30) days after the scheduled time of bid opening.

The Contractor receiving award will be required to furnish a Performance Bond (Indiana Form 86A, Rev. 1947) in the amount of one-hundred percent (100 %), which is to remain in effect for twelve (12) months from the date of acceptance of the work.

Attention is called to the fact that prevailing wage minimum salaries and wages are set forth in the Contract Documents.

The Contractor shall list any subcontractors and the percentage of the contract to be performed by each subcontractor in the bid submittal.

Construction and installation shall be in full accordance with the contract drawings, specifications, and special provisions. Applicable sections of the 1988 Edition of the Indiana Department of Transportation Standard Specifications and any current Supplemental Specifications to the 1988 Standard Specifications.

The Vanderburgh County Commissioners reserve the right to reject any and/or all Bids and to waive any informality in the bidding.

DATED THIS 19TH DAY OF FEBRUARY, 1991

VANDERBURGH COUNTY BOARD OF COUNTY COMMISSIONERS
COUNTY OF VANDERBURGH, INDIANA

Carolyn McClintock

Alvin A. Hunter

R. J. Barnes

ATTEST:

Sam Humphrey
Sam Humphrey,
Vanderburgh County Auditor

RECOMMENDED:

Gregory W. Curtis
Gregory W. Curtis, P.E.
Vanderburgh County Engineer

old Business
app^l 2/21/91

February 19, 1991

TO: Board of County Commissioners
FROM: Susan Jeffries, *12* Purchasing

At last week's meeting approval was granted for us to delay the bid opening for furniture for Superior Court until March 4, 1991. As I explained in a memo to the Board, we had asked the County Engineer's office to develop a drawing to layout the furniture specified in the bid. We had hoped the drawing would clarify the arrangement of items to help insure that the bids we received would be comparable.

Well, the drawing was a great deal of help, only once everything was on paper and the arrangement made clear, more questions arose. Apparently, it is not feasible for the Superior Court office to use the furniture specified in the bid in the way they had intended, since the furniture will not "fit" the arrangement the department planned to achieve.

We have now asked several vendors for assistance in the development of proper requirements for our specifications and I have been asked by Superior Court to put this matter on "hold" for a while. We feel that in order to receive bids that are appropriate, it will be necessary to revise the specifications. I don't know how long this process will take but I feel that providing an addendum to our current specifications will suffice. Therefore, I am asking for your approval to cancel this request for bid, develop new specifications, and re-bid at a later date.

Thank you!

cmc

RECEIVED

FEB 19 1991

VANDEBURGH COUNTY
COMMISSIONER'S OFFICE

VANDEBURGH COUNTY HIGHWAY DEPARTMENT
WORK PERFORMED FRIDAY FEB. 8 THRU THURSDAY FEB. 14, 1991

The gradall worked on S. Weinbach Ave., Hillview Drive, Young Rd., Baseline Rd. Neu Rd., Outer Darmstadt Rd., St. Joe Ave., Scott Rd. and Speaker Rd.

The grader worked on Fickas Rd., Ruston Lane, Mann Rd., Montgomery Rd., Happe Rd., Hickory Ridge, Oak Grove Rd., Elmridge Rd., Baumgart Rd. and Boonville-New Harmony Rd.

The Patch-crew worked on Knob Hill Dr., Delaware St. Overpass, St. Joseph Ave., Dixie Flyer Dr., Waterworks Rd., Fuquay Rd. & Pollack Ave., Green River Rd., Aspen Drive, Pinehurst Drive, Greendale Dr., Selzer Rd., Elmridge Rd., Boonville-New Harmony Rd. and Meadowlark Lane.

The Tree-crew worked on Graff Rd., Darmstadt Rd. and on Seven Hills Road. Also on Petersburg Road near Baseline Rd., Lower Mt. Vernon Rd. and on Mohr Rd.

The Crews cut bleeders and cleaned drains on RedBank Rd., West Haven Drive, Schutte Road, Larch Lane, Evergreen Acres and Petersburg Place. Also at Tall Timbers, Bentwood, Plantation Rd. and McCutchan Rd.

The Crews hauled rock on Maasberg Rd., Lutterbach Rd., Kissel Rd., Outer Darmstadt Rd. Myrtle Avenue, River Rd., Nunning Rd., Lyle Rd., Roth Rd., River Rd., Old Boonville Hwy., Hillview Drive and on St. Joe Road.

VANDERBURGH COUNTY BRIDGE CREW

WORK PERFORMED FRIDAY FEB. 8 THRU THURSDAY FEB. 14, 1991

Finished drop-box and added rock to Boehne Camp Road. Cleaned culverts in that area also.

Repaired bridge deck on Fifth Avenue bridge.

Replaced guard rail on Hepler Rd.

Built drop-box on Kremer Road.

Cleaned drains and cut bleeders on Elmridge Drive.

Replaced 24" culvert on Scott Road.

VANDEBURGH COUNTY HIGHWAY DEPARTMENT
ABSENTEE LIST FRIDAY FEB. 8 THRU THURSDAY FEB. 14, 1991

FRIDAY, FEB. 8

D. Williams - Vacation
R. Ritter - Sick
L. Babbs - Vacation
G. Page - Sick
S. Robinson - Sick
C. Jenkins - Vacation
J. Mitchell - Vacation
A. Gartner - Sick

BRIDGE CREW ABSENTEE LIST

NONE

MONDAY, FEB. 11

G. Page - Sick
D. Williams - Sick
S. Robinson - Sick
C. Jenkins - Vacation
A. gartner - Sick

TUESDAY, FEB. 12

E. Acker - Personal day
J. Culver - Personal day
D. Williams - Sick
C. Jenkins - Vacation
A. Gartner - Sick

WEDNESDAY, FEB. 13

J. Georges - Personal day
J. Culver - Personal day
D. Williams - Sick
C. Jenkins - Vacation
a. Gartner - Scik

THURSDAY, FEB. 14

B. Smith - Sick
C. Jenkins - Vacation
D. Williams - Sick
A. Gartner - Sick
R. Martin - Sick

VANDEBURGH COUNTY HIGHWAY DEPARTMENT
SUMMER HELP

FEB. 19,91

BRIAN BETHEL	8221 N. GREEN RIVER ROAD	47711	867-6958
MIKE HEAD	1710 N. KENMORE DRIVE	47714	477-9410
CHAD JORDAN	3615 BOONVILLE-NEW HARMONY RD.	47711	867-3752
TROY MERIWETHER	714 RIDGEWAY AVE.	47713	424 -8934
KEVIN SNYDER	4306 E. RIVERSIDE DR.	47714	476-0731
JEREMY WILCOX	3065 COTTAGE DR.	47711	476-1957

COUNTY ENGINEER'S AGENDA

FEBRUARY 19, 1991

ITEMS

1. Storm Sewer Approval
2. Plan Approval - Brookview Heights III
3. Culvert Project - Bid Advertisement
5. Union Township Project
4. Claims -
 - County Highway Diesel/Chemical Problem
 - Heritage Remediation/Engineering, Inc.
 - Consulting Services \$ 539.50
 - Consulting Services \$ 377.63

REQUEST FOR TRANSFER OF FUNDS

DEPARTMENT Drainage Board

DATE 2/21/91

ACCOUNT	LINE ITEM	AMOUNT
---------	-----------	--------

FROM: 126348	Legal Contractual Services	\$41.31
--------------	----------------------------	---------

TO. 126114	Legal Services	\$41.31
------------	----------------	---------

When the \$2,400 was transferred from 126114 to 126348 we didn't know that \$41.31 had already been paid out of 126114 so we need this amount to cover the payment made to David Miller of Bowers, Harrison, Kent & Miller

SALANCE OF ACCOUNTS

ACCOUNT NO:	BUDGET	DISBURSEMENTS	BALANCE	BALANCE AFTER TRANSACTION
-------------	--------	---------------	---------	---------------------------

VANDERBURGH COUNTY

FEB 21 1991

Tom Hensley
AUDITOR

V CC-3

DEPARTMENT HEAD

James E. Rinsay

anderburgh County, Indiana

To Heritage Remediation/Engineering, Inc. Dr.

Account of Appropriation For consulting services thru 12/31/90 201.0-2361 Orma Contr. Serv

[illegible]

reby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, that no part of the same has been paid.

January 7 19 91

Sharon L. Morris Accounting Manager
Title

Please Remit To: P.O. Box 66079 Indianapolis, Indiana 46266

AMOUNT DUE ▶

377.63



HERITAGE REMEDIATION/ENGINEERING, INC.

Indianapolis Division
1175 Western Dr.
Indianapolis, IN 46241
(317) 243-0811

PAGE 1

VANDERBURGH CO. HIGHWAY DEPT.
BOWERS, HARRISON, KENT & MILLER
P.O. BOX 1287
EVANSVILLE, IN

47706-1287

6222	12/31/90
Invoice	Date

TERMS: Payable net 10 days. 1 1/2 % per month — 18% per annum.

YOUR ORDER NUMBER	VERBAL	SHIPPING DATE	JOB NO. 25008
----------------------	--------	------------------	---------------

DESCRIPTION	TOTAL QUANTITY	UNIT PRICE	AMOUNT
CONSULTING SERVICES/ATTN: JEFF DODSON			
DATE OF SERVICE: 12/04/90 LABOR LEE-TEL. J DODSON	.50 ST	83.00	41.50
DATE OF SERVICE: 12/05/90 LABOR LEE-MEETING PREP	4.00 ST	83.00	332.00
OTHER CHARGES LEE-PARKING			4.13

Please Remit To: P.O. Box 66079 Indianapolis, Indiana 46266

AMOUNT DUE

377.63

Order: 11/11/90 • Job File: 66079 • Division: Numerical • Order: 66079 • Corporate Numerical: 66079 • Corporate Accounting: 66079



Indianapolis Division
1175 Western Dr.
Indianapolis, IN 46241
(317) 243-0811

HERITAGE REMEDIATION/ENGINEERING, INC.

PAGE 1

VANDEBURGH CO. HIGHWAY DEPT.
BOWERS, HARRISON, KENT & MILLER
P.O. BOX 1287
EVANSVILLE, IN

47706-1287

6313	01/31/91
Invoice	Date

TERMS: Payable net 10 days. 1 1/2 % per month — 18% per annum.

YOUR ORDER NUMBER	VERBAL	SHIPPING DATE	JOB NO.	25008
----------------------	--------	------------------	---------	-------

DESCRIPTION	TOTAL QUANTITY	UNIT PRICE	AMOUNT
CONSULTING SERVICES/ATTN: JEFF DODSON CONSULTING SERVICES JANUARY 1991 SERVICES FOR PREPARATION OF REVISED SAMPLING AND ANALYSIS PLAN			

Please Remit To: P.O. Box 66079 Indianapolis, Indiana 46266

AMOUNT DUE 539.50

Original - White Copy • Job File - Green Copy • Division Numerical - Canary Copy • Corporate Numerical - Pink Copy • Corporate Accounting - Gold Copy

Vanderburgh County, Indiana

To... *Willard Library* Dr.

On Account of Appropriation For .. *County Commissioners* 130.333

Pursuant to the provisions and penalties of Chapter 155, Acts of 1953,

William Doodrich

ite Jan. 17....., 19 91...

..... Director Title

1 cck room

Attachment

RECEIVED

FEB 19 1991

VANDERBILT
COMMISSION

WILLARD LIBRARY
21 FIRST AVENUE
EVANSVILLE, INDIANA 47710
TELEPHONE (812) 425-4309

February 1, 1991

BOARD OF COUNTY COMMISSIONERS
VANDERBURGH COUNTY, INDIANA
1 NW SEVENTH ST RM 305
EVANSVILLE IN 47708

Attention: Mr. Robert L. Willner

Re: 1991 Local Government Archives Services

Dear Commissioners:

Please remit \$36,474.00 for Local Government Archives Services for 1991. This amount is to cover Willard Library's projected costs for Rent, Archivist salaries, Clerical salaries, and other costs for 1991, as per the attached.

Should you have any questions regarding this, please feel free to contact Mr. William A. Goodrich, Director, at the above phone number or address.

Thank you for your attention to this matter.

Sincerely,

WILLARD LIBRARY OF EVANSVILLE



Richard J. Holm
Administrative Assistant

Attachment

RECEIVED

FEB 19 1991

VANDERBURGH COUNTY
COMMISSIONERS

REQUEST FOR APPROPRIATION

DEPARTMENT County Commissioners

DATE 2/13/91

ACCOUNT	LINE ITEM	AMOUNT
130370	Dues & Subscriptions	\$1,700.00

EXPLANATION OF NEED FOR REQUEST

The dues of the Association of Indiana Counties, Inc. has raised since last year and we need this extra money to pay it, plus we have to pay for the newspaper for the year. The dues are now \$5,325.00.

BALANCE OF ACCOUNTS

ACCOUNT NO.	BUDGET	DISBURSEMENTS	BALANCE	BALANCE AFTER APPROPRIATION
130370	\$4,500.00	\$700.00	\$3,800.00	\$5,500.00

CME

VANDERBURGH COUNTY

FILED

FEB 13 1991

Tom Humphrey
AUDITOR

DEPARTMENT HEAD

Margaret A. Meehan

REQUEST FOR APPROPRIATION

DEPARTMENT County Commissioners

DATE February 11, 1991

ACCOUNT	LINE ITEM	AMOUNT
Contractual Services	130-393	\$20,446.13

EXPLANATION OF NEED FOR REQUEST

Contract for services in reference to the "County Investment Policy" and "Cash Management System". Original Proposal called for \$8,600.00 plus actual expenses (see attached). This money was never appropriated or at least not encumbered. The contract eventually was a whole lot more in depth than any of us could have imagined; therefore, the need for additional request (see attached)

CME

BALANCE OF ACCOUNTS

ACCOUNT NO.	BUDGET	DISBURSEMENTS	BALANCE	BALANCE AFTER APPRO.
130-393	\$814,574.00	—	\$814,574.00	\$836,020.13
(the \$814,574.00 is earmarked for Hillcrest Home)				

VANDERBURGH CC
FILED

FEB 12 1991

Tom Long
AUDITOR

DEPARTMENT HEAD

Jerry E. [Signature]

BOARD OF VOTERS REGISTRATION

CIVIC CENTER COMPLEX

ROOM 106 ADMINISTRATION BUILDING

PHONE 426-5222

EVANSVILLE, INDIANA 47708

February 8, 1991

To the County Commissioners of Vanderburgh County

It has been requested by Vincent Light, Elected Precinct Committeeman of Ward Two Precinct Fifteen to change the Polling place from The Hart's Garage, 2600 S. Boeke Rd to The Life In Abundance Christian Center, 2323 S. Walnut Ln.

Life In Abundance Christian Center has been contacted and they have agreed to this change.

Ward Two Precinct Seventeen is already voting there and this precinct is to continue voting there.



Paul J. Bitz
Board Member
Voters Registration

cg



QUIETUS
OFFICE OF COUNTY AUDITOR
VANDERBURGH COUNTY, INDIANA

EVANSVILLE, INDIANA

No. 24933

February 22, 19 91 FUND COUNTY REVENUE \$ 105.40
I HEREBY CERTIFY THAT:

MISSY PFISTER V3250

HAS FILED IN MY OFFICE THE RECEIPT OF THE TREASURER OF VANDERBURGH COUNTY, INDIANA

IN THE SUM OF ONE HUNDRED FIVE AND 40/100 DOLLARS

ON ACCOUNT OF Alexander Ambulance Lawsuit Collection

Sam Humphrey/jm
AUDITOR VANDERBURGH COUNTY, INDIANA

BOWERS, HARRISON, KENT AND MILLER
COLLECTION TRUST ACCOUNT
4TH FLOOR, PERMANENT FED. BLDG.
P. O. BOX 1287
EVANSVILLE, IN 47706-1287

3496

PAY TO THE ORDER OF Vanderburgh County Commissioners \$ 105.40
One hundred five dollars and 40/100 DOLLARS

NATIONAL CITY BANK
EVANSVILLE, INDIANA 47705-0868

FOR Pfister V3250

BOWERS, HARRISON, KENT AND MILLER

Beth A. Hooper

⑈003496⑈ ⑆086300025⑆ 017587033⑈

QUIETUS
OFFICE OF COUNTY AUDITOR
VANDERBURGH COUNTY, INDIANA

EVANSVILLE, INDIANA

No. 24934

February 22, 19 91 FUND COUNTY REVENUE \$ 14.79
I HEREBY CERTIFY THAT:

Raymond Williams

HAS FILED IN MY OFFICE THE RECEIPT OF THE TREASURER OF VANDERBURGH COUNTY, INDIANA

IN THE SUM OF Fourteen and 79/100 DOLLARS

ON ACCOUNT OF Alexander Ambulance Lawsuit Collection

Sam Humphrey/jm
AUDITOR VANDERBURGH COUNTY, INDIANA

RAYMOND L. WILLIAMS
RUBY WILLIAMS
1323 E. FRANKLIN
EVANSVILLE, IN 47711

1366

Pay To The Order Of Vanderburgh County Ambulance \$ 14.79
Fourteen and 79/100 Dollars

UNION FEDERAL SAVINGS BANK
EVANSVILLE, IN

For 3012 Ambulance Ray Williams Ruby Williams

⑆286371715⑆ 0034258⑈ 1366 V9118

QUIETUS
OFFICE OF COUNTY AUDITOR
VANDERBURGH COUNTY, INDIANA

EVANSVILLE, INDIANA

No. 24935

February 22, 19 91 FUND COUNTY REVENUE \$ 5.00
I HEREBY CERTIFY THAT:

Conrad Morse

HAS FILED IN MY OFFICE THE RECEIPT OF THE TREASURER OF VANDERBURGH COUNTY, INDIANA

IN THE SUM OF Five and No/100 DOLLARS

ON ACCOUNT OF Alexander Ambulance Lawsuit Collection

Sam Humphrey/jm

AUDITOR VANDERBURGH COUNTY, INDIANA

BOWERS, HARRISON, KENT AND MILLER

COLLECTION TRUST ACCOUNT
4TH FLOOR, PERMANENT FED. BLDG.
P. O. BOX 1287
EVANSVILLE, IN 47706-1287

3493

PAY TO THE ORDER OF Vanderburgh County Commissioners
Five Dollars and 00/100

Feb 6 19 91

71-2/863

\$ 5.00

DOLLARS

NATIONAL CITY BANK
EVANSVILLE, INDIANA 47705-0868

BOWERS, HARRISON, KENT AND MILLER

FOR Morse

Beth A. Harper

⑈003493⑈ ⑆086300025⑆ 017587033⑈

QUIETUS
OFFICE OF COUNTY AUDITOR
VANDERBURGH COUNTY, INDIANA

EVANSVILLE, INDIANA

No. 24936

February 22, 19 91 FUND COUNTY REVENUE \$ 10.00
I HEREBY CERTIFY THAT:

Alvin Hill AV11096

HAS FILED IN MY OFFICE THE RECEIPT OF THE TREASURER OF VANDERBURGH COUNTY, INDIANA

IN THE SUM OF Ten and No/100 DOLLARS

ON ACCOUNT OF Alexander Ambulance Lawsuit Collection

Sam Humphrey/jm

AUDITOR VANDERBURGH COUNTY, INDIANA

BOWERS, HARRISON, KENT AND MILLER

COLLECTION TRUST ACCOUNT
4TH FLOOR, PERMANENT FED. BLDG.
P. O. BOX 1287
EVANSVILLE, IN 47706-1287

3494

PAY TO THE ORDER OF Vanderburgh County Commissioners
Ten Dollars and 00/100

Feb 6 19 91

71-2/863

\$ 10.00

DOLLAR

NATIONAL CITY BANK
EVANSVILLE, INDIANA 47705-0868

BOWERS, HARRISON, KENT AND MILLER

FOR Alvin Hill

Beth A. Harper

⑈003494⑈ ⑆086300025⑆ 017587033⑈

QUIETUS
OFFICE OF COUNTY AUDITOR
VANDERBURGH COUNTY, INDIANA

EVANSVILLE, INDIANA

No. 24937

February 22, 19 91 FUND COUNTY REVENUE \$ 20.00

I HEREBY CERTIFY THAT:

Tim Wills V7855

HAS FILED IN MY OFFICE THE RECEIPT OF THE TREASURER OF VANDERBURGH COUNTY, INDIANA

IN THE SUM OF Twenty and No/100 DOLLARS

ON ACCOUNT OF Alexander Ambulance Collection

Sam Humphrey/jm
AUDITOR VANDERBURGH COUNTY, INDIANA

BOWERS, HARRISON, KENT AND MILLER

COLLECTION TRUST ACCOUNT
4TH FLOOR, PERMANENT FED. BLDG.
P. O. BOX 1287
EVANSVILLE, IN 47706-1287

3489

71-2/863

PAY TO THE ORDER OF Vanderburgh County Commissioners \$ 20.00

Twenty dollars and 00/100 DOLLARS

NATIONAL CITY BANK
EVANSVILLE, INDIANA 47705-0868

FOR Tim Wills V7855

BOWERS, HARRISON, KENT AND MILLER

Beth A. Haefen

⑈003489⑈ ⑈086300025⑈ 017587033⑈

QUIETUS

OFFICE OF COUNTY AUDITOR
VANDERBURGH COUNTY, INDIANA

EVANSVILLE, INDIANA

No. 24938

February 22, 19 91 FUND COUNTY REVENUE \$ 5.00

I HEREBY CERTIFY THAT:

Michael Ross

HAS FILED IN MY OFFICE THE RECEIPT OF THE TREASURER OF VANDERBURGH COUNTY, INDIANA

IN THE SUM OF Five and No/100 DOLLARS

ON ACCOUNT OF Alexander Ambulance Lawsuit Collection

Sam Humphrey/jm
AUDITOR VANDERBURGH COUNTY, INDIANA

MICHAEL J. OR ANGELA J. ROSS
SSN 312-72-0087 SSN 314-72-1381
1125 W. MARYLAND ST. 385-5404
EVANSVILLE, IN 47710

1515

1.14 71-1/863

PAY TO THE ORDER OF

Alexander Ambulance \$ 5.00

Five DOLLARS

OLD NATIONAL BANK
MEMBER OLD NATIONAL BANKCORP
P.O. Box 718 - Evansville, IN 47705

MICHAEL J. OR ANGELA J. ROSS

MEMO

V2691

Michael J. Ross

⑈086300012⑈ ⑈302007319⑈ ⑈1515⑈

QUIETUS
OFFICE OF COUNTY AUDITOR
VANDERBURGH COUNTY, INDIANA

EVANSVILLE, INDIANA

No. 24939

February 22, 19 91 FUND COUNTY REVENUE \$ 151.00
I HEREBY CERTIFY THAT:

Marilyn Zimmer
HAS FILED IN MY OFFICE THE RECEIPT OF THE TREASURER OF VANDERBURGH COUNTY, INDIANA
IN THE SUM OF One Hundred Fifty-One and No/100 DOLLARS
ON ACCOUNT OF Alexander Ambulance Lawsuit Collection

Sam Humphrey/jm
AUDITOR VANDERBURGH COUNTY, INDIANA

BOWERS, HARRISON, KENT AND MILLER
COLLECTION TRUST ACCOUNT
4TH FLOOR, PERMANENT FED. BLDG.
P. O. BOX 1287
EVANSVILLE, IN 47706-1287

3461

PAY TO THE ORDER OF Vanderburgh County Commissioners \$ 151.00
One hundred fifty-one Dollars and 00/100 DOLLARS

BOWERS, HARRISON, KENT AND MILLER

NATIONAL CITY BANK
EVANSVILLE, INDIANA 47705-0868

FOR Marilyn Zimmer AV2701

Beth G. Harper

⑈003461⑈ ⑈086300025⑈ 017587033⑈

QUIETUS
OFFICE OF COUNTY AUDITOR
VANDERBURGH COUNTY, INDIANA

EVANSVILLE, INDIANA

No. 24940

February 22, 1991 FUND COUNTY REVENUE \$ 10.00
I HEREBY CERTIFY THAT:

Alvin Hill
HAS FILED IN MY OFFICE THE RECEIPT OF THE TREASURER OF VANDERBURGH COUNTY, INDIANA
IN THE SUM OF Ten and No/100 DOLLARS
ON ACCOUNT OF Alexander Ambulance Lawsuit Collection

Sam Humphrey/jm
AUDITOR VANDERBURGH COUNTY, INDIANA

BOWERS, HARRISON, KENT AND MILLER
COLLECTION TRUST ACCOUNT
4TH FLOOR, PERMANENT FED. BLDG.
P. O. BOX 1287
EVANSVILLE, IN 47706-1287

3460

PAY TO THE ORDER OF Vanderburgh County Commissioners \$ 10.00
Ten Dollars and 00/100 DOLLARS

BOWERS, HARRISON, KENT AND MILLER

NATIONAL CITY BANK
EVANSVILLE, INDIANA 47705-0868

FOR Alvin Hill AV11096

Beth G. Harper

⑈003460⑈ ⑈086300025⑈ 017587033⑈

QUIETUS
OFFICE OF COUNTY AUDITOR
VANDERBURGH COUNTY, INDIANA

EVANSVILLE, INDIANA

No. 24941

February 22, 19 91 FUND COUNTY REVENUE \$ 11.97

I HEREBY CERTIFY THAT:

Domenic Scotty

HAS FILED IN MY OFFICE THE RECEIPT OF THE TREASURER OF VANDERBURGH COUNTY, INDIANA

IN THE SUM OF Eleven and 97/100 DOLLARS

ON ACCOUNT OF Alexander Ambulance Lawsuit Collection

Sam Humphrey/jm
AUDITOR VANDERBURGH COUNTY, INDIANA

BOWERS, HARRISON, KENT AND MILLER

COLLECTION TRUST ACCOUNT
4TH FLOOR, PERMANENT FED. BLDG.
P. O. BOX 1287
EVANSVILLE, IN 47706-1287

3477

71-2/863

PAY TO THE ORDER OF Vanderburgh County Commissioners \$ 11.97
Eleven dollars and 97/100 DOLLARS


NATIONAL CITY BANK
EVANSVILLE, INDIANA 47705-0868

BOWERS, HARRISON, KENT AND MILLER

FOR Scotty AV81092 Beth A. Harper
"003477" :086300025: 017587033"

QUIETUS
OFFICE OF COUNTY AUDITOR
VANDERBURGH COUNTY, INDIANA

EVANSVILLE, INDIANA

No. 24942

February 22, 19 91 FUND COUNTY REVENUE \$ 5.00

I HEREBY CERTIFY THAT:

James Woodruff V1439

HAS FILED IN MY OFFICE THE RECEIPT OF THE TREASURER OF VANDERBURGH COUNTY, INDIANA

IN THE SUM OF Five and No/100 DOLLARS

ON ACCOUNT OF Alexander Ambulance Lawsuit Collection

Sam Humphrey/jm
AUDITOR VANDERBURGH COUNTY, INDIANA

JAMES L. WOODRUFF SSN 303-44-6011
DELORIS J. WOODRUFF SSN 313-42-9501
6600 ST. JOE RD. PH: 963-5315
EVANSVILLE, IN 47720

133

PAY TO THE ORDER OF Vanderburgh County \$ 5.00
Five and No/100 DOLLARS

CITIZENS NATIONAL
BANK OF
EVANSVILLE, INDIANA
MEMO 82006-9001-SC-114

:086300041: "304986433" 0133 V1439

QUIETUS

OFFICE OF COUNTY AUDITOR
VANDERBURGH COUNTY, INDIANA

EVANSVILLE, INDIANA

No. 24943

February 22, 19 91 FUND COUNTY REVENUE \$ 5.00

I HEREBY CERTIFY THAT:


Thomas Jarvis V5538

HAS FILED IN MY OFFICE THE RECEIPT OF THE TREASURER OF VANDERBURGH COUNTY, INDIANA

IN THE SUM OF Five and No/100 DOLLARS

ON ACCOUNT OF Alexander Ambulance Lawsuit Collection

Sam Humphrey/jm
AUDITOR VANDERBURGH COUNTY, INDIANA

		Money Order 334 9034 863	
		TRAVELERS EXPRESS COMPANY, INC. - DRAWER P.O. BOX 9476, MINNEAPOLIS, MN 55480	
DATE Feb 5-1991		75 53 919	
PAY TO THE ORDER OF County Commissioners Office		NOT VALID FOR OVER THREE HUNDRED U.S. DOLLARS	
AMOUNT		5 DOLLARS	
Payable thru Norwest Bank Minn. So. N.A. Faribault, MN		SIGNATURE Thomas Jarvis ADDRESS 7397 main St Evansville In	
		BY SIGNING YOU AGREE TO THE SERVICE CHARGE AND OTHER TERMS ON THE REVERSE SIDE.	
1:0919005331:334 90348632		90 V5538 47638	

QUIETUS

OFFICE OF COUNTY AUDITOR
VANDERBURGH COUNTY, INDIANA

EVANSVILLE, INDIANA

No. 24944

February 22, 19 91 FUND COUNTY REVENUE \$ 5.00

I HEREBY CERTIFY THAT:

James Woodruff

HAS FILED IN MY OFFICE THE RECEIPT OF THE TREASURER OF VANDERBURGH COUNTY, INDIANA

IN THE SUM OF Five and No/100 DOLLARS

ON ACCOUNT OF Alexander Ambulance Lawsuit Collection

Sam Humphrey/jm
AUDITOR VANDERBURGH COUNTY, INDIANA

JAMES L. WOODRUFF SSN 303-44-6011
DELORIS J. WOODRUFF SSN 313-42-9501
6600 ST. JOE RD. PH: 963-5315
EVANSVILLE, IN 47720

122

PAY TO THE ORDER OF Vanderburgh County \$ 5.00
Five and No/100 DOLLARS

CITIZENS NATIONAL BANK OF EVANSVILLE, INDIANA

MEMO 82006-9001-5C-114

1:086300041: 304986433 0122

V1131

QUIETUS
OFFICE OF COUNTY AUDITOR
VANDERBURGH COUNTY, INDIANA

EVANSVILLE, INDIANA

No. 24946

February 22, 19 91 FUND COUNTY REVENUE \$ 14.79

I HEREBY CERTIFY THAT:

RAYMOND WILLIAMS V9118

HAS FILED IN MY OFFICE THE RECEIPT OF THE TREASURER OF VANDERBURGH COUNTY, INDIANA

IN THE SUM OF FOURTEEN AND 79/100 DOLLARS

ON ACCOUNT OF Alexander Ambulance Lawsuit Collection

Sam Humphrey/jm

AUDITOR VANDERBURGH COUNTY, INDIANA

RAYMOND L. WILLIAMS
RUBY WILLIAMS
1323 E. FRANKLIN
EVANSVILLE, IN 47711

1339

71-7171/2863

Pay To The Order Of W. Vanderburgh County \$ 14.79
Fourteen and 79/100 Dollars

UNION FEDERAL SAVINGS BANK
EVANSVILLE, IN

For Ambulance 2012 Ray Williams Ruby Williams
⑆1:286371715⑆ 0034258⑆ 1339 V9118

CURRENT, INC. COLORADO SPRINGS, CO 80911

ENDANGERED YOUNG "MS" CMOHEAD INC.

QUIETUS
OFFICE OF COUNTY AUDITOR
VANDERBURGH COUNTY, INDIANA

EVANSVILLE, INDIANA

No. 24945

February 22, 19 91 FUND COUNTY REVENUE \$ 158.47

I HEREBY CERTIFY THAT:

David Hamm

HAS FILED IN MY OFFICE THE RECEIPT OF THE TREASURER OF VANDERBURGH COUNTY, INDIANA

IN THE SUM OF One Hundred Fifty-Eight and 47/100 DOLLARS

ON ACCOUNT OF Alexander Ambulance Lawsuit Collection

Sam Humphrey/jm

AUDITOR VANDERBURGH COUNTY, INDIANA



ALEXANDER
AMBULANCE SERVICE, INC.
522 NW. FIRST ST.
EVANSVILLE, IN 47708

CITIZENS NATIONAL BANK
OF EVANSVILLE
EVANSVILLE, IN
71-4-863

14568

PAY

TO
THE
ORDER
OF

Attorney David Miller
Permanent Federal Bldg.
P.O. Box 1287
Evansville, IN 47708

DATE CHECK NO. CHECK AMOUNT
02/08/91 014568 1001133158.47

Marion F. Spinks

AV 3913

⑆014568⑆ ⑆08630004⑆ ⑆501012762⑆

QUIETUS
OFFICE OF COUNTY AUDITOR
VANDERBURGH COUNTY, INDIANA

EVANSVILLE, INDIANA

No. 24906

February 21, 19 91 FUND COUNTY REVENUE \$ 100.00

I HEREBY CERTIFY THAT:

CLERK OF THE CIRCUIT COURT
HAS FILED IN MY OFFICE THE RECEIPT OF THE TREASURER OF VANDERBURGH COUNTY, INDIANA

IN THE SUM OF ONE HUNDRED AND NO/100 DOLLARS

ON ACCOUNT OF Garnishment, Cause #88SC5629

Sam Humphrey/jm

AUDITOR VANDERBURGH COUNTY, INDIANA

APPROVED BY STATE
BOARD OF ACCOUNTS
FOR VANDERBURGH
COUNTY 1977

CLERK VANDERBURGH CIRCUIT COURT

EVANSVILLE, INDIANA

No. 053414

GARNISHMENT FUND

VOID 60 DAYS FROM DATE

AMOUNT

89GAR93438902 CAUSE NO. 88SC5629 01/16/91 \$100.00

VAND. CO COMMISSIONERS

053414

OLD NATIONAL BANK
EVANSVILLE, INDIANA

053414 0863000121 40600348 31

QUIETUS
OFFICE OF COUNTY AUDITOR
VANDERBURGH COUNTY, INDIANA

EVANSVILLE, INDIANA

No. 24907

February 21, 19 91 FUND COUNTY REVENUE \$ 422.61

I HEREBY CERTIFY THAT:

Falcon/Capital Cable T-V
HAS FILED IN MY OFFICE THE RECEIPT OF THE TREASURER OF VANDERBURGH COUNTY, INDIANA

IN THE SUM OF Four Hundred Twenty-two and 61/100 DOLLARS

ON ACCOUNT OF Franchise Fee, July - December, 1990

Sam Humphrey/jm

AUDITOR VANDERBURGH COUNTY, INDIANA



Capital Cable
FALCON/CAPITAL CABLE PARTNERS, L.P.
SUITE 220
150 NORTH MERAMEC
ST. LOUIS, MO 63105
(314) 726-0099

FIRST STATE BANK OF WAYNE CO - Monticello, Kentucky
CITIZENS FIDELITY BANK & TRUST CO
LOUISVILLE, KENTUCKY
73-789/839

0014367

DATE 01/25/91 CHECK NO. 014367 AMOUNT *****\$422.61

FOUR HUNDRED TWENTY-TWO AND 61/100 DOLLARS

PAY TO THE ORDER OF
COUNTY COMMISSIONER
CIVIC CENTER COMPLEX
EVANSVILLE, IN 47708 USA

QUIETUS
OFFICE OF COUNTY AUDITOR
VANDERBURGH COUNTY, INDIANA

EVANSVILLE, INDIANA

No. 24908

February 21, 19 91 FUND COUNTY REVENUE \$ 5.00

I HEREBY CERTIFY THAT:


Thomas Jarvis V5538

HAS FILED IN MY OFFICE THE RECEIPT OF THE TREASURER OF VANDERBURGH COUNTY, INDIANA

IN THE SUM OF Five and No/100 100 DOLLARS

ON ACCOUNT OF Alexander Ambulance Lawsuit Collection

Sam Humphrey/jm
AUDITOR VANDERBURGH COUNTY, INDIANA

		Money Order	
		334 9033 101	
TRAVELERS EXPRESS COMPANY, INC. - DRAWER P.O. BOX 9476, MINNEAPOLIS, MN 55480			
DATE		Jan 22-1991 75-53 919	
PAY TO THE ORDER OF		County Commissioners Office	
- NOT VALID FOR OVER THREE HUNDRED U.S. DOLLARS -			
AMOUNT		5 DOLS 00 CTS DOLLARS	
Payable thru Norwest Bank Minn. So. N.A. Faribault, MN		SIGNATURE Thomas Jarvis ADDRESS 7347 Main St Evansville In	
BY SIGNING YOU AGREE TO THE SERVICE CHARGE AND OTHER TERMS ON THE REVERSE SIDE.			
⑆091900533⑆334 90331010⑆ 90 V5538 47706-1287			

QUIETUS
OFFICE OF COUNTY AUDITOR
VANDERBURGH COUNTY, INDIANA

EVANSVILLE, INDIANA

No. 24909

February 21, 19 91 FUND COUNTY REVENUE \$ 10.00

I HEREBY CERTIFY THAT:

S. Kemper V3515

HAS FILED IN MY OFFICE THE RECEIPT OF THE TREASURER OF VANDERBURGH COUNTY, INDIANA

IN THE SUM OF Ten and No/100 100 DOLLARS

ON ACCOUNT OF Alexander Ambulance Lawsuit Collection

Sam Humphrey/jm
AUDITOR VANDERBURGH COUNTY, INDIANA

BOWERS, HARRISON, KENT AND MILLER
COLLECTION TRUST ACCOUNT
4TH FLOOR, PERMANENT FED. BLDG.
P. O. BOX 1287
EVANSVILLE, IN 47706-1287

3457

71-1-53

PAY TO THE ORDER OF Vanderburgh County Commissioners \$ 10.00
Ten dollars and 00/100 DOLLARS

NATIONAL CITY BANK
EVANSVILLE, INDIANA 47705-0868

FOR S. Kemper V3515

BOWERS, HARRISON, KENT AND MILLER

Beth A. Harper

⑆003457⑆ ⑆086300025⑆ 017587033⑆

QUIETUS

OFFICE OF COUNTY AUDITOR
VANDERBURGH COUNTY, INDIANA

EVANSVILLE, INDIANA

No. 24910

February 21, 19 91 FUND COUNTY REVENUE \$ 192.26

I HEREBY CERTIFY THAT:

Ricky Gobike AV9847

HAS FILED IN MY OFFICE THE RECEIPT OF THE TREASURER OF VANDERBURGH COUNTY, INDIANA

IN THE SUM OF One Hundred Ninety-Two and 26/100 DOLLARS

ON ACCOUNT OF Alexander Ambulance Lawsuit Collection

Sam Humphrey/jm

AUDITOR VANDERBURGH COUNTY, INDIANA

BOWERS, HARRISON, KENT AND MILLER

COLLECTION TRUST ACCOUNT
4TH FLOOR, PERMANENT FED. BLDG.
P. O. BOX 1287
EVANSVILLE, IN 47706-1287

3458

71-2/863

AY TO THE ORDER OF Vanderburgh County Commissioners

Jan 28 19 91

\$ 192.26

One hundred ninety-two dollars and 26/100 DOLLARS

BOWERS, HARRISON, KENT AND MILLER

NATIONAL CITY BANK
EVANSVILLE, INDIANA 47705-0868

OR Ricky Gobike AV9847

Beth A. Harper

⑈003458⑈ ⑆086300025⑆ 017587033⑈

QUIETUS

OFFICE OF COUNTY AUDITOR
VANDERBURGH COUNTY, INDIANA

EVANSVILLE, INDIANA

No. 24911

February 21, 19 91 FUND COUNTY REVENUE \$ 5.00

I HEREBY CERTIFY THAT:

Pearl Brewer V2126

HAS FILED IN MY OFFICE THE RECEIPT OF THE TREASURER OF VANDERBURGH COUNTY, INDIANA

IN THE SUM OF Five and No/100 DOLLARS

ON ACCOUNT OF Alexander Ambulance Lawsuit Collection

Sam Humphrey/jm

AUDITOR VANDERBURGH COUNTY, INDIANA

BOWERS, HARRISON, KENT AND MILLER

COLLECTION TRUST ACCOUNT
4TH FLOOR, PERMANENT FED. BLDG.
P. O. BOX 1287
EVANSVILLE, IN 47706-1287

3415

71-2/863

AY TO THE ORDER OF Vanderburgh County Commissioners

Jan 3 19 91

\$ 5.00

Five dollars and 00/100 DOLLARS

BOWERS, HARRISON, KENT AND MILLER

NATIONAL CITY BANK
EVANSVILLE, INDIANA 47705-0868

OR Brewer V2126

Beth A. Harper

⑈003415⑈ ⑆086300025⑆ 017587033⑈

QUIETUS
OFFICE OF COUNTY AUDITOR
VANDERBURGH COUNTY, INDIANA

EVANSVILLE, INDIANA

No. 24912

February 21, 19 91 FUND COUNTY REVENUE \$ 5.00
I HEREBY CERTIFY THAT:


Thomas Jarvis

HAS FILED IN MY OFFICE THE RECEIPT OF THE TREASURER OF VANDERBURGH COUNTY, INDIANA

IN THE SUM OF Five and No/100 100 DOLLARS

ON ACCOUNT OF Alexander Ambulance Lawsuit Collection

Sam Humphrey/jm
AUDITOR VANDERBURGH COUNTY, INDIANA

		Money Order 334 7349 923	
		TRAVELERS EXPRESS COMPANY, INC. - DRAWER P.O. BOX 9476, MINNEAPOLIS, MN 55480	
DATE Jan 2-1991		75-53 919	
PAY TO THE ORDER OF County Commissioners Office		NOT VALID FOR OVER THREE HUNDRED DOLLARS	
AMOUNT		DOLLARS	
Payable thru Norwest Bank Minn. So. N.A. Faribault, MN		SIGNATURE Thomas Jarvis ADDRESS 7397 Main St Evansville, IN 47638	
BY SIGNING YOU AGREE TO THE SERVICE CHARGE AND OTHER TERMS ON THE REVERSE SIDE.			
⑈091900533⑈334 7349923⑈ 90 V5538			

QUIETUS
OFFICE OF COUNTY AUDITOR
VANDERBURGH COUNTY, INDIANA

EVANSVILLE, INDIANA

No. 24913

February 21, 19 91 FUND COUNTY REVENUE \$ 50.00
I HEREBY CERTIFY THAT:

J. Wade AV5266

HAS FILED IN MY OFFICE THE RECEIPT OF THE TREASURER OF VANDERBURGH COUNTY, INDIANA

IN THE SUM OF Fifty and No/100 100 DOLLARS

ON ACCOUNT OF Alexander Ambulance Lawsuit Collection

Sam Humphrey/jm
AUDITOR VANDERBURGH COUNTY, INDIANA

BOWERS, HARRISON, KENT AND MILLER
COLLECTION TRUST ACCOUNT
4TH FLOOR, PERMANENT FED. BLDG.
P. O. BOX 1287
EVANSVILLE, IN 47706-1287

3432

7863

PAY TO THE ORDER OF Vanderburgh County Commissioners
Fifty dollars and 00/100 \$ 50.00
DOLLAR

NATIONAL CITY BANK
EVANSVILLE, INDIANA 47705-0868

BOWERS, HARRISON, KENT AND MILLER

FOR J. Wade AV 5266

Beth A. Haefer

⑈003432⑈ ⑈086300025⑈ 017587033⑈

QUIETUS

OFFICE OF COUNTY AUDITOR
VANDERBURGH COUNTY, INDIANA

EVANSVILLE, INDIANA

No. 24914

February 21, 19 91 FUND COUNTY REVENUE \$ 5.00
I HEREBY CERTIFY THAT: Jan

Five and No/100
HAS FILED IN MY OFFICE THE RECEIPT OF THE TREASURER OF VANDERBURGH COUNTY, INDIANA

IN THE SUM OF Alexander Ambulance Lawsuit Collection 100 DOLLARS

ON ACCOUNT OF _____

Sam Humphrey/jm
AUDITOR VANDERBURGH COUNTY, INDIANA

JAMES L. WOODRUFF SSN 303-44-6011
DELORIS J. WOODRUFF SSN 313-42-9501
6600 ST. JOE RD. PH: 963-5315
EVANSVILLE, IN 47720

103

PAY TO THE
ORDER OF

Vanderburgh County Jan. 11 19 91 71-47863
Five and No/100 \$ 5.00
DOLLARS

CITIZENS NATIONAL
BANK OF
EVANSVILLE, INDIANA

Citizens Bank

MEMO 82006-9001-SC-114

Deloris J. Woodruff

⑆08630004⑆ ⑆304986433⑆ 0103

V1439

QUIETUS

OFFICE OF COUNTY AUDITOR
VANDERBURGH COUNTY, INDIANA

EVANSVILLE, INDIANA

No. 24915

February 21, 19 91 FUND COUNTY REVENUE \$ 250.00
I HEREBY CERTIFY THAT:

Morton Fullerton V8365
HAS FILED IN MY OFFICE THE RECEIPT OF THE TREASURER OF VANDERBURGH COUNTY, INDIANA

IN THE SUM OF Two Hundred Fifty and No/100 100 DOLLARS

ON ACCOUNT OF Alexander Ambulance Lawsuit Collection

Sam Humphrey/jm
AUDITOR VANDERBURGH COUNTY, INDIANA

BOWERS, HARRISON, KENT AND MILLER

COLLECTION TRUST ACCOUNT
4TH FLOOR, PERMANENT FED. BLDG.
P. O. BOX 1287
EVANSVILLE, IN 47706-1287

3442

PAY
TO THE
ORDER OF

Vanderburgh County Commissioners Jan 12 19 91 71-27863
Two hundred fifty dollars and 00/100 \$ 250.00
DOLLARS

NATIONAL CITY BANK
EVANSVILLE, INDIANA 47705-0868

FOR Morton Fullerton V8365

BOWERS, HARRISON, KENT AND MILLER

Beth A. Harper

⑆003442⑆ ⑆086300025⑆ 017587033⑆

QUIETUS

OFFICE OF COUNTY AUDITOR
VANDERBURGH COUNTY, INDIANA

EVANSVILLE, INDIANA

No. 24916

February 21, 19 91 FUND COUNTY REVENUE \$ 10.00

I HEREBY CERTIFY THAT:

Jessica Dorris V9548

HAS FILED IN MY OFFICE THE RECEIPT OF THE TREASURER OF VANDERBURGH COUNTY, INDIANA

IN THE SUM OF Ten and No/100 DOLLARS

ON ACCOUNT OF Alexander Ambulance Lawsuit Collection

Sam Humphrey/jm
AUDITOR VANDERBURGH COUNTY, INDIANA

BOWERS, HARRISON, KENT AND MILLER

COLLECTION TRUST ACCOUNT
4TH FLOOR, PERMANENT FED. BLDG.
P. O. BOX 1287
EVANSVILLE, IN 47706-1287

3451

71-2/863

PAY
TO THE
ORDER OF

Vanderburgh County Commissioners

\$ 10.00

Ten dollars and 00/100

DOLLAR

NATIONAL CITY BANK
EVANSVILLE, INDIANA 47705-0868

BOWERS, HARRISON, KENT AND MILLER

FOR Dorris

V9548

Beth A. Harper

⑈003451⑈ ⑆086300025⑆ 017587033⑈

PRESCRIBED BY STATE BOARD OF ACCOUNTS

REVISED COUNTY FORMS NO. 21
NO. 20

1947

QUIETUS

OFFICE OF COUNTY AUDITOR
VANDERBURGH COUNTY, INDIANA

EVANSVILLE, INDIANA

No. 24917

February 21, 19 91 FUND COUNTY REVENUE \$ 20.00

I HEREBY CERTIFY THAT:

Emma Brisco V12461

HAS FILED IN MY OFFICE THE RECEIPT OF THE TREASURER OF VANDERBURGH COUNTY, INDIANA

IN THE SUM OF Twenty and No/100 DOLLARS

ON ACCOUNT OF Alexander Ambulance Lawsuit Collection

Sam Humphrey/jm
AUDITOR VANDERBURGH COUNTY, INDIANA

BOWERS, HARRISON, KENT AND MILLER

COLLECTION TRUST ACCOUNT
4TH FLOOR, PERMANENT FED. BLDG.
P. O. BOX 1287
EVANSVILLE, IN 47706-1287

3450

71-2/863

PAY
TO THE
ORDER OF

Vanderburgh County Commissioners

\$ 20.00

Twenty dollars and 00/100

DOLLARS

NATIONAL CITY BANK
EVANSVILLE, INDIANA 47705-0868

BOWERS, HARRISON, KENT AND MILLER

FOR Brisco

V12461

Beth A. Harper

⑈003450⑈ ⑆086300025⑆ 017587033⑈

QUIETUS

OFFICE OF COUNTY AUDITOR
VANDERBURGH COUNTY, INDIANA

EVANSVILLE, INDIANA

No. 24918

February 21, 19 91 FUND COUNTY REVENUE \$ 5.00
I HEREBY CERTIFY THAT:

James Woodruff V1439
HAS FILED IN MY OFFICE THE RECEIPT OF THE TREASURER OF VANDERBURGH COUNTY, INDIANA
IN THE SUM OF Five and No/100 DOLLARS
ON ACCOUNT OF Alexander Ambulance Lawsuit Collection

Sam Humphrey/jm
AUDITOR VANDERBURGH COUNTY, INDIANA

JAMES L. WOODRUFF SSN 303-44-6011
DELORIS J. WOODRUFF SSN 313-42-9501
6600 ST. JOE RD. PH: 963-5315
EVANSVILLE, IN 47720

108

PAY TO THE
ORDER OF

Jan. 21 19 91 71-4/863
Vanderburgh County \$ 5.00
Five and No/100 DOLLARS

CITIZENS NATIONAL
BANK OF
EVANSVILLE, INDIANA

Citizens Bank

MEMO 82006-9001-SC-114

Deloris J. Woodruff

⑆08630004⑆ ⑈304986433⑈ 0108

V1439

QUIETUS

OFFICE OF COUNTY AUDITOR
VANDERBURGH COUNTY, INDIANA

EVANSVILLE, INDIANA

No. 24919

February 21, 19 91 FUND COUNTY REVENUE \$ 5.00
I HEREBY CERTIFY THAT:

Thomas Jarvis
HAS FILED IN MY OFFICE THE RECEIPT OF THE TREASURER OF VANDERBURGH COUNTY, INDIANA
IN THE SUM OF Five and No/100 DOLLARS
ON ACCOUNT OF Alexander Ambulance Lawsuit Collection

Sam Humphrey/jm
AUDITOR VANDERBURGH COUNTY, INDIANA

Travelers Express

Money Order
334 7351 210

TRAVELERS EXPRESS COMPANY, INC. - DRAWER
P.O. BOX 9478, MINNEAPOLIS, MN 55480

DATE Jan 8 - 1991 75-53
919

PAY
TO THE
ORDER OF

County Commissioners Office

NOT VALID FOR OVER THREE HUNDRED U.S. DOLLARS

AMOUNT

5 DOLS 00 CTS

DOLLARS

Payable thru
Norwest Bank
Minn. So. N.A.
Faribault, MN

SIGNATURE

Thomas Jarvis 7307 Main St Wadesville, IN

BY SIGNING YOU AGREE TO THE SERVICE CHARGE AND OTHER TERMS ON THE REVERSE SIDE

⑆091900533⑆ 334 73512107⑈

90

V5538

47638

QUIETUS
OFFICE OF COUNTY AUDITOR
VANDERBURGH COUNTY, INDIANA

EVANSVILLE, INDIANA

No. 24920

February 21, 19 91 FUND COUNTY REVENUE \$ 5.00
I HEREBY CERTIFY THAT:

HAS FILED IN MY OFFICE THE RECEIPT OF THE TREASURER OF VANDERBURGH COUNTY, INDIANA
James Woodruff V1439

IN THE SUM OF Five and No/100 DOLLARS

ON ACCOUNT OF Alexander Ambulance Lawsuit Collection

Sam Humphrey/jm
AUDITOR VANDERBURGH COUNTY, INDIANA

Jan. 4 19 91 71-4/863

PAY TO THE ORDER OF Vanderburgh County \$ 5.00
Five and No/100 DOLLARS

CITIZENS NATIONAL BANK OF EVANSVILLE, INDIANA **Citizens Bank**

MEMO 82106-9001-SC-114 Meloris J. Woodruff

⑆08630004⑆ ⑆304986433⑆ V1439

PRESCRIBED BY STATE BOARD OF ACCOUNTS

REVISED COUNTY FORMS NO. 21
NO. 20

1947

QUIETUS
OFFICE OF COUNTY AUDITOR
VANDERBURGH COUNTY, INDIANA

EVANSVILLE, INDIANA

No. 24921

February 21, 19 91 FUND COUNTY REVENUE \$ 5.00
I HEREBY CERTIFY THAT:

~~XXXXXX~~ Conrad Morse

HAS FILED IN MY OFFICE THE RECEIPT OF THE TREASURER OF VANDERBURGH COUNTY, INDIANA

IN THE SUM OF Five and No/100 DOLLARS

ON ACCOUNT OF Alexander Ambulance Lawsuit Collection

Sam Humphrey/jm
AUDITOR VANDERBURGH COUNTY, INDIANA

BOWERS, HARRISON, KENT AND MILLER
COLLECTION TRUST ACCOUNT
4TH FLOOR, PERMANENT FED. BLDG.
P. O. BOX 1287
EVANSVILLE, IN 47706-1287

3420

PAY TO THE ORDER OF Vanderburgh County Commissioners \$ 5.00
Five Dollars and 00/100 DOLLARS

NATIONAL CITY BANK
EVANSVILLE, INDIANA 47705-0868

BOWERS, HARRISON, KENT AND MILLER

FOR Morse V4279

Beth A. Harper

⑆003420⑆ ⑆086300025⑆ 017587033⑆

QUIETUS

OFFICE OF COUNTY AUDITOR
VANDERBURGH COUNTY, INDIANA

EVANSVILLE, INDIANA

No. 24922

February 21, 1991 FUND COUNTY REVENUE \$ 78.89

I HEREBY CERTIFY THAT:

Jennifer Wade AV5266

HAS FILED IN MY OFFICE THE RECEIPT OF THE TREASURER OF VANDERBURGH COUNTY, INDIANA

IN THE SUM OF Seventy-Eight and 89/100 DOLLARS

ON ACCOUNT OF Alexander Ambulance Lawsuit Collection

Sam Humphrey/jm

AUDITOR VANDERBURGH COUNTY, INDIANA

BOWERS, HARRISON, KENT AND MILLER

COLLECTION TRUST ACCOUNT
4TH FLOOR, PERMANENT FED. BLDG.
P. O. BOX 1287
EVANSVILLE, IN 47706-1287

3504

71-2/853

PAY
TO THE
ORDER OF

Vanderburgh County Commissioners

\$ 78.89

Seventy - eight dollars and 89/100

DOLLAR

NATIONAL CITY BANK
EVANSVILLE, INDIANA 47703-0868

FOR

Jennifer Wade AV5266

BOWERS, HARRISON, KENT AND MILLER

Beth A Harper

⑈003504⑈ ⑆086300025⑆ 017587033⑈

QUIETUS

OFFICE OF COUNTY AUDITOR
VANDERBURGH COUNTY, INDIANA

EVANSVILLE, INDIANA

No. 24923

February 21, 1991 FUND COUNTY REVENUE \$ 5.00

I HEREBY CERTIFY THAT:

Thomas Jarvis V5538

HAS FILED IN MY OFFICE THE RECEIPT OF THE TREASURER OF VANDERBURGH COUNTY, INDIANA

IN THE SUM OF Five and No/100 DOLLARS

ON ACCOUNT OF Alexander Ambulance Lawsuit Collections

Sam Humphrey/jm

AUDITOR VANDERBURGH COUNTY, INDIANA

TravelersExpress

Money Order

334 9033 598

TRAVELERS EXPRESS COMPANY, INC. - DRAWER
P.O. BOX 9476, MINNEAPOLIS, MN 55480

DATE Jan 29 - 1991 75-53
919

PAY
TO THE
ORDER OF

County Commissioners Office

NOT VALID FOR OVER THREE HUNDRED U.S. DOLLARS

AMOUNT

5 DOLLARS

DOLLARS

Payable thru
Norwest Bank
Minn. So. N.A.
Faribault, MN

SIGNATURE

Thomas Jarvis

ADDRESS

Main St Wadesville In 47638

BY SIGNING YOU AGREE TO THE SERVICE CHARGE AND OTHER TERMS ON THE REVERSE SIDE.

⑈091900533⑈ 334 90335987⑈ 90

V 5538

QUIETUS
OFFICE OF COUNTY AUDITOR
VANDERBURGH COUNTY, INDIANA

EVANSVILLE, INDIANA

No. 24924

February 21, 19 91 FUND COUNTY REVENUE \$ 5.00

I HEREBY CERTIFY THAT:

James Woodruff V1439

HAS FILED IN MY OFFICE THE RECEIPT OF THE TREASURER OF VANDERBURGH COUNTY, INDIANA

IN THE SUM OF Five and No/100 ¹⁰⁰ DOLLARS

ON ACCOUNT OF Alexander Ambulance Lawsuit Collection

Sam Humphrey/jm
AUDITOR VANDERBURGH COUNTY, INDIANA

JAMES L. WOODRUFF SSN 303-44-6011
DELORIS J. WOODRUFF SSN 313-42-9501
6600 ST. JOE RD. PH: 963-5315
EVANSVILLE, IN 47720

115

PAY TO THE
ORDER OF

Vanderburgh County Feb. 26 19 91 71-4/863
Five and No/100 \$ 5.00
DOLLARS

CITIZENS NATIONAL
BANK OF
EVANSVILLE, INDIANA

Citizens Bank

MEMO

82D06-9001-SC-114

Deloris J. Woodruff

⑆08630004⑆ ⑈304986433⑈ 0115 V1439



Capital Cable

150 North Meramec
St. Louis, Missouri 63105
(314) 726-0099
FAX (314) 726-4880

FALCON/CAPITAL CABLE PARTNERS, L.P.
150 N MERAMEC, SUITE 220
ST LOUIS, MO 63105

CALCULATION OF FRANCHISE FEES
FOR JULY THRU DECEMBER 1990

NAME OF FRANCHISE: VANDERBURGH COUNTY

ADDRESS: COUNTY COMMISSIONER
CIVIC CENTER COMPLEX
EVANSVILLE, IN 47708

DESCRIPTION OF FEE: 3% OF GROSS RECEIPTS -
BASIC, AD, INSTALLS, & PREMIUM
PAYABLE SEMI-ANNUALLY

	REVENUE BASE	FEE
	-----	-----
JULY	\$2,283.24	\$68.50
AUGUST	\$2,318.14	\$69.54
SEPTEMBER	\$2,325.17	\$69.76
OCTOBER	\$2,372.85	\$71.19
NOVEMBER	\$2,397.12	\$71.91
DECEMBER	\$2,390.60	\$71.72

TOTAL		\$422.61

RECEIVED

FEB 14 1991

VANDERBURGH COUNTY
COMMISSIONER'S OFFICE

MINUTES
COUNTY COMMISSIONERS MEETING
FEBRUARY 25, 1991

<u>Subject</u>	<u>Page No.</u>
Meeting Opened at 4:30 p.m.	1
Introduction of Staff	1
Pledge of Allegiance	1
Access to Tekoppel Avenue Extension at Western End of Koressel Avenue (Objection to)	1
Simons Governmental Services/Claims	2
(Approved claim in amount of \$10,458.31 for Center Township only. T. Ziemer to check other claims. Claims for 90% holdback to be returned to A. Folz and D. Fox, and they will re-submit 75% holdback claims)	
C.O.L.E./Vickie McBride/Objections to Expansion of Landfill, etc.	6
County Engineer - Greg Curtis	9
Change Order/Caranza Sewer Project (approved) Claim/Happe & Sons for Caranza Sewer Project in amount of \$18,331.54 approved Acceptance of Deed/CSX Property/Union Twp. Access Project Plan Approval/Audubon Estates, Section D Plan Approval/Arby's/U.S. Hwy. 41 North Request to Travel/Milliken Seminar U.E. Seminars	
County Morgue/Change Order (Approved)	11
(Contract w/Mr. Wilson to be prepared for amount of \$1,800 - redesign of HVAC system)	
County Engineer/Gary Kercher	12
Columbia-Delaware Street Bridge (Taken under advisement for two weeks) Orchard Rd. Bridge #158 (Title Sheet signed)	
County Highway - Cletus Muensterman	13
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Agreement between City & County re Green River Rd. Project between Morgan Avenue & Heckel Rd.	13
Sale of Surplus County-Owned Real Estate (no bids)	13
Request to go on Council Call (Drainage Board)	13
Approval of Minutes of February 11, 1991	13
County Treasurer/Monthly Report	13
Execution of Deeds for Surplus Real Estate	13
(Betty Collins, Bradley Williams, James Julian and Allen Russ)	
Knight Township Trustee/Poor Relief Eligibility Guidelines - Effective 3/1/91	14

Employment Changes	14
(See attached agenda. Also includes extended medical leave of absence for Arthur Pagett until May 1, 1991)	
Claims	14
Carolyn McClintock (\$90.03) Public Financial Management (\$99.74)	
Scheduled Meetings	14
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Evansville Cable T-V (Contract was extended to April 2006 in December 1988)	
New Business	14
Meeting adjourned at 6:40 p.m.	

MINUTES
COUNTY COMMISSIONERS MEETING
FEBRUARY 25, 1991

The Vanderburgh County Board of Commissioners met in session at 4:30 p.m. on Monday, February 25, 1991 in the Commissioners Hearing Room with Vice President Don Hunter presiding. (Commissioner McClintock was absent.)

Commissioner Hunter welcomed the meeting participants, introduced staff members (Ted Ziemer, County Attorney; Rick Borries, Commissioner; Cindy Mayo, Chief Deputy Auditor; Joanne Matthews, Commission Secretary; and Margie Meeks, Executive Assistant to the Commission), and subsequently led the Pledge of Allegiance.

Commissioner Hunter then asked if there are any individuals or groups who wish to address the Commission.

RE: OBJECTION TO ACCESS TO THE NEW TEKOPPEL AVENUE
EXTENSION AT THE WESTERN END OF KORESSEL AVENUE

Mr. Kenneth Render approached the podium, introduced himself, and stated he resides at 1827 Hollywood in the Howell area. He said he is present today, along with his wife and a group of neighbors, to ask the Commissioners to look into the Tekoppel Avenue extension going out to Dogtown. Currently they are thinking that there is going to be access onto the highway at Koressel Avenue. He then submitted the following letter and petition with 219 signatures against the access and only four (4) people who wanted the access.:

February 17, 1991

Ms. Carolyn McClintock
Mr. Richard Borries
Mr. Don Hunter

We, the undersigned residents of Howell, object to the access to the new Tekoppel Avenue Extension being allowed at the western end of Koressel Avenue.

This access at the end of Koressel Avenue would not only endanger our safety, but it would totally disrupt the peace and tranquility of our neighborhood. This access would allow unnecessary traffic to use our neighborhood streets as a "short cut" to get to Barker and Broadway Avenue.

We understand this access at the end of Koressel Avenue is intended to give land owners access to their ground west of the Tekoppel Extension. It would be more practical if access for the land owners was given from the western lane only of the Tekoppel Extension and not cross over the eastern line. This would serve the same purpose, cost less, and not endanger the residents of this well established neighborhood.

As tax paying citizens, and as the residents who could suffer from this decision, we ask you to choose the alternative which would not allow access from Koressel Avenue onto the new Tekoppel Avenue Extension.

Thank you.

*Signatures on attached pages

Continuing, Mr. Render said they learned today there may be some confusion. In last week's meeting County Engineer Greg Curtis said that he was thinking the county was not going to put access off the west end of Koressel onto the new highway. But the City could do it if they opted to. They are here to state they hope that won't happen. Koressel Avenue is very narrow and there are already drainage problems. They understand they will have to elevate Koressel several feet to get up onto the top of that levee. For those various reasons they would like to see that that is not done. Mr. Render then proceeded to make a lengthy dissertation, following which Commissioner Hunter thanked him for his comments.

Mr. Curtis noted that at last week's meeting he addressed the issue in that there were a number of residents who had called both city and county offices and complained and requested that this be removed from that project if possible. He doesn't have the letter written yet. The Commissioners voted upon his recommendation that we take that out of the project unless the city has major objections to that. Then if the city would wish, at a later date, to tie that in -- since the extension will likely be a city street -- then they could do so. But that would be complete at their discretion and at a time in the future rather than now. It is his understanding initially that there is no one in the city who really has any strong feelings that they would like that connected. He doesn't have this officially in writing, however. Again, he has not yet prepared the letter to the city, but they should get that this week. If all the residents in the area are against it, he wouldn't anticipate that the city would connect it either.

Mr. Render said they would like some confirmation from the city that this isn't going to happen. They wouldn't like to leave here today thinking everything is settled and go along for six months and suddenly somebody say it was never on paper and the city decide they would like this.

Mr. Curtis said once the city receives the letter, there should be a response. Mr. Render can call his office in about a week.

Commissioner Borries said this matter was brought to his attention and he talked with Mr. Curtis about it and, as pointed out, it was discussed at last week's Commission meeting. For the record, did we determine that the Haymaker's property will not be landlocked in any situation here?

Mr. Curtis confirmed that it will not.

Commissioner Borries said that as soon as Mr. Curtis gets the letter to the Board of Public Works, he would anticipate that we would receive some pretty quick action from that standpoint. But this Board did go on record at the last meeting in favor of eliminating that particular cut into Koressel.

RE: SIMONS GOVERNMENTAL SERVICES

Mr. Charles Simons said he left a brief letter with the Commissioners just prior to the meeting. He has talked to several people about some claims submitted by Simons in December of 1991 which were questioned by the then County Attorney and referred to the Counsel for the Township Assessors, who got with his Counsel, which brings us to this point.

Four (4) claims were submitted in December 1990, as a 90% holdback from the reassessment contract. He was advised by Counsel for the Assessors that that is in error. After a month and a half of consultation between his attorney and they -- they do concur it was an error and they ask that those claims be returned to the Assessors -- that the amount of claim at this

time they are entitled to is 75% of the remaining holdback. However, in the interim, there have been additional claims submitted that have no relation to that holdback. They were claims that were submitted in January and he provided a recap of same. The current claim they will be submitting is for 75% of the holdback, which is \$21,650.00 -- the claim would be for \$16,239.00. That claim will be submitted as soon as the letter he has is signed by all the Assessors, which should be some time by the end of the week.

There is also a claim submitted in January for \$3,900 for Knight Township, which is under the terms of the contract they were to appear before the Board of Review and advise the township assessors on certain information as to whether the appeal process, make recommendations, etc. He believes that was from October 1990 thru January 15, 1991 (at an hourly rate). That claim as of yet has not been paid.

In Center Township there is an outstanding claim for \$10,458.00 which was due back in May. However, it wasn't submitted because the Township Assessor wanted to wait until his township was through (which was last month) with the Board of Review before he would approve that claim. The other three townships approved their 50% release back in May. So he hasn't approved the release of the 50% holdback under the terms of the contract.

There are two claims in Pigeon Township. They are asking that the 90% be brought back. The amount of that claim is \$25,000 and that will be submitted as soon as all four of the Assessors sign this letter.

There also was another claim in January for \$2,560.00, which is for hourly work similar to Knight Township which has not yet been paid. It has nothing at all to do with the hold back.

In Perry Township he believes the claim is for \$3,455.00.

Basically, they have two different types of claims submitted. He understands there is a problem with the 75% of the remaining hold back and he has been advised that we will probably not be able to resolve that until the March 11th meeting. He has no problem with that. He would like to get it settled now, but believes that under the circumstances we can't do so. He would appreciate resolving these matters as soon as possible.

Commissioner Hunter said he was just made aware of this at 4:15 p.m. He asked if Commissioner Borries has questions.

Commissioner Borries said he is sure there are township assessors who can give him figures as to how much this reassessment has cost the taxpayers of this county. Is Mr. Simons finished now? Why are these claims still coming in? What work is he doing?

Mr. Simons responded, "The reassessment has been finished and the Form 11's mailed out. Their appeal work process was completed, with the exception of the Board of Review. Under the terms of the contract Simons has obligations to appear before the Board of Review or to make recommendations for the Board of Review in their behalf. That was a separate paragraph and we consider it a separate entity of the original contract. The original contract required us to have Form 11's, etc. mailed out. There was an additional part of the contract that asked us to come back and do that and that is what we are doing now."

Mr. Borries asked if there is money budgeted for this amount?

Mr. Simons said, "Yes, the money is in each township's account and it has been there since 1987."

Mr. Borries asked, "If you're doing this on an hourly rate, how can they determine how much to budget if they don't know how many appeals are going to go to the Board of Review?"

Mr. Simons said there was a certain amount set out under the terms of the contract up to a maximum amount for that kind of work. So far we have not exceeded nor have they met the amount of money appropriated on those accounts.

Attorney Schopmeyer approached the podium and said he thinks he can clarify some of this. This contract is confusing. We originally had 35% contract, because for this kind of work this was the first reassessment Statewide wherein all the Assessors used a technical advisor. There was no insurance to bond this kind of service contract like you do construction. In this case it was roughly 35% retainage. So we had a retainage at one point of over \$200,000. We have paid out 50% of that to Simons on three of the four townships which he had a contract with. The rural townships did their own work. We're only looking at the four city townships. Roughly half of that has been paid out in all of the townships except Center. For whatever reason, Center has not paid out their 50%. It should have been paid out roughly a year ago. Now we're at the stage wherein under a settlement agreement entered amending the original contract, provides that instead of paying him all of the money back, we will only pay him back an additional amount up to 75%. The reason for that is that part of the settlement was the township assessors wanted to make sure that we kept the contractor on the hook with a sizable retainage so that he would be available through the hearings and appeals for which he was contractually bound and that was done as a safeguard. That is why seemingly it appears we keep coming back and coming back and it begins to be very confusing. But it was done (and Mr. Miller was involved in that) in a settlement to keep a larger retainage. That is why Mr. Simons is here. He filed for 90% in December. Mr. Miller called and asked about the contract and I said I didn't think that was correct under a settlement and indeed the amount should be 75% rather than 90%. It was a mistake on behalf of the assessors who weren't aware of the subsequent settlement and Simons in the confusion of all the paperwork -- an honest mistake. So we're back today asking for 75%. There has been a letter which I believe Mr. Ziemer has -- and I believe the Commissioners all received a letter from Mr. Angermeier raising some issues that probably, I would think, would cause this Commission not to want to do anything while Mr. Angermeier is out of the community. However, there is one claim in here for Center Township for \$10,000 some dollars about a year old that is 50% -- not dealing with the next increment of where we are now, which would be the added 25% -- that it would seem to us would be justified. It should have been paid a year ago. The other claims -- he thinks there has been some dispute by Mr. Angermeier and it needs to be addressed by the Commission. He doesn't know whether this answers the Commissioners' questions.

Mr. Borries said it does not answer them completely. He sees two assessors here today. Before he would want to approve any claim for payment there are two things he would need to know. First of all, the approval of the assessor. Secondly, verification that the money is there -- because that has been the confusion all along, exactly how much money has been in these various accounts.

Attorney Ziemer said he has a claim which was signed by Alvin Stucki which was just handed to him for \$10,458.31. That is for 50% holdback, which has already been paid to Simons by all of the other township assessors. At Al's request this was held back as described here today. His recommendation would be to approve this claim and since Mr. Angermeier has written the Commissioners and raised questions (the nature of which we don't know) that the Board defer action on the other claims until they have an opportunity to talk with Mr. Angermeier.

Attorney Schopmeyer advised he had requested Simons put together a recap, a copy of which has been given to each of the Commissioners. This will give the Commissioners an opportunity to look through this and know where the dollars and cents are. At the end of it, he had the township assessors sign off on this, also -- because there has been a great deal of confusion. He keeps getting a lot of calls and he thought it best to come to a meeting and address it with the Commissioners and assessors as a matter of public record in an attempt to resolve this thing once and for all.

Commissioner Borries asked where we are with the Board of Review.

Mr. Simons said he believes his attorney also sent a letter to the Commissioners and that was addressing something -- he has no idea what Mr. Angermeier is talking about -- the Board of Review has about \$15,000 left to utilize his services to assist them in appeals. Right now it looks as though he isn't going before the Board of Review anymore because Mr. Angermeier asked him to leave.

Pigeon Township Assessor David Fox said he got involved in this because he was sitting in the Board of Review of which he is a member and two of the lay members asked him why Mr. Simons was not responding to their requests for records. I had made a statement to them and I talked with Mr. Simons and he made the statement he has no records. Every record that, in fact, he had on the reassessment was given to the assessors. After saying that, they asked me why Mr. Simons said that. I said if they'd like for him to come and make it a matter of record under oath that he, in fact, has no records he'd be happy to call and tell him to do that. He did so and Mr. Simons did, in fact, come to the Board of Review with the intent of answering any and all questions, but it was Mr. Angermeier's feeling that he did not want Mr. Simons to answer any questions regarding records -- that he would rather the County Attorney sue him for that. I think that's ridiculous when you can ask the man directly and he can say for the records. Why in the hell would we sue anybody when the man is willing to make the statement for the record? Technically Angermeier said to "Get out, you're not going to say a word.". That confuses me, too, not only as a member of the Board of Review, but also being a Township Assessor, I want him to represent his work on an appeal. Last year I signed a 90% holdout because I was not privy to the agreement that was drawn up that he will only take 75%. I do, in fact, want that one back -- because I do have another claim. I feel like the claim should be paid. I am telling you here and now that he is completed in Pigeon Township with the exception of the Board of Review. If you want to hold 25% holdout that is fine. But I think the 75% should be paid and I am here to ask Michael Schopmeyer about that. In fact, I think Mr. Simons is due his money. And, in fact, if that letter from Mr. Angermeier brings up the records I think Mr. Simons will answer that now if you want him to.

Mr. Simons interjected, "I don't have any records."

Mr. Fox asked, "Where are the records then?"

Mr. Simons responded, "They are in the township assessors' offices."

Attorney Ziemer interjected, "As County Attorney I can tell you we don't want to waste the county's money suing anybody that it is not necessary to sue. You have no records -- you're stating that you turned your records over to the various township assessors? Are those records available to the Board of Review, Mr. Fox?"

Mr. Fox responded, "Each and every one of them."

Attorney Ziemer continued, "I just want to be sure I understand this. So there is no record that Mr. Angermeier could want that was produced through the efforts and under the contract with Mr. Simons that is not in possession of one or the other of the township assessors and will be produced immediately?"

Mr. Fox responded, "In Pigeon Township, yes, those records are available and I have explained that to him, also.."

Attorney Ziemer said, "That is helpful just for that particular issue. I still say that given the fact that Mr. Angermeier wishes to be heard by the Commissioners in this regard, it would be my advice that we wait until after that for the County to take its position. You and I have discussed this and I have no interest in holding up your money and I want to see you get paid as soon as possible. But anytime we have conflicting issues on a particular claim I like to hear both sides and I haven't heard the other side."

Mr. Simons said, "That is fine and I understand that. No problem."

Commissioner Hunter said, "With your approval, let's just refer this to the County Attorney until such time as Mr. Angermeier can appear before this group and express whatever problem he seems to have with this."

Mr. Simons said, "That could be a year from now. Could we put a limit on it?"

Commissioner Hunter said, "We'll leave this up to Ted, okay?"

Mr. Simons said he appreciates that.

Mr. Fox asked for the 90% claim he had signed to be returned to him and asked Joanne Matthews if she has same.

Chief Deputy Auditor Cindy Mayo interjected, "Those claims were turned over to the County Attorney which, at that time, was David Miller. So all I can tell you is that those claims were given to Mr. Miller's office."

At the request of David Fox, Attorney Schopmeyer asked that each of the Assessors, for the record, state that they want the 90% holdback claims filed in November or December returned to them and voided. Knight Township - Al Folz; David Fox, Pigeon Township. Both individuals complied.

Upon motion made by Commissioner Borries and seconded by Commissioner Hunter, the \$10,458.31 claim to Simons Governmental Services for Center Township was approved. So ordered.

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

Ms. Vickie McBride, President of C.O.L.E. (Citizens Opposing Landfill Extension, Inc.) approached the podium and introduced herself. She said she is present for purposes of bringing to the attention of the Commissioners a matter that apparently was just discussed by the Warrick County Commissioners and that is the banning of out-of-County trash. C.O.L.E. has talked with the Vanderburgh County Commissioners previously about what they are afraid is a rapidly depleting capacity at our current landfill site. She would like to update the Commissioners with additional information they have received. In December, a small group of them spoke with Harold Post from BFI and he told their delegation that the landfill site currently is right on target regarding available capacity. She would like for the Commission to consider a few facts. She is not saying that anything is illegal or irregular here, because things can be changed through the State and files can be lost. But this is the information they

have been able to obtain from the State. The first copy shows that according to what DNR was told was going to occur at this current site, that BFI would not encroach on Locust Creek more than 250 ft. from the bank. A State inspector from IDEM was down about five weeks ago and BFI is now a little less than 70 ft. from those banks and moving on. Secondly, BFI's has applied to DNR for establishment of a borrow pit. This is cover soil which has to be of a certain classification of soil to cover on their existing site. This is Attachment No. 2 and it clearly states that this soil from the expansion site is necessary for the operation of the current site. Thirdly, we have a copy of IDEM monthly inspection report from July 1990 which shows that BFI has been discussing with the State a vertical expansion. They need to go up in height on the current site. They don't have any more room to go out. And then, again, on February 12, Tammy Ryan, along with Ms. McBride and Courier staff photographer, were down at the landfill and the accountant from BFI came out to talk with them. She asked him what happened to their maintenance building that used to sit on the premises. He said they had to demolish it and bury it as they needed room for more trash. The next day, Mr. Irv Litov the District Manager, called her and told her they were getting ready to move the rest of their buildings currently on site off site. She asked him if this was to accommodate more trash, but he didn't answer. She is, therefore, drawing her own conclusion on that. To her it is a logical assumption. BFI is not currently restricted as to whether they take out-of-county or out-of-state trash. They know for a fact that BFI is still actively pursuing out-of-state special waste. Where will this leave Vanderburgh County residential trash and County industrial-commercial loads when our landfill is at capacity? She submitted data supporting her comments to the Commissioners. 12,280,000 lbs. of out-of-state per year at our landfill -- undetermined amounts of out-of-county trash. Special wastes (and these are hazardous materials that have a special classification) was 520,830 tons; 67,067 cu. yds; 2,600 55-gal. drums; and 559,000 gallons, much of which is both out-of-county or out-of-state waste.. Our Commissioners need to enact an ordinance to ban out-of-county trash. Instead of creating undue delay in implementation by trying to initially write a perfect ordinance, they need to immediately implement such ordinance and let the courts determine their validity. Additionally, the Commissioners need to take action on some of C.O.L.E.'s previous requests. One, a moratorium on siting. Secondly, a Code of Ethics Ordinance. She is also giving the Commissioners a copy of the Form 10-K from the Securities Exchange Commission from 1989 and 1990 in which they state that this has been effectively passed and implemented across the country. So we know it can be done. Thirdly, zoning for landfills, so that final determination for a decision of this magnitude comes before elected officials, rather than appointed officers. In closing, she would just like to point out that when she talks about the out-of-county influx, she has no objections to a multi-county solid waste district. That would expedite and help the inspectors who come down from IDEM (who are terribly short handed) if they were cutting down on the number of stops they had to make across the state. However, in light of the information they have that tells them over and over again that we don't have the capacity we are led to believe, we need somebody to act now. In addition, there are only seven counties in the State of Indiana out of the 91 counties in our state who have smaller square mile area in their county and we are the fourth largest in capacity. We do not have the room to keep being a good sister or a good neighbor to the other counties who have not, or will not, site their own landfills.

The Commissioners expressed appreciation to Ms. McBride for her comments and said they will take same under advisement.

RE: REPLACEMENT/OLD DARMSTADT RD.

Mr. Harry Elpers, President of the Big Creek Drainage Association, introduced himself. He said he was asked to get involved concerning the replacement bridge on Old Darmstadt Rd. He does not know exactly where this project has gone to this point, but the Big Creek Drainage Association is interested not so much in how it is structurally designed but, more so, the kind of clearance they're going to get after it has been designed. Has anything been done in regards to engineering of the bridge?

Mr. Kercher of the County Engineer's office said the bridge has already been engineered. All they are waiting for now is how they want to proceed with the road part of it both south and north of the bridge. The bridge is basically going to be raised to an elevation 3 ft. higher than it is now. Regardless of what the road does that will not change.

Mr. Elpers said they have one other concern, that being they understand there has been something mentioned that they will possibly elevate the road three or four feet 300 ft. north and 800 ft. south of the bridge. If the figures he hears are correct, it seems like that would be spending a lot of money for a narrow road such as that and several people in their association for whom he has a great deal of respect have said that is a lot of money to spend to elevate a road when you're talking about three cars per day. Why not take that money and spend it out there about a half mile east, which would be Old Princeton Road?

Commissioner Hunter said two County officials spent about a half hour out there in the rain one evening and were somewhat led to believe that the Drainage Association indeed wanted that road raised and now he understands since that time that this is not the wish of the Big Creek Drainage Association.

Mr. Elpers said, "We had one fellow in particular (he farms that area, but I don't want to mention his name) -- but I don't think it is going to make him any difference whether we do or do not -- it's not going to make any difference in how he crops that particular 40 acres which is exactly west of that. I don't know why the gentleman has an idea he feels it justifies spending \$80,000 to \$100,000 to elevate a road. I can site you three or four other places that have heavy travel much beyond that and we have the same problem throughout the northern part of the county."

Mr. Kercher said he believes the reason we explored this was because we had the opportunity of replacing the bridge and it was brought up one time in passing. That is why they went out and met with the people. We haven't done the design work on the road. They're just trying to figure out where to stop the road, because they're going to have to elevate portions of the road to reach the bridge. Basically, we're getting the new bridge out of the water. While they were there they thought if they wanted the road raised and it was going to be to the benefit of the farmers and the Drainage Board and everybody else, then they could possibly look at that.

Mr. Borries said if Mr. Elpers is talking about the road, there may not be any money. But if he's talking about the bridge, there should certainly be money in the Cumulative Bridge Fund to do the bridge.

Mr. Elpers said he doesn't have any problem with the bridge -- he's just talking about the road. They just feel that \$80,000, \$90,000 or \$100,000 is a lot of money to elevate a narrow road.

Mr. Hunter said the bridge will permit the people to get their equipment through there rather than taking it the long way around.

RE: COUNTY ENGINEER - GREG CURTIS

Caranza Drive Sewer Project: Last November they brought to the Commission a Change Order for Happe & Sons Construction on this project. They went through the change order at that time and will be glad to go through it again. At that time, the Commissioners expressed a willingness to approve it, but there were no funds available with which to back the approval up. To approve it would put the County in the situation of having a contract with no money to pay. Since that time the project has been entirely complete and has been accepted and we now have the funds. He needs to get the Change Order and Claim approved. He would recommend (although reluctantly) that the net increase change order of \$10,355.76 be approved. The contractor was acting in good faith on the direction of construction engineering in the field and was doing what he was instructed to do and it was the opinion at that time of the then-County Attorney that the contractor was entitled to those funds.

Upon motion made by Commissioner Borries and seconded by Commissioner Hunter the change order was approved. So ordered.

Claim/Happe & Sons, Inc.: The 10/19/90 balance was \$18,331.54. He spoke with Veach, Nicholson, Griggs, as well as with the County Attorney's office and the Water Department and on November 2, 1990 the project was complete. The contractor had completed all the work that he needed to do for the project to be acceptable. Forty-five days from that time (which it is his understanding that we don't pay finance charges on the first 45 days) would be December 17, 1990. He has written on there the 2% finance charges that would be added for January 17th and February 17th, which would bring the charges to \$19,072.13. He spoke with Happe & Sons and they are agreeable to that. Their original feeling was that they were entitled to more than that. But they would like to get paid so they can pay people to whom they owe money and get their creditors off their back. He would recommend the claim be allowed.

Attorney Ziemer asked, "This has nothing to do with any claim by Veach, Nicholson?"

Mr. Curtis said it does not. "There has been some indication by members of the Commission that you would like to look at that as a area to recover the cost of the interest payments and I have referred that to the County Attorney. I don't know whether he is prepared on that -- but I have referred it to him. I want to get this cleared up because I know Mr. Happe has creditors on his back because of this."

Commissioner Hunter asked, "Why wasn't this paid on the 17th? We have nearly \$739 worth of...."

Mr. Curtis interrupted, "We had no money. When it came up in January (we had asked for the appropriation in such a manner so that it would be acted on in January) we couldn't get it approved at that time because the deeds were not recorded that needed to be recorded in order for us to get City acceptance. The Council, as well as the Commission, did not want to approve this project until the Water Department had accepted it, because then we have a situation of being responsible for that line for that period of time. To some degree we got something for our interest in that we were never responsible for the project until the time we transferred that immediately to the City."

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

Mr. Curtis said he has to leave the meeting and Mr. Kercher will handle the rest of the items on their agenda.

Acceptance of Deed/CSX Property/Union Township Access Project: Mr. Kercher submitted the foregoing for acceptancing, saying that all the paperwork has been signed, the deed has been signed, and payment has been made. And the Commissioners just need to accept the deed for our records.

Upon motion made by Commissioner Borries and seconded by Commissioner Hunter the deed was accepted. So ordered.

Plan Approval/Audubon Estates, Section D: They have reviewed the plans and do not see anything that needs to be changed.

Upon motion made by Commissioner Borries and seconded by Commissioner Hunter, the plans were formally signed and the following streets accepted for County maintenance.

Mr. Kercher said the streets have already been accepted (Plaza Drive; Ridgeway Avenue; Marian Court; and Dove Lane) for a total of 1,385.4 ft. and they want to include that mileage into our system for maintenance.

Plan Approval/Arby's; U. S. Highway 41 North: Mr. Kercher then submitted the plans for the foregoing. He said the storm drainage plans were approved by the Drainage Board on 10/11/90 and he was thinking the the plans were also approved about the same time. In any event, he needs formal approval.

Upon motion made by Commissioner Borries and seconded by Commissioner Hunter, the plans for Arby's Highway 41 N. minor plot subdivision was approved. So ordered.

Request to Travel/Milliken Seminar: Mr. Kercher requested permission to travel (one person from the County Engineer's office) to a Milliken Seminar (a half day seminar) in Carmel, IN on Tuesday, March 5th. He believes the Commissioners have a brochure on same.

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

U.E. Seminars: Ms. McClintock asked that they review literature and determine if anyone would like to attend seminars at U.E. Greg Curtis would like to attend three of them. The first two are just one day seminars and the third one meets every Tuesday in March (in the afternoon, he believes), Mark Tuley is requesting that someone from the County Highway and the County Engineer's office go to it.

Mr. Borries said he would question in these tight budgetary times where the money will come from in terms of the budget?

Mr. Kercher said he has no idea -- they were given the brochures.

Commissioner Hunter requested that this be put on hold for a week.

Mr. Kercher said the first one meets next Tuesday.

Commissioner Hunter said the first two are just one day seminars; the third one is \$250.00.

Upon motion made by Commissioner Borries and seconded by Commissioner Hunter attendance at the first two seminars (by Greg Curtis) was approved subject to the availability of funds. Mr. Borries said if we're getting into this we're going to have a lot of travel requests, and although it is a noble attempt, the critical issue is whether there are sufficient budgeted funds.

RE: COUNTY MORGUE/CHANGE ORDERS

Mr. Andy Easley said the Coroner's office has provided the Commissioners with an explanatory letter as to why they would like to have the heating and air conditioning re-designed on the new morgue. They have a proposal from a mechanical engineer. In order to keep the project moving, if the Commissioners will recall Mr. Wilson did the heating and air conditioning at Hillcrest Children's Home and is familiar with the design of the HVAC systems. He thinks he would do a commendable job and Mr. Easley suggested he solicit this proposal. Mr. Wilson has said he will design it and inspect it for \$1,800 (a reasonable fee in Mr. Easley's opinion). He said if the system ends up costing \$40,000, that is about 4-1/2%, which compared to a normal engineering design fee is reasonable. He is requesting permission to retain Mr. Wilson.

Commissioner Hunter said it is his understanding that after the County designed this they found the specs designed to were not necessary.

Mr. Easley confirmed this is correct, saying this was designed before he was project engineer and he thinks there was a misunderstanding on behalf of the consultant who did it. It was explained to him thoroughly enough. He did a commendable job of designing a system that uses 100% outside air. All this air has to be heated and then put into the building. We were concerned about the utility cost. It has two boilers and he thinks it is going to be expensive to construct and probably expensive to maintain. The air handlers were going to be in the ceiling. But it is more a matter of the 100% outside air requirement. There may be a few times that plenty of ventilation may be required if they have a corpse they found on the river or something -- but not very often. We would realize at least a \$15,000 savings. The building is a little under 4,200 sq. ft. and has three furnaces to take care of three different zones and then has a suspended unit heater from the ceiling of the garage -- so it actually has four different heating units in the facility.

Attorney Ziemer questioned why the original engineer would not take care of the change order?

Chief Deputy Coroner Rick Woods said that basically this would not be just a minor change to his work. This is a totally and complete revision of it. We felt in this particular case it would be better to go with someone else. Because of the complexities of the situation he needs someone he can really sit down and go over this with and get away from a boiler-type system. He thinks our original plan would have been extremely expensive for the County to operate and maintain. If you have problems there are not that many people who will come in and work on a boiler. The gas-fired furnaces will be very similar to what each of us have in our homes. If one goes out, you're not looking at \$50,000 to \$75,000 to fix it, you're looking at maybe \$2,000 to buy a new one.

Attorney Ziemer asked if it would be appropriate to try to recover something from the original contractor?

Mr. Woods said he does not, because given what he understood as the law, he thinks he did a commendable job. It was not until last week that we found we did not come under State Law I.C. 4-10-15-1, and between the Coroner's office, the Building Commissioner, and Mr. Clements, there was a misunderstanding that we did have to comply with that law. Through the efforts of Mr. Sam Elder and Mr. Cundiff of the State Board of Health, we found out those laws do not apply to us, because we are a separate entity. He thinks that is where they are concerned in hospitals. If you do not have 100% venting, that this air could

be moved from a pathology area and perhaps put in a surgical suite or a patient's room and he believes the Commissioners can understand the problem they'd have in that situation.

Coroner Althaus said Mr. Clements was paid some time ago and these plans had been a year and half in the making and he has his plans completed insofar as the heating and air conditioning and the drawings given to the County for Mr. Davis to do. And at that time he was under the direction of Mr. Lehman, who sent in a blue claim and we paid him \$975.00. With the amount we're going to save, he thinks it would be fair.

Attorney Ziemer said if the Commissioners approve the request, he would recommend the County Attorneys prepare a contract and have it available at the next meeting.

Upon motion made by Commissioner Borries and seconded by Commissioner Hunter, a contract is to be prepared between the County and Mr. Wilson regarding the heating and air conditioning services at the County Morgue. So ordered.

Mr. Althaus asked, "With the approval today, can Mr. Wilson begin his design in a couple of days with the Coroner's office working with him?"

Attorney Ziemer said, "If he starts, if the contract doesn't get signed, he won't get paid. The contract has been approved -- it's just a technical matter."

Columbia-Delaware Street Bridge: Mr. Kercher of the County Engineer's office continued by saying we're getting to re-hab this bridge. We have an encroachment on there that in order for us to obtain Federal Funds to do the repair work we have to have the encroachment removed. We've been trying to get a permit from the Federal Government to allow the encroachment to remain and they came down and said we have to have it removed. The bridge was built around the encroachment and allowed to remain during the time the bridge was built in the 1950's and it was never removed. Subsequently the laws have changed and they did not see we had a reasonable case to allow it to remain. The encroachment is underneath the elevated portion of the bridge. In order to participate, the Federal Government wants the whole thing removed from underneath the right-of-way. He's talked with Gary Price concerning removal of the encroachment since January. We had to go out and get three quotes on taking care of the problem any way we can. Without going through the Federal Government we can take care of the encroachment. Once it is taken care we can then receive the funds to take care of it. The specs for removal and repair of that encroachment was passed in 1990 and he believes the Commissioners have copies of the quotes. We had several people come in who never submitted a bid.

Following further brief discussion, the Commissioners opted to take this matter under advisement for two weeks, when Mr. Ziemer will return. There is quite a variation in the bids.

Ordhard Rd. Bridge #158: The County Engineer's office is working on obtaining the right-of-way for this bridge right now. It's a County-Federal Air bridge on Orchard Rd. which we're replacing. It's an old wooden bridge over CSX railroad tracks and we need plan approval. They've reviewed the plans and they are in final review in the State now and should have them back in a month. We should be ready to start on this project by summer. In order for the State to finish their final review they have to know it has been approved by the Commissioners. It is a State bidding process. They have no problems with the plans, and they need the final tracings. The final tracings include a signed Title Sheet from the Commissioners.

Upon motion made by Commissioner Borries and seconded by Commissioner Hunter the Title Sheet for Orchard Rd. Bridge #158 was signed. So ordered.

COUNTY HIGHWAY - CLETUS MUENSTERMAM

Mr. Muensterman said he has already submitted his Weekly reports.

Cut in Budget by SBA: It was noted by Mr. Muensterman that he is a little down because of the cut in his budget. However, Auditor Humphrey told him today he thinks he has found something to help him.

Mr. Borries explained that last week Mr. Muensterman learned the State Board of Accounts has cut his budget by \$532,000 and this will certainly have an impact on services. We need to try and obtain additional information from the State Board.

RE: COUNTY ATTORNEY - TED ZIEMER

Attorney Ziemer submitted a written report concerning legal matters, noting the only item that requires the Commissioners' attention today is an agreement re the Green River Rd. project from Morgan Avenue to Heckel Rd. It is an agreement with the City (Board of Public Works) indicating the County is the lead agency; designating the Federal participation at 75% -- to be split between the County and the City, with the County getting 79% and the City 21%. They have reviewed the agreement and find it satisfactory for execution.

Upon motion made by Commissioner Borries and seconded by Commissioner Hunter the agreement was approved and signed. So ordered.

RE: SALE OF SURPLUS COUNTY-OWNED REAL ESTATE

Commissioner asked if anyone is present who would wish to purchase any of the surplus County-owned real estate? There was no response and the sale will continue.

RE: COUNCIL CALL

Mr. Hunter submitted a request for the Drainage Board to go on Council Call in the amount of some \$41.00, which was paid out to Bowers, Harrison, Kent & Miller (David Miller). They need to transfer this amount.

The Commissioners approved the request. So ordered.

RE: APPROVAL OF MINUTES

Upon motion made by Commissioner Borries and seconded by Commissioner Hunter the minutes of February 11, 1991 were approved as engrossed by the County Auditor and reading of same waived. So ordered.

RE: COUNTY TREASURER

The monthly report from the County Treasurer for January 1991 was submitted.....report received and filed.

RE: EXECUTION OF DEEDS FOR SURPLUS REAL ESTATE

Upon motion made by Commissioner Borries and seconded by Commissioner Hunter, the following deeds for surplus County-owned real estate were executed, transferring ownership to the new owners: Betty Collins, Bradley Williams, James Julian, and Allen Russ. So ordered.

RE: KNIGHT TOWNSHIP - POOR RELIEF ELIGIBILITY GUIDELINES

Ms. Emarie West, Chief Deputy/Knight Trustee's Office submitted revised poor relief eligibility guidelines and reviewed the changes. The new guidelines will go into effect on March 1, 1991.

Upon motion made by Commissioner Borries and seconded by Commissioner Hunter the guidelines were accepted and signed with the change noted by Commissioner Borries that the wording should be "State of Indiana Department of Public Welfare" with the word "County" being removed.. So ordered.

RE: EMPLOYMENT CHANGES

Upon motion made by Commissioner Borries and seconded by Commissioner Hunter, the employment change docket (see attached agenda) was approved, including the extended medical leave of absence for Arthur Pagett of Burdette Park until May 1, 1991. (A doctor's statement is attached.). So ordered.

RE: CLAIMS

Upon motion made by Commissioner Borries and seconded by Commissioner Hunter, the following claims were approved for payment. So ordered.

Carolyn McClintock (\$90.03) (Reimbursement)
Public Financial Management (\$909.74) - Services in
connection with construction fund management (This was
approved at the last meeting.).

RE: SCHEDULED MEETINGS

Commissioner Hunter said the scheduled meetings listed on the agenda can be reviewed at leisure.

RE: OLD BUSINESS

Cable T-V: Commissioner Borries said he is sure Margie can pull out the pertinent paperwork on an item Jeff Wilhite brought to the Board's attention last week in regard to Evansville Cable T-V issue. There has been a subsequent agreement completed in December 1988. Public Hearings were held and it was also renewed and extended by the City of Evansville and the Town of Darmstadt in January 1989. Apparently Mr. Wilhite did not have that agreement. The Board needn't take any action, but there is a subsequent agreement signed at the time Mr. Ossenberg was President of Evansville Cable T-V extending the agreement until April 2006. Mr. Wilhite needs to update his file. He had expressed the view it was going to come up in 1991. The three signatures on the extended agreement were those of Commissioner Robert L. Willner, Shirley Jean Cox, and Richard J. Borries.

RE: NEW BUSINESS

Commissioner Hunter entertained matters of New Business to come before the Board. There was none.

There being no further business to come before the Board at this time, Commissioner Hunter declared the meeting recessed at 6:40 p.m.

PRESENT:

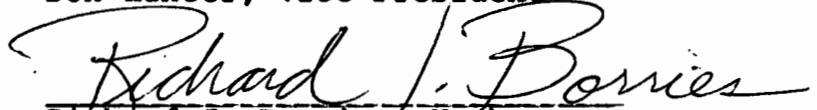
Don Hunter President
Richard J. Borries, Vice President
Ted Ziemer, Jr., County Attorney
Cindy Mayo, Chief Deputy Auditor
Greg Curtis, County Engineer
Cletus Muensterman, County Highway Engineer
Charles Althaus, Coroner
Andy Easley, Asst. County Engineer
Gary Kercher, County Engineer's Office
Charles Simons, Simons Governmental Services
Mike Schopmeyer, Attorney
David Fox, Pigeon Assessor
Al Folz, Knight Assessor
Harry Elpers, Big Creek Drainage Assn.
Vickie McBride, C.O.L.E.
Emarie West/Chief Deputy/Knight Trustee
David Griffith, Designer
Jim Farny, Morley & Associates
Rick Woods, Chief Deputy Coroner
Jerry Evans/Attorney for BFI
Kenneth Render, Howell Area
Others (Unidentified)

Absent: Carolyn McClintock, Commission President

SECRETARY: Joanne A. Matthews

Carolyn McClintock, President


Don Hunter, Vice President


Richard J. Borries, Member

MINUTES
COUNTY COMMISSIONERS MEETING
MARCH 4, 1991

I N D E X

<u>Subject</u>	<u>Page No.</u>
Meeting Opened at 4:30 p.m.	1
Introduction of Staff	1
Pledge of Allegiance	1
Request for Free Rent at Vanderburgh Auditorium for United We Stand Benefit Concert	1
(Commission will abide by decision of Auditorium Advisory Board)	
Addition of Action Items to Agenda	2
Sale of Surplus County-Owned Real Estate (No bids)	2
Poor Relief Appeal/Pigeon Township	2
(Trustee's Representative to follow up with Dept. of Public Welfare re Medical Assistance and report back to the Board next week.)	
Opening of Bids re Printing of Tax Bills & Furniture for New County Morgue	3
Request to go on Council Call/Legal Services (\$50,000)	4
County Engineer - Greg Curtis	4
Plan Approval/Expressway Commercial 1B	
Design Approval/Franklin Street Bridge #4	
Road Name Change/Resurrection Drive	
(County Attorney to draw up Ordinance)	
Appropriation Requests (G. Curtis to set up meeting to discuss Contractual Services Account).....	4
UE Seminars (Permission granted to attend)	
1991 Road Paving List	
Contract Time Extension/Project VC-91-02-01	
Local Roads & Streets Budget Cut	
Eickhoff-Koressel Public Information Meeting	
(Wednesday, March 20th, at 6:00 p.m.)	
Union Township Access Project/Construction Engineering	
(Board authorized \$10,000 purchase of testing equipment)	
Burdette Park - Mark Tuley	6
Compensation for Skating Rink Pro revised. County Attorney to draw up contract w/Jim Bengert	
M. Tuley to submit request w/regard to appropriation for part time help at next week's meeting	
County Attorney - Jeff Wilhite	7
Reading of Bids/Office Furniture for County Morgue	
(Bids taken under advisement by Coroner, with recommendation to be made next week.)	
Johnson Controls/Maintenance Contract/Auditorium	7

Claims Service Agreement/Corroon & Black, Inc.	7
(J. Wilhite to make addition to contract prior to execution by the Board)	
Richard Sebree/County Highway Employee	7
Commissioners to review letter subsequent to the meeting.	
Ditch between Seminary Rd. & Happe Rd.	7
(Ditch is on property belonging to School Corp. and being rented by Ron Cummings. County Highway will fill the ditch.)	
Approval of Minutes of February 25th (Deferred)	8
(To be submitted for approval when Mr. Borries returns; Ms. McClintock was not present.)	
Claims	8
Ziemer, Stayman, Weitzel & Shoulders (\$1,597.00 and \$100.00)	
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Travel Request - Road School (approved)	8
Old Business	8
Addendum to Union Contracts/Burdette & County Highway	
New Business	8
Ordinance to Extend Approval of Ambulance Service Program for Comaier Ambulance, Inc. (1st Reading scheduled 3/18/91 and Final Reading on 3/25/91) Request for Update/Interstate 69 Extension from Indianapolis thru Evansville to Memphis	
Meeting Recessed at 5:30 p.m.	9

MINUTES
COUNTY COMMISSIONERS MEETING
MARCH 4, 1991

The Vanderburgh County Board of Commissioners met in session at 4:30 p.m. on Monday, March 4, 1991 in the Commissioners Hearing Room with President McClintock presiding. Commissioner Borries was absent.

President McClintock welcomed the meeting attendees, introduced Staff Members (Attorney Jeff Wilhite, Commissioner Hunter, Margie Meeks/Commission Office, Auditor Sam Humphrey, and Joanne Matthews, Commission Secretary), and subsequently asked the group to stand for the Pledge of Allegiance.

Commissioner McClintock then asked if there are any individuals in the audience who wish to address the Commissioners.

RE: WYNG RADIO/DALE CARTER - REQUEST FOR FREE
RENT AT VANDERBURGH AUDITORIUM

Mr. Dale Carter of Radio Station WYNG was recognized. He said the proposal they put forth is a combined effort along with WEHT T-V and the United We Stand Support Group. They are bringing country music star Lee Greenwood to the Vanderburgh Auditorium on Friday night, March 15, 1991 at 8:00 p.m. What they plan is a patriotic celebration to raise money for the dependent families of our fighting men and women who just won a great victory in the Gulf and we want to say we appreciate them. What they are asking is free rental of the Auditorium for this event. WYNG and WEHT have undertaken this project at great risk, with no profit other than the good feeling created by doing something worthwhile in our community. It will be their pleasure to welcome Vanderburgh County as a partner in this project. Given all of that, they ask to be allowed to rent the auditorium for free on March 15th.

In response to query from Ms. McClintock as the normal rental fee at the Auditorium on a Friday, Mr. Jack Kirwer said the fee would be \$1,100.

Mr. Hunter said in his conversation with Mr. Carter the other evening Mr. Carter had mentioned they might also want to have a dinner.

Mr. Carter said at one point they were considering a dinner, but that is no longer in the cards. This is strictly the concert in the Auditorium.

President McClintock said, "We had a similar request by a radio station about three months ago -- to use the Auditorium for an Earthquake Special they were running for the community. The Commission denied that request on the basis that it was sponsored by a commercial entity -- even though they would not make money. This is a little different because WYNG will not be doing a broadcast wherein they could sell commercials and that kind of thing.

Mr. Carter said there is a way they could profit from it by selling corporate sponsorships of the concert. But that is not going to happen. They are making this thing clean for just that reason -- so there can be no commercial tie in to it whatsoever. It is a simple deal. Lee Greenwood gets the money first and then everything left over goes to the United We Stand people.

Mr. Marvin Peters of United We Stand was also present and in response to query from Commissioner McClintock he indicated he would be distributing the left over monies.

Ms. McClintock said there is a problem in that there are only two Commissioners present today. Her husband works at WEHT. She did not know that WEHT was involved, and she does not feel it would be fair for her to vote on this. The Auditorium Advisory Board has a meeting scheduled tomorrow afternoon at 5:00 p.m. A Department Head meeting was held an hour ago and she indicated to Mr. Kirwer that the Commission wants all requests to go through the Auditorium Advisory Board first and for them to make a recommendation to the Commission. Realizing this event is March 15th and Mr. Carter needs to know immediately and Commissioner Borries will not return in time for him to get an answer because he is in Japan, what she would be willing to do is entertain a motion from Commissioner Hunter to stand by the decision of the Auditorium Advisory Board, because she does not have a vote on that Board. That way, they would make the decision and the Commission would just go along with whatever decision they make.

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

Mr. Warren Korff of WBKR said his station has no problem with what WYNG is doing, but they do want the Commission to realize that if they would come to them with a similar situation somewhere down the line, they want the same consideration the Commissioners have given the other stations -- which he believes is the same thing they told the Commissioners when WKDQ wanted to have the earthquake seminars.

Ms. McClintock said she appreciates that. We are going to establish a non-profit rate (which we don't have at this time) and that will be too late to help Mr. Carter. The Commission feels it would be fair to all concerned to have a citizen group make recommendations on these requests. She said she is sorry she did not know she had this conflict or she would have suggested this in the beginning.

Mr. Kirwer said the Auditorium is holding the room for the concert at the Auditorium, as he understands they will proceed with the concert regardless of the County's decision in this matter.

RE: ACTION ITEMS

Ms. McClintock said a couple of items need to be added under Action items. We need to go on Council Call for Legal Services and we need approval of a contract with Corroon & Black Administrative Services.

RE: SALE OF SURPLUS COUNTY-OWNED REAL ESTATE

Ms. McClintock asked if anyone is present who wishes to purchase any of the parcels of County-owned surplus real estate, as advertised. There were no bids and the sale will continue.

RE: POOR RELIEF/PIGEON TOWNSHIP

Ms. McClintock asked if Mr. Mike Perry is in the audience. Ms. McClintock noted that sometimes very confidential information is shared between the poor relief appeal applicant and the Commission. All attendees are welcome to stay in the room, but in the interest of this person's individual privacy, if individuals have something else to do for the next ten or fifteen minutes, she is sure Mr. Perry would appreciate that.

Continuing, Ms. McClintock said she understands Mr. Perry applied for medical relief. She asked if someone is present from the Pigeon Trustee's office.

Mr. Perry identified himself and said he resides at 520 E. Mulberry.

Mary Hart from the Pigeon Trustee's office identified herself. She said the applicant was denied medical assistance because of income standards. The income standards for two people is \$400 per month. Mr. Perry's wife works part time and the net income for the past 30 days was \$621.71. They took into consideration the fact that their rent is only \$95.00 per month and they feel he has ample income to pay his own medical. He was assisted in January with the understanding they were new prescriptions and he did not allow in his budget for these prescriptions, but that he was over income. They feel he had ample time during the month of February, knowing the prescriptions were going to be there again, to make arrangements to buy his own medication.

In response to query from Ms. McClintock, Mr. Perry stated his medication was \$123.17. His rent is \$95.00 per month. He also pays lights, gas and water -- with utilities running somewhere around \$200, although it varies. He has had a leak in his hot water tank for about two months, but his landlord won't fix that. He also has another medication he takes (he is a borderline diabetic) which runs \$46.00 per month. Having been in an automobile accident, he is disabled and has been under a doctor's care since 1989.

In response as to whether Mr. Perry's disability is permanent, he said it is. But Ms. Hart interjected that the State has not yet made that determination. The matter is still pending.

In response to query from Ms. McClintock, Mr. Perry said they receive no income with the exception of his wife's part time income. He sees three doctors: Dr. David, Dr. Hall, and Dr. Winnecker. Dr. Winnecker is a chiropractor and Mr. Perry has to pay him on a cash basis out of pocket. Ms. Hart stated the Perrys also receive food stamps. Mr. Perry stated he also pays Dr. Hall in cash, as he has no insurance.

Following further brief questions and comments, Ms. McClintock read a letter from the Department of Public Welfare which needs additional information by March 6th. Likewise with the Disability Determination Office in Indianapolis. Mr. Perry said he mailed a completed questionnaire to the Disability Office in Indianapolis. He has also asked Dr. Hall to mail a medical report to the Welfare Department. He said he would get the report out to them. The Commission then instructed Ms. Hart to help Mr. Perry cut through the paper work this week and follow up with the Department of Public Welfare as to the status of Mr. Perry's application. Likewise with Indianapolis regarding his disability determination. Ms. Hart said they had followed up with regard to the latter and the application was denied. Ms. McClintock then asked Ms. Hart to follow up with the Department of Public Welfare re Mr. Perry's medical assistance application and report back at next week's Commission meeting. Mr. Perry is welcome to come back next week if he likes.

RE: OPENING OF BID RE PRINTING OF TAX BILLS & FURNITURE
FOR NEW COUNTY MORGUE

Mr. Pat Tuley was recognized and said the reason he asked this matter be referred to him was because he thought we were going to have more than one (1) bid. We had five or six people contact either his office or the Purchasing Department or Roger Elliott of Data Processing -- and they wanted to review these.

Upon motion made by Commissioner Hunter and seconded by Commissioner McClintock, Attorney Wilhite was authorized to open the one (1) bid received concerning printing of the tax bills and five (5) bids received re office furniture for the new County Morgue, to be read into the record later in the meeting. So ordered.

RE: REQUEST TO GO ON COUNCIL CALL - LEGAL SERVICES

Ms. McClintock submitted a request to go on Council Call re Legal Services in the amount of \$50,000.

Ms. McClintock noted last year we spent over \$100,000 in Legal Services and we only started with \$51,000.

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

RE: COUNTY ENGINEER - GREG CURTIS

Plan Approval/Expressway Commercial 1B: Upon motion made by Commissioner Hunter and seconded by Commissioner McClintock, plans were approved for 100 ft. extension of Expressway Drive in Expressway Commercial Sub 1B. So ordered.

Design Approval/Franklin Street Bridge #4: Mr. Curtis said we have received design approval on the Franklin Street Bridge Project. The State has approved it as a rehabilitation project at a cost of approximately \$2-1/2 million. His office will begin preparing the plans and moving that project forward. We're probably looking at summer 1992 as being the time the project will be under construction.

Road Name Change/Resurrection Drive: Approximately a year or so ago we had a request to change the name of a short section of what used to be S.R. 65 (referred to as Big Cynthiana Road) that extends between Diamond Avenue and Harmony Road to Resurrection Drive. At that time, Mr. Russell Goebel (the only resident on the road and the only address that would be on the road other than the church) had objected and Mr. Curtis spoke with him today. He still objects. He would still prefer a different name. Mr. Jim Will of Resurrection Church has requested that the Commission act on this matter. Action was deferred a year ago.

Upon motion made by Commissioner Hunter and seconded by Commissioner McClintock, the County Attorney is to draw up an Ordinance changing the name to Resurrection Drive. So ordered.

Appropriation Requests: Mr. Curtis said they had received approval of appropriations requested. He asked Mr. Humphrey if the appropriation request for the Highway was approved in the amount they had discussed -- not all of it was approved -- right?

Auditor Humphrey said he put in two calls today and still doesn't have an answer. They only approved \$58,000.

Mr. Curtis said we were only appropriated \$37,901 in the Contractual Services account, which is for the diesel problem at the garage. Therefore, in light of there not being anymore additional appropriation money available in the Highway fund, he probably needs to sit down with someone from the Commission and someone from the Council, together with someone from the Auditor's office to determine how we are going to address this, because we're going to have to have money to begin paying for the cleanup itself.

Commissioner McClintock asked Mr. Curtis to set up a meeting with the Council Finance Chairman, Auditor Humphrey, and Commissioner Hunter to discuss this matter. (If for any reason Mr. Hunter cannot attend, Mr. Curtis is to contact Ms. McClintock.)

UE Seminars: Upon motion made by Commissioner Hunter and seconded by Commissioner McClintock, permission was granted to take the \$450.00 seminar fees out of the travel account to attend the "Leadership for Productivity", "Understanding What Values

Drive Your Work Force", and Guidelines for Establishing an In House Personnel Development Program" seminars at the University of Evansville. We will be having money coming back from vendors who are willing to pay for this kind of educational program. They would then ask Council to put that kind of money back into that account. So ordered.

Road Paving List: Mr. Curtis noted that each Commissioner received a copy of the paving request list. That is the list of roads on which we've received requests that they be paved. Some are roads that either his office or the County Highway Garage have put on that list. However, the bulk are either left over from last year's requests or are new requests. He is sure we will have a lot more additions to the list at the March 18th Public Hearing on Roads.

Ms. McClintock asked if Mr. Curtis will be prioritizing these following the public road hearing and he said they will review the request list and come up with a general priority list. Whether we have \$5.00 or \$5 million for road paving, we will have a prioritized list of roads and spend until we run out of money.

Contract Time Extension/Project VC-91-02-01: Based on Koberstein's ability to obtain the pipe needed for the structure on Old State Road, Koberstein's has requested a time extension on this project. Mr. Curtis said he personally is also asking for a time extension due to some utility problems we have encountered. He is recommending that the Board grant a 30 day contract extension -- that being April 30, 1991, rather than the current completion date of March 30, 1991.

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

Local Roads & Street Budget Cut: Mr. Curtis said if our Local R&S budget is cut by \$365,100, it would be his recommendation (because the City will be reimbursing their portion of the Green River Rd. project and we have funds in there to pay all of it and then have them reimburse us) -- that we cut it there and ask them to possibly fund their portion directly to the State. We can work that out, but that is his recommendation.

Eickhoff-Koressel Public Information Meeting: Mr. Curtis said he spoke with some of the residents in the area with whom he spoke initially to set up the public information meeting. They called him back and said they failed to realize that the Farm Bureau 4-H Banquet is that week and most of the people in that area attend and support those functions. They requested that the meeting date be changed. He spoke with Bernardin-Lochmueller and the previous evening (Wednesday, March 20th, at 6:00 p.m.) would be satisfactory. He has checked with the Armstrong Recreation facility and it is available. Therefore, he is asking the meeting be scheduled for this date.

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

Union Township Access Project/Construction Engineering: When the Commission acted to have Mr. Curtis' office perform this construction engineering, they broke down in that the employment cost, the material cost, etc. The Commissioners have a letter with the breakdown on it. Basically, all of the on site testing that needs to be done we can do if we had the equipment. Subsequent to this project we can do it on other projects -- the equipment won't just be for this one project. The cost of the equipment is approximately \$10,000. He has quotes from three (3) testing companies and they range from \$40,000 to \$60,000 for a year of testing (based on the tests necessary from the plans). We will have two people full time staffing the job during anytime they are doing work. The project is of such size that we will

almost always have to have two people. During the peak times we will have to have a third person out there (he will just send someone from his office out there). The problem we run into with the testing companies is that we will require so many tests throughout the day that we basically have to pay them to be there for however many hours a day they are working. That is why that fee gets so high - they have to be out there all the time. Before he goes through Purchasing (because there are very few people who handle this equipment) he wanted to be sure the Commissioners are agreeable to our purchasing the equipment. In response to query from Ms. McClintock, Mr. Curtis confirmed this cost will come out of the Union Township Access project. We will already have the employees out there and this will save us between \$30,000 and \$50,000. On future bridge and road projects we will have that equipment to do testing when needed and won't have to hire that out on future smaller projects. The Nuclear Regulatory Commission governs who gets the nuclear gauge and who doesn't and we've already sent in our application. There is only one vendor to purchase from. The City has similar equipment, but it is not feasible for us to borrow or rent theirs -- because basically our standards are different and the gauge is calibrated differently. The City also cannot tell us it will be available when we need it. They can tell us when it will be available when they don't need it. If you rent these from another source, you have to rent an operator, as well, and you have additional cost. You have to be certified to operate the equipment and both Frank Hassel and Gary Kercher are certified to operate said equipment.

Upon motion made by Commissioner Hunter and seconded by Commissioner McClintock, authorization was given for purchase of the aforementioned equipment. So ordered.

RE: BURDETTE PARK - MARK TULEY

Compensation of Skating Rink Pro: Upon motion made by Commissioner Hunter and seconded by Commissioner McClintock, the compensation for Mr. Jim Bengert, Part Time Skating Rink Pro at Burdette Park, is to be changed to the following:

1. \$6.00 per hour for school programs, day camp instructions or any other related work approved by the park manager.
2. All private lesson money to be retained by Mr. Bengert.
3. Group lessons -- 50% to be retained by Mr. Bengert.

It was the feeling of Mr. Tuley and the Commission that the foregoing change will allow Mr. Bengert to remain a skating Pro in this area and is a great deal more fair to Mr. Bengert. Mr. Tuley said he believes mention was made to turn this over to the County Attorney to put into contract form for Mr. Bengert. Mr. Tuley noted that Mr. Bengert and several members of the Burdette Park Roller Club were in competition in Chicago this past weekend. They are enroute home today, so he doesn't know how they did. Thus far, however, they have placed very well in competition.

The Commissioners requested the County Attorney draw up the contract with Mr. Bengert.

Incentive Programs/Summer Help: Ms. McClintock asked if Mr. Tuley has the information with regard to the incentive programs for summer help at Burdette.

Mr. Tuley said he does not. He needs to make a phone call and should have something for the Commission shortly.

Request to go on Council Call: Mr. Tuley said he also needs to go on Council Call for part time help. He can bring that next week.

Ms. McClintock asked him to bring this up in the Department Head meeting next week.

RE: COUNTY ATTORNEY - JEFF WILHITE

Reading of Bids/Office Furniture for County Morgue: Attorney Wilhite reported that five (5) bids were received, as follows:

Atlas Office Supply	\$13,001.42
Smith & Butterfield	\$11,449.67
Business Furniture Specialists	\$12,390.05
Business Interiors	\$13,716.00
Wedel Interiors	\$16,885.79

Upon motion made by Commissioner Hunter and seconded by Commissioner McClintock, the bids are to be taken under advisement by Coroner Althaus and a recommendation made to the Commission with regard to awarding of contract at next week's meeting. So ordered.

Reading of Bid/Printing of Tax Bills: Attorney Wilhite reported only one (1) bid was received, as follows:

Moore Business Forms - \$26,600.00.

(Bid does not include postage since qualifying pieces cannot be determined until review of mailing list. In addition, price does not include any "special" data processing or packaging services.)

Upon motion made by Commissioner Hunter and seconded by Commissioner McClintock, bid will be taken under advisement by County Treasurer Pat Tuley, who will subsequently make a recommendation to the Board. So ordered.

Johnson Controls/Maintenance Contract/Auditorium: Attorney Wilhite said he has the revised contract for approval by the Commission. They made some changes, including an attorney's fee provision (which they are going to try make standard on all of our contracts). The Commission has already approved same, they just need to execute same.

Claims Service Agreement/Corroon & Black, Inc.: Mr. Wilhite said the agreement looks fine. We have an informal understanding that they are to hire one of the two County Attorneys. The County Attorneys would feel better if that were in the contract. Attorney Wilhite suggested the Board wait a week, until they can include directing them to hire the County Attorney, unless there is some logical reason not to, and the Board can take action on this next week.

Richard Sebree: Mr. Muensterman asked if Attorney Wilhite ever received anything on Richard Sebree, an employee at the County Highway Garage.

Mr. Wilhite said nothing definite yet. Somebody from his office talked with someone Friday -- so they are working on it, but he doesn't think they have an answer yet.

Mr. Muensterman said Mrs. McClintock received a letter today --it is on her desk.

Ms. McClintock said they will review same subsequent to the meeting.

Ditch/Between Seminary Rd. & Happe Rd.: Mr. Muensterman reported that rather than being on Don Kolb's property, this ditch is on property being rented by Mr. Ron Cummings from the School Corporation. The County will fill in the ditch prior to the planting season, which is satisfactory to Mr. Cummings.

RE: APPROVAL OF MINUTES

Ms. McClintock said Approval of Minutes for February 25th is to be deleted. She was not present at the meeting. Those minutes have to be approved by Commissioners Hunter and Borries.

RE: CLAIMS

Ziemer, Stayman, Weitzel & Shoulders: Claim in the amount of \$1,597.00 for 1/12th of annual contractual fee (\$19,157.00) as County Attorney.

Ziemer, Stayman, Weitzel & Shoulders: Claim in the amount of \$100.00 for 1/12 of annual contractual fee (\$1,200) for Drainage Board.

RE: TRAVEL REQUESTS/HEALTH DEPARTMENT

Ms. McClintock submitted travel requests for: Penny Rose, Connie Block, Ethel Daniels, and Barbara Roe, etc., from the Health Department.

RE: TRAVEL REQUEST - ROAD SCHOOL

Commissioner McClintock said approval is also needed for the following to attend the Annual Road School: County Engineer Greg Curtis, County Highway Superintendent Cletus Muensterman and Asst. County Highway Superintendent Carole Davis, Auditor Sam Humphrey, and County Commissioner Don Hunter.

Ms. McClintock asked if there are any questions concerning any of the Consent Items on today's agenda? 90% of the employee changes are due to very minor salary adjustments as a result of the Job Study.

Upon motion made by Commissioner Hunter and seconded by Commissioner McClintock, the Consent Items on the agenda were approved. So ordered.

RE: OLD BUSINESS

Addendum to Union Contracts to add one (1) employee at Burdette Park and two (2) employees at the County Highway Department into those respective bargaining units.

Upon motion made by Commissioner Hunter and seconded by Commissioner McClintock the Addendum to the Union Contracts was approved. So ordered.

RE: NEW BUSINESS

Ordinance to Extend Approval of Ambulance Service Program for Comaier Ambulance, Inc.: Ms. McClintock said this is for their Sure Care Program that we had approved for one (1) year. They are requesting an extension of that agreement.

Upon motion made by Commissioner Hunter and seconded by Commissioner McClintock, the Ordinance is to be advertised for First Reading on March 18th, with Final Reading on March 25th. So ordered.

Request for Update/Interstate 69 Extension from Indianapolis thru Evansville to Memphis: Mr. David Griffith of 1016 E. Cherry Street requested the Commission to endorse the subject project locally to come near the west side of Evansville -- the border, with possibly four or five Evansville Interchanges (Nurrenbern Rd., S. R. 62, Upper Mt. Vernon Rd., S. R. 66, and possibly Mill Rd.

Ms. McClintock asked what group Mr. Griffith is appearing in behalf of.

Mr. Griffith said he is just an interested party. He has attended the hearings and he is trying to get a local update of what is going on. Basically, he is trying to say we should possibly endorse bringing it down from Indianapolis through Bloomington to Evansville.

Ms. McClintock said we've already done that. We did that a year ago. What she would like to do is refer his recommendation on the specific Evansville exits (which we have not done) to the County Engineer for review.

Mr. Griffith said he thinks there should be better access to Burdette Park (a Nurrenbern Rd. exit).

Mr. Griffith submitted a map of his proposed Evansville exits for perusal and consideration.

In response to query from Commissioner Hunter, Mr. Griffith said he has been involved in this for several years. He attended school down south and in going through Memphis, he knows it is hard to get from there to Evansville and just driving down the Purchase Parkway (which is Interstate built highway and 65 mph) that would save about 50 miles construction -- just putting a sign up working with Kentucky officials. Purchase Parkway basically has the Interstate interchanges and is 65 mph, using 15 miles of I-24 to go over the Land Between the Lakes and Cumberland River, so to speak, merging I-69 with I-24 and then separating the two near Eddyville, KY, which is a big tourist area -- the Kentucky Factory Outlet Mall area, a big development down there. That, too, should be a factor for this road. This road has been argued by Frank McCloskey and has also been endorsed by seven (7) Triple AAA Clubs from Michigan all the way down to possibly Tennessee -- because it would connect Port Huron and Evansville. They really want to go beyond Memphis, down to Beaumont, TX. The Chamber is working with that connection.

The Commissioners expressed appreciation to Mr. Griffith, saying they appreciate his input.

There being no further business to come before the Commission at this time, President McClintock declared the meeting recessed at 5:30 p.m.

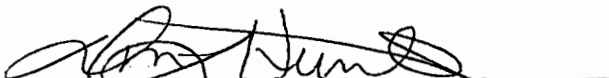
PRESENT:

Carolyn McClintock, President
Don Hunter, Vice President
Jeff Wilhite, County Attorney
Sam Humphrey, County Auditor
Greg Curtis, County Engineer
Cletus Muensterman, County Highway Supt.
Carole Davis, Asst. County Highway Supt.
Gary Kercher, County Engineer's Office
Charles Althaus, County Coroner
Rick Woods, Deputy Coroner
Dale Carter/WYNG Radio
Marvin Peters, United We Stand Group
Warren Korff, WBKR
Jack Kirwer, Manager/Vanderburgh Auditorium
Mark Tuley, Manager/Burdette Park
Mike Perry/Poor Relief Applicant
Mary Hart/Pigeon Twp. Trustee's Office
Pat Tuley, County Treasurer
David Griffith, Citizen
Others (Unidentified)
News Media

Absent: Richard J. Borries, Commission Member

SECRETARY: Joanne A. Matthews


Carolyn McIntock, President


Don Hunter, Vice President

Richard J. Borries

MINUTES
COUNTY COMMISSIONERS MEETING
MARCH 11, 1991

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MINUTES
COUNTY COMMISSIONERS MEETING
MARCH 11, 1991

The Vanderburgh County Board of Commissioners met in session at 4:30 p.m. on Monday, March 11, 1991 in the Commissioners Hearing Room with Vice President Hunter presiding. He said Commissioner McClintock will arrive shortly. She is attending a Board Meeting at WNIN; he thinks they are getting geared up for their big fund raiser and Commissioner Borries is still enjoying Japan.

Commissioner Hunter called the meeting to order, introduced the staff members present, and subsequently asked the meeting participants to stand for the Pledge of Allegiance.

Mr. Hunter then asked if there are any groups/individuals wishing to address the Commission at this time.

RE: C.O.L.E. - VICKIE MC BRIDE

Ms. Vickie McBride, President of C.O.L.E. (Citizens Opposing Landfill Expansion) was recognized. Ms. McBride said her reason for being here today is to submit for the Commissioners' consideration an Ordinance banning BRC's (Below Regulatory Concerns). On June 27, 1990, the Federal Government agency responsible for deregulation of radioactive waste (the Nuclear Regulatory Commission) adopted a new policy which they call "Below Regulatory Concerns" or "BRC's". This allows the regulatory commission to allow companies that produce radioactive wastes to get rid of some of their wastes (up to 30% of the nation's radioactive waste) more easily and cheaply and without any government supervision, by disposing of it through sanitary landfills, incinerators, and city sewage systems. The Nuclear Regulatory Commission admits that its new policy is not intended to set a safe level of radiation exposure, because the scientific community still tells us that they are virtually unanimous in asserting that there is no such thing as safe exposure to radiation. This is just another instance of the Nuclear Regulatory Commission putting the interest of the nuclear industry ahead of public health.

Following further comments, Ms. McBride left literature and contact information with the Commissioners, saying they can obtain copies of Ordinances that have been passed to ban nuclear waste from our counties. Approximately five states and fifty local jurisdictions have already banned BRC's, because they understand that just because the Nuclear Regulatory Commission says that this 30% of the nation's waste is no longer going to be treated as a hazardous waste, that does not mean to imply that it is not any longer going to harm or have an ill effect on the people.

Ms. McBride said C.O.L.E. would also like help from the Commission on a situation that could have a major impact on the health of Vanderburgh County residents. Christine Terry of the E.P.A. office can probably provide additional information, since she was the one first contacted. But it seems that we had a complaint from someone in the County who saw a trash hauler dispensing or expressing liquids from their trash truck into the ditches in the County. They called Christine to see what could be done about it. Since air is her only jurisdiction, there was no help she could give them. But she did tell them she would

check into it. Ms. McBride said she knows she talked with Gil Diekmann and possibly the County Health Department. Mr. Diekmann told her this was a procedure that had been done in the past and they were aware of it. To his knowledge, there are no restrictions that would forbid this type of practice. The reason the people have to do this is because of tipping fees at the landfill. Every time a truck goes across the scales at the landfill to dispose of their trash they are charged a price per ton for everything on their truck. By expressing all the free liquids that they can before going into the landfill, they have alleviated weight and thereby alleviated their cost at the scale. The problem with doing this is that this is a special waste landfill. They don't know who, what, or how often (they haven't been able to get this information). All they know is that they are talking about liquids being expressed into ditches in the county that are destined to a special waste landfill. Therefore, it could be special hazardous waste, it could be specially exempt hazardous waste, it could be small quantity generator hazardous waste; it could be household hazardous waste -- there is a whole gamut of things that it could be. If there is anything the Commissioners can do to help us get a handle on that, they would appreciate it. Mr. Diekmann said he didn't know of any laws prohibiting that. It would seem to her that under the Clean Water Act, Section 502 or Public Law 143 1985 Section 77 might be a good place to start.

Ms. McBride said that in closing she would like to make the Commissioners aware that there was a press conference earlier today regarding the fact that a week ago Saturday they were out at Laubscher Rd. (the southern boundary of the newly proposed expansion site). Up until about two weeks ago there were large sections of concrete laying on the proposed expansion site. That Saturday they were gone. Mike Burke, landfill operator, was out there and in response to a query he said they moved the concrete sections out of the way. The problem is, when they moved them out of the way they moved them into Locust Creek. They have dammed up Locust Creek and it is now down to a gentle trickle. C.O.L.E. called in the Army Corps of Engineers, because they do have jurisdiction under Section 404 of the Clean Water Act and they are currently determining who is at fault, what impacts on upstream flooding may occur, and what type of corrective action may need to be taken. If we can't trust BFI to abide by the regulations or to be aware of the regulations as to how they should conform, how can we trust them for the next twenty-five years?

It was the consensus of Commissioners Hunter and McClintock that the Commissioners will contact Christine Terry and ask her to come to a Commission meeting with regard to the dumping of liquids into County ditches.

RE: CIRCUIT COURT - REQUEST FOR LICENSING & INSURANCE

Judge Rick Young of the Vanderburgh Circuit Court approached the podium and said they have under their budget jurisdiction the Community Corrections program. They need an automobile for some of their staff people to use when they go out and check on the people who are participating in these programs -- Jobs Program, Community Service. They would like to buy an automobile tomorrow. They have a dealer who is on the State Bid List and they have the money in their account. They are seeking Commission approval to insure and license the vehicle. It is a 1991 Chevrolet (a Capri, like the police cars).

Ms. McClintock asked if Judge Young is planning on this being a take-home vehicle?

Judge Young said these people are on call twenty-four hours a day.

Ms. McClintock asked if Judge Young has a take home policy under which he is currently operating.

Mr. Harris Howerton responded that they do.

Ms. McClintock requested that Mr. Howerton provide her with a copy of same, as the Commissioners are trying to develop some kind of policy for all County vehicles.

Upon motion made by Commissioner Hunter and seconded by Commissioner McClintock, approval was given to insure and license the subject vehicle. So ordered.

RE: APPOINTMENT OF ASSISTANT VETERANS SERVICE OFFICER

President McClintock said this matter was brought up two weeks ago at the meeting and should have been on today's agenda. This will be item "i" on the Action items list.

RE: SALE OF COUNTY-OWNED SURPLUS REAL ESTATE

President McClintock then asked for bids from the audience on any of the advertised parcels of County-owned surplus real estate. There were none and the auction will continue.

RE: CONTRACT TO BE AWARDED FOR PRINTING OF COUNTY TAX BILLS

There being no one present with regard to this item, Ms. McClintock asked Ms. Meeks to contact Pat Tuley to determine what he wants to do.

Ms. McClintock subsequently reported that we only had one (1) bid on the printing of the tax bills. Mr. Tuley is not with us but has recommended we award the bid to Moore Business in the amount of \$26,600 as it meets all the specs.

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

RE: AWARDING OF CONTRACT FOR FURNISHING FOR NEW COUNTY MORGUE

County Coroner Charles Althaus and Annie Groves of his office were present. Mr. Althaus said there were five bidders ranging in price from \$11,449.67 to a little over \$16,000. He went over the bids with the Purchasing Department and they found that the bid from Smith & Butterfield (low bidder) is acceptable. It is their recommendation that the Commission accept this bid with one exception. They have had a couple of complaints from different bidders and he asked them to appear today if they wanted to make their complaint to the Commissioners. He asked Ms. Groves to explain the nature of the complaints.

Ms. Groves said one of the complaints was that our specs called for a height requirement on power panel system of 66" and S&B bid 67". The reason for this is that is how the manufacturer makes them. Some companies make them 65", some 66", and some 67". There was also confusion regarding the executive chairs. We asked for a Quaker chair. Our specs said they had to meet or exceed. It has come down to a matter of opinion as to whether S&B is meeting or exceeding the Quaker chair. The Coroner's office and the Purchasing Department feel they are meeting it. There is no way to compare the quality of the chair by companies. Each company has the right to say that their chair is the best. There are no consumer books that rate the products. We requested a chair with a one year warranty and the chair bid to us by S&B has a two year warranty. They have been to S&B and looked over everything and feel the items are quality items. They feel that S&B is meeting or exceeding the specifications.

President McClintock noted this happens all the time. What happens is that the Purchasing Department takes somebody's product and writes the specs off that, rather than taking the time to get two or three different sets of specs and making the window wide enough that a group can walk through it without having this problem. The next time something comes up with specs, the first question the Board needs to ask is, "Did you look at a Chevrolet and write these specs, rather than looking at a mid-sized automobile to write these specs?"

Although there was brief mention of the possibility of a re-bid, following further brief discussion, upon motion made by Commissioner Hunter and seconded by Commissioner McClintock, the bid on the furnishings for the County Morgue was awarded to Smith & Butterfield (the low bidder) in the amount of \$11,449.67, with the exceptions noted regarding the approved 69" high panel system (rather than 66"), an additional one year warranty on the chairs, the 1" additional depth on the filing cabinets and the 1" additional width on the chairs.. So ordered.

RE: ORDINANCE RE BENEFITS FOR SHERIFF'S DEPUTIES, ETC.

President McClintock said that with regard to Item "e", she doesn't think Pete Swaim will be here today, because we're still working on this matter.

RE: REQUEST TO GO ON COUNCIL CALL - COMMISSIONERS

Mr. Jerry Riney said the Commission needs to go on Council call to request the following additional appropriations:

Patient & Inmate Care	\$100,000
License & Tax Refunds	\$ 1,000
School Transfer Tuition	\$ 40,000
Legal Advertising	\$ 5,000

Upon motion made by Commissioner Hunter and seconded by Commissioner McClintock, authorization was so given. So ordered.

RE: VOTING MACHINES

Mr. Riney said that last year we purchased all the voting machines we needed, so we didn't ask for any money in that fund and thus have no money in that fund. However, the Election Board because of a law they found has stated that the election boxes have to have two (2) locks -- one on each corner -- so when they bring them from the polls the Inspector has a key that will unlock one lock and the Judge has the key that will unlock the other lock. It is the law that it has to be done this way. Therefore, we have to purchase 200 locks and the Election Board has approved this by vote.

Ms. McClintock said it was her understanding that there was a question as to whether this is really the law -- two locks rather than just two keys.

Ms. Suzie Kirk of the Election Office said that during the Election Board Meeting Ms. Matlock reported she had gone to Princeton (or somewhere) and because of the write-in vote that makes it a paper ballot. Les Shively said the State Statute says two (2) keys, not two locks. Alan Kissinger looked at the statute and agreed with him. But then they agreed to go ahead and approve the locks anyway and because it wasn't a bid or contracted out they thought they could do it anyway.

In response to query from Commissioner McClintock as to the cost of the 200 locks, Mr. Riney said it will be between \$400 and \$1,000. But if we need to do this we have to get the request in by March 15th or we will not get the locks in time for the election.

Ms. Kirk said Mr. Shively requested a letter from the State Election Board clarifying that law -- but the Board still went ahead and approved the 200 locks.

Ms. McClintock said she will entertain a motion that the request be approved. However, before that money is spent she wants to see a copy of the letter from the Election Board saying we have to purchase these locks.

Upon motion made by Commissioner Hunter and seconded by Commissioner McClintock, Mr. Riney was authorized to go on Council Call for the appropriation so we will have the money if we have to have the two locks. So ordered.

RE: APPOINTMENTS

Data Processing Board: Ms. McClintock said David Koehler had to resign from this Board because he had a conflict with regularly scheduled Board meetings. It was determined that the Commissioners will contact Mr. Bob Stevens of The Computery to see if he is interested in serving and, if so, they can make that appointment next week.

RE: PERSONNEL PROBLEM - PAUL BITZ

Mr. Paul Bitz was recognized by the Chair. He approached the podium and stated, as follows:

"President McClintock, Commissioner Hunter -- I appear before you today because contrary to popular belief, a lot of people may not know the Commissioners are a Court. And before I go to another Court I'd rather present my problem to this Court and see how I fair with this Court.

I have contacted my lawyer about the fact that as of Thursday I was replaced at the Voter's Registration Office at 2:15 p.m. by the Democrat County Chairman, which he had the right to do. I was told that Mr. Humphrey told Suzie Kirk that I would be paid for my vacation for this year and I would be getting checks for the next two weeks until March 27th. He originally told her that. Then after Mr. Hill found out that he wasn't going to be getting paid, he went up and talked with Mr. Humphrey. And I hope the former President of the Gong Show didn't get involved and talk to Mr. Humphrey, as well, because at that time it was changed all the way around. All I can say is that after seven (7) years' service to the taxpayers of Vanderburgh County -- and I know other people have been allowed to get their vacation time. Mr. Hill is going to be drawing 25 days from the City for his leaving the Stadium and, at the same time, will be getting paid down in Voter's Registration.

As the Commissioners know, Ms. Kirk and I have been working diligently and closely with them and our Voter's Registration Office is one of the best in the State -- and I hope it stays that way. And I just think it is wrong for someone to be cheated out of their vacation and sick days leave. I have a total of 105 days coming actually. But Ms. Kirk is here and she can verify that what I say is true -- what Mr. Humphrey said the first time she had a talk with him. But then after Mr. Hill had a talk with him it got changed around. And I think I am quoting that right."

President McClintock asked, "So, what are you requesting?"

Mr. Bitz responded, "I am requesting that I be paid my vacation time. This year is a total of 15 days and 4 sick days and 3 personal days that they usually get paid for. And I know people

have been paid by the County before, Sam. You may sit there and say no, but I know better -- that people who have left the County have received their vacation pay."

Ms. McClintock said, "Paul, I need to ask you a question. Did you resign or were you terminated?"

Mr. Bitz responded, "I was not reappointed; there is a difference. I didn't resign. My attorney says that by due process, as Mr. Ziemer knows, that we serve under a State Statute, even though we come under the jurisdiction of the Commissioners for salary and we are like an elected official because we serve under a Statute Statute -- we are appointed -- and the Legislature controls the rules and regulations of the Voters Registration Office under which we operate."

Attorney Ziemer interjected, "Mr. Bitz goes to the same Church I do, so I hate to say anything beyond what he'd like me to say. However, the County Personnel Policy says that when an individual resigns or is separated or who is discharged -- in the first two cases, unless he gives two weeks notice prior to doing that, and in the case of the discharge, automatically shall forfeit his right to vacation pay."

Mr. Bitz said, "Yes, but at the same time, Counselor, and I am not here to argue with you -- they will do that in a Court of law. But if somebody takes you into their office and says 'Mr. Ziemer, I am going to hire you and you are going to get two weeks vacation and "x" days sick leave', then you expect to get that when you get hired. And the County policy conflicts with the City policy. Now here is Mr. Hill going to be allowed to get 25 days of paid vacation and sick leave and then sit down in that office and get the duplicate pay."

President McClintock asked Auditor Humphrey if he wanted to say something.

Auditor Humphrey stated, "I didn't really come here wanting to say something, but I feel I must. The first and only conversation I had with Suzie prior to another event was asking when they could put Mr. Hill on the payroll. At that time I was told you had three weeks vacation coming. By County law we cannot put anybody on the payroll until that entire amount has been exhausted. And that is where that came in. Jon Hill never came to my office and asked about it at all period -- end of it."

Mr. Bitz asked, "Never came to your office?"

Mr. Humphrey responded, "After all of this was over, yes; but not before it happened. The second thing, as Mr. Ziemer said, and I don't know who brought this up -- it wasn't Jon Hill and it wasn't Suzie Kirk -- the Personnel Policy was looked at. I was told you were terminated. When I called you, you said you used three (3) personal days and two (2) sick days for the week you were in Florida, okay?"

Mr. Bitz confirmed this is correct.

Mr. Humphrey continued, "In the first place, the Personnel Policy says you only get to use two (2) in succession. Secondly, it says you cannot use a sick day unless you are sick."

Mr. Bitz countered, "Well, Sam, let's don't get into an argument as to what they do in this building."

Mr. Humphrey continued, "Then I agreed with Suzie, because it would cause such a problem in backing up the series of checks. And that since that was the end of a payroll period that we would move one of your weeks' vacation and offset that and pay you through last Friday. And that is what we did. The Personnel

Policy the Commissioners have says that if you are terminated (Mr. Ziemer read those criteria to you) that you forfeit all of the things. That is the Commissioners -- that's not me."

Mr. Bitz said, "That is not the way I understand it Sam -- and Suzie was up there and she came down and told me that I would be paid for two more payrolls, until the 27th."

Ms. Suzie Kirk said, "What Sam said is just the way that it took place."

Mr. Humphrey interjected, "What the problem was is when did they put Jon Hill on? And we could not put Jon Hill into Paul's slot until that slot was evacuated. And if he had three weeks vacation coming we couldn't do it until whatever day that was -- it's simple. Then these other factors were looked into and those were relayed as soon as we discovered them."

Mr. Bitz said, "One of the biggest factors looked into was...."

Auditor Humphrey commented, "I am not your employer."

Mr. Bitz said, "I didn't say you were."

Mr. Humphrey continued, "And I only follow the laws of the County and the Commissioners tell me what to do."

Mr. Bitz said, "All I know is that somebody make a remark at one of those meetings (and Suzie heard that remark) and they were quoting the Chief Federal Judge. That he said that I didn't get anything. Well, anybody that thinks that a Federal Judge would make that type of remark when they are there to hear the cases and not give an opinion on a case not before..."

Mr. Humphrey said, "That never happened in a meeting with me, because there wasn't any meeting."

Mr. Bitz continued, "Well, it happened and Suzie Kirk can back up that that did happen. All I am saying is that I think the service I gave to Vanderburgh County -- and I know other people have gotten their time -- that I deserve my vacation time. Now, as far as prior years, if I have to go to Court to do that, that is one thing. But I think I deserve my vacation time now, especially when he is going to sit down there getting a pay from the City and a pay from the County at the same time."

President McClintock said, "Paul, I don't want to dispute that you served the citizens of this community very well. I have no qualms with what you have done. The problem we face -- regardless of what has happened prior to January 1, 1991 -- is that we intend to enforce the Personnel Policy as it is written. It may be changed a month from now. But right now it states clearly in the policy that if you are discharged, severed, or do not give two weeks notice prior to resignation, that the County is not going to pay vacation. And I think our Attorney could defend this Commission if we are consistent."

Mr. Bitz, "If you have adopted it. Each new Commission has to adopt it. If you've adopted the old policy from last year, yes."

Attorney Ziemer said, "The policy is an Ordinance. And you would have to amend the Ordinance to make a change in the policy, which has not taken place."

Ms. McClintock said, "But it does not have to be adopted every year."

Attorney Ziemer said, "No. The Ordinance stays in effect until it is changed or amended."

Mr. Bitz said, "Well, you can do what you want to. But, as I said, I came here as a first resort."

Ms. McClintock said, "In my opinion, you should have been given the opportunity to resign that position with two weeks notice, so that we could have gladly followed the County Personnel Policy and paid you for your vacation time that you have earned."

Mr. Bitz said, "I appreciate that. But they also have the policy, as Sam says, that you can't fill a spot until the person's vacation time is used up, too."

Mr. Humphrey said, "That has nothing to do with policy, that is the law."

Mr. Bitz asked, "What law is that?"

Mr. Humphrey responded, "The State law -- not County law. Counties and cities don't operate under the same set of regulations and the City policy regarding the Personnel Policy has nothing to do with that."

Mr. Bitz said, "I understand the City has a different Personnel Policy than we do. You can think it over, but I appreciate your giving me time to speak today."

Ms. McClintock thanked Mr. Bitz.

RE: APPOINTMENT OF ASSISTANT VETERANS SERVICES OFFICER

President McClintock said that three meetings ago she provided each of the Commissioners with a set of the resumes for the Assistant Veterans Services Officer and asked that each Commissioner at his leisure review the applications and interview individuals whom they were interested in considering for that position. Those were returned to her when she returned from vacation and she has had an opportunity to interview people, as has Commissioner Hunter. Commissioner Borries was to leave information with either Mr. Riney or Mrs. Meeks if he had any feelings one way or the another on someone. She has seen nothing.

Mr. Riney said he didn't leave any information.

Ms. McClintock said she is willing to consider discussion re appointment of an Assistant Veterans Services Officer.

Commissioner Hunter said he interviewed a number of people and was extremely impressed with at least three or four individuals, whose credentials seemed to be very good. He is particularly concerned about this position because we are going to have a tremendous influx of veterans within the next few weeks as a result of this Middle East situation and he thinks we need someone in there who can address their concerns and address them in a very professional manner. He would recommend Mr. Michael Robbins.

Ms. McClintock said she also interviewed Mr. Robbins. There were three or four excellent applicants and it was a tough decision. However, she would have to agree and second Mr. Hunter's motion. Mr. Robbins comes from a little bit different perspective in that he has not been in the system. He has been on the outside of the system trying to get those benefits that are so important to veterans. Everyone else she talked to had been involved in the system. Mr. Robbins is a Vietnam veteran who was decorated in Vietnam. So ordered. She will call Mr. Robbins this evening. Mr. Wallace would have been here, but he is on vacation.

RE: POOR RELIEF APPEAL - MIKE PERRY

Ms. Mary Hart of the Pigeon Township Trustee's office reported she does have some information passed along to us since the last Commission Meeting which the Commissioners need to be made aware of. Wednesday she received a call in the Pigeon Trustee's office from an anonymous concerned citizen that Mr. Perry received close to a \$10,000 fire settlement in summer of 1990. He did not report that income to their office, nor do they know how he spent that income. But, over and above that, she did check on his S.S.I. His application is pending at this time. It was denied in 1989 and again in 1990. She spoke to Ms. Hargrove at the Social Security Administration and she tells her that in her opinion (she does not have the final say) that unless the medical condition has changed drastically since the application, it will be denied again.

Ms. McClintock asked, "So they are saying he is able to work?"

Ms. Hart, "They are saying it is not a total permanent disability. Maybe he does have a disability, but it does not keep him from doing all types of work. They are telling me the same thing through Medicaid. I spoke to John Golding and he said that unless the medical condition changes drastically he is not considered totally and permanently disabled."

Ms. McClintock asked, "Mr. Perry, did you receive a \$10,000 fire settlement in the summer of 1990?"

Mr. Perry responded, "I did not."

Ms. Hart said, "I spoke with Roger Griffin from the Fire Department and he has told me this is true and correct and he can get the information to verify it if we need it."

Mr. Perry said. "I would like Mr. Griffin to bring the check with him when he brings the information."

Ms. McClintock addressed Mr. Perry asking, "Did you ever receive any kind of fire settlement?"

Mr. Perry replied, "I received \$1,400. Michael Ward, my attorney, can give you the date on it. But Mr. Griffin lied. I have some paperwork -- doctor bills from the three doctors I am currently seeing."

Mr. Perry, I don't deny that you have all these bills and we received quite a bit of information the last time you were here. The sole purpose of our meeting today was to receive a report from Ms. Hart regarding the status of your application for permanent and total disability. She has indicated to us that the professionals who are in this business are saying that you do not have a permanent and total disability, that, in fact, in their professional opinion you could work. The only reason we would have to direct the Township Trustee to help you is if, for some reason it was pending and they felt that you would be awarded this disability at some point -- and you were on a short term cash flow problem. This seems to be an on going problem. I don't deny that you have medical problems and I am sorry about that. But what we are being told by the professionals that deal with this type of aid is that indeed you could work and could pay some of this on your own.

Mr. Perry said he has had several injuries and has not been able to hold employment since 1981. He would prefer having a job than to come here and ask the Commission for anything. But unfortunately, he has been injured on several jobs and it is to the stage that if he tells an employer he has problems they will not hire him. If he doesn't tell him he has problems, most likely he will end up with a job he cannot handle. He hasn't been able

to handle a job since 1981. If he could get a job, he'd rather go to work than come here and ask for assistance. But the medication he is taking is what the doctor said he needed -- not what he asked the doctor for. That is why he went to the Trustee initially, because the doctor said he needed this medication. He hasn't asked them to pay any of his hospital or doctor bills, because he tries to pay those himself. As for working, he is not saying he can't do anything. But every time he has gotten a job he has ended up at the doctor's office or the hospital and couldn't go to work. He was injured at Whirlpool, Fligeltaub's, and been in three car wrecks.

Ms. McClintock said she thinks Mr. Perry is missing the point. She is sorry, but if the Commission orders the Trustee to pay for the medicine this time, there is no permanent solution through the Trustee. He told the Commissioners at the last meeting that he would need this medication every month for an indeterminate period of time. What is going to happen next month when he needs the \$124 worth of medicine and he doesn't have a job and his wife's income cannot pay for that medicine? And the Welfare Department is saying they are not going to put him on permanent total disability?

Mr. Perry said he didn't ask Welfare for disability. He asked them for a medical card. The problems he is having now are the result of an auto wreck in April 1990. A claim is pending.

Ms. McClintock queried Mr. Perry regarding his attorney.

Mr. Perry stated his attorney is Michael Wood, and he is representing him in the matter of a pending claim re the automobile wreck. Attorney Wood doesn't know when a settlement might be reached. That hinges on his release from the doctor.

Ms. McClintock said she didn't know there was a lawsuit pending. Is there anything else Mr. Perry didn't tell the Commission either last week or earlier today.

Mr. Perry said there is not. When he was injured in the auto wreck in April 1990 he only had \$5,000 medical coverage. His insurance company has exhausted all their benefits. The other party's insurance company will not pay anything until they agree to settle.

President McClintock said she is not going to vote to order the Township Trustee to pay for this medicine. She thinks she has been fairly explicit as to why. She feels there is something Mr. Perry could attempt to do to try to earn \$124.00 per month to pay for this. She will, however, instruct the County Attorney to talk to Mr. Wood to see when this settlement might be pending. If it is in the near future, then ask the Trustee if they would grant him a month or two of the \$124.00 until he gets the settlement, which would reimburse the taxpayers' coffers once that settlement is received. But we are not looking at a long term kind of solution here. The long term solution is that Mr. Perry needs to try to find a job -- even if it is part time.

Mr. Perry said he was in Dr. Winnecker's office today and he advised him to go home and rest.

Ms. McClintock said, "Then, Mr. Perry, if you cannot work at anything ever again, he needs to provide you with the justifications so you can get a permanent total disability. But we will contact Mr. Wood. If he says that they feel this is pending and the Trustee can help you on a month or two basis and that money will be returned to them, then we will make you a little loan. Ms. Hart will notify you."

RE: VANDERBURGH AUDITORIUM - JACK KIRWER

No Charge/Lee Greenwood Show: Mr. Kirwer reported the Auditorium Advisory Board decided to make the Lee Greenwood Show a no charge use on March 15th.

They also recommended that the Christmas Eve 1991 for the Homeless be at No Charge. The other requests were turned down.

Upon motion made by Commissioner Hunter and seconded by Commissioner McClintock, no charge for the homeless function was approved. So ordered.

Auditorium Parking Lot: Mr. Kirwer said they are still working on this problem.

1991 Auditorium Rate Structure: Upon motion made by Commissioner Hunter and seconded by Commissioner McClintock, the 1991 Auditorium Rate Structure recommended and approved by the Auditorium Advisory Board was approved. So ordered.

(Mr. Kirwer noted rates for the Auditorium and the Gold Room have been lowered Monday thru Thursday in an effort to increase weekday business. Increased rates apply Friday thru Sunday, and on holidays. On 1991 and 1992 bookings, we are adhering to the quoted rates, as some of those have to be booked two years in advance and thusly promoted. On those booked five years or so in advance, those will have to come back to the Commission for approval.)

RE: COUNTY ENGINEER - GREG CURTIS

Bidding Procedures/Columbia-Delaware Street Project: Mr. Curtis said that two weeks ago he brought this up at the meeting and he has a letter from Gary Price of Ted Ziemer's office, as follows:

"Whenever the cost of a project is less than \$25,000, the Board may invite quotes from at least three persons known to deal in the class of work proposed to be done. It is my understanding that the said project did, in fact, cost less than \$25,000 and that at least three businesses were invited to submit bids for such project. As such, the Board shall either award the contract to the lowest responsive quoter or reject all quotes submitted.

After review of this letter, if you need further clarification or would like to call, etc.,etc...."

Mr. Curtis said he would like to proceed with getting the encroachment moved off the Columbia-Delaware bridge. Lappe's Heating & Air Conditioning, Inc. quote was the low bid and it was entered into the minutes two weeks ago.

Upon motion made by Commissioner Hunter and seconded by Commissioner McClintock the contract was awarded to Lappe's Heating & Air Conditioning. So ordered.

Performance Bond/Koberstein Trucking, Inc.: He has the subject performance bond re the culvert project on Old State Rd. and Nurrenbern Rd. to be filed with the Auditor and will get same to them.

Request for Waiver of Sidewalks/Arby's Sub. on Hwy. 41 N.: Morley & Associates has submitted the subject request, and Mr. Curtis said he recommends approval of same..

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

Specs & Notice to Bidders/Auditorium Lighting Project (Project VC-91-03-01). Mr. Curtis submitted these items for the Board's approval.

Following comments by Mr. Curtis re the above, including the fact that Attorney Ziemer has reviewed same, upon motion made by Commissioner Hunter and seconded by Commissioner McClintock, the specs were approved and Mr Curtis was authorized to advertise for bids (to be received April 1, 1991). So ordered.

Locust Creek Industrial Park: Mr. Curtis said there has been some confusion re Locust Creek Industrial Park. He doesn't remember the years precisely, but it was in the late 70's -- the road that extends from Locust Creek Industrial Park Drive out to Mill Road was approved by the Commission. There is some confusion and he wanted to bring this up to make sure that the Board has the same understanding he does. There is some confusion on the part of some of the residents out there that that is a curb cut -- and it is not. It is an approved street that has been approved by the Commission. We are inspecting the street as it is being constructed and any further development that puts additional accesses on Mill Road (and for that matter, even on this new road they are building) has to be done through Site Review and will be reviewed then. The zoning use commitment gave a certain number of cuts on St. Joe and a certain number of cuts on Mill Road -- and those won't be exceeded.

Ms. McClintock said she sent a letter to the property owners today indicating what those agreements were when they had that property zoned. One of them was 8 ft. trees 35 ft. apart all along Mill Road, and also pointing out to them that they needed to have any of those interior roads reviewed and approved by Site Review and they did not have their permits, and they needed to do that.

Mr. Curtis said, "They have approval; those street plans were approved in 1978 or 1979."

Ms. McClintock said the neighbors' big concern at this point is the trees and the owners have pretty much agreed that they will go ahead and put those in.

Claims: Mr. Curtis submitted the following claims, with recommendation that same be approved for payment:

-Charles E. Davis	
107 hrs. & Consultant for Morgue	\$1,070.00
-Appraisal Company, Inc.	
Lynch Rd Extension	\$ 500.00
N. Green River Rd. Project ME 340	\$4,750.00
-Roy L. & Patricia R. Kixmiller	
Parcel 8/Green River Rd.	\$5,500.00
-Est. of JoAnne C. Munkus, Deceased	
Billy Joe Munkus & Michael Baltz Co-Per Reps.	
Parcel 8/Green River Rd.	\$33,000.00
-East Gate Baptist Church	
Parcel 10/Green River Rd.	\$ 150.00
-Bethel United Church of Christ	
Parcel 19/Green River Rd.	\$ 150.00
-Delores Agnew	
Lynch Rd. Extension	\$ 4,000.00
-Newman Sheppard	
Lynch Rd. Project	\$ 1,500.00
-City of Evansville	
Covert Ave. Extension ME-220	\$56,233.00
-United Consulting Engineers	
Green River Rd. Project ME 340	\$ 5,425.00
Tekoppel Rd. ovr CSX RR	\$ 8,200.00
Bridge No. 1-C Delaware-Columbia	\$20,650.00

-Bernardin, Lochmueller & Associates, Inc.
Eickhoff-Koressel Rd. Phase 1 \$ 1,639.43
Eickhoff-Koressel Rd. Phase 2 \$ 1,974.34
Lynch Rd. Extension Phase 2 \$ 4,476.00
Boonville-New Harmony Rd. Ext. \$ 77.14
-Veach, Nicholson, Griggs Associates
Bridge #158 - Orchard Rd. \$ 893.00
Bridge Design & Plans (5th Ave. Br.) \$10,716.00

Upon motion made by Commissioner Hunter and seconded by Commissioner McClintock the foregoing claims were approved for payment. So ordered.

RE: COUNTY ATTORNEY - TED ZIEMER, JR.

Attorney Ziemer submitted his written report (copy attached hereto).

RE: RESOLUTIONS RE BURDETTE PARK & VANDERBURGH AUDITORIUM

Attorney Ziemer said he has prepared Resolutions with regard to Burdette Park facilities and Vanderburgh Auditorium, respectively, whereby they may be leased through negotiation by their respective Managers at rates approved by the Commission only, unless the Commission agrees to some other rate. If the Commission wishes to adopt these Resolutions, it would be appropriate to sign same today.

Ms. McClintock said she appreciates this, but suggested the Commission wait for Mr. Borries' return and that these Resolutions be placed on the meeting agenda for April 1st. Mr. Borris may not care, or he may have some very strong feelings.

RE: WNIN CONTRACT

Attorney Ziemer said the contract originally signed on February 4th had the County Council as a party, because that was being considered. Now the County Council is not a party to the contract. Therefore, it has been revised to make only the County Commissioners and WNIN the appropriate parties. He submitted the revised contract for execution by Commissioners McClintock and Hunter.

RE: SIGECO - EASEMENT

SIGECO is requesting they be granted an easement for underground lines to serve the new County Morgue facility. He has no problem with the form of easement from a legal point of view. The County Engineer has no problem with it, and the County Coroner says it will not interfere with any proposed activity of that structure. Therefore, it would be appropriate to execute this document.

The Commissioners executed said easement, as Mr Ziemer said no motion is required. The County will need to retain the Original document.

RE: TRAVEL REQUEST/PAVING SEMINAR

County Highway Superintendent Cletus Muensterman requested that he be authorized to send two (2) individuals from the County Highway Garage (J. D. Smith and Milton Hayden) to Indianapolis on March 19th to attend a Paving Seminar. This would be one foreman and one operator. They would go to Indianapolis and return the same day.

Upon motion made by Commissioner Hunter And seconded by Commissioner McClintock the request was approved. So ordered.

RE: PAY FOR UNION EMPLOYEES - COUNTY HIGHWAY GARAGE

Mr. Muensterman queried Ms. McClintock about the request from the two union office personnel at the County Garage to receive their pay on a weekly basis.

Ms. McClintock said she talked with the two employees and with Auditor Humphrey. The employees agreed to postpone that request indefinitely.

RE: CONSENT ITEMS

President McClintock asked if there are questions concerning any of the items on the Consent agenda. Commissioner Hunter said he had none. Upon motion made by Commissioner Hunter and seconded by Commissioner McClintock, all of the items on the Consent agenda were approved. So ordered (See attached copy of meeting agenda).

RE: OLD BUSINESS

Auditor Sam Humphrey reported that he received a call this afternoon from the President of the State Tax Board. They suggested we recover almost \$300,000 of the withheld road funds, which will bring us up within \$50,000 of what we started with. They agreed to expedite this. We have called a Special Council Meeting for 10:00 a.m. Friday morning to have this additional appropriation made. They will approve the revised Financial Statement and they have agreed to amend it about six months into the year (around the first of July) if revenues exceed what they anticipate at this time -- they will restore the entire \$400,000.

Ms. McClintock thanked Mr. Humphrey for the information.

RE: NEW BUSINESS

Ms. McClintock said our Insurance Loss Company has drafted a Vanderburgh County Safety Policy statement that they wanted sent to all the County Department Heads. She has read and signed same and will now give it to Commissioner Hunter for his review.

Commissioner Hunter said he has already read and signed it.

Ms. McClintock said she will hold it for Commissioner Borries' signature.

There being no further business to come before the Board at this time, President McClintock declared the meeting recessed at 5:50 p.m.

PRESENT:

Carolyn McClintock, President
Don Hunter, Vice President
Ted Ziemer, Jr., County Attorney
Sam Humphrey, County Auditor
Cletus Muensterman, County Highway Supt.
Greg Curtis, County Highway Engineer
Gary Kercher, County Engineer's Office
Vickie McBride, C.O.L.E.
Judge Rick Young
Harris Howerton, Circuit Court
Charles Althaus, County Coroner
Annie Groves, Coroner's Office
Bill Butterfield, Smith & Butterfield
Jerry Riney, Commission Office
Margie Meeks, Commission Office
Paul Bitz, Voter's Registration
Suzie Kirk, Voter's Registration

Jack Kirwer, Vanderburgh Auditorium
Mary Hart, Pigeon Trustee's Office
Mike Perry, Poor Relief Applicant
Others (Unidentified)
News Media

Absent: Richard J. Borries

SECRETARY: Joanne A. Matthews



Carolyn McClintock, President



Don Hunter, Vice President

Richard J. Borries, Member

MINUTES
COUNTY COMMISSIONERS MEETING
MARCH 18, 1991

I N D E X

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List of Roads & Petitions attached hereto	
Sale of County-Owned Surplus Real Estate (No Bids)	5
Ordinance Extending Approval of Ambulance Sure Care Program/Comair Ambulance Service/First Reading	5
Authorization to Open Bids	5
Resolution re Community Correction Program Grant Application	5
Update re 2010 Traffic Projections for Area of USI Overpass	5
Federal Aid Applications/EUTS.....	6
Johnson Controls/Addendum to Equipment Maintenance Contract (Copy of Contract & Addendum attached hereto)...	7
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County Highway Garage/Air Compressor	7
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Claim/Heritage Remediation Engineering (\$3,620.26)	
Claim/Happe & Sons (Interest; deferred until 3/25/91)	
County Attorney - Ted Ziemer, Jr.	8
(Copy of report attached hereto)	
Employment Agreement with Anthony Wilson to re-draw HVAC System Plans for the County Morgue (\$1,800)	8
(Copy attached hereto)	
Reading of Bids/Trench Drain Installation on West Summit Drive & Ogelsby Drive	9
Deig Bros.....\$10,010.00	
J. H. Rudolph & Co.\$15,412.00	
K & K Excavating\$ 7,695.00	

Phoenix Construction Co.	\$ 7,002.00
Woodward Backhoe Service	\$ 5,656.00
Happe & Sons Construction	\$ 8,475.00

(Referred to County Engineer; recommendation to be made 3/25/91)

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7th Annual Spring Bike Tour/Arthritis Foundation	
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Solid Waste Management District (Meeting scheduled	
6:00 p.m., Green Rm., Auditorium/April 4, 1991)	
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VC-2-91 (Approved on First Reading)	
VC-3-91 (Approved on First Reading)	
Meeting Recessed at 7:40 p.m.	11

MINUTES
COUNTY COMMISSIONERS MEETING
MARCH 18, 1991

The Vanderburgh County Board of Commissioners met in session at 6:00 p.m. on Monday, March 18, 1991 in the Commissioners Hearing Room, with President McClintock presiding. (Commissioner Borries was absent.)

RE: INTRODUCTION OF STAFF & PLEDGE OF ALLEGIENCE

President McClintock called the meeting to order and proceeded to introduce members of the staff. She subsequently asked meeting participants to stand for the Pledge of Allegiance.

RE: PRESENTATION RE LANDFILL/REQUESTED ORDINANCES, ETC.
MARK BARRON - C.O.L.E.

Mr. Mark Barron, a representative of C.O.L.E., was recognized by the Chair. He said he is here tonight to seek some action from the Commission on some issues concerning Vanderburgh County residents. C.O.L.E. has approached the Commissioners with several of their concerns -- some more recently than others. It's been about six months since they first approached the Commissioners about an Ordinance seeking a moratorium on the siting of landfills in Vanderburgh County. Along with this, they have sought an Ordinance for proper zoning of a landfill site. They have also requested a ban on out-of-county trash so that we may preserve what precious little landfill space we have.

Another problem we face on a regular basis is a large amount of mud and debris on St. Joseph Avenue. When there is rainy weather, this turns St. Joseph Avenue into one large muddy mess, making safe travel along this major thoroughfare impossible. The debris that falls from the trucks to/from the dump only compounds this problem. He urges the Commissioners to enact Ordinances immediately to keep our roads safe and clean to travel on.

He would also like to mention what Vicki McBride spoke to the Commissioners about last week -- that being "Below Regulatory Concerns" nuclear waste. With all the hazardous special waste that is now indiscriminately dumped into the landfill, we do not need the added potential health risk of nuclear waste.

In closing, Mr. Barron said he will recap just what C.O.L.E. is asking for:

- 1) A moratorium on landfill siting until a Solid Waste Management Board can be formed to assist in proper siting.
- 2) An Ordinance that landfills be properly zoned -- not issued a Special Use Permit.
- 3) A ban on all out-of-county trash.
- 4) That an Ordinance be passed to keep our streets free of mud and debris
- 5) A ban on Below Regulatory Concern, as well as all other nuclear waste from Vanderburgh County.

Mr. Barron expressed appreciation to the Commissioners for allowing him to make his presentation.

President McClintock requested that either Attorney Ziemer or Attorney Wilhite look into each of these issues insofar as the legalities. There is some question as to whether we can even control some of these things on a county level. Then, if one of the County Attorneys could report back to the Commission as soon as possible on the status of each of these issues, the Board can make a policy decision as to how they want to address the issues prior to drawing up an Ordinance.

RE: PUBLIC HEARING - VANDERBURGH COUNTY ROADS

In the interest of saving time, Commissioner McClintock read the alphabetical list of roads already placed on the 1991 paving list. (Copy attached hereto.)

Ms. McClintock said she also has a Petition from the concerned citizens of Sunrise Drive. (Ms. Meeks stated their representative could not be here this evening.) Ms. McClintock said the Petition (signed by 15 residents of Sunrise Drive) will be filed in the record. (Copy attached hereto)

A complaint was also received concerning Weiss Road just off Boehne Road. (It is now rock and they want that paved.) The Petition and complaint will be forwarded both to the County Engineer and the County Garage. (Copy attached hereto.)

President McClintock then asked if there are citizens present whose roads were not listed, or would have specific questions about the areas of these roads -- who would like to address the Commission.

Mr. Francis Martin of County Line Road approached the podium and said County Line Road north of St. Wendel is now a mud road. About two years ago they approached the Commission and they were receptive at that time to blacktop the road. But he thinks there was a question as to whether it was legal at that time -- and Posey County sort of threw a cold shower on it. A bill is being considered at this time to make it legal for counties to cooperate. The residents would like for the Commission to consider approaching that road this year. There is a section of County Line Road that is strictly in Vanderburgh County (from Baseline south about a mile). If nothing else, maybe the Commissioners could consider that portion of County Line Road. That would at least be a start -- and maybe when the pending new law is put into effect the road could be paved all the way. The total length is 4.2 miles. There are eleven (11) taxpayers living on the Vanderburgh County side of that road and thirteen (13) farms that pay taxes in Vanderburgh County.

Mr. William Schmitt of Schmitt Rd. (off Hwy. 65, close to Pruitt Rd., Scott Rd., and Woods Rd.) said that road was paved in 1988 and needs to be resurfaced if at all possible. It is .4 miles long and about .2 miles south of I-64 on the west side of the highway. The road is starting to break up pretty bad. The road has heavy traffic -- three buses every day; a milk truck every day; two mail trucks; the Press; Posey County trucks; plus local traffic.

Ms. Martha Runnion of Mann Rd. said they'd like for the Commissioners to consider paving Mann Rd. this year. They paved a portion of it last year, but not the portion she lives on. She talked with the Commissioners about it last year. The portion that needs paving is west of Owensville Rd. -- between Bixler Rd. and Owensville Rd. Since that time, the traffic has increased considerably on the portion of the road on which she lives. The Commissioners told her last year there wasn't money in the budget to pave that portion -- but if someone would attend the meeting this year and get it on the list. The length of the portion that needs to be paved is probably 1-1/2 miles. All the other roads

in that area are pretty much paved with the exception of the designated portion of Mann Rd. and Maasberg Rd. (off Baseline) was still gravel the last time she looked.

Mr. Marlin Goebel of Lutterbach Rd. said he is here on behalf of his wife and his neighbors (Ken Seibert and his wife). Lutterbach Rd. was accepted by the County in 1886 according to the manual in the County Engineer's office and also again in 1906 at a distance of a total of 1.03 miles, of which .375 is gravel. That is the portion he marked in yellow on the map he handed to the Commissioners. The balance of the road (marked in green) -- about 15 years ago they were approached as to whether the County should replace a culvert (marked in blue) and they said if they didn't have to replace that -- make that road a dead end -- that they would continue to maintain the road. They have -- with gravel. But they are requesting the Commissioners to consider paving that area this year. It is .37 miles in distance and has an easement/right-of-way of 33 ft.

Mr. Ted Blake approached the podium and stated he resides in Warrick County. He said he is here to thank the Commissioners for taking the initiative with regard to Oak Grove Rd. and seeing the use of the I-164 Overpass, etc. They have been working with the Warrick County Commissioners for almost two years, trying to get them to take the initiative to go ahead and do something with this road. It has been neglected for probably 60 years on the Warrick County side (about 3.1 miles on the Warrick County side). With the Vanderburgh County Commissioners going ahead and making the move they are making here, he is certain they will be able to get something done. Is there any way the two County Commission groups can work together on this road? It needs to be improved -- widened to be able to take in traffic, etc. That is eventually going to be a major artery to take traffic off Burkhardt Rd., etc. Traffic is backed up from Lloyd Expressway half way back to Oak Grove Rd. at peak hours.

President McClintock said the Commission would be happy to send a letter to the Warrick County Commissioners indicating it is our intention to make this improvement to Oak Grove Road and provide them with an approximate time table. We are already working with them on Lynch Road.

Mr. Blake expressed his thanks to the Commission.

Ms. Montana Peters of 225 S. Bosse Avenue said she has a Petition from thirty-five (35) residents of forty-one (41) residents on Bosse Avenue to have this road paved from the intersection of Bosse Avenue and Cox Avenue from Clairmont to Rosenberger.

There was some question as to whether this area is in the County, but the County Engineer's office said they believe it is in the County.

Ms. Peters submitted photos, showing the road cave-in at the intersection of Bosse and Cox Avenue. They've had this problem for two years. They've already talked with Bob Brown (City Highway).

Ms. McClintock passed the photos to Gary Kercher of the County Engineer's office, who will investigate tomorrow and confirm whether this is in the County. They will get back to Ms. Peters, whose telephone number is 838-3141.

Mr. Ken Woehler of Twickingham Court approached the podium and said all the roads in their area have been resurfaced with the exception of Twickingham Court. The only time they get any attention is when their road collapses. There isn't anything underneath it to support the road and that is why it continues to collapse. When the residents call, they do come out and repair it. Last year he believes they poured six to eight yards of concrete in the holes -- but it still hasn't fixed the road. It

is still collapsing in spots throughout the Court. He stressed that the Commissioners not confuse Twickingham Court with Twickingham Drive. He is speaking of Twickingham Court.

Mr. David Tieken of 6716 Laura Lane said he came before this Board approximately the same time a year ago and had the same problem then as he does now, that being that the surface on Schmitt Lane, as well as Laura Lane is really breaking up considerably and they have a lot of potholes. Neither of these two roads has been resurfaced or had any attention since the developer built that subdivision (Schmitt Subdivision). It is just north off St Wendel Rd.-St. Joe Tavern area. When he attended the meeting last year, the Board promised those two roads would definitely be added to the list and be resurfaced. They were not. He contacted the County Engineer's office on several occasions and was always told it was on the agenda and the list to be paved. He called as late as at the end of October and was told it was still on the list to be taken care of. When he called in November and asked why it hadn't been taken care of, they said they ran out of money because of the high oil prices as a result of the war taking place. He guesses his question is basically this, if that was on the list (which he assumes it was since he was told it was) why did it not make the list again this year? It would seem that if it was on the tail end of the list last year it would have been on the top of the list this year. From what he read in the paper and heard tonight, it has not been added to the list. His question to the Board is, why not? They still need the attention out there now, which they desperately needed at this time last year.

Mr. Kercher of the County Engineer's office said this is one of the reasons we have this meeting -- in an effort not to miss any roads. They went through last year's list in creating this year's list -- they might have missed it -- and he will check the previous records.

Mr. Tieken said both roads are basically 1/8 mile. There are about 20 residents who live back in that subdivision.

Ms. McClintock confirmed that she remembers this area being on last year's list.

In response to query from the audience, Ms. McClintock said the roads on the road paving list are roads which have either been recommended by the County Engineer or the County Highway Garage, or roads on which the Commission has received complaints. What will be done with the input received this evening and the roads already on the list, the roads will be prioritized and placed in two groups: Roads that will be done on a contract basis (private contractor) and roads to be done with County Garage crew members. She is not saying there is any difference in quality. She is saying that there are only so many roads the County crews can pave. The County thinks they do excellent work. When that list is complete it will be brought back to the Commission for their review. Hopefully, everyone will be on the list. We need to look at the initial list, together with what has been added tonight, to see if we have enough money to do all of the roads.

Mr. Gary Ludwig of Folz Road said this has been a gravel road for as long as he has been on this planet (some 34 years) and it seems as though the population is growing. More houses are being built on the road and the road seems to have become a shortcut between Mesker Park Drive west, heading over to North Park. It seems the only time they get any attention on Folz Rd. is at the end of the blacktop season. The County Highway trucks come through and clean their asphalt trucks out on it. What they have is a streak of tar down through the road, which gets tar on their vehicles. He was wondering if Folz Rd. would get blacktopped this year. Or if they come through and clean their trucks out on it, they at least need to put some chips or something down so the

tar is not just laying there loose to get slung everywhere. He reiterated, however, that he would like to see it get blacktopped.

In conclusion, President McClintock said the priority list should be ready in approximately a month. If anyone here wants to know where their road ends up on the priority list they should free to call the Commission Office (426-5241). They will know when the contracts will be let and when we anticipate starting the paving program. If it ends up the road is not on the list -- and they are not happy with the way the roads have been prioritized, individuals are more than welcome to come back to a Commission meeting or call any of the Commissioners individually to discuss their particular situation. Ms. McClintock thanked the meeting participants for their input and said she hopes the County can do all of the roads mentioned.

RE: SALE OF COUNTY-OWNED SURPLUS REAL ESTATE

The meeting continued with Commissioner McClintock entertaining bids on the parcels of county-owned surplus real estate, as advertised. There were no bids and the sale will continue.

RE: ORDINANCE EXTENDING APPROVAL OF AMBULANCE SURE CARE PROGRAM/COMAIER AMBULANCE SERVICE, INC.

At the recommendation of the County Attorney, upon motion made by Commissioner Hunter and seconded by Commissioner McClintock the subject Ordinance was approved on First Reading. So ordered.

RE: AUTHORIZATION TO OPEN BIDS

Upon motion made by Commissioner Hunter and seconded by Commissioner McClintock, Attorney Ziemer was authorized to open the bids received with regard to installation of trench drain on Summit Drive and Ogelsby Drive, with same to be read into the record at a later time in today's meeting. So ordered.

RE: RESOLUTION RE COMMUNITY CORRECTION PROGRAM GRANT APPLICATION

Mr. Harris Howerton said that each year he comes to the Commission as a representative of the Vanderburgh County Community Corrections Advisory Board to let the Commission know they have made a Resolution to adopt an application for monies (a grant) from the Indiana Department of Correction. The Board also approved a budget of \$1.5 million for the Community Correction Program, twenty percent of which they request from the Indiana Department each year -- this year for a total of \$247,156. Those monies are primarily used for salaries for people who work in the Community Correction Program.

Upon motion made by Commissioner Hunter and seconded by Commissioner McClintock, authorization was given to sign the grant application. So ordered.

RE: UPDATE RE 2010 TRAFFIC PROJECTIONS FOR AREA OF USI OVERPASS

Mrs. Rose Zigenfus of EUTS said Mr. Keith Lochmueller will provide the Board with an update on the 2010 traffic projections for the area of the USI Overpass.

Mr. Lochmueller said we are now to a stage where we can establish a meeting date to meet with the Commission, the State Highway and the Federal Highway to move this project forward. They are setting up 106 (which is a historic preservation requirement) and think they need to hold the subject meeting.

The Commissioners authorized Mr. Lochmueller to set up the meeting with the State and Federal personnel and provide them with complete information.

Mr. Lochmueller said he wishes to express appreciation to EUTS for their work on this, and he proceeded to explain the proposed set-up (five lanes in each approach) and three lanes on Eickhoff. They checked to see if this would work and it came up with a Level "D" (which means it doesn't work) -- but the significant thing is that this did not include if something happened out in the Posey County area (where the factories have been trying to come in) -- that is not included. So not only does it not meet service level "C", it would definitely be worse if more traffic is added. But what he is saying that now we have the documentation to go to the State and say the interchange is warranted.

He does want to mention that he couldn't find where the Commissioners approved the draft. He checked the Environmental statements and in one of them the Consultant had looked at the impacts of an interchange.

Mr. David Isley of Bernardin-Lochmueller said that, as mentioned by Keith, the letter the Federal Government sent back to them on the comments -- they feel that with the information from EUTS and the interchange study, etc., they can now address all the comments or at least answer what changes we feel need to be made. After we sit down with them, we can proceed with the 106. We have to fulfill the Section 106 of the Historic Preservation Act so we can show how we're going to mitigate the historic site out by the interchange at USI.

RE: FEDERAL AID APPLICATIONS

Mrs. Zigenfus said it is that time of year when the Indiana Department of Transportation requires that for any Federal Aid Project that the County submit a Federal Aid application. They have prepared the applications for funding in FY '92 for the following:

- 1) Green River Rd. North project (construction between Morgan Ave. & Heckel Rd., including the bridge over Pigeon Creek in Vanderburgh County). That project has been phased and we are looking at Phase I (between Morgan Avenue and Spring Valley Road).
- 2) Lynch Rd. (right-of-way acquisition between Oak Hill to Burkhardt Rd. in Vanderburgh County).
- 3) Boonville-New Harmony Rd. (construction for resurfacing, restoration and rehabilitation of the existing roadway -- Phase I between Rd. S.R. 57 to U.S. 41 and Phase II between U. S. 41 and St. Wendel Rd.).
- 4) Columbia-Delaware St. Bridge (funds to replace the existing bridge deck and other improvements)
- 5) Fulton Avenue Bridge (construction funds for replacement of the existing 2-lane bridge with a 4-lane structure). This will be done in conjunction with the road widening project, which is a City project.
- 6) Orchard Rd. Bridge (construction and replacement of existing bridge).
- 7) Burkhardt Rd. (railroad improvement of automatic signals and gates between S. R. 62 and Oak Grove Rd.).
- 8) Mt. Pleasant Rd. (construction for installation of automatic signal and gates at Mt. Pleasant and U. S. 41).

Upon motion made by Commissioner Hunter and seconded by Commissioner McClintock, the applications were signed. So ordered.

RE: JOHNSON CONTROLS/ADDENDUM TO EQUIPMENT MAINTENANCE CONTRACT

Attorney Ziemer said Johnson Controls has submitted an addendum to Paragraph #11 (the Indemnification provision) whereby they will indemnify us if damage results from their negligence or willful misconduct. He thinks this is satisfactory and recommends the Commissioners sign the Addendum.

Motion to this effect was made by Commissioner Hunter with a second from Commissioner McClintock. So ordered. (Copy attached hereto.)

RE: APPOINTMENT TO DATA PROCESSING BOARD

Upon motion made by Commissioner Hunter and seconded by Commissioner McClintock, Mr. Bob Stevenson of The Computery was appointed to the Data Processing Board. So ordered.

RE: COUNTY HIGHWAY GARAGE

Ms. McClintock noted that we purchased an air compressor with attachments at the County Highway Garage from Reid-Holcomb Co. of Indianapolis, IN. They have now gone out of business and the manufacturer has sent us a letter and a direct invoice, requesting payment for this piece of equipment.

Upon motion made by Commissioner Hunter and seconded by Commissioner McClintock, the Purchase Order to Reid-Holcomb Co. is to be cancelled and a new one issued to the manufacturer, and Mr. Muensterman is to get a claim signed so payment can be made. So ordered.

(Commissioner McClintock subsequently stated that Attorney Ziemer has indicated he does not want us to pay for this compressor yet -- so hold this claim until next week's meeting).

RE: COUNTY HIGHWAY ENGINEER

Acceptance of Chapel Hill Drive: Mr. Kercher said originally Chapel Hill Drive in Chapel Hill Subdivision was going to go all the way through and they decided to just put in a cul-de-sac. It was built in 1987 and somehow the paperwork got lost and the street was never officially accepted. They recommend it be accepted at this time.

Upon motion made by Commissioner Hunter and seconded by Commissioner McClintock, Chapel Hill Drive was accepted for County maintenance. So ordered.

Acceptance of Carneal Commercial Subdivision Section I Construction Approval:

Upon motion made by Commissioner Hunter and seconded by Commissioner McClintock, the construction plans for Carneal Commercial Subdivision Section I were approved. So ordered.

Travel Request/Storm Water Drainage Conference: Permission is requested for Valerie Harry to travel to a Storm Water Drainage Conference in West Lafayette, IN.

Ms. McClintock said the Board will act on this separately this time, but Mr. Kercher needs to advise Mr. Curtis to put travel requests on the Consent Item agenda like everybody else.

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

Green River Rd. Right-of-Way: Mr. Kercher said that with regard to Green River Rd. right-of-way, it looks as though we will have some condemnations coming up. At the most, we're going to have six (6) parcels. And it looks like we're going to be down to three or four by the time we have to actually file the paperwork for the condemnation. In order for us to make our June letting on Green River Rd. North, they are requesting permission to hire Vanderburgh County Abstract Corp. to do a title search on the parcels we would like to condemn. The cost is \$100 per parcel and estimated cost is between \$300 and \$600 for the title searches.

Upon motion made by Commissioner Hunter and seconded by Commissioner McClintock permission was so granted. So ordered.

Claim/Heritage Remediation Engineering, Inc.: A claim in the amount of \$3,620.26 was submitted for consulting services (the balance of the original invoice #6053).

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

Claim/Happe & Sons Construction, Inc.: Mr. Kercher said we had asked Gary Price of Ted Ziemer's office to look into the Happe claim from a couple of weeks ago. Basically, the gist of the letter from Mr. Price is that it is up to the County Commissioners as to whether they want to pay the interest on the claim from Happe & Sons Construction, since the claim was delayed so long due to the design engineer/construction engineer. The claim was in the Auditor's office for more than 45 days and there was interest charged by Happe & Sons.

Attorney Ziemer said, "The statute says the County is not required to pay interest on this, since the delay was not due to County action. But the Commissioners may, if they see fit."

Ms. McClintock said we have the public hearing next week on the Caranza Sewer project and she thinks the Board ought to wait and see what happens at that hearing before it does anything on this claim.

Mr. Kercher said he will provide Commissioner McClintock with a copy of the letter from Mr. Price.

Auditor Sam Humphrey commented that they had applied 2% interest and the law won't let us pay 2% anyway. There were also some errors in addition, etc., and the claim was not proper the last time he looked at it.

RE: COUNTY ATTORNEY - TED ZIEMER

Attorney Ziemer said he has submitted his written report to Commissioner McClintock, with copies for the other Commissioners.

RE: EMPLOYMENT AGREEMENT WITH ANTHONY WILSON TO RE-DRAW HVAC SYSTEM PLANS FOR THE COUNTY MORGUE

Attorney Ziemer said that on February 25th, the Commissioners approved an employment agreement with Mr. Anthony Wilson to re-draw the HVAC system plans for the County Morgue and subsequently asked him to prepare same. He has done so and the amount of the contract is \$1,800.00. It is his recommendation that the Commissioners sign the agreement.

Upon motion made by Commissioner Hunter and seconded by Commissioner McClintock the agreement was signed. So ordered. (Copy attached hereto.)

RE: READING OF BIDS/TRENCH DRAIN INSTALLATION

The meeting continued with Attorney Ziemer reading the bids received regarding the installation of a trench drain on West Summit Drive and Ogelsby Drive. Mr. Ziemer said all bidders have provided the Non-Collusion Affidavit, either a Bond or Certified/Cashier's Check in the requisite amount, and a Financial Statement. Bids were as follows:

1) Deig Bros. Lumber & Construction	\$10,010.00
2) J. H. Rudolph & Company	\$15,412.00
3) K & K Excavating, Inc.	\$ 7,695.00
4) Phoenix Construction Co., Inc.	\$ 7,002.00
5) Woodward Backhoe Service	\$ 5,656.00
6) Happe & Sons Construction Co., Inc.	\$ 8,475.00

Upon motion made by Commissioner Hunter and seconded by Commissioner McClintock the bids are to be referred to the County Engineer for his expertise and recommendation at next week's meeting. So ordered.

(There was no engineer's estimate submitted.)

RE: CONSENT AGENDA

President McClintock entertained questions or comments concerning items on the Consent Agenda. There were none.

Upon motion made by Commissioner Hunter and seconded by Commissioner McClintock the Consent Agenda items were approved. So ordered.

RE: OLD BUSINESS

Commissioner McClintock entertained matters of Old Business to come before the Board. There were none.

RE: NEW BUSINESS

Solid Waste Management District: President McClintock said Betty Lou Jerrel prepared some information on the Solid Waste Management District decision. She will be providing copy of same to each of the Commissioners. The Commission has scheduled a special meeting with the Mayor, the City Council, and the County Council -- or issued invitations to those bodies -- for Thursday, April 4, at 6:00 p.m. in the Green Room of the Vanderburgh County Auditorium and it will be open to the media.. The meeting is being held at that site because there is not a room in this building that is conducive to a City-County meeting all on the same level. The meeting will primarily be an opportunity for the City Council to let us know in County Government what their plans are and it will give us an opportunity to let the City Council and the Mayor know how we are proceeding with the Solid Waste Management District.

Attorney Ziemer asked if the Commissioners want a County Attorney present.

Ms. McClintock said no action will be taken.

Attorney Ziemer pointed out that it might, however, be helpful to know what is going on. One of the County Attorneys will be present.

Meeting re Plastic Recycling: Ms. McClintock said on the list of scheduled meetings is a meeting on Tuesday, April 16th at 7:00 p.m. with regard to recycling of plastic. She thought perhaps Commissioner Hunter might want to briefly discuss that meeting.

Commissioner Hunter said that Wellman, Inc. (Shrewsbury, NJ, Phone: 201-542-7300) which at this point is one of the major corporations in this country on plastics recycling is very interested in looking at Evansville. First, to explain to us the process that they use in plastics recycling. As he understands it, their main interest is in two (2) litre soft drink bottles and milk cartons. Mr. Dennis Sabourin, Vice President, is coming in on April 16th to talk with him briefly, as well as make a presentation at the Downtown Rotary Club Luncheon. An open meeting is also scheduled on this date in Council Chambers at 7:00 p.m. This is simply an informational meeting for anyone in the community who would be interested in asking this gentleman more about plastics recycling and hearing what he feels the future of plastics recycling is. As stated, he hopes the company might want to consider Evansville as a plant location. We seem to have the reputation of being the plastics valley here or something to this effect and it might be great to develop this. It might also be possible for us to look at some multi-county plastic recycling with some of the surrounding counties.

RE: SPECIAL MEETING GUESTS

Commissioner Hunter said he noted a group of young men in the back of the meeting room. He asked who they are and why they are present.

Mr. Hancock (the Scout Leader) introduced himself and said he is with a group of Boy Scouts, Troop 312 from Nativity. They are here in conjunction with their Communications Badge. This is one of the badges you have to earn to become an Eagle Scout. They are here to observe the Commission in session and return and make a report re same. They are well represented -- students from Harrison, Memorial, Holy Rosary, Christ the King, St. Ben's, etc.

The Commissioners thanked the young gentlemen for their attendance. Commissioner McClintock said had the Commission known, they could have had the Scout Pledge, as well as the Pledge of Allegiance.

RE: BURDETTE PARK/TRANSPORTATION FOR DAY CAMP CHILDREN

The meeting continued with Ms. McClintock reading a letter from Burdette Park Manager Mark Tuley regarding the subject matter. In brief, we cannot transport them as we have in the past because of the change in the testing and licensing of bus drivers. Mr. Hunter had recommended they use school bus drivers anyway. John Hodge from the County's insurance agency agrees. It is going to be a fairly expensive proposition. The total budget would be \$2,916 for day trips, plus field trips. Total estimated cost of drivers would be \$3,240.00.

Because many of the campers' parents take them to Burdette, it is Mr. Tuley's recommendation that we do not charge this back to all the campers. It should really be the responsibility of the parents who want to utilize the bus transportation to pay for same. They are recommending a 50 cent fee per day, which would be a revenue of \$2,754.00, which would be just about \$500 shy of underwriting the cost of the bus. (A copy of the letter is attached hereto.)

Upon motion made by Commissioner Hunter and seconded by Commissioner McClintock, Mr. Tuley's recommendation was approved. So ordered.

There being no further regular business to come before the Commission at this time, President McClintock declared the meeting recessed at 7:05 p.m. until 7:30 p.m., at which time the Commission will hear rezoning petitions.

R E Z O N I N G P E T I T I O N S

The Commission reconvened at 7:30 p.m. and Commissioner McClintock called the meeting to order. She said there are three Rezoning Petitions to be heard this evening.

VC-2-91/Petitioner, Mary E. Alvey: Common known address is 1524 S. Green River Rd. Requested rezoning is from Agricultural to C-2.

VC-3-91/Petitioners, Harvey & Carol Klenck: Common known address is 8845 Vienna Road. Requested rezoning is from Agricultural to C-4 with Use & Development Commitment.

Commissioner McClintock entertained a motion to pass both of the above Petitions on First Reading, for forwarding to Area Plan Commission.

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

VC-1-91/Petitioner, Jeff Carneal: Common known address is 2700 S. Green River Rd. Requested rezoning is from Agricultural to C-4.

Attorney Mike Mitchell approached the podium and said he represents the Petitioner, Mr. Jeff Carneal, who is also present. This is merely a housekeeping matter. This Petition was approved before the County Commissioners in July, 1990 for the 20 acre tract. What happened was that when they did the abstract, the engineers went out and there was a gap in the old chain of title of about 12 ft. to 14 ft., which was not picked up in the engineering. Therefore, he is back to ask the Commission to conform this 12 ft. This 12 ft. is actually inside the commercial subdivision, which has already been approved by the Area Plan Commission. If the Board has questions, he will be glad to answer same.

Upon motion made by Commissioner Hunter and seconded by Commissioner McClintock, VC-1-91 was approved on Final Reading following a roll call vote: Commissioner Hunter, yes; Commissioner McClintock, yes. So ordered.

There being no further business to come before the Board at this time, President McClintock declared the meeting recessed at 7:40 p.m.

PRESENT:

Carolyn McClintock, President
Don Hunter, Vice President
Ted Ziemer, Jr., County Attorney
Greg Curtis, County Engineer
Sam Humphrey, County Auditor
Gary Kercher, County Engineer's Office
Cletus Muensterman, County Highway Supt.
Carole Davis, Asst. County Highway Supt.
Mark Barron/C.O.L.E.
Harris Howerton/Circuit Court
Michael Mitchell, Attorney
Jeff Carneal
Jerry Riney/Commission Office
Margie Meeks/Commission Office
Rose Zigenfus/EUTS
Keith Lochmueller/Bernardin-Lochmueller Associates
David Isley/Bernardin-Lochmueller Associates
Marvin Goebel
Gary Ludwig
Billy Runnion

COUNTY COMMISSIONERS
March 18, 1991

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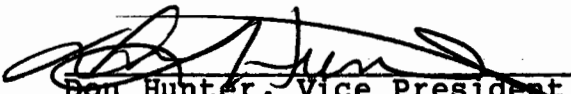
Martha Runnion
Gladys Ludwig
John Pfeffer
Montant Peters
Kenneth W. Woehler
Teresa Woehler
Lucille Stanley
D. Stanley
Ted Blake
Ralph Blake
David Tieken
Evelyn Weis
Walter Weis
Fred Happe
Gary Schmitt
William Schmitt
Francis Martin
Bob Woodward
Alvin Coursey
David Hayes
Vincent Bernardin
Douglas Burk
Ryan Mills
Eric Harcourt
Jason Karns
Joseph Hancock
Danny Patterson
Jeff Duncan
Others (Not identified)
News Media

Absent: Commissioner Richard J. Borries

SECRETARY: Joanne A. Matthews



Carolyn McClintock, President



Don Hunter, Vice President

Richard J. Borries, Member

MINUTES
COUNTY COMMISSIONERS MEETING
APRIL 1, 1991

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MINUTES
COUNTY COMMISSIONERS MEETING
APRIL 1, 1991

The Board of Commissioners met in session at 4:30 p.m. on Monday, April 1, 1991 in the Commissioners Hearing Room, with President Carolyn McClintock presiding. Ms. McClintock called the meeting to order and welcomed all attendees.

RE: INTRODUCTION OF STAFF & PLEDGE OF ALLEGIANCE

President McClintock introduced the Commission members, as well as members of the County Staff, and subsequently asked the meeting participants to stand for the Pledge of Allegiance.

Commissioner McClintock then asked if there were any groups or individuals not included on today's agenda who wish to address the Commission. (There was no response from the audience.)

RE: ALCOHOLIC BEVERAGE COMMISSION

Mr. Danny Spindler was recognized. He stated that he is President of the Alcoholic Beverage Commission Board of Vanderburgh County and at their regularly scheduled March 18th meeting this year, the local A.B.C. Board unanimously passed a motion requesting that he come before the Board of Commissioners of Vanderburgh County to ask for their consideration in allowing an attorney to be hired for the local A.B.C. Board. While somewhat new in the State, in fact, it is his understanding that this would be the first time an attorney would be hired for a local A.B.C. Board. They had done some preliminary work in checking with the Attorney General's office, as well as Jim Wells, Chairman of the State Alcoholic Beverage Commission; Dan Steiner, Executive Director of the State Alcoholic Beverage Commission; and basically getting their blessing for this type of an approach. Because of the growing laws, rules and regulations that affect the A.B.C. Boards in each county, it is becoming increasingly apparent for the need for this type of action to be taken. When you look at other Boards on both the County and Civil level that do have access to legal counsel, such as even the Parks Board, and those types of things -- the charges of those particular Boards, while they cannot violate a particular law, are not necessarily to administer law. "And as one of the three appointed members to the A.B.C., our Commission is actually an administrative hearing. This is the law book that each of us have to administer everytime a renewal comes up for an application, every time a new permit of any kind comes up, anytime there are violations, anytime anyone is requesting temporary letters of authority, anytime anyone is looking to do anything without alcoholic beverages -- these are the laws and rules and regulations that, as laymen on the Board, we have to take and interpret and try to apply uniformly throughout the County. In years past (that is perhaps since the beginning of the local Board's creation) that had not been a problem. But it is becoming increasingly apparent that it is becoming more and more of a problem in at least the larger counties within the State of Indiana.

To cite one example, there was a local petition brought before the ABC in Vanderburgh County some time ago dealing with granting licenses or permits to the Pantry stores. That was denied by the local board with a vote of 4-0. It was overturned at the State level and those permits were granted. I have in front of me --

and I would like to read into the record today -- a part of the excerpts of the Conclusions of Law and Finding of Fact based upon that specific case. This is under the review of the appeal process by the State Commission and their final regulations and final conclusions of law pertaining to the Vanderburgh County local board's dealing with this action (which, incidentally, was held back in 1989 or 1990, as follows:

"Proposed Conclusion of Law: Item #4 says that the action of the Alcoholic Beverage Commission Local Board of Vanderburgh County in denying these permits was:

- (a) arbitrary, capricious, and an abuse of discretion
- (b) contrary to laws of the State of Indiana
- (c) totally lacking in supporting evidence
- (d) a violation of the oath of office of local board members to uphold the laws of the State of Indiana
- (e) highly suggestive that this local board does not comprehend its duties as an administrative entity in the findings of fact and judging of evidence"

Mr. Spindler said that never came before the local board, but it is increasingly apparent as to why we need legal counsel. That particular case is not a singled out case. Very recently we've had other applications such as Phar-mor, which has been remanded back to the local board again for non-supporting evidence in terms of the reasoning behind and citing specific citations of the law and uniformly interpreting those laws as it applied to that particular applicant.

There have been a number of other cases , and I understand this morning that there is another hearing scheduled for tomorrow dealing with another permit that was denied locally 4-0, and there is a good chance that it will be remanded back.

Our proposal is that an attorney be hired for the local board and that since the board is comprised (at least the three appointed board members are comprised of two members appointed by the County (one from the Commissioners and one from the County Council, with the third member being appointed by the Mayor) that the request for this funding be 2/3 by the County and 1/3 by the City. I am asking for the Commission's consideration in allowing him to go before the Council to obtain funding. It is anticipated the cost of this would be \$4,500 for one (1) year and that the time be billed on a hourly basis -- insofar as legal counsel sitting at the particular board meetings. Mr. Spindler said he would be happy to answer any questions the Commission might have.

Commissioner Borries asked Mr. Spindler what Marion County does?

Mr. Spindler said Marion County does not have a local attorney. As he said, this would be a first in the State of Indiana. While Marion County does not have legal counsel that actually sits on the board, the State Commission itself is certainly available -- and it is easier for board members in Marion County to be able to pick up the phone and call the State Commission.

Mr. Borries said, "Well, I just heard your party chairman last week say 'why can't our Frank pick up and talk to their Frank, etc.' -- I wouldn't see any reason why you couldn't pick up the same phone and talk to someone right there in Indianapolis -- and just pointblank ask them whatever it is. We have a lot of high powered people at the State level; we have qualified legal counsel here; and I would think that this Board, if necessary, rather than get into any kind of lip service about budget busting certainly needs to be tuned into every tightening budgetary situation in this county. And, in all counties, in my opinion. I would share your concerns about your legal opinions but there, again, as astute a person as you are I am sure you could find

legal counsel -- again a phone call away in Indianapolis, if you needed it. And I certainly for what I would see would be almost an open bottomless pit -- just the beginning of what I would see would be an on going kind of budgetary item year after year after year after year that could increase -- I just couldn't support that."

Mr. Spindler said, "Well, Mr. Borries, I certainly appreciate your comments and I'd like to just add that the local board only meets twice a month. Typically our meetings are held in this very room and today's meeting lasted approximately an hour. The average meetings last anywhere from thirty minutes to an hour and with only meeting basically 24 times during the year, the chances for the cost of an attorney to exceed those kinds of figures is very, very remote. The other thing is, granted we may be able to pick the phone up and contact someone at the State -- but to give not only the businesses -- but the citizens of Vanderburgh County -- an expeditious ruling in a particular case, this would certainly assist those folks. The business community if a decision is being delayed until another meeting is a minimum of two to three weeks -- waiting on some type of legal interpretation of one of the sections of law, and that certainly does not promote business in our community, nor from a remonstrator's standpoint. If remonstrators have raised valid questions as to why a permit should not be granted or a permit should not be renewed -- and, again, looking for some type of decision -- the further delay of that -- is something we don't believe is the best for the citizens and businesses of Vanderburgh County."

Mr. Borries commented, "Well, we share the concerns (or at least I do) about the businesses. But if you turn the businesses down that is probably not too appropriate either. This Commission waits two weeks. Sometimes the worst decisions you possibly could make would be some literally off the seat of your pants asking an attorney to rule on something or have to walk out of the room and ending up having to call Indianapolis anyway in what I would consider a very frivolous kind of way. The expeditious way, in my opinion, would be to wait those two weeks -- and you certainly could get your solid legal opinion either from this County Attorney or from Indianapolis. That way it seems to me it is well thought out and oftentimes put into writing. So I think that this instant legal opinion would not necessarily be anything that important. Those are my objections to it."

Commissioner Hunter said, "I somewhat concur with what Rick just said. Is there any reason you couldn't use the County Attorneys?"

Mr. Spindler responded, "No, we're simply looking to be able to have the use of an attorney for interpretations in helping us and assisting us in applying the regulations and rules uniformly and fairly -- and that is what we're asking for."

Commissioner Hunter said that we're doing a similar thing for Weights & Measures and he sees no reason why we can't do this for A.B.C.

Mr. Spindler said that even the local Parks Board has their own attorney who sits there. But the Parks Board is not an Administrative Hearing; it is not trying to interpret a set of rules and regulations in front of them and the Indiana Administrative Code, etc.

Mr. Hunter asked, "Basically, what you are saying is that you want to have authorized access to an attorney to assist you in making decisions?"

Mr. Spindler replied, "Assist us in making the decisions, as well as researching because of the continuing amount of case law that continues to come up. And Phar-mor is a prime example. That was started in 1989 and here it is 1991, not two weeks later, and it is still being reviewed. And apparently since it was remanded back to the Local Board, had the assistance of an attorney been there to help interpret the laws and include that type of weighing of the evidence at that time, perhaps that issue could have been behind everyone a year and a half ago."

Mr. Borries, "Was that particular opinion decided in favor of Phar-mor?"

Mr. Spindler said that particular opinion was decided against Phar-mor at a vote of 4-0.

Mr. Borries asked, "Who are the voting members. You say three voting members, but there are three (3) members that you mentioned. Who are the four?"

Mr. Spindler said, "The Alcoholic Beverage Board of Vanderburgh County (like other counties in Indiana) is comprised of four (4) individuals. One is appointed by the County Commissioners; one is appointed by the County Council; one appointed by the Mayor; and the fourth member is not appointed, but is a designated member -- which means they would be a member or an officer of the State Excise Police."

Mr. Borries asked, "So they would have instant access to the State, as well? Who is this fourth person?"

Mr. Spindler said at the present time the designated member is Officer Ron McDonald. His involvement on the Board and support of this particular issue, as well as he's discussed it with his particular Lt. Franklin in Loogootee, as well as the Chief of the entire State Excise Police in Indianapolis -- and the State Commission is very, very much supportive of this type of an approach to the Local Board.

Mr. Borries said he finds the State supportive of anything that is costing the locals money -- classic case in point, watch the landfill issue.

President McClintock said, "As you know, Mr. Spindler, I have spoken with the Indiana Alcoholic Beverage Commissioners in Indianapolis, and prior to this proposal on several occasions had tried to reach them to get answers to questions that I had -- and if anyone (business or remonstrator in Vanderburgh County) had any of the same type of reception that I had, I never did get my questions answered, as one of the Commissioners appointed to this Board. And when the four members unanimously approached me about getting on the agenda for this idea, I was very supportive of it because of the experience that I had in trying to deal with the Phar-mor situation. It is my understanding from the Mayor that the City is supportive of this proposal."

Mr. Spindler interjected, "I am not sure what the Mayor's position would be insofar as being supportive of this particular proposal. I do know that the current Mayor's appointment (Mr. Jerry Steckler) had, in conversation, said that he certainly supported this -- but I have no knowledge as to what the Mayor's position may be."

Ms. McClintock said, "Well, in a very brief conversation that I had with the Mayor on a list of issues (this was one of several) he indicated to me that he would support it. And in that discussion, the reasoning behind not making the Alcoholic Beverage Commission attorney one of the County attorneys, just adding to their representation, is that as you know, Rick and Don, it is much more difficult to separate those bills and to see

what it is actually costing us -- because it is one of many bills for attorney and legal services. That is why there was some interest in hiring a different law firm to handle this."

Attorney Wilhite commented that this is correct -- and it is somewhat of a speciality in and of itself.

Ms. McClintock continued, "The other thing I don't know whether you're aware of, we have a base rate that is much lower than the normal going rate for attorneys. We're currently paying \$70.00 per hour for legal representation in the County. In any case, we would not be in favor of going above that \$70.00 per hour."

Mr. Spindler said, "I, as President of the Board, do not believe that the Board Members would think that the attorney for the Alcoholic Beverage Board in Vanderburgh County should be paid substantially more than that. By all indications, what we're really trying to do is to say if we have the availability of an attorney for the Local Board that we would use them strictly on an hourly basis and, quite frankly, depending on the agenda we may know from one meeting to the next whether they are automatic type of renewals or whether they are controversial issues. If they are more automatic renewals (the things that do not require services of counsel) then I can't see any reason at this time for legal counsel to simply sit there just simply for the sake of having a meeting. Our concern would be to obviously minimize cost in this regard. The overall approach of looking at \$4,500 and allocating it between the City and the County on a 2/3-1/3 basis is optimistic in terms of the amount of funds, but we're trying to at least build in some contingencies for something that may go on for a longer period of time, such as the Phar-mor case. We're in the middle of hearing the testimony on that and we've already been into that particular case for five hours. Now, while that is rare, it is certainly building in some contingencies for that type of thing to possibly occur during the year. But I would certainly hope that even with an appropriation between the City and the County of \$4,500 that we should be able at the end of the year hopefully not exceed that -- and obviously be substantially under that if it is just more routine types of meetings for the most part."

Ms. McClintock said, "Well, that represents 64 hours at the \$70.00 per hour rate. And if you meet 24 times per year that give you almost three (3) hours per meeting, and you should have meetings where you shouldn't have to have an attorney."

Mr. Spindler agreed.

Ms. McClintock said, "The interpretations and how Indianapolis is interpreting what you are doing from here has changed. What I hear from Indianapolis is that if we don't make the investment in having someone sitting there in the first place, someone is going to have to invest in some legal representation on the defending end from some of these businesses and/or remonstrator groups."

Mr. Borries asked, "You're saying 'from what you heard from Indianapolis' -- is this a specific person that you can share this information with?"

Ms. McClintock said, "I've got all the names of the people I talked to."

Mr. Borries said, "What I am saying is though, in terms of local option, you're here to enforce State Law and look at State Law -- and that is a real clear simple area. Now, State Law may change, but insofar as what the mission of this Local Board is, that is to interpret the State Law."

Ms. McClintock countered, "But if you listen to what Danny just read -- and this was not this Board, it was the previous Board -- the State is saying they didn't act properly."

Mr Spindler said that is correct.

Mr. Borries said, "Well, that is the State's call. And I'm sure that Danny and anybody on the Board would certainly want to avoid that -- and if it is a controversial issue, that is why you would always take that under advisement. You have two weeks at that point to expeditiously, in my opinion, write and get all kinds of written opinion pro or con regarding that particular thing. But it is a matter of State Law. You're not here to write local law."

Mr. Spindler said, "If we're to interpret that law and apply it to..."

Mr. Borries interrupted, "State Law..."

Mr. Spindler continued, "State Law -- and apply it on a local basis. For example, under I.C. 1-27-4 applying the State Law in that particular case, what type of impact would that particular application have on the local community, the neighborhood surrounding that particular establishment, and the citizens of Vanderburgh County? So it is a matter of applicability of the State Law as it would apply to our specific case. After all, that is the reason for having Local Boards anyway, to try to apply those on a uniform basis -- because obviously the State Commission in Indianapolis is not totally aware of every applicant in every situation throughout the State of Indiana. So they have to rely on Local Boards. The problem comes when the Local Boards have not had the ability or do not have the ability to apply case laws that are out there. Every time there is an appeal process there becomes new case laws to try to interpret, as well as the constant changing by not only our State Legislature, but also by the Indiana Alcoholic Beverage Commission itself and its rules and regulations."

Mr. Borries asked, "Do you think they've heard of Phar-mor?"

Mr. Spindler replied, "I believe they have."

Mr. Borries asked, "Do you think they might have heard of the Pantry?"

Mr. Spindler replied, "I'm sure they have."

President McClintock entertained a motion.

Mr. Hunter said he would like to move that the Local Board have access to our attorneys, if we can work out an equitable way. He thinks they should have access to an attorney, if they need one.

Mr. Borries said, "As a Local Board, through this body -- if there is a controversy, this Board could certainly refer any kind of a controversial matter to the County Attorney. And, again, if it is controversial, in the interest of sound legal opinion, it is not going to be something that is going to be decided overnight or by the seat of the pants - unless Jeff Wilhite down here has a computer where he can get an instant legal opinion off of some kind of controversial issue right at that meeting. I just don't see how we're going to be able to solve anything in that case."

Mr. Wilhite commented that he actually does have a computer.

Mr. Borries continued, "Well, anybody but Jeff Wilhite then it might be a little tough."

Mr. Spindler said, "Mr. Borries, I think your recommendation as far as looking at using strictly the County Attorney is certainly admirable and helps our situation, at that point in time puts the

entire burden of cost on the county -- even though one of the three Board Members is from the City. And I'm not sure whether you've ever attended an Alcoholic Beverage meeting, but it is not like a regular meeting. It is an Administrative Hearing; we do swear everyone in; we do receive testimony; and, unlike the normal judicial process, we have to weigh the evidence ever so slightly for it to be tilted one way or the other. We do not have to have evidence rulings that are without a shadow of a doubt. And based in that regard is further reason in making sure that the laws of the State as they apply to the local County are being applied consistently and uniformly."

Ms. McClintock reminded the meeting participants that there is a motion on the floor.

A second to the motion was made by Commissioner Borries.

Commissioner Hunter asked, "Is there any reason the County Attorneys couldn't bill this in such a fashion that the City is billed their portion? I don't see any reason it couldn't be done that way."

Attorney Wilhite said there is no problem with making this a separate matter and submitting that bill for 1/3 to be paid by the City.

Ms. McClintock said she is going to vote 'No' on this motion -- and say what her suggestion is. She suggests that in the next week we get with the City and see if they would be willing to put in up to \$1,500 per year with the understanding that on a normal routine basis we would not need an attorney present at all, and that we would only have an attorney in cases we know are going to be controversial in nature. And that it be monitored in a separate billing process. But first of all we need to talk to the Mayor and the City and see what kind of interest they have -- because I don't have any interest in the County bearing all the burden of the cost."

Mr. Borries said, "For \$4,500 you could get on the phone and have an 800 number and get by cheaper. If he gets into a controversy let's just get somebody in Indianapolis on the phone and talk. I think we could get an attorney to try to do it a little cheaper through the State Alcoholic Beverage Commission if we have to do that."

Ms. McClintock again said there is a motion on the floor to use the County Attorneys and it has been seconded. She will take a roll call vote.

Commissioner Borries, no; Commissioner Hunter, yes; Commissioner McClintock no. Motion defeated.

Ms. McClintock asked if two weeks would be time enough to obtain confirmation from the City?

Mr. Spindler said he would hope so. The Mayoral appointment is resigning as of the end of this month and he is not sure who his replacement will be.

Ms. McClintock said she will have this matter placed on the meeting agenda for April 15th.

RE: SIMONS GOVERNMENTAL SERVICES/CLAIMS

Commissioner McClintock said that last week she and Commissioner Borries were here for the first part of this discussion and they voted to pay a portion of the holdback for Perry and Center Townships -- \$11,299.40. They deferred payment on Knight and Pigeon Townships because of some of the questions raised by the County Assessor at last week's meeting. The County Assessor had

requested that the County Attorney look at this information with him this week, which he has done. Are there those present today who wish to speak to this issue?

County Assessor Jim Angermeier approached the podium and stated, "Vanderburgh County Commissioners, Madame Commissioner President, I would like to make a request for an Attorney to represent the Board of Review in terms of \$60,000 per year -- at which we've never had legal representation in twenty years that I've been in that office. We represent the State -- and I'm not going to tell you anymore about that."

I just happen to have some information which I've given to you -- a compilation of some sales data -- and I've given it to everybody with the exception of the County Attorney. I asked permission to bring back members of the Board of Review, who are here with me today. I have five members of the Board of Review and two citizen members appointed by the County Commissioners and I'd like very much for both to speak. I'm going to start out with Paul Batts, who is the youngest member of the Board for several years and Sheri Musgrave. I'd like them to tell you some of their experiences and then I will talk to you more. But I will not talk to you for thirty minutes because I have another commitment."

Mr. Paul Batts said, "I don't know exactly what to say except that at the present time we are a long way from being done with the reassessment made in 1989 for what appears to be a number of reasons. But primarily because something went wrong -- I don't really know what -- but there are so many what I consider errors (after five years on the Board) that we're just snowed under trying to make adjustments and corrections. And then I understand that we are entitled to all kinds of advice and services from the persons in charge of the reassessment. We've had very little of that. But I don't think that means a lot to me. I'd rather use my own judgment, call my own shots, and try to figure the thing out as I go along -- and it just absolutely is not very well done in my estimation and we have a lot of work on our hands -- more work than I really figured on. This was supposed to be a 50 day per year job when I started on it, and we're already in our 80th or 90th day at this time and we still haven't gotten anywhere near the end of it. Beyond that point I don't have any comment on the contract, the payments, or anything like that -- I don't know anything about them. I just know that we have a real bona fide job on our hands in trying to straighten out the reassessment -- or at least I feel we do. Thank you."

Commissioner McClintock asked, "Mr. Batts, you indicated you felt the reassessment was not well done. Our task today is to determine whether Simons should be paid. To your knowledge, did Simons not do what they were supposed to do?"

Mr. Batts responded, "To my knowledge? The answer is that I don't know -- I don't know what they were supposed to do. All I know, as I said, I worked on that Board for five years and I find that the reassessment is pretty well fouled up. But whether they performed what they were asked to do, I don't know."

Ms. McClintock asked, "What is fouled up in the reassessment, Mr. Batts?"

Mr. Batts responded, "Can I give you an example? I was born and raised out on the West Side -- is it all right to use names of companies?"

Ms. McClintock responded, "You'd probably better not. Use Company 'A'."

Mr. Batts said, "I won't then. But when I say this, a few old timers in here will figure it out. There is an enterprise on the west side that had an assessment in Pigeon Township of \$59,000 in 1979. It came before the Board on a protest at \$279,000. Nothing from the reviews, to my knowledge, indicates that anything occurred out there as far as improvements in that organization -- and I thought the \$59,000 was too low in 1979 and I am absolutely convinced that the \$279,000 is way too high in this assessment. This is a business that made Sears automobiles in that building a long time before I was born -- and it was assessed way too high for a 70 or 90 year old enterprise."

Ms. McClintock asked, "And there were none of these kinds of discrepancies in the 1979 reassessment?"

Mr. Batts said, "I don't know -- I started on the Board in 1985. I have no idea what they did in 1979 -- but I would assume there were some, because living in Knight Township, all I ever heard out there was that we got had out there in 1979 and later the State made some kind of adjustment -- so I would assume yes. But I don't have direct knowledge of that. Again, I started on this Board in 1985."

Mr. Borries asked, "Paul, do you have any thoughts about how you feel about this number of appeals? Any thoughts as to what reason there may be for so many or what caused this?"

Mr. Batts responded, "Well, the first reason obviously, is the large increases. But there are a lot of other reasons. There's the individuals out there who don't want to pay taxes, so if you raise it at all they are going to protest -- and we have a group of them. In fact, we have a considerable number of them. But considering the fact that there are 70,000 odd parcels -- and I don't know how many we are handling -- but it seems it's something like one-fourth -- there are quite a few people who don't appear; there's quite a few who would be afraid to come down. Major companies, of course, employ the services of somebody else to represent them. One of the things that really happens is that besides the legitimate cases are the illegitimate ones, such as the fellow who says his house is a 'C' and I notice it has five (5) bathrooms and he reminds me there is no Jacuzzi and that makes it a 'C'. So it goes from the absolutely ridiculous to the fact that we can put some people out of business with taxation."

Commissioner Hunter asked Mr. Batts if the number of appeals is much greater than in 1979?

Mr. Batts again stated he does not know. There have been appeals ever since he's been on the Board -- both business and personal -- but that is apparently a very minor thing in between assessments -- because what we have right now is a real 'fit hit the shan' type of thing.

Commissioner Hunter said it is difficult to make a judgment here when you don't have anything to compare it with.

Mr. Batts said that is a good thought, except that the example he cited -- he doesn't see how things like that could happen if sound judgment were used as you went along the road for doing it. That's his only point. But, again, he cannot compare it to 1979 and he certainly doesn't know anything about the payments or the contract the Assessors had with the Technical Advisor; in fact, he'd rather not know.

Ms. Cheryl Musgrave was then recognized and said she and Mr. Batts don't always agree -- and that is probably how it should be. But she will borrow a phrase of his if he will let her. The Board of Review is like 'Monday morning quarterbacks'. Of course, they can look back and see how things should or could have been done

differently. And it is also the job of the Board of Review to see the discrepancies -- valid or invalid. And while she didn't get to hear Knight Township's appeals (most of those came through before she was appointed to the Board in January), she has seen a great deal of the other townships. Yes, there are discrepancies. There are discrepancies in Mr. Simons' work and the work of his staff. But there are also discrepancies in the work of the Township Assessors. It is the job of the Board to adjust these discrepancies -- that is why they are there. There are two more appeals processes after the Board. So they establish these in order to take care of the discrepancies. She thinks Mr. Simons did do his job. Perhaps a day later we can all see that we would have done something differently. "But, sure, go ahead and pay him and let's go on and move forward in our appeals process and take care of the problems we've seen."

Ms. McClintock asked if there are any other members of the Board of Review?

Mr. Angermeier said, "Yes, the Auditor's Office -- and Dave Fox is here and I'm sure he will talk in his own behalf and he will have plenty to say about that. I gave to you -- and I want it recorded because as the Board member said, we're moving on. We have 90 days now. A 90 day extension has been granted by the State Tax Board to go back and review and to continue the reviews to further so-called equalization and uniformity. And in answer to yours, Commissioner Hunter, there have been about 7,000 133's filed already (Correction of Errors) and that has already exceeded the total number of appeals filed in 1979. There are probably 2,500 130's that have been filed and I suspect that after the news media analyzes the reviews that I gave you -- I suppose that figure will go to 10,000. You know,..."

Ms. McClintock interrupted, "First of all, Jim, how many 133's were filed in 1979?"

Mr. Angermeier responded, "About one hundred (100). I've signed more 133's in the last three months than I have signed in twenty (20) years -- they were Correction of Errors -- non-existing situations."

Ms. McClintock said, "No matter what the news media reports, I understand that these people cannot file 133's."

Mr. Angermeier said, "That is not true -- absolutely not true in any degree. All they'd have to do is show where there is some circumstance that does not exist within their property, such as a wrong measurement, the wrong contents of the property within, -- those are some positions that have been filed for and corrections of so-called judgmental tri-level, bi-level have been changed now to where they will conform to one story with a finished basement. And it depends upon the township and the township assessor and his interpretation -- and it has been done."

Chief Deputy Auditor Cindy Mayo said she thinks perhaps there is some confusion between this and Form 130, which is an appeal to go to the Board of Review.

Ms. McClintock asked, "These people can still file a Form 133?"

Mr. Angermeier responded, "Any time. You can file a Form 133 twelve months out of the year. The only thing is, it requires the signature of four (4) people (the Township Assessor and the three County officeholders). The three County officeholders are the Fiduciary officers of County Funds. (But it requires the signatures of the Auditor, the Treasurer, the Township Assessor and the County Assessor."

Continuing, Mr. Angermeier said, "I gave you some information that has been submitted and is being requested by the State of Indiana -- absolute sales data of homes -- residences -- 1989 in all of the townships. These were taken out of bonafide sales and quiet sales or private sales were not recorded. We took the tax code, the location, put down the sales price and divided it by the assessed valuation and I'd like you to review this information for all the townships involved. There is no way possible that a blanket reduction or an increase could be made on these and I submitted it to you because it is going to be reviewed in Indianapolis this week in the General Assembly, as well as it is being presented to the members of the State Tax Board tomorrow morning for their review. I know you haven't had a chance to look at it yet. Please look at it.

Cindy, do you want to say anything? You're a member of the Board of Review by virtue of your office. Sam did last week.

Ms. Mayo said, "I know Mr. Humphrey is quite upset that the Board is still in session and feels that maybe not so much -- he is just upset with the fact that there are so many appeals and the Board is taking so long to get the year 1989 wrapped up, when they are now going into the year 1990."

Mr. Angermeier asked, "How do I tell people that, for instance, that somebody has a .04 assessed valuation to the purchase price -- how do I tell that person that they are equalized to another one that has 48% or more than that? I presented it to you, Madam Commissioner. Look at it -- the decision is yours. David Fox is the other member of the Board of Review. Whatever your decision is I will abide by it. The Board of Review will be in session yet for 90 days or more. When we go to Court we will be in it a long time. Thank you very much, Commissioners. I've got another meeting to go to."

Commissioner McClintock asked Mr. Fox if he wishes to address the Commission.

Mr. David Fox, Pigeon Township Assessor, approached the podium and introduced himself. He stated, "About the only thing I can say is that whatever information has been given, I haven't had time to review it either -- but it is market data. That is not what we work on insofar as our assessments are concerned. So I don't know what that has to do with today. I think I've told the Commissioners more than once that I've signed a blue claim stating that Mr. Simons should be paid. If you want me to sign another one I will -- it's just that simple. The job has been completed; he has delivered the records to me and he should be paid. It's just that simple."

Commissioner Borries asked, "David, do you have any thoughts on the high number of appeals this year? What would be your thoughts if you had to run an assessment with a goal in mind? Is equalization a goal we have? What would be your thought on that?"

Mr. Fox responded, "First, you're going to have a high number of appeals during any reassessment year, because there is going to be a change. Reassessment is designed to pick up errors and to update the records that the assessors have. And the manual has also been updated. We've all been made aware of that. I think it sometimes doubled and sometimes tripled -- so the assessed valuations are going to go up without question. That is going to cause people to want to file an appeal -- it scares them and, without question, I don't blame them. The reassessment is designed to make it equal and uniform throughout the County. And from what I can see, it has been done. The County Board of Review, in fact, if they make a change on the assessment card (for example, neighborhood designability -- let's say they go from average to fair)-- if they make one change then they should

make it for all, because the County Board Board of Review, in effect, will be creating inequity themselves unless they do everybody in the neighborhood. So the appeals are going to be there. There were a great many of those appeals in my township filed by Mr. Angermeier and not the taxpayers -- quite a few of them."

Ms. McClintock asked, "They were filed by him?"

Mr. Fox replied, "Exactly. The majority of the downtown properties that the appeal 130's were filed on were filed by Mr. Angermeier."

Ms. McClintock asked why he would file an appeal?

Mr. Fox said Mr. Angermeier felt the land prices in the downtown area were too high.

Ms. McClintock said, "Well, I think so, too, but...."

Mr. Fox continued, "We did reduce the land assessments from the 1979 reassessment quite a bit on Main Street."

Commissioner Borries asked if Mr. Angermeier has the power to do that?

Mr. Fox responded, "He doesn't, the Board of Review does -- and as a member, he can file an appeal."

Mr. Borries asked, "What is there left then for Mr. Simons to do, if anything?"

Mr. Fox said Mr. Simons' duties at this stage are to assist the Township Assessors in the Board of Review action -- to defend, he guesses, his work. If someone says, 'You've got me too high', he would then come in. That is already budgeted as a reassessment line item -- so it is not going to be an another additional taxation on the taxpayers. That is it as far as he is concerned in his township -- he's done the rest of the work.

Mr. Borries asked, "And you say you think there is money budgeted to defend his work if that becomes an issue?"

Mr. Fox said, "Yes, there is money in my 249 reassessment account. I think it is an hourly rate to address the Board of Review and answer any questions. And I might add that when I was there a couple of times he wasn't allowed to come to the Board of Review. His opinion was not accepted."

Ms. McClintock asked, "What do you mean he was not allowed?"

Mr. Fox responded, "Well, he was asked to leave on one occasion, I think, by force if necessary. I think what it really boils down to is that the Assessors are responsible for seeing that the job was done and if they sign a claim and bring that claim to you, it should be paid -- because we say it has been done. And I don't think there is a Township Assessor that says the work has not been done. The County Assessor doesn't have anything to do with the contract anyway. And I think we spent a lot of taxpayer dollars to prove that when he, in fact, sued the Township Assessors saying we didn't have the right to be involved in the reassessment. He has no right to be involved in the reassessment and I don't see where he has the right to be involved in the payment of that contract. We signed it, he didn't."

Commissioner Borries interjected, "Wait a minute. He is the County Assessor. If he is not involved in reassessment, what are his duties?"

Mr. Fox responded, "His duty is to Chair the County Board of Review and, at that stage, he has the right to, in fact, come in and deal with those assessments that were done under the contract."

Mr. Borries asked, "So if you have the same person doing the same work in two different townships and the assessments are different, why is that? Just give me a good reason."

Mr. Fox responded, "It's sheer numbers -- numbers of parcels."

Mr. Borries asked, "Is there a different formula used?"

Mr. Fox replied, "No."

Mr. Borries asked, "How then does, for example, Pigeon Township and Knight Township come in so different insofar as increases?"

Mr. Fox replied, "I have no idea. I would assume that they are all done by the State Manual."

Mr. Borries asked, "Well, they were all done by the same Technical Advisor, weren't they?"

Mr. Fox responded, "Again, Rick, the job of reassessment is to correct any errors, any judgmental factors that might not have been correct - and I think that happened a lot in Pigeon Township."

Ms. McClintock then addressed Mr. Simons, asking, "With regard to the last question as to why the reassessment was so different, you're the appropriate person to address the differences in Pigeon and Knight Townships."

Mr. Simons approached the podium and introduced himself. He then stated, "To answer that question, when you compare percentages you have to compare a prior value to a present value. When you do that, you're assuming that the prior value was correct. If the prior value was correct in all cases, then the percentage of increase will be the same. Or if the value in one neighborhood increases the same as the value in another neighborhood, then the increases will be the same. So to say that one is different from the other is a must, because all properties in all areas do not increase in value the same over a 10 year period. And that is the reason why some are higher and some are lower. If you had a flat value increase, then you don't have a good reassessment. If each one of them went up exactly the same or within the same percentage as one another, then you have not done your job on the reassessment -- because you haven't resolved the inequities that occur over a 10 year period. I guarantee that the property in downtown Pigeon Township does not increase the same as it does in Perry Township or Knight Out. But if it were assessed at the same level last time as it was this time, then there would be a discrepancy between the percentages, which there is. But the level last time was much higher in Knight Township than it was in Pigeon Township -- and that is why you have the big difference. The outlying townships are, I think, fairly close to the same percentages. By the way, with regard to the market study, market value doesn't take effect in the State of Indiana until the year 2000. The next reassessment will be on the same level or the same basis as this reassessment. It will take that long to prepare to go to market value, believe me."

Ms. McClintock asked, "Why? I would think it would be quick."

Mr. Simons said, "Not every house sells. You've got 70,000 parcels out there and about 12% of them sell. From that 12% you have to determine the value of the rest of them, and that has to be done through an analysis process and it is a very complicated process. And then you have to get into income value on the department stores. It's a whole new ball game."

Ms. McClintock said, "Well, we don't have to get into that today. I'm sure some of us will be here five years from now. Our County Attorney, Mr. Gary Price, has been looking into this on behalf of the County and Mr. Angermeier. Do you have a recommendation, Mr. Price?"

Attorney Gary Price of Ted Ziemer's office said, "I would like to say that many issues have been brought up. However, the main issue today is whether or not Simons' claim should be awarded. The fact, the parties to the contract (that being the Township Assessors) have approved and recommended payment. I see no legal reason why that claim should not be paid by the Board."

Ms. McClintock asked if there is anyone else who wishes to address the Board concerning this particular issue. There was no response. She said there are several options open to the Board. They can vote not to pay Mr. Simons at all. They can vote not to pay Mr. Simons until the conclusion of the Board of Review -- which is now set at 90 days. They can vote to pay Mr. Simons the holdback that has been authorized and signed by the Township Assessors which, in Knight Township is \$20,139.43, which leaves 10% in that account or 25% still to be paid. In Pigeon the present claim is \$23,971.85, which would bring all the townships up to the same level of payment to Mr. Simons. She believes those are the three basic options, other than voting to again defer the matter. A motion was entertained.

Commissioner Borries said he appreciates the attendance of the members of the Board of Review, David Fox, Jim Angermeier and his office staff. He will make a motion, if for no other reason than to get this part behind us so we can move forward. He doesn't know what to think about the reassessment other than there has to be a better way of making people in a county even this size understand what this whole thing is all about. He thinks if we lined up every taxpayer in this room right now there wouldn't probably be one person other than someone on the assessors' staff who could probably adequately explain what they have just gone through. It is literally a mess. There has been an attorney's opinion here that work has been done; there is going to be a right for every taxpayer to have his or her appeal heard; and that is the Democratic way. Therefore, he moves that claims for past due services be allowed.

A second to the motion was provided by Commissioner Hunter.

Ms. McClintock so ordered that the two claims be paid. Two claims were also authorized last week.

Ms. Mayo asked who has the claims approved today? The Auditor's Office didn't get the claims approved last week until this morning. She now has the check for \$11,299.40 with her to give to Mr. Simons.

In response to query from someone in the audience, Ms. McClintock said the Board just approved today a claim for Knight Township in the amount of \$20,139.43 and one for Pigeon Township in the amount of \$23,971.85 -- for a total of about \$44,000.

RE: REIS TIRE SALES

Commissioner McClintock said that Mr. Luke Reis of Reis Tire Sales is here and she apologized, saying, "I'm sorry, I should have moved you, too. I apologize."

Mr. Reis asked, "Moved me where?"

Ms. McClintock responded "In front of Simons."

Attorney Kissinger interrupted, "If I may, I'd like to introduce myself. I'm Alan Kissinger and I'm representing Reis Tire. I'm the hired gun as it were for Reis Tire and the first order of business, I think, is if you consider giving Jim Angermeier that \$60,000, I want to apply for the job. Secondly, as I think the members of the Board are aware, the City-County Purchasing Department has gone thru the bidding procedure for the awarding of a contract for the tires and the service to those tires for the City and the County for the year 1991. There was a delay initially -- I'm not sure what that delay was. But Mr. Reis was asked if during that period of time they would maintain their prices from the previous year and they agreed to do so. The bidding procedure was followed and the successful bidder was Reis Tire Sales and the City (I think it was week before last) approved the contract with Reis Tire Sales. At this point the County has not done so. A number of reasons for that have been given or suggested. One is that there is some kind of an audit going on or there is going to be an audit or something to that effect -- but no one at the State Board of Accounts knows of that audit. And apparently there are some suggestions of some irregularities. The unsuccessful bidders have complained and that comes under the category of 'what's new?' And Reis Tire Sales based their bid, as instructed by the City-County Purchasing Department, on the entire City and County fleets and their tire needs and their service needs. They are now dealing with a contract with the City only. They are still having to give those prices to the City and the County is not participating in the contract. So they are stuck with the prices they quoted to the City, even though those prices were based on the City and the County. And the County apparently has adopted some informal procedure, as we're advised by Ms. McClintock (with whom we met last week) of doing a price check for the purchases of these tires and services. In other words, the various department heads who have need for tires or services to those tires are instructed to make a price check with the various retailers in the City or County -- whatever -- and then they are supposed to go out and buy at the cheapest price. The four (4) invoices that we have with us specifically tonight indicate that just on four specific transactions the County has overpaid something in excess of \$200 for the same service that they could have gotten from Reis and, as a matter of fact, the same service which they contracted for.

All of that may or may not be important. I presume that if the County chooses to follow that particular policy, then there is no amount of talking that is going to change that. But the point is there is an Ordinance in the County adopted by the Evansville City Council and it was also adopted by the Vanderburgh County Commissioners. I've highlighted a part of the Ordinance which I've provided to you. And if I may suggest, the County Commission at this stage in the proceeding is totally out of order and in violation of its own Ordinance in holding up this contract at this point. Because, as this Ordinance indicates -- starting at the bottom on the left side of Page 11 it says, 'The City of Evansville and Vanderburgh County, the latter acting through its legally constituted Board of Commissioners, entered into the agreement set forth in this sub-chapter on the assumption that I.C. 36-1-7-1 contemplates by the execution of this agreement by the governmental unit parties involved that the present statutory provisions for the advertising for and the acceptance of any and all bids and the entering into contracts with the successful bidders by the County, acting by and through its Board of Commissioners, and all statutory penalties imposed upon the Commissioners for negligently or willfully failing to comply in part or entirely with the statutory contractual procedures has been pre-empted and supplemented. The present statutory contractual procedures for the awarding of contracts for all governmental purchases made by the County together with all discretionary or mandatory responsibilities, fiscal or otherwise therefor, shall be transferred to the Joint Purchasing

Department, thereby relieving the County Board of Commissioners individually or collectively from any further responsibilities therefor.'

Now, it is entirely possible that input by the County Commissioners or some approval at some point is totally appropriate. But Indiana Code, which deals with the Purchasing Agent -- and there is no question about it, the City-County Purchasing Department is the agent for the County Commissioners by Ordinance -- you have made it so. But it says that under all the bidding procedures those instructions were sent out, Reis Tire Sales complied with all those instructions, they were the successful bidder, and they were chosen by City-County Purchasing as the successful bidder. After all of those procedures have been followed, Indiana Code 36-1-9-3 says, 'Except as provided in sub-sections (i) and (j) which do not apply here, the Purchasing Agent shall after a satisfactory bid is received, award a contract to the lowest responsible and responsive bidder for each line or class of materials required. This doesn't say the Purchasing Agent may, or they can talk about it, or they go seek the approval of the Board of Commissioners -- it says they shall. Now, that is to maintain the efficacy of this procedure and to maintain the credibility of the procedure. The County Commissioners, in this particular instance, have by your actions apparently sought to take back the responsibility that you relinquished in entering into this Ordinance. You appear to be going contrary to the Ordinance. You are positively in violation of the State Statute if you are contrary to the Ordinance. And we are not here to accuse, we're here merely to point out a legal opinion and ask that whatever is being done that it be expedited, because Mr. Reis and Reis Tire Sales continue to suffer under this contract. They have lost money, because we can show where various County offices have gone -- maybe coincidentally -- but in every case we have -- to Raben Tire and purchased these tires and services that are supposed to be purchased from Reis Tire Sales. It appears to be a breach of contract. Mr. Reis is not here, as I said, to threaten or to make anyone uncomfortable. It has been suggested we have a meeting with the unsuccessful bidders. We've discussed that. We don't think it is going to be fruitful, because that will go on into infinity -- we could do that forever and it won't accomplish a thing. And Mr. Reis has nothing concrete upon which to base his reasons as to why he doesn't have the contract which the Purchasing Department, by law, was supposed to award him. He is just here basically to ask when do we get some action on this? What do you suggest as a course of action for Mr. Reis to mitigate his damages in the process?"

Ms. McClintock responded, "Well, first of all, the "informal procedure" you referred to was discussed and voted upon at a County Commission Meeting in January. It was not just an informal procedure that was set up by one. It was set up by the Commission. And, at the same time, the Commission authorized that a letter be sent to the State Board of Accounts asking that they conduct an audit into the 1989 and 1990 purchase of tires. I have spoken to the State Board of Accounts twice since then. If they have not heard about the audit, then -- I think I am talking to the right people, because I sent it to the head gentleman here."

Attorney Kissinger stated, "I don't know who you talked to. They won't acknowledge it."

Ms. McClintock said, "Well, I can get you a copy of the letter that was sent by the Commission and authorized by this Commission -- and would be happy to."

The Ordinance that you refer to -- and I believe I told you when I met with you on Thursday, I've been on this Board for 2-1/2 years. I don't remember ever the Board of Commissioners not entering into their own contracts. I mean I don't ever remember...

Mr. Borries interrupted, "The Board of Commissioners enters into the contract, but it is very clear in the Ordinance in my ten years on the Commission that if we have a Joint City-County Purchasing Department and that contract is reviewed, then this Board authorizes and approves that contract. That is very clear. That is why."

Ms. McClintock said, "We did not do that at the meeting -- and you were at the meeting."

Commissioner Borries continued, "I was at the meeting and at this point I've had some follow-up questions, because I frankly expected much more done on this -- something. in my opinion, which was not going to involve some kind of political chicanery here. If there were any improprieties, I have not been able to determine where those were and I also have some concerns -- because it is my understanding that at the County Garage that someone (and I'm going to ask Mr. Muensterman about this) has authorized -- or maybe you have -- someone from a private accounting firm to come out and get either receipts or some kind of claims paid on tires for 1989-1990. Now, who authorized that?"

Ms. McClintock responded, "We don't have somebody from the County doing that." (I think she ended with 'doing that -- but the end of the statement was faint/muffled on tape.)"

Mr. Borries asked, "Mr. Muensterman, has there been someone come out from an accounting firm to get items for an examination -- it has to be authorized by somebody -- if it wasn't done at this Board it is illegal."

Mr. Meunsterman responded, "Mr. Gaither."

Mr. Borries asked, "Well, what are they doing?"

Ms. McClintock responded, "They are going -- I mean -- they are making a proposal to look at this if we cannot get something out of the State Board of Accounts. But before that happens that would come to this Board, Rick."

Mr. Borries asked, "Well, who authorized them to come out -- they have come out there and gotten things -- did you authorize that?"

Mr. Muensterman interjected, "They picked them up this morning."

Mr. Borries asked, "Did you authorize that?"

Mr. Muensterman responded, "I didn't authorize that."

Mr. Borries asked, "Well, who did?"

Mr. Muensterman responded, "They came out and picked them up."

Mr. Borries again asked, "Well, who authorized that?"

Ms. McClintock, "The only reason...."

Mr. Borries asked, "Who authorized that?"

Ms. McClintock said, "Rick,..."

Mr. Borries said, "Carol, I want to know who authorized that. That is illegal."

Ms. McClintock, "I'm going to tell you -- will you calm down? We are interested in looking at what kind of cost we might have to incur if we have to do this audit internally. And..."

Mr. Borries asked, "Why are we going to do this audit internally?"

Ms. McClintock said, "We are not..."

Mr. Borries continued, "We are not an investigative body. It is the job of the State Board of Accounts. If you have any improprieties, then I would urge you to turn those over to the Sheriff or the Evansville Police Chief."

Ms. McClintock interjected, "Okay."

Mr. Borries continued, "But we do not go out and contract with some firm on the ..."

Ms. McClintock interrupted, "We have not contracted with any firm, Rick."

Mr. Borries asked, "Then why are they picking them up? Who is paying for that? And who authorized them to pick those things -- those claims up?"

Ms. McClintock responded, "Nobody is paying for that."

Mr. Borries asked, "And no one authorized it? It just happened. Somebody just pulled up and took the claims. Don, do you know anything at all about this?"

Ms. McClintock interrupted, "Rick, they are looking at a proposal to give us an idea of what something like that would cost -- nothing has been authorized as far as paying them. Nothing has been authorized as far as preparing a proposal."

Commissioner Borries said, "Let me just express my concern here. In your 2-1/2 years and my ten years on this Board -- and you're now President -- the only difference between you and me in terms of your role as President is one (1) vote -- one (1) vote. You don't make any more difference in salary than this. You cannot go on your own and authorize anything unless it comes before this Board. This Commission -- this Board -- speaks through its minutes. I resent very much having to vote on something that I thought was going to be handled in an orderly legal way and then have someone call me from the County Garage and tell me that someone had come out from some accounting firm and picked up these claims. Now that is not right. It was not done properly. In my opinion they have no authority to do so and the only authority that anyone has to examine those claims or to at least pick them up and remove them from the County Highway Department is that it must be done in an open public meeting right here."

Ms. McClintock asked, "So, you want every action taken by every County department -- every action...?"

Mr. Borries, "No -- one final item. In all deference to Mr. Raben, he is on here. It is my understanding that Raben Tire has been awarded (or at least has had some bids) some materials --"

Attorney Kissinger interrupted, "They have gone on the price check situation in every case that we have found., Instead of going to Reis, whoever has made these purchases has gone to Raben. I'm not suggesting anything..."

Mr. Borries interrupted, "I'm not suggesting anything. I'm only saying that in terms of politics -- and if you do it right it is tough to do -- but I am just saying this, that if Mr. Raben is on

the Board and he has any financial gain with Raben Tire, then he must also file a Disclosure -- and it is exactly the same as what happened to Jeff Wilhite over here. He can't represent both sides of a legal matter. You, when you were the County Counsel's Attorney, could not turn around and represent a petitioner in front of the County Council if you are going to have to then turn around, switch hats, and give a legal opinion for the County Council."

Attorney Kissinger remarked, "That is correct."

Mr. Borries continued, "And it is the same in my opinion with a public official. Now, Mr. Raben, I'm sure -- I don't know what his interests are in the tire company other than he has the same name. But it would seem to me that if we're also giving now contracts or awarding some bids to Raben Tire that there must be some kind of Disclosure -- I don't know if he gets any financial gain out of this or not, but that is not proper. So it seems to me it is just a witch hunt. It seems to me that if we have an orderly procedure, when there is something wrong in this County, then we ask the State Board of Accounts to enter in. And I'll be happy to do that at this point again, if we need to re-emphasize that, and turn the matter over to the Sheriff of Vanderburgh County or the Police Chief of the City of Evansville. That is what needs to be done. This is not an investigative body and no one has the right to tell this man -- or whoever your appointed person now -- is she giving the orders? Did Miss Davis or someone at the County Garage give orders to allow these claims to leave the County property out there?"

Ms. McClintock responded, "I don't know anything about that -- so I can't address that, Rick."

Mr. Borries commented, "Then we're asleep at the switch."

Ms. Muensterman said, "You've been out of town. I called Jerry Riney and he didn't know anything about it and I didn't know what to do. I called and Mr. Hunter was gone. I called Rick -- and he didn't get back with me either and I didn't know what to do. Ms. Davis said to go ahead and let them go."

Mr. Borries again asked, "Who authorized it? I mean, I just don't understand."

Ms. McClintock said, "I've explained that. I'm not going to go -- we can discuss that further at some point. On these particular claims, those claims were priced by one of the two secretaries at the Garage. I provided copies of those claims or invoices to Carol Davis today, because I talked to Cletus on Friday after our meeting -- called him at home and asked him if they were following the procedure that had been outlined by the Commission in the Commission Meeting and he said yes. I told him that I had met with you gentlemen and you were claiming that there was this problem. And so she brought these claims in today with the information from the notes from the gals. This was at 4:20 this afternoon. I told her to meet with those gals and go through it tomorrow and that we wanted a full report -- and if there were discrepancies, why there were discrepancies."

Mr. Reis said, "It is on my bid -- I mean you don't have to call me or anything. It's on that piece of paper. Now, whoever they're calling or what they're calling to get those prices -- as you can see, it is clear in there. The last (since January) four claims that I have on it, is quite a bit higher than they would have paid had they stuck with the bid. I don't see what you are trying to gain by pricing out if all three vendors have already proposed a bid -- you already know what their prices are -- to take the time of the Commissioners to call and price check -- I just don't see where..."

Ms. McClintock interrupted, "As has been brought to the attention of this Board prior, there were some serious questions about what had happened back in 1989 and 1990, and in our discussion on Thursday I indicated to you that we were not saying that is a problem with Reis Tire, and that is why we asked the State Board of Accounts to look into it."

Mr. Reis asked, "The same way they do it with the City now? The State Board investigated with the City?"

Ms. McClintock responded, "All the State Board of Accounts did with the City is look at the bids and say that Reis Tire was the low bidder. They didn't look at any invoices, they didn't do any kind of investigation. And that is what the lady from the State Board of Accounts told me when I went back to check to see where we were with our investigation of those particular invoices."

Commissioner Borries asked, "Have you talked to the City-County Purchasing Department? Have you talked to Ms. Blenner? You've thoroughly investigated that, huh?"

Ms. McClintock said, "I met with Susan Jeffries with these gentlemen on Thursday. I have met with Susan Jeffries on three other occasions -- once with the other gentlemen from Raben Tire and from Master Tire. I have looked at all of the invoices from 1989 and 1990. I've looked at the invoices that the gentleman from Reis supplied me on Thursday -- and there is a great deal of discrepancy between what all of the various groups did and that is why finally on Thursday Susan and I looked at each other after hearing all of this and kind of said, 'Maybe we should set all these people down and see what would happen' and there was not any kind of feeling that could reach any kind of agreement. The basic bone of contention here -- and some of these tires were also purchased by the Sheriff's Department -- is the way that the bid for tires is currently written by the City-County Purchasing Department for the City and Vanderburgh County is that they price the tires and they price one set of service for all the tires. So with the tires bid and the service bid, Reis Tire is low. But their service is higher. So the way the bid should be written to be fair to all bidders is the number of tires purchased should be projected across so that it is fair to all bidders. To make it easier for you to understand, if you buy 200 tires and you bid \$2.00 per tire for those tires and the service is \$10.00 per tire, you are spending \$2,400 (I think). If you flip-flop the service and the tires, then you are going to end up -- if your service is higher and your tires lower -- "

Mr. Reis interjected, "Like I said, it really makes no difference -- and I don't know where you're coming up with that figure."

Ms. McClintock countered, "Yes, it does, Mr. Reis, and we had quite a discussion about it Thursday."

Mr. Reis continued, "The bottom figure is what you are looking at -- no matter how we arrive at it, the bottom figure is what you are going to pay. And I think if you look at all the bids -- and it is all spelled out for you -- you will see that they are all the same as far as service and tires -- and then see who is the lowest bidder. If you go through it item-by-item you will find out that is true -- that we are the successful bidder on service and tires."

Ms. McClintock interjected, "Yes, but -- no, you are not low on service, Mr. Reis, you're not. We looked at it on Thursday."

Attorney Kissinger interrupted, "He said he is low bidder on the combination."

Ms. McClintock said, "For the combination. But here is what has happened. Your tires are low, your services much higher than Raben and Master -- and we buy a number of tires. We don't buy one mount/dismount, we buy hundreds of those -- so over the long haul -- over the hundreds of tires, we're paying \$2.00 to \$3.00 more on each item serviced. So by the end of the year after we've bought these hundreds of tires, we have, in effect, paid more for an overall tire contract. That is not your fault -- that is not the way the bid was written. But that is the way the bid needs to be written in the future and that is why the original questions came up by the other bidders."

Attorney Kissinger interrupted, "Ms. McClintock, if I may, if that is the way the bid is going to be written in the future, then Reis Tire Sales will follow the bid instructions and submit their bids. But number one, you say that you apparently adopted a policy -- the Board of Commissioners adopted a policy back in January as to what you would do with these bids. I would just like to remind you (please check this with your legal counsel) you cannot change procedure established by Ordinance by making a policy. You must amend that Ordinance if you are going to do so. This Ordinance remains the same as it was originally adopted. The bidding procedure has been followed. He is the successful bidder, but he still doesn't have his contract. And what we are asking is, when? When? And if you can't say when, what do you suggest Mr. Reis do in the meantime about his losses? Because he is suffering losses now. We don't have them tabulated, but he is suffering losses."

Commissioner Borries said, "Well, I can answer one question right away. And I'll just make a motion at this point that as per Ordinance in Vanderburgh County regarding the Joint Purchasing Department, I will move that the contract for tire purchases be awarded to the low bidder at this point, who is Reis Tire Sales."

Commissioner Hunter said, "And I will second."

Ms. McClintock recognized Attorney Jeff Wilhite, who said, "Alan, the Purchasing Department will not give you now a contract based upon the prior bidding procedure adopted in January?"

Attorney Kissinger responded "They are awaiting approval from the County Commission. The contract with the City has already been awarded."

Attorney Wilhite asked, "Why is Purchasing waiting for this if they believe as you do that...."

Attorney Kissinger interrupted, "Because you're the one who told them to stop."

Ms. McClintock remarked, "That's okay; go ahead, Jeff."

Attorney Wilhite continued, "So if we hadn't done anything in January they would have signed the contract?"

Attorney Kissinger said, "No, if someone on the Board of Commissioners hadn't said 'we're not going to approve this contract', then the contract would be in effect now, Jeff."

Attorney Wilhite asked, "Without coming back to us? They would have just signed it based upon the bids?"

Attorney Kissinger responded, "I don't know that that is the procedure. I think that the procedure they are following now is that they go through the entire bid procedure; and when, in fact, according to the statute, they should award the contract. Instead, they are coming before the Board of Commissioners and asking for approval."

Attorney Wilhite said, "That is my understanding. And your argument is that that step is not required by Ordinance? And if we, in fact said 'no', that by statute they could award it to who they think is the lowest responsible bidder?"

Attorney Kissinger said, "It is in violation of the Ordinance for the Commissioners to do so, and (these are my positions, of course) it is in violation of State Statute for the Purchasing Agent (which is the City-County Purchasing Department to do so. I think it is totally appropriate -- and please understand -- I don't want to establish policy for the Board of Commissioners. It is totally appropriate for the Commissioners at some point in this procedure to have input. But not at the stage of the procedure at which successful bidders have a right to believe that they have now been awarded a contract and they start planning accordingly."

Ms. McClintock said, "So I don't understand why we've awarded contracts."

Attorney Wilhite said, "I think what he is saying is that we have, but didn't have to -- and we can talk about what we want to do in the future -- but even assuming that everything that Mr. Kissinger says I would agree (and frankly, I haven't had a chance to look at this yet) -- but even assuming all that is true, the Ordinance would then give the Purchasing Department under their argument the power to go ahead and sign the contract to the lowest responsible bidder. At the very least, I think Mr. Kissinger would agree that you have the authority for input and..."

Mr. Kissinger interrupted, "I do agree with that."

Mr. Wilhite continued, "And through a motion, which would be more of a Resolution, I suppose, could certainly voice your position that the Purchasing Department should look at something that came to your attention after the bids -- I mean that is fine. There is still a period between the bidding, the bid opening, and the execution of the contract that allows perhaps the Purchasing Department (at least under Mr. Kissinger's argument) to determine this issue of responsible bidder. So I think you still have an opportunity for input to tell the Purchasing Department that, through this Board's Resolution, that in your opinion Reis Tire may not be the lowest responsible bidder and would urge them on the issue of responsibility, for example, to proceed with an investigation by the State Board or other people, as indicated. So that is the first legal distinction I want to make. That even if Mr. Kissinger is correct in his interpretation of the law, I think you can still, through Resolution, ask the Purchasing Department to consider what you want to consider -- at the very least.

Secondly, on the ultimate issue of whether or not Mr. Kissinger is correct, at first glance I can't say that I believe your argument is correct. Because it seems odd that we have delegated that power. I will agree with Mr. Kissinger that on the basis of this Ordinance, that does appear to be what it says."

Attorney Kissinger commented, "You won't find that nearly as hard to believe, Jeff, after you have been in County Government a little longer."

Attorney Wilhite responded, "Perhaps -- and that's a good point. But in my fourth month as County Attorney, that seems odd. So I would like the opportunity to look at that further and check the statute. I would like to withhold my ultimate opinion, but at the least I would think that the Commissioners could voice their input on who is the lowest responsible bidder. If time is of the essence, I think Mr. Ziemer and I are going to switch meetings

and I may be at next Monday's meeting. I could tell you by the end of this week or next Monday whether I agree with Mr. Kissinger's interpretation."

Attorney Kissinger said, "What we lose in the process is, if the County goes out and buys a dollar's worth of tires next week the County doesn't lose much. If the County goes out and buys 10,000 tires next week, we lose a bunch. And I agree with you that the County Commissioners certainly have a right to some input. Now, they have delegated their authority, and the State statutes and the Ordinance -- the Ordinance refers to the Statute that allows this to be done -- and it will be enlightening to you. And obviously, I know you haven't had a chance to review this. I will give you some other cites. If you care to call I will be glad to tell you what I have referred to. But when it comes down to the point that all of the other statutory procedures have been complied with and the Statute says 'the Purchasing Agent shall award a contract', that is an inappropriate time for the County Commissioners to intervene, and that is what they've done in this case. Because Mr. Reis was told, 'You have the contract; you are the successful bidder'; all we have to do -- these have been formalities. Sometimes you folks may not even have known they were coming before you -- and these were signature type things -- 'We've awarded this bid -- sign' -- and everybody signs. That happens frequently. And that is not an indication that somebody is not doing their job. But this time it came up and for whatever reason -- it doesn't make any difference for whatever reason -- the Commissioners said no. That is inappropriate timing. That is in violation of the Ordinance and in violation of the State Statute. And you've got people just hanging out here waiting for a contract. And I don't know how you can invite anyone to bid under those circumstances. If you say, 'Get your stuff together; spend your time; spend your money; come in here and make your bid', and then hope somebody doesn't come in the back door and say 'wait a minute, I don't like that bid' -- because that is exactly what they are confronted with now. There is no other way to look at it. You can't do business that way, you just can't. You can't base a 100% contract on the likelihood that 75% of it is actually going to become a contract and 25% is going to remain in contention for however long thereafter.

But I agree, if you want input, you can re-write that Ordinance and have input at any stage you want, until it violates State Law -- and then you don't have any input. I mean, State Law says you must do this after the procedure is completed. That is what you are supposed to do. That is what bidding is all about. I don't want to bore you anymore. I'll stop there."

Attorney Wilhite remarked, "With the allegations of damage or potential damage, I think it would be appropriate to make it known to various departments that it really needs to be...."

Commissioner Borries interrupted "And I should know better -- shame on me. You know, I should have known better -- because I think Russell Lloyd was Mayor, A. J. "Ted" Stofleth and James Buthod, both Republicans, were members of this Board when this was approved."

Attorney Kissinger said, "I didn't want to bring that up."

Commissioner Borries continued, "This was in the interest of good government. It was a sound sold as a sound way in terms of having a Joint Purchasing Department to do away with wasteful bidding. It has been a standard practice in all the years I've been on this Board since 1980. Shame on me. You know, I should have seen a little bit of this, too."

Ms. McClintock asked, "What did Susan Jeffries say to you when you whipped out this Ordinance on Thursday?"

Attorney Kissinger responded, "It is not Susan's fault that nobody has been letting her do her job. It doesn't have anything to do with Susan. It has to do with ..."

Ms. McClintock interrupted, "Alan, we have not -- and, Rick, we have never operated this way since I have been on this Board for 2-1/2 years."

Attorney Kissinger said, "Ms. McClintock, I submit that the fact that you have been doing it wrong historically is not an excuse to continue to do it wrong."

Ms. McClintock said, "Okay. So, since the Democrat majority prior to this administration did it wrong for at least two years"

Attorney Kissinger interrupted, "I didn't bring that up. Ms. McClintock, I did not bring that up."

Ms. McClintock said, "Okay. I mean, how am I to know? I'm following...."

Commissioner Borries commented, "Well, maybe we did. But I know this. We followed our Ordinance and we followed the City-County Purchasing Ordinance right to the 't'."

Ms. McClintock said, "We sure didn't -- not when I sat in these meetings."

Attorney Kissinger said, "Well, I'm sorry the debate has become heated, but Mr. Reis does need an answer."

Ms. McClintock said, "And I don't have any problem with giving him an answer. As I said Thursday, I mean, and the way the bid is written now -- and at one point we thought we could separate the tires and the service and we can't do that in 1991 ..."

Attorney Kissinger said, "Whatever you decide to do next year is fine."

Ms. McClintock said, "I mean I've looked at all the bids, and clearly you are the lowest bidder. I mean I don't have any problem awarding the bid today. I don't have any problem in following in the future the 1972 Ordinance, since we now know maybe that is what we are supposed to follow. If you want to go ahead and award it today..."

Commissioner Borries said, "We've had this Ordinance -- this is tires -- we purchase things -- that body over there (the Joint City-County Purchasing Department) is reviewed annually by members of the County Council and the City Council, the budget is established, they issue bids, those bids are reviewed by the City-County Purchasing Department, and they are accepted. That has been the standard practice all the way through."

Ms. McClintock said, "No it hasn't, Rick."

Mr. Borries asked, "Where has it not been?"

Ms. McClintock said, "They come and stand here and Shirley (should have been Susan) Jeffries says, 'Here is your bid and blah, blah, blah, blah, blah, blah, blah', and you or Don or I would say, 'I make a motion we award to Reis Tires'. That is the way it is done."

Mr. Borries said, "That is their recommendation and that is per the Statute -- per the Ordinance."

Ms. McClintock said, "And that is what they did this time, except this time we said 'no', not yet."

Attorney Kissinger said, "I just think -- obviously I will be glad to meet with Jeff -- and I don't want \$70.00 per hour -- I want the \$60,000 from Jim Angermeier -- but I will be glad to meet with Jeff and tell him what my train of thought, my reasoning is on this thing. And then if Jeff wants to recommend to you some change in the procedure, if for no other reason than to come into compliance with the practice that you presently employ -- you can do that."

Ms. McClintock said, "Or the way it is written."

Attorney Kissinger continued, "As far as the future is concerned we don't care. We're talking about the past. If we can get that cleared up..."

Ms. McClintock said, "I believe there is a motion on the floor to award the 1991 tire bid to Reis Tire. And there is a second." Addressing Commissioner Hunter, she asked, "Is that correct?"

Commissioner Hunter said, "That is correct."

Ms. McClintock asked, "Mr. Borries?"

Mr. Borries asked, "Are you calling for a roll call vote?"

Ms. McClintock responded in the affirmative.

Commissioner Borries, yes; Commissioner Hunter, yes; Commissioner McClintock, yes. President McClintock declared the motion passed by unanimous affirmative roll call vote.

Commissioner Borries thanked Messrs. Kissinger and Reis for coming, saying he is sorry for the misunderstanding.

Continuing, Mr. Borries asked, "May I ask now about the claims? And where they are, and if those can be returned to the County Garage?"

Ms. McClintock said, "Yes, I mean I will get them and give them back to the County Garage."

Mr. Borries asked, "Are we paying this firm? This gentleman was here earlier today. Did he give you any report?"

Ms. McClintock replied, "He hasn't done anything, except pick up the claims."

Mr. Borries asked, "And you did not know about that?"

Ms. McClintock responded, "What I asked him -- when I talked to the State Board of Accounts last time, they indicated to me (and because of this concern over Mr. Reis and understanding that he had bid) that the earliest they would be able to get any kind of report to us was October 1991. So that puts us in a continuing bind supposedly through the summer of having to purchase these tires for Burdette, for the Garage, for the Sheriff's Department -- and so he suggested we have someone do it independently. I asked Gaither if they would look at them for us and determine what kind of work we were looking at -- not to pay them -- not to do any kind of proposal -- to do a perusal of the claims."

Mr. Borries asked, "A freebie. Well, in my opinion, you again have violated -- that decision needed to be made by this Board in this meeting. They have no legal authority on anything. If you had some legal or some other concerns that the State Board of Accounts could not address, then turn it over to the City of Evansville or the Sheriff's Department. Have them investigate it. They have detectives -- they can investigate it."

Ms. McClintock said, "We'll do that. Is that what you want us to do?"

Mr. Borries said, "That is fine. I'm just saying that if you're going to make a decision to have somebody drive out to the County Garage and pick up a bunch of claims, they have to have statutory authority that comes from this Board. That has to be addressed here in this Board. I had no idea that that was being done when this call came. I don't know what is going on. I have no idea. I don't know what their authority would be. I don't know any accounting firm, with all due respect, or legal firm --that is going to do any work for "free".

Ms. McClintock asked, "So you would like that turned over to the Police Department?"

Mr. Borries said, "Well certainly -- I mean they are paid. I know what will happen there. If there are some allegations of some impropriety, I'd like to have the police investigate it. They are an investigative body."

Ms. McClintock said, "We can't turn it over to the Sheriff's Department, because they purchase their tires, too."

Mr. Borries, "So does the Evansville Police Department."

Ms. McClintock continued, "So does the Evansville Police Department. So you are back to where you have a body that is purchasing -- just like the Controller's Office -- investigating themselves."

Mr. Borries said, "They have internal investigations. They have to investigate themselves on other matters."

Ms. McClintock asked, "Are we prepared to move on?"

Attorney Wilhite asked, "Are we as a Board -- are you no longer going to award the contracts? Are we now changing?"

Commissioner Borries said, "I am going to follow the statute."

Attorney Wilhite asked, "Do you need anything from me on that, or are you going to let the Purchasing Department award contracts and not bring them up here anymore?"

Ms. McClintock responded, "The way I read that statute is that we authorize advertising. We advertise them. We read them into our record. Once that happens, they come back -- or they can come back and report this was the low bidder, or they do not have to -- and they just award it."

Attorney Wilhite said, "Right, without having to come back. That is Mr. Kissinger's point and that does appear to be what the Ordinance says."

Ms. McClintock asked, "That they have to come back and report, or not?"

Attorney Wilhite replied, "No."

Ms. McClintock said, "They don't ever have to reappear."

Attorney Wilhite asked, "That is your decision. Do you need any opinion from me? You see, you have to change from what you've done in the past and you're doing it on Mr. Kissinger's legal opinion, which is fine. Do you want my concurrence on that, or do you want to forget it?"

Commissioner Borries interjected, "Sure, sure."

Commissioner Hunter said, "I think we need it. I don't have any doubt in my mind on that."

Commissioner McClintock said, "Well, I want to know why they haven't followed this Ordinance all these years."

RE: NON-REVERTING FUND/BURDETTE PARK FLOAT STAND

The meeting continued with President McClintock directing the participants' attention to Action Item (e). She noted that for the past several years Council has allocated an amount of money in the Burdette Park fund to pay for items in the float stand. "The float stand, as you aware, is a re-sale stand. They buy sun tan lotion and all kinds of pool items and they sell them and they are continually having to go back to Council to get more money -- even though it is making money -- to buy more things for the float stand. What they are asking is that we set up a special non-reverting fund. Council would appropriate whatever they feel appropriate each year into that fund to give them a starting point. All the monies would then go back into that fund. Throughout the year they would buy their supplies. At the end of the year, Council has asked that they then zero that account back out and put all the money back into General Fund. What the staff at Burdette Park is asking at this point is that the Commission authorize the Attorneys to prepare the paperwork to set up a special non-reverting fund."

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

RE: SPECIAL NON-REVERTING EDUCATIONAL FUND FOR COUNTY EMPLOYEES

President McClintock said, "We have an interest in setting up educational programs for County employees. I believe very strongly that a well educated work force is to the benefit of Vanderburgh County. We have individuals and companies that do business with the County who, for years, have appropriated funds to spend on things like Atlases, pens, calendars, and those kinds of things that we see around the offices. It occurred to me that a more appropriate use of that money would be for education for County employees -- not to be used for out of town travel, not to be used for elected County officials, but for County employees, department heads, and laborers, and secretaries, and those County employees. I believe that there would be some interest in contributing to that fund. I don't believe there would be an interest if the monies went into County General Fund for obvious reasons. So I would like to see this Board authorize the attorney to set up a special non-reverting educational fund to be used for the education of County employees."

Commissioner Hunter made a motion to this effect.

Commissioner Borries said, "Before I second, I would like the Attorney to address the issue of a potential conflict if we have someone who -- I would want some discussion here about -- I have no doubts about the good intentions in this kind of thing, but it seems to me that to put monies into a non-reverting educational fund for County employees is going to demand a little bit more explanation, in my opinion."

Attorney Wilhite asked, "What is your concern?"

Commissioner Borries responded, "Well, specifically, do people from a group that might do direct business with the County -- if they deposit this money, can that be used by people other than the group that they do business with? It might be a tire firm. Now, what happens if somebody from the Assessor's office wants to go? Would those kinds of things be allowed under this? Does it just have to be someone who might have be involved in the

purchase of tires? I mean, I would want to have a situation looked into here where we are avoiding any kind of conflict of interest in our aspect of trying to help our County employees here. I certainly don't want to put them behind the eight ball. Then, if you mention travel, you're saying that all of this has to be done here on a continuing basis inside the City of Evansville or ...?"

Ms. McClintock said, "First of all, I think that all contributions would have to come to this Board and be made public."

Mr. Borries said, "Certainly."

Secondly, I would never want to take a contribution from any business where they limited it to a certain group in County government. First, that would get too complicated. Secondly, it wouldn't be fair to all the County employees, because clearly there are some areas where there are bigger businesses involved with County employees and that just would not be equitable."

Mr. Borries asked, "What kinds of things then are we going to set up in terms of education? What kind of education? You want them to learn how to use computers?"

Ms. McClintock said, "Well, the employees themselves have suggested several things. Loretta brought something to me last week asking if we could set up something on stress management at home and at work. And, of course, that would apply almost to anyone. Cletus has talked about trying to get a...."

Mr. Borries asked, "Couldn't one of the hospitals do that gratis?"

Ms. McClintock said, "Some of these things we might be able to do for free, and I think that is the overall program. In fact, this one she brought over was from Family & Children's Services -- and Sandy is working on calling them to see if we can set up something for free. And clearly, some of them could be for free and I think all of those we can pursue, we should. In fact, one that Cletus wants to set up is with Ron Smith -- he wants to come out and do a paving seminar with the fellows who do the actual paving. And that won't cost anything. But there may be some university courses or courses at Ivy-Tech where we would want to send some employees -- and it would be nice to have some funds available."

Commissioner Hunter said, "I recall where two or three weeks ago there was a request for a program at the University of Evansville (Continuing Education) and we did not fund it because funds were not available."

Mr. Borries asked, "Does the School Corporation fund your continuing education?" The School Corporation would not do that -- they would not do that for me. I mean that is an individual kind of responsibility. You understand what I am saying, in terms of continuing education credits at a university?"

Commissioner Hunter responded, "We're not talking about university credit hours."

Mr. Borries asked, "Then what are we talking about?"

Commissioner Hunter said, "We're talking about improving job quality for employees."

Mr. Borries asked, "And we can't do that in terms of..."

Mr. Hunter continued, "And, yes, the School Corporation runs workshops on computers. They run workshops on lots of things."

Mr. Borries said, "Certainly, but you don't pay for that nor does the County."

Mr. Hunter said, "The School Corporation pays for that. And that is what we're talking about doing, having the County pay for it to produce productivity. You're shaking your head no, what's the difference?"

Mr. Borries responded, "Well, there's a big difference here in terms of the School Corporation paying you to learn how to run computers..."

Mr. Hunter said, "They don't pay me. They're paying somebody else to teach me. Right?"

Mr. Borries said, "Not if it is done by the Computer Department they are not, that is already part of their responsibilities and their duties."

Mr. Hunter asked, "Do you mean that the School Corporation did not contract with USI to take me out there to use a computer?" Yes, they did."

Mr. Borries responded, "Well, I don't know."

Mr. Hunter said, "Yes, they did. That is where the money came from -- it was a grant. The School Corporation paid for it."

Mr. Borries said, "Okay. Well, I'm sorry, but I'm saying that I want more information on exactly how these educational funds are going to be used. If they are going to be done for continuing education credits. Or what the purpose of the fund is."

Ms. McClintock said she thinks each program should come before the Commission and stand on its own.

Commissioner Hunter said the only way he would ever approve is that it be done on a per case basis.

Mr. Borries said, "So it would have to come before this Board. Jeff, if you could make sure that is in the request. I'd like to see something drawn up on it."

Ms. McClintock asked, "So we're authorizing..."

Mr. Borries said, "Well, you can pass over my objection at this point -- but I'd like to see what I am going to vote on."

Ms. McClintock asked, "Don, did you make the motion? Rick, did you second?"

Mr. Borries said, "No, I haven't yet. I was discussing it. I had not seconded anything."

Ms. McClintock asked, "Would you want an opportunity to say anything?"

Mr. Borries responded, "Not at this time. I'd like to have further information."

Ms. McClintock said, "I will second. So ordered that you prepare an Ordinance. And, at the same time, we will include those objections in that Ordinance."

RE: ISSUANCE OF COURT CHALLENGE TO THE CENSUS

Attorney Wilhite said Joe Ballard of the Area Plan Commission is the one who has been working with the Census Bureau for about ten years (and they appreciate his staying well after his work day).

Continuing, Mr. Wilhite said that to summarize, Joe was involved in the pre-Census reports and reviews. "There are three potential areas of dispute. One would be allocation of units; secondly, would be numbers of units; and thirdly, would be vacancies. With respect to allocations of units, Joe, if you could briefly tell the Commissioners what that means, what we'd be arguing against."

Mr. Ballard said, "The issue with some towns that came up was a misallocation, where they would allocate housing units in one block instead of another. Or, in one area which was one total block where the City boundary may have gone through the middle of that, they may have allocated units outside the City instead of within the City. That came up in the towns of Cynthiana, Owensville, etc., and rural towns where you had a difficult time identifying block boundaries and they may have put the housing units outside the town limits. It does not really seem to be an issue here or apply to us."

Attorney Wilhite continued, "Joe and I are going to chat a minute about court challenges, but in terms of the appeal process, the appeal process would deal with the misallocation?"

Mr. Ballard responded, "That was my understanding, that on this misallocation issue there was some agreement between these small towns and the Census Bureau that if they had a problem with that that it could be handled before the end of March -- or should be handled before the end of March."

Attorney Wilhite said, "Before we move to numbers of units or vacancies, do the Commissioners have any questions on the misallocation issue?"

Mr. Ballard commented that they are suggesting we not deal with that.

Continuing, Mr. Wilhite said, "We'll go on to the more important area of numbers of units. You, as I understand it, regularly keep track of the numbers of units. Could you explain what you do?"

Mr. Ballard responded, "We started with the 1980 Census as a base and then every year (and for the last four years, every six (6) months) we update the housing unit counts based on improvement location permits, as well as taking out the number of houses demolished from the Building Commissioners' records on demolition permits. So basically we are updating regularly the net total of housing units built."

Mr. Wilhite asked, "And based upon your regular six month review, (and I believe the Commissioners have this information in front of them) you calculated that in the Census we should have had how many units?"

Mr. Ballard responded, "My count was 73,557. Their total is 72,637 -- so I'm about 900 units higher."

Mr. Wilhite asked, "And that is about what percent variance?"

Mr. Ballard said it is about 1.25% to 1.15%.

Mr. Wilhite asked, "So the Commissioners understand that according to Joe's figures we would show 1.25% more units than the Census did. And while I don't want to make light of that, overall in the industry, how..."

Mr. Ballard interjected, "If you're within 3% to 4% they generally consider that to be accurate."

Mr. Wilhite said, "While that is a low percentage though, I don't know the answer to this question -- as to whether we lose State and Federal money still in those 900 homes. It is still a small percentage, but at some point if we decided to file suit we probably would still add that claim on. It's only 1%, but it still adds up to some dollars."

Mr. Ballard, "That specifically seems to be the case within Pigeon Township, where my count was significantly higher than the Census Bureau's count. I might add that is also the most difficult township to count with the Lloyd Expressway going through, Walnut Center, a great number of demolitions, and with the houses that have been converted to multi-family units and then some also converted back."

Mr. Hunter asked, "So the Pigeon Township percent would be much higher?"

Mr. Ballard confirmed that is correct. It seems to have been made up within other townships.

Mr. Wilhite noted, "Plus Joe's figures are admittedly based on the 1980 Census figures, so his figures are only as good as the 1980 census was.."

Mr. Ballard confirmed that is correct.

Mr. Wilhite said he would think the third and more fruitful area for discussion would be the number or percentage of vacancies. "Joe, you don't keep any figures yourself on that, right?"

Mr. Ballard confirmed that is correct. There is no way we would know the answer to that.

Mr. Wilhite asked if Mr. Ballard could summarize basically what the Census found as the vacancy percentage.

Mr. Ballard said, "The counts we received from the Census Bureau in August, from which we were to review the housing, reported a vacancy rate of 8.5% in the County and 9.2% in the City. In the 1980 Census the count was about 5% vacancies -- so these vacancy rates were much higher than the national average or even our original 1980."

Mr. Borries asked if these figures were from the Preliminary report?

Mr. Ballard said these were from the Preliminary Housing Quarters Group Housing Population counts. From that we were still to review the housing unit counts, but as he said they are partial and preliminary -- so he doesn't know on these vacancy counts -- but he assumes that rate has since gone down. This was a preliminary vacancy count.

Attorney Wilhite asked, "Why might that go down?"

Mr. Ballard said he thinks these are what was initially reported as vacant and the local Census Bureau is required to go back and try to enumerate people in those houses -- so by the time this was printed and sent to us (in early August) and they stay open until early September -- they may not have gotten a count in those particular houses.

Mr. Wilhite asked when we expect the final vacancy count?

Mr. Ballard said, "When the final detailed population figures come out (which should be this fall at the earliest, perhaps the first of next year at the latest)."

Mr. Wilhite said someone in his office calculated that those kind of vacancy figures could be in the quarter million dollar range -- so this would be a significant area to review. Perhaps Joe could describe for the Commissioners if, when the final figures come out and there is money worth fighting over there, what would he envision as a fact finding method to see if we've got a leg to stand on?

Mr. Ballard said one way to do that would be to hire a Professor from one of the universities who might use some university students to set up something like a random sample of a couple of different areas in the community (City and County, inner City, suburban area) and perhaps do a random survey to try and establish a vacancy rate for those areas. From that we may be able to issue a challenge to the vacancy rate. Right now, of course, the figures are very preliminary. A Professor at UE or USI who is trained in statistics would probably be able to set up a random sample that may stand up in Court.

Mr. Wilhite said, "My overall summary would be that legally we don't have a basis to need to worry about the misallocation, that on the unit numbers the variance is so small that if that were the only problem it probably wouldn't justify the legal expense to fight it. But finally on vacancies, if the numbers stay as off as they appear to be, it would be worth seeing if we could get a sample study performed with Joe's working with perhaps the university community to see if it is worth going forward. Frankly, if that says yes, then I would envision coming back to this Board and asking them for significant approval for professional studies to fight it. But, frankly, it looks like it is six months off before we need to do anything. But you all were anxious for an answer."

Ms. McClintock asked, "So we don't lose anything by waiting?"

Mr. Wilhite said, "There are final figures out for the City and County and the Townships for population and housing units - but no demographic data, no vacancy rates, and that type of thing. That will come later this year."

Commissioner Borries asked, "Joe, how is it handled, for example, on a large apartment complex that is now developing on the west side? Is that included in any kind of Census?"

Mr. Ballard responded, "That has not been included because it was not lived in as of April 1, 1990. Either the house or the apartment complex had to have been occupied on that date."

Mr. Borries asked, "So for ten years now, there will be no benefit in terms of any census counting by something that is going to be on the books?"

Mr. Ballard confirmed that this is correct -- unless you do special censuses. The City of Evansville did that after that large area on the east side was annexed. They also spent a significant amount of money doing it.

Mr. Borries asked if it is possible to do what Mr. Ballard has outlined here in terms of these vacancies and in looking at some of the statistics in, for example, one township -- such as Pigeon Township?

Mr. Ballard said he supposes we could. He doesn't know if they would consider that a representative sample of the entire City or County -- certainly it is not.

Mr. Borries asked, "So you would envision then if we are going to do this vacancy percentage that we'd have to do that on a county-wide basis, at least in terms of the sample?"

Mr. Ballard said he would think so -- we'd have to pick some areas and we'd have to have an expert on statistics setting up random samples. Based upon his experience, he would think we'd need to set up different types of areas to sample -- Pigeon Township, Outer Knight Township, Perry Township -- or something like that -- but some different areas.

Ms. McClintock asked if Mr. Ballard thinks he might be able to find someone willing to do this?

Mr. Ballard said he has no idea. He is sure there is a Professor at UE or USI that could do that.

In responses to query from Commissioner McClintock, Mr. Wilhite said the Commission doesn't need to do anything until they get the final figures. He just wanted to let them know we're not going through the appeal process, assuming the Commissioners agree there is no question there. Secondly, that we are not waiving our rights by waiting until the final vacancy figures are in. With Commission's approval that a motion is not needed, his firm will begin to look into, hopefully, mostly volunteer efforts for a vacancy sample study. If they get to the point where they think it will cost some money, he will come back.

Mr. Ballard said as soon as he receives information where the vacancy rates are shown he will notify the Commissioners.

RE: AUTHORIZATION TO OPEN BIDS/NEW LIGHTING AT AUDITORIUM

Upon motion made by Commissioner Hunter and seconded by Commissioner Borries, Attorney Wilhite was authorized to open the bid with regard to new lighting at Vanderburgh Auditorium.

RE: COUNTY HIGHWAY - CLETUS MUENSTERMAN

Mr. Muensterman said people are still calling in about their road being paved. Should he continue to put them on the paving list and go out and look at same?

Ms. McClintock said she thinks we ought to look at anybody's road -- if they call in the middle of winter.

Mr. Muensterman said he concurs and Messrs. Borries and Hunter concurred.

RE: COUNTY ENGINEER/AGREEMENT/UNION TOWNSHIP ACCESS PROJECT

Mr. Gary Kercher of the County Engineer's office said the only item they have is the agreement with Blankenberger Bros. concerning the Union Township Access Project. As noted by Commissioner McClintock, this has already been approved -- it just needs to be signed.

RE: VANDEBURGH AUDITORIUM - JACK KIRWER

Mr. Kirwer said he doesn't want to volunteer too much, but if the Commissioners need someone when they get into the Census to serve on the committee, since he was District Office Manager for the last Census he would be glad to serve. Maybe he could make some suggestions and make it a bit easier.

Attorney Wilhite noted that Mr. Kirwer has already been a big help in reviewing the Preliminary Census information.

Agreement with Parking Meter Department: Mr. Kirwer said he has given the Commissioners a copy of a synopsis of the verbal agreement with the City of Evansville Parking Meter Department. He talked to Betty Lou Jarboe on this and she agreed. They will install three hour meters at 25 designated spaces in the Auditorium Parking Lot. They will receive 75% of the revenue

from these meters and 100% of any parking tickets. In return they will take care of all installation and maintenance of the meters. They will also issue tickets to violators of the sticker monthly parking agreement. Their patrol will be 8:00 a.m. - 5:00 p.m. from Monday thru Friday. What this does is get us out of having a person on the parking lot in the morning. It relieves a little bit of the pressure. They also will be able to check the receipts a lot closer. If we agree on the general theme here, it needs to go to the Attorney for an agreement. There has to be an Ordinance between the City and the County.

Ms. McClintock said, "And we also have to agree on the \$15.00 per month."

Mr. Kirwer said the Parking Meter Department has nothing to do with the \$15.00 per month fee.

Mr. Borries said, "You lost me on that."

Ms. McClintock said, "I'm sorry -- I asked him when he showed it to me."

Mr. Kirwer said, "What I had suggested (and that would be separate from this -- this is an agreement with the Evansville Parking Meter Department) -- which we talked about in the Department Head Meeting verbally -- Carol asked me what I would suggest charging for the stickers. I suggested \$15.00 per month. This seems to be agreeable with most of the employees here and would give us some nice revenue and we wouldn't have to worry about it. They've already agreed this could be a deduct from the paycheck and it could be written into the program for the computer. In fact, this is the only way it would be practical."

Commissioner Hunter asked, "Do we get 75% or 100% of that?"

Mr. Kirwer said, "We get 100% of the sticker revenue. But to do this, we need some kind of agreement with Betty Lou Jarboe on the Parking Meters, which is for daytime parkers that just have to park there for a little while -- but don't need a sticker. That would be the general public. I felt if we didn't leave some provision on the parking lot during the day for the general public to park and maybe walk into the Civic Center, we'd be doing a dis-service to the community. That is the reason we put in the provision for 25 parking meters."

Chief Deputy Auditor Cindy Mayo commented, "This could not be payroll deduct until July 1st when we do go on our new system -- because there is no room for any deductions at this time."

Ms. McClintock said, "If we get this approved, maybe we could make it effective in June and have them give you the \$15.00 and sign a form. Have them come over there, and then just turn the forms into payroll for deduction."

Ms. Mayo said the Auditor's office does have a form for payroll deductions.

Ms. McClintock said the Board needs a motion to have the County Attorney prepare an agreement with the City of Evansville to provide for these three hour parking meters -- 25 of them at the Vanderburgh Auditorium Parking Lot.

Motion to this effect was made by Commissioner Hunter.

Mr. Borries hesitantly said he would second.

Ms. McClintock said, "So ordered."

Commissioner Borries said he has further questions. This is 25 spaces, and how many spaces do we have over there?

Mr. Kirwer said there are 162 spaces.

Mr. Borries asked, "What happens if a person decides not -- in other words, the only way they can get into this sticker deal is by payroll deduction?"

Mr. Kirwer said that is the only way he wants it to happen.

Ms. McClintock interjected, "Wait a minute. We said we weren't going to limit the public. I'm not going to limit that lot to the public."

Mr. Kirwer said, "I don't know. I haven't said anything in steel on this, because I wanted to get the parking meters out of the way first."

Mr. Borries said, "My question is, I guess I thought there were either going to be more than 25 meters -- "

Mr. Kirwer said, "When we started out we were going to have all meters. Then I started to talking to Betty Lou Jarboe and then figured what we were going to get back if we gave her half the revenue. Our revenue would drop by \$8,000 per year. I didn't want that to happen. So that is the reason we ended up with 25 meters and stickers on the rest of it. This should really result in a revenue increase at the end of the year for the parking lot."

Mr. Borries said, "I am not disagreeing. I am only trying to pose a question. What happens if a person doesn't want to go through a payroll deduction? That's my first point. What happens if they say they want to pay \$15.00 per month. Are they going to have to do payroll deduction to get these stickers? Is this sticker going to be something they stick on their car forever?"

Mr. Kirwer said that hasn't been worked out. He was going to talk to the Auditor's office to see what they would suggest.

Ms. McClintock said they could just take the sticker off and void the sticker.

Commissioner Hunter said, "That is easier said than done."

It was the final determination of the Commission that Mr. Kirwer is to discuss this matter at the Auditorium Advisory Board meeting tomorrow and come back with a firm recommendation. If \$15.00 per month sounds fair, then how are the procedures going to followed.

RE: RESOLUTION RE RESURRECTION DRIVE

Attorney Wilhite submitted for the Commissioners' approval a Resolution renaming a portion of Big Cynthiana Road to Resurrection Drive.

Upon motion made by Commissioner Hunter and seconded by Commissioner Borries, the Board approved and signed the Resolution. So ordered.

RE: CONSENT AGENDA

President McClintock entertained questions concerning the Consent Agenda.

Resignation of Jerry Riney: Commissioner Borries said he noted, with regret, that Mr. Jerry Riney has submitted a Letter of Resignation, which will be effective in May. He wants to first and foremost commend him for what he considers an outstanding job

as a true professional in a very difficult position from the standpoint of handling himself with a wide number of employees, at all times in an extremely professional manner. His work has been outstanding -- from the basement of this building (which has been in disarray for many, many years, until what it looks like today in terms of our records and our storage keeping) to his own professional way in which he treats people in this office and handles the public on the telephone everyday. He certainly wants to commend him for his work and again express regret that he has chosen to resign at this time.

Mr. Hunter said that as far as he is concerned Jerry is an intricate part of the Evansville community. He's been in public service for many years and as the freshman in this group (going on four months today) Jerry has been tremendously helpful to him. He feels we should prepare some kind of something as a token of thanks to this gentleman.

Ms. McClintock said she couldn't agree more. She'd like to reiterate what Rick has said. Jerry has always been very professional and helpful as he possibly could be to all of the Commissioners and they certainly do appreciate it. She thinks it would be appropriate to get some small token to present to him at the last meeting he would be attending in May.

Mr. Hunter suggested a plaque.-- and Ms. McClintock said she and Margie Meeks will work on this.

Cancellation of Landfill Hearing: Ms. McClintock said the only change she has on the Consent Agenda is to delete the meeting scheduled Monday - April 22nd. She thinks she told Mr. Hartman this today. Both the Department of Natural Resources and C.O.L.E. have asked for a continuance on the landfill hearing.

Approval of Minutes: Ms. McClintock said the minutes being approved today are the minutes of February 25, March 11, and March 18 -- since all three Commissioners are present today.

Additional Employment Changes: There are also two employment changes to approve separately, because they are not listed on the Consent Agenda.

Upon motion made by Commissioner Hunter and seconded by Commissioner Borries, the Consent Agenda was approved. So ordered. Commissioner Borries said he would note, however, he cannot verify minutes of several meetings since he did not attend -- thus he cannot sign those.

Employment Changes: Ms. McClintock said the following employment changes were not on the Consent Agenda:

Sheriff's Department (Appointments)

Jimmie Tucker	Chief Deputy	\$41,548/Yr.	Eff: 2/11/91
Scott Molden	Prob. Patrol.	\$24,200/Yr.	Eff: 4/1/91

Sheriff's Department (Releases)

Jimmie Tucker	Lieutenant	\$36,265/Yr.	Eff: 2/10/91
Gloria Grant	QMA	\$17,346/Yr.	Eff: 4/2/91

Upon motion made by Commissioner Hunter and seconded by Commissioner Borries the foregoing were approved. So ordered.

RE: READING OF BID/LIGHTING AT AUDITORIUM

Attorney Wilhite noted one (1) bid only was received, that being the bid of STTV/AV in the amount of \$83,817.16

Upon motion made by Commissioner Hunter and seconded by Commissioner Borries the bid was referred to the County Engineer for his expertise and a recommendation to the Board next week. So ordered.

RE: TRAVEL REQUEST - COUNCILMAN JAMES MANNING

Ms. McClintock said another item not included on the Consent Agenda is a travel request from Councilman Manning to travel to Indianapolis to lobby for the Casino Bill. The total is \$197.50. He's requesting one night's lodging, mileage, and per diem.

Motion to approve the request was made by Commissioner Borries, with a second from Commissioner Hunter. So ordered.

RE: OLD BUSINESS

Ms. McClintock said she provided a copy of an Overview for Vanderburgh County to the Commissioners. When they read it, if they have problems with same, just make the necessary changes and call Margie.

Mr. Borries queried Ms. McClintock concerning the purpose of this.

Ms. McClintock said these are for the five (5) minute programs discussed last week that Channel 52 is doing at no cost to the County for County Government Week.

Media Conference: Ms. McClintock said she believes they wanted to have a Media Conference on Tuesday for County Government Week. She thinks a Proclamation has already been prepared (she asked that Attorney Wilhite check with Gary Price).

Comprehensive Plan: Ms. McClintock said she wonders when the Commissioners would feel comfortable looking at the Comprehensive Plan. It has been passed by Area Plan and the Board of Commissioners need to review and approve it. Would they want two weeks or a month?

Mr. Borries said he will be attending that meeting on April 3rd (and not the Solid Waste Meeting scheduled for the same evening) he would say this Board will take the matter under advisement for one month -- because it is pretty comprehensive in terms of its scope.

Ms. McClintock instructed Ms. Meeks to schedule this on the agenda for the 1st week in May.

Ms. McClintock entertained matters of other Old Business or New Business to come before the Board. There were none.

There being no further business to come before the Board at this time, President McClintock declared the meeting recessed at 7:00 p.m., with an announcement that the Drainage Board will convene for a Special Meeting following a five minute break.

PRESENT:

Carolyn McClintock, President
Don Hunter, Vice President
Richard J. Borries, Member
Jeff Wilhite, County Attorney
Cindy Mayo, Chief Deputy Auditor
Cletus Muensterman, County Highway Supt.
Greg Curtis, County Engineer
Gary Kercher, County Engineer's Office
Jack Kirwer, Vanderburgh Auditorium
Jim Angermeier, County Assessor

Chuck Simons, Simons Governmental Services
Evelyn Lannert, County Assessor's Office
Dorothy Joest, County Assessor's Office
Dave Fox, Pigeon Township Assessor
Ron Johnson, Pigeon Township Assessor's Office
Gary Price, Ziemer, Stayman, Weitzel & Shoulders
Cheryl Musgrave/Board of Review
Paul Batts/Board of Review
Randall Kron, Armstrong Township Assessor
Donald E. Savidge/STTV/AV Services
John Reis/Reis Tire Sales
Alan Kissinger, Attorney
Ray Hamner, Sheriff
Joe Ballard, Area Plan Commission
Dan Hartman, Surveyor's Office
Chris Kern, Surveyor's Office
Rick Stone, Asplundh Tree Service
Others (Unidentified)
News Media

SECRETARY: Joanne A. Matthews


Carolyn McClintock, President


Don Hunter, Vice President


Richard J. Borries, Member

MINUTES
COUNTY COMMISSIONERS MEETING
APRIL 8, 1991

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MINUTES
COUNTY COMMISSIONERS MEETING
APRIL 8, 1991

The Vanderburgh County Board of Commissioners met in session at 4:30 p.m. on Monday, April 8, 1991 in the Commissioners Hearing Room with President McClintock Presiding.

RE: INTRODUCTION OF STAFF & PLEDGE OF ALLEGIANCE

Having called the meeting to order, President McClintock introduced members of the County staff and asked the meeting participants to stand for the Pledge of Allegiance.

RE: REQUEST TO RELOCATE THE AIRPORT - RICHARD LYTHGOE

Mr. Richard Lythgoe was recognized and introduced himself. He said it was his understanding that the Area Plan Commission had signed the Comprehensive Plan for the consideration of the Board of Commissioners today. Therefore, he would like to make a brief presentation. If the Commissioners are not prepared to vote on the Comprehensive Plan, then at least they would have the information he is going to present in advance of the date they do vote on it.

"Occasionally I listen to aviation transmissions on my scanner radio and pilots can be heard during periods of inclement weather seeking help to locate the Regional Airport. They have a tough time finding it. Finding the airport is difficult because of the hills. Another problem is that the hills result in blind spots for the Evansville radar. The Regional Airport can be scary. For half a century the aviation experts have asked that the Regional Airport be relocated to a safe, usable, useful site. During World War II a Republic aircraft executive said, 'It is preposterous to test fly the P-47 Thunderbolts in and out of an unsafe airport. At a time when we did not seem to know any better, Mr. Gil Irvin advised us to relocate the airport just as soon as World War II ended. Since that time many other experts have taken the same position. Several decades ago a local civic leader named Curt Huber contended that the sale of the present site for use as industrial and commercial property would offset the local taxpayers share of the cost of relocation. He was a realtor and he understood that this tiny county can use all the prime commercial and industrial sites that it can obtain. The present site has good roads, rail service, along with all infrastructure components. Regional Airport is an economic disaster at the present time. Economic development has been curtailed when several multi-million dollar developments were obstructed by the 1983 law. The statute will continue to frustrate economic development inside this city unless and until the Regional Airport is relocated. The present Comprehensive Plan for the first time is being developed under the new Indiana law, which does enable you to relocate the airport to a safe, useful, usable site. This then is the opportune time to take the initiative -- before all available sites in the region are gone. The site proposed by Fantus, Inc. is no longer available. This proceeding gives local citizens cause for hope for economic development, getting EVVB off the taxpayers back. The major function now being performed by the airport is the delivery of some \$2 million each year to the banks. And the third thing would be obtaining a safe, useful, usable regional airport. Your constituents will applaud your approval of a Comprehensive Plan which will contain the airport relocation consideration."

RE: SALE OF SURPLUS COUNTY-OWNED REAL ESTATE

President McClintock entertained bids on the surplus County-owned real estate which has been advertised. There were no bids.

RE: AGREEMENT WITH INDIANA BELL

Commissioner McClintock said KLF called last week and indicated we need to sign an agreement with Indiana Bell indicating that KLF would be the provider for the service and equipment for the telephone system and requested that the President of the Commission sign said agreement. She wanted to bring this to the meeting for the Board's approval.

Upon motion made by Commissioner Borries and seconded by Commissioner Hunter, execution of the agreement was approved, pending approval by the County Attorney. So ordered.

RE: AWARDING OF CONTRACT RE AUDITORIUM LIGHTING

County Engineer Greg Curtis noted that only one (1) bid was received last week for the completion of the lighting system at the Vanderburgh Auditorium, that being from STTV-AV in Indianapolis in the amount of \$83,817.16, and their paperwork was in order..They have reviewed the bid. Their guesstimate for the cost of the installation was between \$85,000 and \$90,000. It is his recommendation that the Commission accept the bid of STTV-AV.

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

RE: 1991 COMPREHENSIVE PLAN ADOPTION RESOLUTION

President McClintock said that from what she is hearing, she thinks it is the preference of the Commission that they would like to formally set a date for Public Hearing passage of the Resolution on that date. They will be happy to hear from people who are in attendance today.

Mrs. Barbara Cunningham advised it will go to City Council today at 6:00 p.m. The Plan has been in the Commission office since the end of January. The Plan Commission has held two public hearings on this matter, to which everyone was invited. It was her understanding that interested parties knew to attend today -- this was advertised as the public hearing. If that is not the case, then let her know.

In response to query from the Commission, Joanne Matthews said she has not yet advertised a public hearing. The Commission had scheduled the matter on their agenda for the first week in May.

Ms. Cunningham said, "No, Mr. Ziemer said it was not necessary to advertise, as the APC had advertised. Notice was given that the Public Hearing would be today." In response to query from Commissioners McClintock and Borries as to how and to whom notice was given, Mrs. Cunningham said notice was given via the Commission agenda (Mr. Lythgoe knows, Mr. Klassy knows, etc.).

Ms. McClintock asked if Mrs. Cunningham wants to go ahead and make a statement, the Commission will hear the testimony and statements of others present, and then subsequently determine what they want to do.

Mrs. Cunningham continued, "I'm here to request the adoption of the proposed Comprehensive Plan 1991-2010. The Plan has been thoroughly reviewed by the Area Plan Commission in two recent public hearings (February 27 and March 6). During these hearings multiple amendments to the Plan were reviewed. Resulting from this review are the two documents you have before you. The

public comments from Special Meeting 2/27/91, which is recommended by Staff for inclusion in the Comprehensive Plan adopted March 6, 1991, and the APC Staff recommended changes to the Comprehensive Plan presented 2/27/91, adopted March 6, 1991.

Before discussing these documents, I would like to talk momentarily about the importance and use of the Comprehensive Plan. Zoning was legalized by the United States Supreme Court in 1926. This decision determined that zoning is a valid use of the police power. However, it became apparent with the increased use that zoning could not stand alone. It was perceived by the Courts that in order to avoid arbitrary and capricious zoning determinations, a comprehensive appraisal of all lands within the political jurisdiction was needed to determine appropriate land use and to provide a firm basis for this determination. Thus the development of a Comprehensive Plan which strives to:

- 1) Be a guide for orderly development
- 2) Organize and coordinate the complex relationships between land and uses
- 3) Chart a timetable for growth and change
- 4) Detail the areas' desired character and form
- 5) Express the goals and objectives of the area
- 6) Reflect the policies by which these goals will be achieved.

This draft, if adopted, will set forth the guidelines to be used for future land use decisions made by both the Area Plan Commission and the Legislative Bodies. These guidelines are located in the statements of the action plans, goals, objectives, and policies, and in the proposed land use maps that we have before you. It is imperative that you, as County decision makers, agree with and feel comfortable with the implementation of these statements, as your adoption of this Plan expresses this support and your agreement with those goals, objectives, and policies. Furthermore, it is important to utilize the Comprehensive Plan which is based on research analysis and community consensus. Guide development, rather than allow zoning for individual developments, guide the plan.

Major emphasis has been placed on encouraging the use of existing infrastructure, encouraging in field development, facilitating economic development, protecting neighborhood integrity, and preserving farm lands, areas which were addressed for the first time in an Evansville-Vanderburgh County Comprehensive Plan for urban design and historic preservation. Additionally, of paramount importance to the Comprehensive Plan is citizen comment. Every effort was made to make copies of the proposed plan available for citizen review. As noticed, two public hearings were held during which public comment was solicited. We also advertised that the plans were available at all the City and County libraries and at the University libraries. We made the plan available as of January at all those locations and, of course, in our office and your office.

The recommended amendments which resulted from these hearings and are detailed in the aforementioned documents pertain to the cemeteries, the airport, development, implementation of storm water drainage and an erosion control plan, expansion of the local EPA, incentives for increased park land and open spaces, and requiring all urban development to be tapped into the sanitary sewer system.

Other areas of discussion were possible changes to the proposed 2010 land use maps. Areas discussed were Covert Avenue and the south side of Lloyd Expressway between Burkhardt and I-164. The APC recommended leaving these uses as shown on the proposed map. The discussion of these land use changes is an excellent example of the potential for use of the Comprehensive Plan. As stated previously, the plan is a basis for zoning and she sees people

from both groups here, which represent opposing views which relate to the future land use of the area on the south side of Lloyd Expressway between Burkhardt and I-164. There were two views presented in a nutshell; leave the use as the plan currently proposes, or allow commercial uses. The APC at their March 6th Board Meeting had a vote on a motion to change the proposed land use to commercial. The motion was denied 10 to 0.

Another area that needs to be considered this afternoon is of minor importance. They had asked the Police Department to update their information. Unfortunately, they received this after the plan was presented to the Area Plan Commission. It is not a substantial change, just information that is given to the APC. She would not say that it is a policy piece of paper. She has taken this to a member of the APC Board today and it was determined this was not substantial and would not need to come back. The APC wants to include this in the plan.

In closing, Ms. Cunningham said she will give five reason for adopting the Comprehensive Plan:

- 1) Indiana zoning enabling legislation states that "No Zoning Ordinance may be adopted until a Comprehensive Plan has been approved."
- 2) To date, Courts and Legislatures are increasingly holding local governments to such standards.
- 3) The Comprehensive Plan provides local decision makers with information and standards on which to evaluate rezoning decisions and land development proposals.
- 4) And if the adopted plan is followed, this may frequently help to reduce citizen resistance to change.
- 5) All of the above reduce the probability of a suit being filed over a zoning matter. And if a suit is filed, a carefully prepared Comprehensive Plan that has been filed has been proven to be the best defense.

Ms. Cunningham said the Commission has the changes before them. Did they determine when the meeting would be set for the adoption of the Comprehensive Plan?

President McClintock said the Board wants to defer any action until they have heard from others.

Attorney Tom Bodkin introduced himself, saying he is with the firm of Bamberger, Foreman, Oswald and Hahn. He is present to speak on behalf of Roger Klassy and King City Financial Services Corp. in Mt. Vernon, IL. They own real estate south of the Lloyd Expressway east of Burkhardt Rd. and west of the Interstate. "Mrs. Cunningham indicated that was an issue that had arisen at the Planning Commission and, indeed, it did. At their second meeting -- not their first -- and there was a motion made at that Commission Meeting to amend the proposed Master Plan, which was defeated.

"My clients -- and I think there are others who are going to speak behind me in the same vein -- and that is the property owners who own the real estate immediately adjacent to the Lloyd Expressway. Mr. & Mrs. Euler are here. They own the property at the corner of Burkhardt and the Lloyd Expressway. Immediately east of that are Mr. and Mrs. Marrese -- and he believes Mrs. Marrese is here. Again, I am here for Mr. Klassy and the bank -- we own the smallest of parcels, right in the middle of all of it -- and I believe the the Jacobs are here. They own the next

parcel all the way to the property that was zoned C-4 and C-2 for Mr. Dunn and Mr. Koester (which is the commercial subdivision being built now where the Hampton Inn is going in).

As Mrs. Cunningham indicated, a Master Plan is just that -- it is a projection by you, as a governmental entity, and the City Council (which actually controls this real estate -- you don't; this happens to be in the City). But it is a plan -- a projection -- and, in this case, it is purported to be a 20 year projection. It is my client's belief, ladies and gentlemen, that this plan needs to be sent back to the Planning Commission for further hearings, at which time the Eulers and the Marreses and the Jacobs can go and have their say and we can bring in the evidence we believe would be appropriate for the Planning Commission to really consider the issue of residential use of all real estate south of the Lloyd Expressway.

Page 106 of the proposed Master Plan calls this area "Area B" and it states that the projected use for this will be residential -- single or multi-family, presumptively apartments, I suppose. If you will go into your mind and picture this location (and I know you all know it probably pretty well) I don't think even the folks who live in the subdivisions immediately south would really honestly believe that this could be single family residential. Perhaps they do and, if so, so be it. Obviously, the only potential residential use that the Planning Commission could really be projecting for you is multi-family, not single family. I submit to you, and it is my client's belief, that that is not the highest and best use for Evansville's front door. That is what this is. That is what this is touted to be -- our front door. The front door to this city. The people who come off I-164 and turn to come into the city are going to see Evansville first by what exist along this stretch of the Lloyd Expressway. Right now it is weeds or farm fields when it is planted. That is what it is now -- it is agriculturally zoned right now. But it is our belief that you should send this back -- oddly enough I am asking you to do it, since I think both you and the City Council have to adopt the same plan since you are in an area planned together -- for further hearing with regard to this specific issue. What is it that we really want available to be seen by the people who come into our city when they first get off that Interstate? High density, multi-family? Is that really what the people south of this location want -- high density, multi-family -- with all the traffic that goes with it? With all the transient that goes with high density multi-family? Or is it indeed something we should project and plan? That some sort of commercial use is going to be logical here and, in fact, is better not only for the city but also the people who live in the subdivisions immediately south? The kind of thing that we will have with multi-family residential I submit to you is not going to be what you, as a County Commission, want to see openly done here. I hope the City Council will not want it either -- but I honestly don't believe the people in the residential subdivisions want that either. I suspect you are going to hear a lot about the promises made by this Commission (not you three, but this political body) some years ago when the property where Kenny Kent Toyota is now located was rezoned. I've read the minutes of those meetings and it was a master political stroke to rezone that real estate -- no question about it. I would submit to you that the people who own the real estate at issue here or down the road a fair piece had no role play in that rezoning that occurred with the Baptist Church, when the church was allowed to be sold for a car lot. The promises or lack of promises are really irrelevant to the question of this master plan. The question you have to answer as elected officials for all the people -- not just the limited number who live right there (or my clients, for that matter) is what do you want twenty years from now for the people who get off that Interstate to see when they come into the city? Well developed, well planned, well restricted commercial uses? Or, high density multi-family? Because that is really all

it can ever be. I don't think anyone would think single family would work. I would point out to you that you are also going to hear about reliance. How people who bought their homes in Carrolton Court and Plaza relied upon the promises made by this Commission several years ago that it would all stay residential. Well, I obviously can't speak to what somebody might have in their mind, but I would tell you -- and, again, it would be the kind of thing we'd presented at the Planning Commission had we known they were having the first meeting -- that with regard to Plaza Court there is a restricted covenant (Covenant No. 19) in terms and restrictions of that subdivision which pointed out that the lot along the Lloyd Expressway (which Mr. Klassy and King City owns -- Lot A, the last piece of undeveloped real estate in that subdivision) was projected to possibly be commercial. That is a recorded restriction; so there is no surprise that this issue about what ought to be south of the Lloyd Expressway is available for debate. The people -- at least those who live in Plaza Court -- in their deeds and the restrictions of the subdivision -- know that that was not committed by the developer to be residential property. I would ask that this County Commission refer the matter back to the Planning Commission specifically for further hearings on the property between Burkhardt and the Koester development which, by the way, is zoned now C-2 and C-4 (not "R") for the opportunity for further input to be had. I again point out to you that I understand the anomaly of me asking you to do that when it is not something that you technically have zoning power over -- since it is in the city -- but I think it has to start with whoever hears this first -- and it happens to be you and I will be asking the City for the same relief as it were. If you have any questions, I will be glad to try to answer them for you. Our suggestion is not that we rezone it tonight, that is not the point. But that the Master Plan should contemplate commercial zoning for some of that real estate -- layered uses, whatever words happen to be available at the time. But the way it is written now, the way it will end up is -- I'm sorry, we said for 20 years it will be residential, don't come talk to us. But that simply is not a good use for the land and it simply will not be a valuable use for this city."

Commissioner McClintock thanked Mr. Bodkin for his comments and asked if someone else wishes to address the Commission.

Ms. Mary Ann Marrese of 15 Fairway Drive, Edwardsville, IL, introduced herself. She stated, "It has come to my attention that the property south of the Lloyd Expressway and east of Burkhardt Rd. will remain as is, or at the very least have the opportunity to become residential. Being a property owner of a little less than twenty (20) acres of ground, I would like this plan to be reviewed by the Planning Commission in order to make the best use of the property -- for both the community of Evansville and the property owners. I've just spent four years in school and received my degree in design at the Parson School of Design in New York City -- the new school for Social Research where, among other things, I studied site planning for both residential and commercial building. I'm not going to tell you I am an expert, but I do have a trained eye. And I know a better use of that land is possible. Being a former resident of Carrolton Court myself, I empathize with all the area residents and I know their concerns. Everywhere I've been I've always left the site better for having been there and, again, I want to do this here. By property planning we can establish a plan that will be acceptable to all the area residents, the City of Evansville, and the property owners. We can establish the best tax base for Evansville, the highest remuneration for the property owners, and an aesthetic acceptable plan for all the area residents so they will be proud and happy to live next to this property."

Commissioner Borries asked Mrs. Marrese what she would envision would be all those ideals that she expressed? And, he commends her for her ideals. But he is interested in just what she would envision -- just as an initial statement?

Mrs. Marrese said that where she lives now is a very similar area to the residential area where she resided in Carrolton Court with the highway and she looks at it every day. "It is almost like deja vu. I live on a Country Club -- there are very expensive homes on one side and a little less expensive homes on the other side -- but very close to the highway. We have a strip of very nicely done commercial. And you know better the rating of commercial than I; but a gas station (which sounds not that terrific, but it is very nicely done), stores, a car wash, churches, day care center -- it just goes down the streets in strips all along the houses. I guess when I go home I don't even think about it, because it is so well done that it does not look obtrusive and, in fact, it is very convenient for the people who live there. Now we're hoping to have a grocery store. When I lived in Carrolton Court -- oh my, that would have been the worst thing. Because even when we bought our house people there said they didn't want that house because they thought there was going to be a grocery store there fifteen years ago. I think whatever is done there -- in kind of a tiered plan -- some very nicely planned program -- would benefit everybody, residents and the community. I see what everyone is talking about -- the entrance to Evansville from the east. When I drive that way I see it and it looks like the door from the east and I think you would want it to look its best. I think you can do that and please everybody."

Commissioner Borries said, "Thank you. And, without putting words in your mouth, I did hear you say then that you would find or could envision some commercial zoning being acceptable in that area?"

Mrs. Marrese replied, "I certainly think it would be, providing it is done so it is very pleasing. I wouldn't suggest any ugly structure next to homes. But I think it could be done and done very well with the proper planning."

Attorney Les Shively introduced himself and said, "I come to you as a member of the public and also as an attorney who appears on a regular basis before the Plan Commission, this Commission, and before the City Council. All too often in the past we have looked at Comprehensive Plans with a mixed bag of feelings, if you will. As we look at this Comprehensive Plan I think one of the important focus points of that plan has already been talked about -- and that is what this plan says about the new corridor in this community created by the new I-164 By-Pass. The I-164 By-Pass is an opportunity. This community has an additional benefit -- not just a transportation network -- but the lands in between and their access to a transportation system makes these lands available in a way they have never been made available before. Three years ago in representing a client on another matter I dealt with representatives of one of the largest financial institutions in this nation. One of the questions he asked me was, 'Where is the I-164 project at this point in time? We're very interested in Evansville and this area when that highway is completed.' He then drew comparisons between that area and what happened in Marion County some twenty years ago, plus with the creation of I-465.

The Comprehensive Plan is a plan. It is a guide. It is not a law or statute per se that necessarily prohibits certain uses or necessarily says that certain uses will come into being. But it is a guide. The plan is developed by an agency which you, along with City Council, have joint jurisdiction over. You, however, are the elected officials, along with the City Council, that have to make those decisions down the road whether changes can occur

and should occur. We look at the I-164 area and we look at the appropriateness of that area in between and what were the former boundaries of the corporate limits of Evansville out to the highway -- and I think it is important that we have a plan that speaks to outside investment. It says, "Yes, Evansville, Indiana-Vanderburgh County has its doors open to development. Has its doors open to new ideas; new businesses. And that we destroy this myth that seems to have been promulgated over years and years of other Comprehensive Plans which, for some reason, gives the concept that commercial and industrial development is somehow negative. About the only way that you have something that is aesthetically appealing or something that is worth preserving is for it to be residential. That is not necessarily true. Commercial development by those who own those businesses that finance the commercial development -- that becomes their corporate homes, their corporate identities. The amounts invested there can provide those necessary factors to provide that right gateway look. But, more importantly, it creates an economic base, a property tax base, and an employment base.

I think this Comprehensive Plan needs to be examined very carefully. I think it needs to be examined not only by the Plan Commission again, but I would submit to you all -- you are the elected officials who really will have the burden of that plan, if you will. Rather than make it a burden, see that this plan becomes a tool. A tool for you to do your job in representing your constituents to increase the economic base in this community. And I suggest that if you do have second thoughts about this plan when you conclude your public hearings, maybe what we need to do is have an objective entity with some skilled, trained planners -- not necessarily with a tie to Vanderburgh County -- with a totally different fresh outlook -- look at this plan and give their input before the elected officials put their final touches to it. Thank you very much."

Commissioner McClintock asked, "Les, obviously you must be concerned about a certain area. You're talking about the I-164 corridor now or the Lloyd Expressway?"

Attorney Shively responded, "Basically the whole area. Mr. Bodkin talked about a small area. I'm talking basically about the area that has really in a sense been created -- the new area created all the way from Southlane Drive to I-164 -- that whole area in there is essentially a new region in characteristics because of the new highway."

Ms. McClintock asked, "And currently the plan calls for that to remain agricultural primarily?"

Mr. Shively responded that primarily that is correct -- and limit basically commercial to where it is at this point in time.

Mr. Jacobs a developer, approached the podium and stated, "Basically we're not asking for any kind of commercial zoning. We're simply asking that you keep the vehicle open forcing us to design extremely well and to be very conscious of our obligation to you, the City of Evansville, and to the people we build houses for -- that we do a very careful planning and that we don't put a residential right up to Division Street (which would be terrible planning) but that we are forced by you not accepting our plans (unless we do a good job) to very carefully layer by design -- we can actually protect our home owners that we built for much better if we layer very carefully offices, some commercial, and we can provide a sound barrier by design better than you could ever do it any other way."

Mr. Scott Shrode of 216 Plaza Drive introduced himself and offered comments, as follows:

"Maybe through my own negligence here -- I didn't know about this meeting until early this morning when I got a call indicating they would be considering the Comprehensive Plan in today's meeting. I'm not here representing anyone but myself and just some of the comments the neighbors have had on Plaza Drive (the street immediately to the west). If you will look at the minutes from the Area Plan meetings, Dick Hagen (President of the Carrolton Court Homeowner's Association) addressed that body. We've heard comments about reliance on the 1985 pledge put forth by this body and I know that you've heard them before, Ms. McClintock, because you were on the Area Plan Commission in 1989 when we opposed a rezoning of the area that Mr. Klassy owns. But there was reliance on that. As you can see, my name is probably the last name on the petitions fighting the development of what is now Kenny Kent Toyota -- so I was involved in that a while back and some of my partners at that time represented the Homeowners Association south of Division, so I knew the history of it. To be blunt, there are more dollars in commercial development than there is in residential. What we're talking about here are basically four (4) parcels of land between Burkhardt Rd. on the west and Fuquay Rd. on the east. You didn't see me when the Eagle Creek Subdivision came up, because the plan clearly provided for commercial in that area. And you didn't see a lot of my neighbors when that came up, because they realized that and were willing to abide by the plan.

I would state to you today that if commercial is allowed south of Lloyd Expressway between Burkhardt and Fuquay, we'll never know what kind of good, responsible residential development can take place in that area. It hasn't developed residentially. Why? I'm not a developer and I don't know. Is it at commercial prices rather than prices for residential lots and development? If it is, you won't see residential development. But this was pointed out in the plan as the fastest growing residential area in Vanderburgh County in the last ten (10) years -- this general area -- Area B doubled in size. Plaza Court came about during that period of time. There has been significant development in Carrolton Court. But it is interesting to note that all of these areas were held back and they are held back for one reason -- because public officials are looked upon as going back on the pledge that eventually we can get the plan changed and we can make better on commercial. I, too, this weekend visited with the Chairman of the Board of the largest over-the-road trucking company in the United State of America (26,000 employees) and we discussed Evansville. If you don't know this, they are headquartered in Kansas City. I asked him about Kansas City (as I asked him before and I told you in 1989) and I remarked about the zoning in Kansas City, how they had beautiful residential areas. And then they had areas where there could be commercial development for those residential areas -- but they didn't mix the two. They said it is very simple -- the City leaders came up with a plan and they stuck to it. I'm two minutes from a grocery store where I can buy anything I want to. I'm a minute and a half from any convenience store where I live -- and I live almost to the County line. I'm five minutes maximum from Lawndale. There is a lot of commercial and we're not against commercial. We're against throwing commercial into a residential area. I think what Les Shively said here today is true. We can make a wonderful gateway into Evansville and I feel it can also allow for commercial. We're not objecting to commercial north of the Lloyd Expressway. I'm not objecting to commercial in Eagle Creek. And I'm not objecting to commercial north, where there isn't residential development. But I don't think it is good planning to stick gas stations, strip shopping centers, and development of that type in a strictly residential neighborhood with young families. You want to talk about transient? That will be transient. I appreciate your allowing me to address you today. Thank you."

Commissioner Hunter asked, "What would be the reaction of you and your people to multi-family units in that area as opposed to single family units?"

Mr. Shrode responded, "Well, when I moved in I was told there would be some type of condominium development on the strip north of Plaza. I can only speak for myself. At that time I had no objection to a well done condominium type of unit. I think that there could be some working in the neighborhood, such as there was with Williamsburg-on-the-Lake when they came in (which is on the west side of Burkhardt Rd.) to make a nice planned development. I am not saying necessarily that that is ideal, but I think our concern is that once commercial comes in the domino theory may not have worked in Southeast Asia but, historically, in Evansville, once you get that first commercial -- it's Katie, bar the door all the way up and down. And where Mr. Klassy's strip is, it's a very small piece of land. The land immediately to the east of it and to the west of it are large pieces of land which could support substantial large commercial development."

Mr. Hunter asked, "You said you had been opposed to the rezoning for the Kenny Kent Toyota, has that turned out to be the disaster you thought it would be?"

Mr. Shrode said, "I don't think so -- being north of the Lloyd Expressway -- I think because of the restrictions put on it. And when you look at the neighborhood and the heavy commercial development already there. I think the fear at that time was because of the covenants in there and the proximity to residential development, that once Kenny Kent Toyota came in you would have commercial coming all the way to the east on the north side of the Expressway, which is what has happened."

Mr. Hunter asked, "So now you are advocating that?"

Mr. Shrode responded, "I am not saying I am advocating that, I am saying that I am not against it. It is a reality -- it is already there -- I can't do anything about it -- so I think that is over with. But, again, here I would say you have employed professional planners and they have come up with a plan before. They reviewed their plan and decided to stay with it."

Mr. Roger Klassy introduced himself and stated, "Included in your packets you should have a map and a cover letter that is addressed to the Citizens of Evansville. What we are simply asking is that you send this plan back to the Area Plan Commission and review the encroachment of the Lloyd Expressway through our area. If, in fact, you intend to restrict our use to residential, which dates back to the 1986 Kuhlenschmidt action, where in, in fact, over a great deal of remonstrance the County Commissioners did, in fact, rezone the church. Their line was drawn between commercial on the north of the Lloyd Expressway and what we have on the south without perimeters. I submit to you that that particular plan extended to the Vanderburgh-Warrick County Line on the east to the Ohio River on the west and, again, to the Ohio River on the south. Again, without perimeters -- they were not defined. And yet, we see that that envelope has been broken by Dunn and Koester on the southwest corner of I-164 and on the Lloyd Expressway -- we see there has been penetration on Vann Avenue with an insurance company and things of that sort. And we see on this map we submitted that there have been properties rezoned commercial adjoining residential. So what we are suggesting now in sending this back is that you follow our plan where we establish buffers -- be they what they may -- and blend with residential to that end -- that we can then progress from residential through perhaps residential office to C-1, C-2, C-3, C-4, to a point where we create architectural high design and compatibility to a point where the land can be used for its highest and best use. Now, did anyone have any questions about the map we submitted?"

Commissioner McClintock said, "Roger, it doesn't show on the map at all what you are proposing."

Mr. Klassy countered, "Well, it does show this, Madam President; it does show the existing zoning; it does show a difference by shading and that sort of thing the areas that are adjoining residential. It does show a difference in zones moving north toward the Lloyd Expressway. And what we are suggesting there is that you hear each of these as they come in, because the Comprehensive Plan states in two different sections that this is just that -- just a plan. That you use this as a guideline and you should listen and take into consideration anything that is compatible. That we are willing to do. But it is very difficult to do that when you draw that line -- because that is a statement we can't overcome easily."

Mrs. Cunningham said, "Mr. Shively brought it to my attention -- and I made a very important omission. I neglected to introduce my skilled, trained planners -- and I would like to take this opportunity to do so. I have Joe Ballard, who has a Master's Degree in Public Administration and a minor in Urban Planning and has thirteen (13) years experience in the Area Plan Commission. Also with me is Dana Easley who also has a Master's Degree in Urban Planning, who is also on the staff of the Area Plan Commission. (Joe and Dana did most of the work on the Comprehensive Plan)."

Mr. Hunter asked, "Is it their opinion then that the land adjacent to I-164 should continue to basically remain agricultural?"

Mrs. Cunningham responded, "At this time the land adjacent to I-164 does not have the proper infrastructure in place to support commercial or industrial development. It also has a lot of problems with the septic systems to place in and, of course, our plan suggests that we would like to get away from the septic tanks -- particularly in a commercial and an industrial use -- I do not think that a septic system is the proper way to go. So, yes, at this time. But Mr. Shively was correct and it is a guide and if that would change, where the infrastructure were in place and everything was ready to go and there was a need for this then, of course, you review it at this point. In my opinion the infrastructure is not in place."

Mr. Ballard offered comments -- but he was not speaking from the podium, rather from behind the Commissioners' table, and his comments were muffled and inaudible.

Mrs. Julia Euler introduced herself and commented, "Practically all my life I lived at the corner of Burkhardt and Division. But then when the Lloyd Expressway came through we had to move. Before it was there it was almost unbearable. You couldn't go out into the yard because of the traffic, noise, etc. We could have moved our house back, but we didn't. I know now that the traffic is so great there that I don't imagine that any of these people who are opposing doing something with the ground would want to live there themselves. It is very noisy. I can't imagine anybody living there -- building just a residential home."

Mr. Klassy again approached the podium and said, "If I could call your attention to the map we submitted -- and I heard the word 'infrastructure' -- and that was related to the acceptance or consideration of the rezoning. I would like to point out that in our particular tract and most of Carrolton Court, Plaza Drive, Wilson Square we do have sanitary sewers, storm sewers, City water, gas and electric. We have cable T-V. We have Bell Telephone service. We have all these things adjoining and contiguous with the south line of Lot A, which lies between Plaza

Court and the Lloyd Expressway. Also, as far as water is concerned, if you go just to the east of Plaza Drive and draw a diagonal line, that is the summit and the water to the east runs into the Nurrenbern, Boesche, and Pigeon and our water runs then west to Burkhardt Rd. north and also into Pigeon. If you watch that area (of course, that system has been restructured and realigned) and if over the real high drains in the past had you watched the performance where we were accumulating a lot of water in the residential areas east of us and served by Nurrenbern; and over to the west of us we are all but high and dry. Water was running curb deep; the centerline was exposed, etc. So, for that reason -- we have the infrastructure and we have the watershed -- if that is a criteria for considering our plan, then I think we qualify. Thank you."

President McClintock entertained further comments.

Ms. Patricia Bunner introduced herself and said she did not know this was on the agenda today. She resides on the corner of Burkhardt Rd. and Peacock Lane. They're about 300 ft. from where Lynch Road is proposed to go through. Hopefully, it won't be built. But, if it is, she knows that a commercial sub-development has been proposed for the area. She hopes that if, in the future, the infrastructure is built so that maybe commercial could be done, that the Commissioners do realize there are some very expensive neighborhoods in that area and the people do not want residential and commercial to mix. Also, she wanted to be considered a good deal of the I-164 corridor that they say is presently agricultural. It is all flood plain and it is going to have some major problems if we ever decide to allow commercial buildings in that area.

Ms. McClintock again recognized Mr. Roger Klassy.

Mr. Klassy said, "Now, I heard that term 'flood plain' and I don't understand that. I don't know where it starts or where it begins. But the area that we are concerned about is not within the 100 year flood plain."

President McClintock then entertained comments from the Commissioners.

Commissioner Borries said, "I don't know of any way to satisfy anybody on rezonings -- and I've had the privilege now of spending my fifth year on the Area Plan Commission. I know from my experience that there are few things more emotional or personal than when you're talking about somebody's property. But I also know that things change. And I was a member of the Board that did vote on the rezoning on the north side of the Lloyd Expressway. It was called Division Street and was a two-lane road. And I don't believe at the time that a lot of people (certainly, myself included) would ever have been able to envision how large a structure the Lloyd Expressway was going to be -- lights and all. It is huge. It is like an Interstate. The only difference is that our Interstate (at least in certain parts of that area) has some stoplights on it. But it is Interstate-wide distance. It is massive in the amount of traffic that it can hold. It has shortened the distance between Evansville. It is something that I never thought I would see in my lifetime -- to see those railroad tracks that hold up traffic in a sleepy little town disappear finally. So I think things change. I won't vote on this southern part, because it is now in the City Limits -- and that has changed. And I really see both sides in this. I understand what people are saying in relation to protecting their homes. But I also know that there are certainly some people who want to use their property in a way in which they are saying they want to use it in its best use. And that is where the change comes in. I don't have any problem in allowing further discussion on that because, again, things do change. I guess that is my chief concern about the Census -- and

that is the growth in this City and how, in some cases, we can even talk about a lessening of the people here -- I mean, something is wrong. Areas that were even cornfields at one time are now massive in relation to the people living out there. And there are structures that have been built in the downtown area that belie that the population has declined here. There may be some people who don't want to be counted -- but I just can't believe the population here has declined. I'm in favor of allowing more discussion on it. I wish we could come up with some kind of consensus in this area. It is Evansville's front door; no one wants to see it not used properly or worked in a proper way. But I also know things change and they have changed a lot in my lifetime; and even in my term on this Board. So I am open to discussion. I just don't have any magical cure that is going to make everybody happy on this."

Commissioner Hunter stated, "I was born and reared in Evansville and I remember when Green River Road was a cornfield from one end to the other. I remember when we were told there would never be any commercial expansion east of Green River Rd. at Lincoln Avenue, among other areas of the community. And I would only hope (and I am not going to be involved in this either, since this is in the City) that as Mr. Jacobs and Mr. Klassy and various other groups come before Area Plan and City Council looking for rezonings and talk about buffer zones, that you will come with very concrete ideas on what a buffer zone would constitute -- and not just a piece of paper. And I am sure you will do this. But I think these residents have a very, very legitimate concern. If I lived out there I would have a legitimate concern. So if you do develop this, I sincerely hope that the nice things you said today about buffer zones and very careful planning are true, and I hope when you present these that they are presented in a very concrete manner. Thank you."

Ms. McClintock addressed Richard Lythgoe and said, "Richard, I'm a little confused about the information you gave us on the safe, useful, and usable airport. What is it in the plan that would not prevent your plan from happening?"

Mr. Lythgoe responded, "Well, we had two recent changes in the State Laws -- both good news and bad news. The bad news is that in the area between here and the airport -- if you buy much of that land inside the city you have to get a permit to use it. And there will be an exodus of land. That is the bad news -- unless we relocate the airport. The good news is that we now have a new law that says for the first time that we can relocate our 1,200 acre airport to a 12,000 acre site, or 1/10th the legal F.A.A. limit; get it out of the hills, get it out of the city, and get it off the taxpayers' back. What is it in this plan? Well, until we amended it in the hearing (which I thought was over with -- I didn't know we were going to have a whole series of hearings) to include a provision to take a peep at long range, analytical planning for a safe, useful, usable airport. We had that in there. I don't want you to take it out."

Ms. McClintock asked, "So you're happy with the plan as amended?"

Mr. Lythgoe said he is as far as the airport is concerned. He is asking the Commission to approve that section in there as it is now.

Ms. McClintock said that with regard to the property that lies south of the Lloyd Expressway between Burkhardt Rd. and I-164, both she and Rick have sat through hours of hearings on different rezonings that have come and gone regarding that very important property. And it is important not only to the owners of the property, but also to individuals who own homes and reside immediately adjacent to that property. "I will not -- and I have indicated to property owners on both sides of the issue -- go back and change what a former Commission promised a group of

property owners. What I have indicated to Mr. Klassy previously -- and I'm glad that the rest of the property owners are here with their representation -- that what needs to happen with this property is some good comprehensive planning. And for two years we have been saying what you individual property owners need to do is come up with something that looks like this and a solid plan of what that stuff is going to be -- and meet with those property owners who own homes in that area and see if you can reach some kind of an agreement. Now, it will not ever come back to this body. As you know, City Council would approve any rezonings in that particular area. But I am not going to vote as a Commissioner to open any flood gates, because I don't think you have taken the responsibility that we've asked you to take in working with those property owners. I'm a reasonable person. I don't believe that anybody wants to build a \$200,000 single family home and put it on the Lloyd Expressway. I don't think the people who own property in Carrollton Court (or anyone) really believes that will happen. But until they are presented with a plan for that entire area they are going to resist any kind of rezoning efforts and frankly I can't blame them. So one more time -- we're going to momentarily set a date on when we are going to approve the plan finally. We will hold another public hearing on that date. But I want you to know in advance of that public hearing. I am not going to vote (I'm only one vote out of three) to send it all back to Area Plan over what appears to be one group of property or set of property that has been discussed numerous times previously and we have indicated what the Commissioners and Council people felt should happen. Having said all of that, since we did not advertise this hearing in the paper I think all parties deserve that kind of legal proper notice....."

Ms. Cunningham interrupted, "We discussed it when Mr. Ziemer was here -- whether there was a need to advertise -- and I believe he determined that it is a Resolution..."

Attorney Wilhite interrupted, "I would agree that legally you don't have to advertise it. But I do recall that in some previous meeting you set this for the May agenda."

Ms. McClintock responded that the Commission did set it for the first week in May (May 6th).

Mr. Hunter confirmed that it is on his calendar for May 6th and it has been for quite a while.

President McClintock said, "We will take additional information from the public on May 6, 1991 at the regular Commission Meeting at 4:30 p.m. here in Commission Chambers. Now, do you want to vote to legally advertise? We don't legally have to advertise it."

Commissioner Hunter said, "I think we should. I just think by virtue of what it is and how major it is and how many peoples' lives are going to be affected that we should advertise."

Ms. McClintock asked, "Is a motion to that effect?"

Mr. Hunter responded, "I am making a motion to that effect."

Seconded by Commissioner Borries and so ordered.

Ms. McClintock concluded by saying, "Thank you for coming today. All the testimony that we have today is in the public record and will be available for your review and our review prior to making a final decision. Again, thank you very much."

RE: ORDINANCE RE SOLID WASTE MANAGEMENT DISTRICT

Attorney Wilhite said there was a Joint Meeting this past Wednesday with City-County officials. At the meeting there was consensus that we needed to go ahead and proceed with the legal steps to establish a Solid Waste Management District. As was reported at that meeting, either fortunately or unfortunately there wasn't any sort of consensus to have a multi-county district. Therefore, he has prepared an Ordinance and provided the draft to the Mayor, all City Council members, all County Council members, and the three County Commissioners, which essentially outlines a single-county (Vanderburgh County) Solid Waste Management District. While it is quite lengthy (6 or 7 pages), it just sets the bare bones or the skeleton requirements for a Solid Waste Management District. Probably 95% plus of what is in this Ordinance is simply statutory language, statutory requirements, and while he would like to take credit for some creative drafting, it essentially is just putting the statute in a more readable form -- more logical form. Unfortunately, the only real choices the Commissioners have as policy makers is first, whether to confirm that we only have a choice to become a single-county district. The powers of the district are all statutory. He has had a couple of comments phoned into him from interested parties on rather technical legal matters that he may or may not change; they won't be significant, but there might still be some fine tuning to be done. He then asked if anyone has received any policy comments from any of the other officials that he needs to incorporate? (There was no response.) With fine tuning in a couple of areas, with the Commissioners' permission he believes we are ready to take the first legal step in establishing a district -- and that is to begin the readings prior to adopting the Ordinance.

Upon motion made by Commissioner Borries and seconded by Commissioner Hunter, First Reading is to be scheduled for April 29, 1991, with Final Reading scheduled on May 6, 1991, and the Secretary was instructed to advertise to that effect. So ordered.

RE: LDDS/SAVINGS ON LONG DISTANCE CALLS - DAVID ENGLERT

Mr. David Englert was recognized and introduced himself. He said he handles major accounts for LDDS Communications in Evansville, and he appreciates the opportunity to be here tonight. Jerry Riney invited him to run past the Commissioners some of the things he's been doing. He's been meeting with the School Corporation, the City, the County, and the Controller's Office. LDDS Communications is a long distance carrier here in Evansville and they currently service approximately 50 of the City, County, and School Corporation Offices. One of the nightmares or problems that the three entities have is they have a very difficult time with the billings. We have what is called a consolidated Rohm system here, wherein all 800 telephones run into a group of 29 local lines at this point in time. LDDS has proposed a plan by which they can create for us individual departmental billings for budgeting purposes. Basically they need the approval of the County at this point in time to do this. He is convinced that the City wants to go ahead with this plan, and the School Corporation certainly wants to go through with this plan -- and it takes all three entities to be involved because all three of us are using a common telephone system. What LDDS is proposing is that any person who will be authorized to make a long distance call will dial "9" to access the system, dial "1", area code, and the number, and LDDS will give the caller a beep and each authorized caller will then put in a telephone I.D. code. It will eliminate any abuse that we have at this point in time and with that four digit security code LDDS will create the type of billing packages we want. The School Corporation prefers to have one consolidated telephone bill with departmental recaps. He is of the opinion the City prefers to

have the individual offices -- they want the Mayor separate, the Controller, the different offices separate. The County Commissioners currently have separate billings. He is saying he can create this for us because we have one aggregated system. All three entities have to agree on how we are going to make this happen. They have had lengthy conversations with KLF (our vendor) and it will be a very simple concept to do. They will install a separate piece of equipment on our telephone lines and, again, anytime an authorized caller makes a long distance call the caller will be asked to put in a four digit code. If they will do that, LDDS will do the billing for us.

The second thing they are willing to do for the City is that they have a corporate rate. Anytime a customer will agree to use the services of LDDS for a period of one (1) year, they will give them appropriate volume discounts. The maximum volume discount in the City of Evansville at this time is 28% off the corporate rate. They are willing to give the City, the County and the School Corporation their corporate rate with a 28% volume discount on a month-to-month basis without any type of yearly agreements. He is saying that a person who spends \$10 per month will be getting the same volume discount as a user at Welborn Hospital or Old National Bank or Citizens Bank, someone in that volume area. He thinks those not using LDDS at this time utilize AT&T. All calls will go through LDDS. Those people currently going through AT&A will see somewhere between a 25% and 35% savings on their phone bill, in addition to LDDS providing a solution to the billing nightmare we have with the three entities in this complex.

Mr. Riney said he and Mr. Steve Utley of the Building Authority have been meeting for about three months concerning these long distance calls. In addition to the 25% to 35% savings, we will also realize savings from people who are calling but shouldn't be calling on these long distance lines. This is going to eliminate this completely -- if we have been having many. He does not know that we've had a lot of calls that shouldn't have been placed, but we have had some.

Mr. Englert said hopefully we have honest people working for the three entities. At the same time, if we have any abuse it will stop when we begin to have accountability. They utilize the same system at Channel 9. If you're not an authorized caller, you can sit there and try to make a call all day long and you're not going to make a long distance call which is chargeable to your department. It is a feature of the service they are willing to give, because they would like to have the County, the City and the School Corporation as viable references for their company.

Mr. Riney said we're only going to have to sign up for one (1) year. If we're not happy at the end of that period of time, we can put it out for bids to anyone.

Mr. Englert said that rather than go through the legal hassle for the three entities, they will do it on a month-to-month basis (as stated previously) and give us the one year contract rate. They will do that. He particularly doesn't want all the political arguments of going through contracts; he'd rather have an agreement with us that they are going to provide the best service and answer some serious questions. As long as they do that, he doesn't believe we will be out shopping.

County Auditor Humphrey asked why we haven't been doing this for ten years?

Mr. Riney responded that they just started studying the problem.

Mr. Englert said, "The problem we've had, you have one concentrated phone system here and you have three different organizations who are calling the shots. We have some people who

are manually dialing numbers to access LDDS; we have some people who are using the speed dial system of the Rohm system -- we have an absolute mess here. And this is going to be all or none. That is why they are coming to us and saying that if the County Commissioners shoot this thing down -- it is done. Because if he does it for us, he has to do it for the City and for the School Corporation. In response to query from Mr. Humphrey if speed dialing will still be available, Mr. Englert confirmed that the speed dialing feature will be available to us -- but we will not have to speed dial to have access to LDDS. All calls will be 9; one area code, and the number. It is going to be a lot easier than what we're doing now. The four digit code gives us 10,000 different possibilities to eliminate abuse. He currently does this with the University of Southern Indiana and they make the students put in either 9 or 10 digits -- for security purposes. The more digits you have, the more security you have. We currently have AT&T as the long distance carrier on our outbound lines. They will leave AT&T as the long distance carrier and put a piece of peripheral equipment on the switch, so that will almost give us redundancy. In the event of some type of disaster, you can unplug LDDS equipment from the wall and calls will immediately go through AT&T. So that gives us the redundancy of two different carriers. LDDS is the primary carrier and AT&T is the back-up carrier. LDDS is of the opinion we only need eight (8) designated lines to complete all the traffic currently going through. They are willing to put their equipment on sixteen (16) lines, because in the event of disaster or some type of emergency where lots of people get on the telephones, they would rather know we have double capacity of what they currently have. That is just something else they are willing to do make sure that we do not have a collision factor in the event of a real emergency.

Ms. McClintock asked, "If the Commission would agree to this today, when would we expect for it to be installed?"

Mr. Englert said he would then sit back down with Virgil, Steve Utley, the Controller's office, and Jerry Riney and simply have KLF do a programming whereby they re-route all the traffic to a specific group of lines and that group of lines will route calls to LDDS. He'd say they could probably accomplish this within two weeks.

Mr. Humphrey asked if this will affect local service.

Mr. Englert said it will not. They will continue to terminate 800 traffic; terminate free calls. One of the features that will immediately stop is if we have any 900 calls, they will not terminate a 900 calls. The way we're set up right now, if someone makes a 900 call, it will go through our phone system. He will block 900 traffic. There are no good 900 calls.

Mr. Humphrey asked if Mr. Englert has done a study as to local usage. For example, he could not get a 424 line today at one time.

Mr. Englert said, "What has happened is that KLF has done a traffic study and it may be that they are going to add more local lines. That is a feature of our dial tone collision, not our long distance carrier. But I can assure you that is being looked at."

In conclusion, Mr. Englert said he is here seeking Commission approval. Once he has their blessing, he is sure this thing will be a go from the other entities.

Upon motion made by Commissioner Borries and seconded by Commissioner Hunter, the proposal was awarded for a period of one year on a month-to-month basis. So ordered.

RE: CARANZA-KEMBELL SEWER PROJECT

Attorney Jeff Harlan said that approximately two weeks ago we were here to consider the Assessment Roll for the Caranza Sewer Project. At that time the Commissioners took it under advisement, pending a decision at today's meeting, to address some concerns raised by Mr. Bill Jeffers. Prior to addressing those concerns he can report to the Commissioners that the original amount of \$210,211.47 figures supplied to him were in error in that it was \$15,038.18 too high -- which means that the proper amount should be \$195,173.29, which reduces the assessment per property from approximately \$4,472.00 to \$4,152.00 or about \$300 per property.

In turning to the problems addressed by Mr. Jeffers, Mr. Harlan said he has thoroughly reviewed those, and Mr. Nicholson of Veach, Nicholson, Griggs Associates has reviewed those that pertain to the inspection, staking, and engineering aspects of the project. After review of those items with which he was familiar, Mr. Harlan said he does not see any reason (without going into any detail) not to approve the assessment at the \$195,000 figure. He would believe that many of the objections that Mr. Jeffers had (although he cannot speak for him) would probably be alleviated because of the \$15,000 reduction in the item called "Inspection & Staking". Mr. Nicholson is here and can address any of those concerns should the Commissioners desire to hear those. Otherwise, Mr. Harlan said it is his recommendation that the Commissioners approve the assessment role at the revised figure of \$195,173.29, thereby permitting us to move the assessment role on to the Assessor and the Treasurer so that the proper notices to the homeowners can be sent and they can be given notice as to what rights they have once the assessment is approved.

Ms. McClintock asked if Mr. Harlan has a copy of his response in writing to Mr. Jeffers' comments. (Mr. Harlan provided a copy to President McClintock.)

Attorney Les Shively was recognized and introduced himself. He said he is here on behalf of the residents in the Caranza-Kembell Drive area that he represented back in 1989, when this project (which was originally initiated in 1987) was laying dormant and the property owners out there were faced with a horrendous dilemma. Their septic systems were no longer functional; they could not be corrected with minor repairs, because the local health authorities would not permit those particular septic systems. It was imperative for them to maintain their property values to use their home or be able to sell their home -- to be able to get onto the City's sewer system. And that is what was initiated in 1987. As stated previously, the program lay dormant. He was hired by the residents because this matter had not been moved forward by the then County Attorneys (not the present County Attorneys) and there was also a lot of opposition to this particular plan by several property owners. One of the main objections was the method of assessment. The assessment method to be utilized was a method that he brought to the attention of the County Attorneys was illegal due to the fact that it was based on a square footage basis and not on an equitable benefit basis. Once that was cleared up (and that was brought to the attention of the Commissioners by himself) many of the property owners withdrew their remonstrances and joined in this project. Also, he assisted the County by communicating with these people and got their consent to grant to the utility -- and to the County, for that matter -- the requisite easements for the sewer lines. If the Commissioners will look at the actual land cost -- he thinks the land cost is \$3,600 or less -- and that was due to these folks being convinced that this was a good project; that they would be assessed equitably and fairly for this improvement. And, once again (and he is not saying this to toot his own horn, but rather will be getting to the point in a

moment) -- he assisted the County in doing that. He worked very closely with Mr. Harlan to that extent. There were problems with the initial bids on this particular project. He worked with Mr. Harlan in that matter. There were problems with a deficiency in an earlier public hearing. He also worked with Mr. Harlan to see that that was properly corrected. There was a concern as to what was to be the tap in fee. The utility wanted to charge these folks the same tap in they charge a developer (close to \$2,000). We got the tap in fee reduced to \$425.00. The County is going to overall benefit. Yes, it is true that the property owners individually -- the ones who get the sewer lines -- are also going to have to pay to have the lines brought into their home at their own expense. This is just to get the lines out there so they can be accessed. But the County as a whole is going to benefit, because these are lovely homes that now will have City sewers which will really enhance their marketability.

Secondly, the utility is going to benefit because the utility is going to get that tap in fee. He has never quite understood why they call it tap in fees. In theory, it is supposed to be to underwrite the additional cost of burden that it places on the sewer system. He doesn't know how they arrive at that number --he thinks it is somewhat arbitrary. Nonetheless we at least got it reduced and the utility will receive \$425.00 times the number of properties tapping in, plus once they are tapped in, the utility is going to receive those monthly charges.

What he is suggesting is this -- the work on this project was a combined venture of the County and the private property owners. The private property owners hired him to assist the County in seeing that this project goes forward. He notices on the assessment that the Attorney fees requested by the then County Attorneys are about \$12,500. He submits, and he has his billing statements with him, that he did at least as much as the County Attorneys -- and his total bill to the residents out there was \$1,948.50 -- a somewhat difference in expenditure. He also is somewhat (and by the way, he is not getting paid to be here today, he is here on his own -- and some of the residents brought this to his attention) concerned because he made a request to the County Attorney and to the County Commission about a year ago. He said he had not been paid his attorney's fees by the property owners and he asked why the County didn't take his fees and put it in the assessment and he would receive payment on an installment basis. Once again, he felt it a little unfair (he knew they were going to have to pay some part of the County Attorney's fees as part of the assessment) that they were going to have to pay him as well, and he was trying to soften the blow. The word that came back to me was to the effect that 'we're not going to do that'. So these people have paid him in full and he thinks the services they paid for through him, which reduced the amount of land that had to be acquired for right-of-way, that got this system in (which is not going to assist just those people) is going to make that whole area more valuable to the County. And, incidentally, within a year or so that will be reflected on their taxes, as well, which is bad news for them and good news for the government. He is not going to quibble with Mr. Harlan's attorney fees (he was a little shocked when he saw that amount and is sure he has statements to back them up) but it sort of surprised him, given the amount of work that was done by himself in that matter and the amount of his own statement. He would just ask the Commissioners to do this -- as they are looking at the assessment for this project, keep in mind that these people were looking for an assessment of about \$3,500 -- and maybe the \$15,000 reduction will get us closer to that point. He would simply ask that the Commissioners look at this assessment from the perspective, 'Yes, these people are being benefitted by a sewer line out in their neighborhood', but the County is being benefitted as a whole, as well. So is the utility -- although it technically is a City utility, it serves the County, in general. He would hope the Commissioners would

work with these people and keep that assessment closer to what they thought it was going to be. According to his notes, two years ago this project was estimated at \$120,000 and we're now up to \$195,000 with the \$15,000 reduction. He wishes the Commissioners would either consider modifying the assessment or consider paying part of this out of the General Fund. But these people have been most cooperative and made it easy for the County to acquire their properties, based upon an equitable method of assessment. He would hope the County would carry this out now that they've seen the project in completion and know what the total bill is projected to be.

Attorney Harlan said he has one comment. Since the question of Attorneys' fees has been raised, the fees that the firm he works for has been paid -- the ones where claims had been prepared but not yet before the Commissioners are fully itemized. The attorneys' fees are genuine and represent the work done for this project.

Commissioner Borries commented, "Les, as always, is very eloquent and articulate and we certainly appreciate his good will toward the residents -- and I know they all appreciate his good work in their behalf. I would want -- and I can't debate -- that I also have the highest regard for Jeff Harlan and certainly know that it would not be his intent to pad any kind of legal work that was done. This was a unique situation that was set up because this County unit does not have a utility department in which a sewer itself is a normal part of the function of this unit of government. As a result, taxes are lower and the Barrett Law which was somewhat unusual in this case was used in a very complicated situation and I might add and, again, and typical in a Democratic way, you are not going to get everybody to agree. I suppose that if we all agreed, at least some of us on this Board would not be needed all the time. That was a long exercise that had to be done that way in researching the statutes because, again, there simply was no provision for this County to provide that service, because we don't do it anywhere else -- and that is why the County tax rate is lower. The minutes of the Commissioners Meeting of October 2, 1989 said in a letter from Les Shively to the residents:

"Dear Residents,

The projected cost per home for the above-referenced sewer project is in the range of \$3,500 to \$4,000. This is only an estimate based on information available at this time. The actual cost could conceivably be higher, depending upon the cost, including attorneys' fees, easement acquisition, and other expenses."

Mr. Borries said he is heartened to see that this has been lowered. The actual cost would be \$152.00 higher than noted on October 2, 1989; but he also believes that is in view of a change order that occurred in this particular situation where, again, that was something that apparently had it not happened then the project could not have been completed in a reasonable fashion. This was a difficult project -- again, because you are dealing with a lot of different residents and a law that simply breaks it down on an individual basis in a very complicated fashion. Mr. Borries said he doesn't know of any way the County General Fund could do this. This opens a Pandora's box and a situation that would never have been seen before. In fact, the County just simply does not have any budgetary responsibility to be able to do this and that is why we used the Barrett Law. He would move for approval at this time in the amount of \$195,173.29, unless there is further discussion.

The motion was seconded by Commissioner Hunter. So ordered.

RE: PETITION TO AUTHORIZE WORK ON HEATHER COURT

Ms. Debbie Berning was recognized. She introduced herself and said she resides at 8105 Heather Court. She said she will try to be succinct in her statements, but let the Commissioners know what is going on in their neighborhood. She appears as a representative of the families in Heather Court, which is in Evergreen Acres. At this time, she would request the Board's consideration and authorization of some road repairs to the Heather Court area. They have been in contact with the County Engineer's Office over the last couple of years. Some remedial repair work has been done. However, it is clearly evident that it has not solved the problem by a lack of drainage. She will show them pictures which will further illustrate this. She continued by saying she will submit to the Board a Petition which has been signed by one hundred percent of the families who reside on Heather Court. (Copy attached hereto).

As mentioned, and she believes Mr. Greg Curtis will be able to provide the Commissioners with more specific technical data to illustrate what she is talking about, there have been incidents in the past where there have been problems with erosion along the lateral sides of the road. In fact, the first picture is looking from the corner of Pine Place and Heather Court -- looking up Heather Court. The problem seems to be that there has been erosion from the side of the road. In the first picture there is a wet spot in the middle of the street. In December, they noticed this spot was simply a crack in the pavement. At this time the crack has actually extended into a hole from which water leaks almost constantly. In the picture it is fairly evident that the rest of the street surface is dry; the gutters are dry; there has not been any recent rain or moisture. The photo that says 8111 Heather Court is at the corner. Unfortunately, when the pictures were taken the holes had just been filled in. But Mr. Edge has to frequently fill in holes, because children in the neighborhood run across his yard and he is concerned for their safety. He is constantly filling in and the erosion continues -- and it is worsening around that sewer which you see in the picture.

In the photo that says 8105, you will see a rather crude form of dam which her husband constructed, because they noticed water was coming out from under the curb and was eroding their front yard. He placed those bricks and other materials there to try to prevent erosion of their yard. Ms. Berning said the County Engineer and his employees have been very gracious and they have been very helpful. At this point, however, they say that unless the Commissioners authorize further work their hands are really tied insofar as making corrective types of changes that would solve the current situation.

The next photo shows the dam at 8105 Heather Court, which is a series of bricks which were placed there. They did come out and repair the curb and that ground was reworked -- so it does look dryer now than it normally does. At 8105 there is a loss of driveway which has been explained to them as due, again, to erosion of soil from under the soil surface -- and you can see the actual fractures in that pavement.

There is curb loss and erosion at 8106 Heather Court. There is loss of curb and yard at 8012, as illustrated in the photos. And in the picture that shows 8012, you can note the repaired segment of pavement. That is a repaired segment where a cable T-V van actually fell through the pavement and had to be removed. She is not sure of the specific technical data, but it is her understanding that they went in and reinforced and filled that area with concrete. She would like the Commissioners to be aware that the neighbors have noticed aggravation of the problem further down from that site since that time. They would like the Commissioners to consider this. Other photos will show loss of

curb alongside the roads. This is just one of many incidents where erosion has taken place and there is honeycombing of the ground adjacent to the street -- and they are, of course, concerned for public and health safety. Although Heather Court is a cul-de-sac, there is frequent traffic and many children do play on that street because it is a cul-de-sac. They are concerned that something might happen to them. They are also concerned about further damage to County and private property.

Although the County has in the past tried to address their needs and problems, the actions have been remedial and they have not actually solved the problem at hand. Again, she believes the County Engineer's office is available today to provide more technical information should the Board have questions.

Mr. Gary Kercher said he believes he was out there late last year on a different matter and noticed some problems and he guesses they have gotten a lot worse than anyone expected. They drew up a rough estimate today and with the County doing the work, they figure it will cost about \$18,000 in materials just to get it to a point with which they would feel safe. In a situation like this, when you start tearing up a street you don't know what you are going to find once you get into it. He believes some of the utilities in that particular location are underground -- so we're going to have to get around those. We're not sure where some of the problems stem from, but they know where to start and then work back to it. They're basically talking about excavating a trench drain -- but it's sort of one of those hit and miss things and they're just going to have to try it.

Ms. McClintock asked, "So you don't really know exactly what is wrong there?"

Mr. Kercher responded, "Some of the driveway edges were actually sinking. I mean, it's bad in areas. We're talking about excavating those areas out just to bring them back up to the existing roadway. Some of the curb has fallen through and there is a pretty nice hole right at the top of the hill -- right off the edge of the pavement where the concrete is completely gone."

Ms. McClintock asked if this would have to come out of the highway budget?

Mr. Kercher said they could use the Barrett Law -- it's a pretty major construction. They have to dig a trench and try to outlet the water -- and move it that way first. Once they get the water out, they still have voids to fill. Getting rid of the water is just part of the problem. But it's gone on long enough that we actually have voids and settlement problems that we're going to have to correct. In response to query from Commissioner Hunter as to why this occurred, Mr. Kercher said he thinks it's a case where the water was forced down into the sub-surface roof drains -- just the infiltration from the rain itself, and over a period of years it has created a void underneath the road -- and did not allow for proper sub-surface drains, which we don't normally require on subdivision roads. But the State has been putting them on every State road now because of similar problems.

Mr. Hunter asked if this isn't similar to the situation that occurred in Melody Hills?

Mr. Kercher said it is the same thing. The water goes downhill and as it goes downhill it is going to take something with it generally -- if there is nothing down at the bottom to keep it out. We do put lugs in our street now to try and hold some of that back. When you're working with water even the most expensive solutions are not fail safe. There are ways to combat it with sub-surface drains, etc.

Mr. Hunter asked if these are problems that could have been addressed from Day 1, or not? Or is this something that would have happened anyway?

Mr. Kercher said he thinks a lot of it depends on the soil type. He thinks a lot of it would have happened anyway -- even with a sub-surface drain there. Because unless you put one on both sides for the length of the street and outlet it to the bottom -- and you're talking about several thousand dollars to do that at the time it was constructed -- and he doesn't think that was foreseen.

In response to comment from Commissioner Borries, Mr. Kercher said this was originally a concrete street and has been overlaid twice. As near as he can tell, there was a six inch curb there previously and most of it is gone.

Commissioner Borries said that rather than finger pointing here and coming up with a quick fix, he would like to have further information from the highway department to see whether or not this is a private property problem -- if it's in terms of roof drainage, or in terms of where the water is coming from. That is something we can't fix, unless we recommend some kind of change in relation to where those downspouts are coming, etc. That water is going into our right-of-way and we can fix that, but we could spend a lot of money here and still not fix the problem if the drainspouts are going into an area that is going to affect the County right-of-way.

Mr. Kercher said the drainspouts would be easy enough to fix.

Mr. Borries said he would still like information to determine if that is part of the problem. He sees some erosion along the side of the road that may not be County right-of-way. If it is not, we could do all the work we wanted and still not solve one of the basic problems. He'd like to help and he also would hope we'd look carefully at our budget -- it is awfully tight this year -- and see what could be done.

Mr. Muensterman said, "These drains coming off the roofs of these homes -- we've brought it up before as to why they can't cut the curb and run the pipe between the curb. Right now they just run them over the top and put in a plastic pipe. The pipe falls down in behind a rolled curb or regular curb and the water washes underneath the curb, goes underneath the road, and that is where you get your erosion. But a lot of this is the hilly problem. We've had more problems in Melody Hills -- you're on a grade and on any kind of grade you're going to get it. The concrete cracks and the water comes down and gets between the cracks and washes underneath. We had a 12 ft. length (O'Hara Drive) 4 ft. wide and 1 ft. deep under the road. We cut it out, put rock in it, and put a concrete barrier across so it would run toward the side of the road. That's the only way you can fix it -- and it just keeps washing all the time. If there is some way we could keep those gutters from the homes draining into the road without going over the top of the road -- he understands you can buy concrete slabs with a hole in them, all you have to do is stick that pipe in the hole and it goes into the rolled curbing or the regular curbing.

Ms. McClintock interrupted, "So we need to do some additional research on this. Gary, can we have that back in two weeks?"

Mr. Kercher said they will try to get some information and get back to the Board.

Mr. Borries said he would like some comments from Mr. Muensterman as to what it might be possible to do.

Mr. Wesley Knight of the Heather Court area said he is in the same situation and has been in touch with the County people and City sewer people. In fact, he also signed the Petition submitted by Mrs. Berning. He's been after people since last April to get something done in that area. Twice last summer he couldn't even get into his driveway because the water was so deep in the street. Once it was over the top of the fire plug at the corner by his house. It's a very serious problem for everyone out there. Everybody he gets to come out there says the subdivision is illegal, it never was laid out properly. He had an attorney research the abstract when he purchased the house a year and a half ago and he said his street didn't even exist. The gentleman said he contacted an attorney last week and has since found out that he may not be able to represent him, because his firm represents the County. Thus, he may be contacting someone. Nonetheless, open sewage runs down the street every time it rains. It shoots water right out the manhole cover in the street sometimes four feet high. He's been after the City on this for over a year. They come and say they are trying -- but it has never stopped. If the County Board of Commissioners would like to see this, he has plenty of VHS tape which he'd be glad to bring the video and a portable T-V to show them just how bad the situation is. Kids walk through this debris that comes out of that sewer and he doesn't need to tell the Commissioners how bad it is and these kids play in the stream right across the street from this sewer that spills into it. It's a very dangerous situation and could create a very major lawsuit.

Ms. McClintock said the Commissioners understand these residents have a problem and that is why they are going to have the County Engineer look into it further.

The Knight said he talked to Dave Franklin and he has been out there. Mr. Franklin said there wasn't a whole lot they could do until we got a Petition and started raising hell.

Ms. McClintock said the Commissioners have the message.

RE: TIRE INVESTIGATION

The meeting continued with President McClintock saying that the matter of the tire investigation was discussed last week. She apologizes -- she misunderstood. She thought we had agreed to turn all that information over to the Police Department -- and she was just thinking Evansville Police Department. She really doesn't have a preference as to whether it is the EPD or the Sheriff's Department. She has spoken with Ray Hamner in the interim, who has indicated he would be more than willing to do it. She did put a call into Art Gann and she has been in and out and they missed each other. The Commission needs a motion and a vote on whether or not to investigate and, secondly, who to turn it over to. She will entertain discussion at this time.

Commissioner Hunter said he has no preference.

Commissioner Borries said he has also talked with Sheriff Hamner and Chief Gann. He knows that Chief Gann has investigated the City of Evansville in relation to this matter and chewed up a lot of manpower from that standpoint. At this point, he would believe the more appropriate agency to handle County business would be the County Sheriff's Office and he would move that the Sheriff's Office investigate this matter.

A second was provided by Commissioner Hunter. So ordered.

Ms. McClintock said the Board needs to get a letter to Ray Hamner. Mr. Borries said he believes the minutes of the Board would reflect that. As the other Commissioners know, his concerns all along has been -- he thinks now that the private individual who has handled the invoices might not have any idea

at this point as to what is going on. He would also say that judging by the two persons who are the secretaries and have been there for a long time, he would find their record keeping very solid and they are very capable people. Therefore, he would tend to raise some concerns about whether or not their record keeping has been terrible. In any case, perhaps those two individuals would need to answer what kind of record keeping is terrible and if that is part of the problem in relation to this matter. But certainly that can be discussed. He thinks the minutes should reflect that the Sheriff is authorized to proceed with the investigation.

In response to query from Mr. Muensterman as to when the Board wants the Sheriff to pick up the claims, President McClintock said she thinks that is up to the Sheriff's Department.

RE: PROCLAMATION FOR COUNTY GOVERNMENT WEEK

Commissioner McClintock said the Board has a Proclamation re County Government Week.

Mr. Borries interrupted by saying he has another meeting to attend. He would only say that he did have an opportunity to read a bit last week about what she has done. Certainly he commends her work here in relation to County Government and County Government week. He would call the Board's attention, however, that there is a book distributed by the Indiana Chamber of Commerce called "Here's Your Indiana Government". One of the things the Commissioners do was omitted and he hopes it was just unintentional. What the book says is that in all Counties except Lake County, St. Joe County, and Marion County, the County Commissioners are directed to enact Ordinances by strict procedure, including mandate for passage by majority vote or two-thirds, where specified by law, of all elected Commissioners instead of those present. In other words, it goes on to say that the Commissioners may enact Ordinances to meet local conditions, etc. His point is, he thinks the Board also needs to stress that until there has been some change -- which he was not aware of -- that this Commission does have Legislative duties and power to pass Ordinances, as well.

President McClintock commented, "That was strictly an omission. Thank you."

Upon motion made by Commissioner Hunter and seconded by Commissioner Borries, the Proclamation was approved. So ordered.

RE: BID FOR PRINTING OF TAX BILLS

Commissioner McClintock said there was some question re the bid awarded to Moore Business Communication Services for printing of tax bills. Inadvertently, the bid forms got separated from Joanne -- who was to get these all filed properly. Ms. McClintock said that, for the record, we do have the bid and it is properly executed; we do also have the bond we need and Power of Attorney. The Commission has approved the bid, but now needs to sign same at this time.

Joanne Matthews stated Mr. Ziemer's office had inquired about the bid bond and Non-Collusion Affidavit and she retrieved same from County Treasurer, Pat Tuley.

RE: COUNTY HIGHWAY - CLETUS MUENSTERMAN

Mr. Muensterman said he has submitted his Weekly Reports.

Leave of Absence/Albert Gardner: Continuing, Mr. Muensterman said he has a letter from Mr. Albert Gardner, an employee for 20 years. He had a knee operation and right after that he had a heart problem. During the time he has been off he used his four

weeks vacation he had coming and all his sick days, plus his three personal days -- which ends tomorrow. He is asking for a three months' leave of absence without pay. He is saying his doctor said he may be able to come back in six (6) weeks, but he is asking for three months' medical leave. He is asking that the County Highway pay the County portion of his insurance.

Ms. McClintock said she will entertain a motion to grant Mr. Gardner the three (3) months' leave of absence, but not to pay his portion of the insurance.

Motion was seconded by Commissioner Hunter. So ordered.

Ms. McClintock said Mr. Gardner needs to get a letter to that effect.

Auction on County Surplus Property: It was noted by Mr. Muensterman that an auction of County surplus property will be held on May 18th. He will provide the Commissioners in advance with a list of the items to be auctioned.

RE: COUNTY ENGINEER'S OFFICE

Union Township Access Project: Mr. Kercher said we had signed an agreement with CSX Transportation and they subsequently received an agreement from the State that the Indiana Department of Transportation uses when they do work in, around, or over railroad tracks. They took a copy of that agreement and modified it for our use. They forwarded it to the County Attorney.

Mr. Wilhite said he has it and has a couple of questions.

Mr. Kercher said we've had correspondence from the railroad. We purchased the right-of-way and the railroad has been paid for same. He thinks the County Attorney needs to work with someone from CSX to try and get this agreement signed so the project can continue. We need that signed agreement in order to give Notice to Proceed.

Motion to this effect was made by Commissioner Hunter and seconded by Commissioner McClintock. So ordered.

Bridge No. 34 Approach: Mr. Kercher said he understands that we are going to not carry those approaches on Bridge No. 34.

Mr. Hunter confirmed that this is correct.

Mr. Kercher said we have brought the slopes down to avoid that situation. He just wanted to clarify this.

Mr. Hunter asked if flooding will still occur -- at least on the north end?

Mr. Kercher said, "At least on the south end. We might be able to raise the north end enough because of the way the profile is. It will be similar to Bridge #35. The design for the bridge has been completed, but the drawings have not been finished.

Mr. Hunter requested that Mr. Kercher see him later to discuss this.

Street Acceptance/Eastbrooke Drive: At the recommendation of the County Engineer's office, upon motion made by Commissioner Hunter and seconded by Commissioner Hunter Eastbrooke Drive was accepted for County maintenance. (See attachment)

Travel Request: Ms. McClintock said Mr. Kercher brought this up in the Department Head meeting.

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

Acceptance of Check/Audubon Estates, Section "C": Mr. Kercher said they received a check for Audubon Estates, Section "C" for street and storm sewers and request that same be deposited into the County General Fund. Check is in the amount of \$72.50.

Upon motion made by Commissioner Hunter and seconded by Commissioner McClintock, the check was accepted and endorsed for deposit into the County General Fund.

Change Order/Old State & Nurrenbern Rd. Culverts: It was noted that we experienced several problems with these culverts. Once we got the old one out the road kept caving in around it and we kept having to fill in to try and stabilize the road and ended up with more work than initially anticipated, for a net increase of \$5,337.56. We did some extra surface work to try and repair the part of the road that caved in, plus we had a utility situation to try to avoid and couldn't. They are requesting that the Change Order be approved. The original contract was for \$33,000 and this brings it up to around \$38,000. That project is now complete.

Motion to approve the change order was made by Commissioner Hunter, with a second from Commissioner McClintock. So ordered.

Change Order/Coliseum: Mr. Kercher said the other change order he has concerns the Coliseum. We had an Extra Work Agreement to remove the brick alley behind the Coliseum. That was not in the original contract and after we got to working in the area they decided to remove that brick.

Ms. McClintock asked, "Who are 'they'?"

Mr. Kercher said, "Well, the Veterans Administration and the Commissioners. We brought this January 14th to get the extra work approved and subsequently failed to bring the paperwork. We just obtained approval before the work was done -- but are just now getting the form signed.

Ms. McClintock asked where the brick is?

Mr. Kercher responded, "The old brick has been hauled off and thrown away."

Ms. McClintock asked, "Where?"

Mr. Kercher responded, "I have no idea. I'm not sure whether it was hauled to Klenck's or not -- but he was hauling all the debris from the old Raben Tire building and the Folz building and the old brick and rock off the old parking lot.

Upon motion made by Commissioner Hunter and seconded by Commissioner McClintock, the Change Order was executed. So ordered.

Claims: At the recommendation of the County Engineer's Office, upon motion made by Commissioner Hunter and seconded by Commissioner McClintock, the claims listed on the Engineer's Agenda were approved, as submitted. So ordered.

G.I.S. (Geographic Information System): Ms. McClintock asked if the G.I.S. thing is done.

Mr. Kercher said Mr. Curtis did not have that listed on his agenda today. But they want to send out a Request for Proposals for a County-wide G.I.S.

Motion authorizing the Engineer to advertise for Request for Proposals was made by Commissioner Hunter, with a second from Commissioner Hunter. So ordered.

RE: COUNTY ATTORNEY

Deeds/James Byrd: Attorney Wilhite submitted two (2) deeds for Mr. James Byrd for properties sold at last week's Commission Meeting for the Commissioners' signatures (Tax Code #1-70-21-54-18 and Tax Code #11-150-22-61-22).

Upon motion made by Commissioner Hunter and seconded by Commissioner McClintock the deeds were executed and given to the secretary for recording, etc. So ordered.

Ordinances/Non-Reverting Fund for Float Stand at Burdette Park and Non-Reverting Fund for Educational Program for Employees: Attorney Wilhite submitted the subject Ordinances for the Commissioners' comments. If they are substantially acceptable the Commissioners need to set those for First and Final Readings.

Upon motion made by Commissioner Hunter and seconded by Commissioner McClintock, April 29, 1991 and May 6, 1991 were scheduled for First Reading and Final Reading, respectively, and the secretary was instructed to so advertise. So ordered.

Resolution Supporting House Bill 1930: Attorney Wilhite said this is the Bill in the Indiana House which would prohibit the issuance of beer dealer's permits to gasoline stations. He has three (3) originals.

Ms. McClintock said the Board can approve this today and mail same.

Upon motion made by Commissioner Hunter and seconded by Commissioner McClintock the Resolution was approved and executed. So ordered.

Administrative Settlement re Green River Rd. Project: Attorney Wilhite said they have reviewed an administrative settlement proposed by United Consulting Engineers concerning a parcel involved with the Green River Road project. Where we need to purchase the property for the project, it is his recommendation that we make that purchase for the total amount of \$35,000. He needs Commission approval.

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

Purchasing Department: Attorney Wilhite said the Commissioners will recall the discussion at the last Commissioners Meeting re the Purchasing Department and how that department relates to this Board's authority. He has attached to his written report his legal analysis. (Copy attached hereto.) However, in essence, he is reporting to the Board that by Indiana State Statute the Commissioners have not by that local Ordinance -- nor could they -- completely abdicate their ultimate responsibilities for purchasing, as a public servant. There are some ambiguities in that Ordinance, which he reflects in his written report. So as a matter of law, he is advising the Commissioners they still have the power to award contracts. They haven't completely given that up, while they have delegated some responsibilities to the Purchasing Department. So at least in the interim, he is saying that once he looked at the State Statute he respectfully disagrees with the Counsel's presentation at the last meeting as to what the Ordinance overrides and his advice is to continue to practice as he understood it to be for the last decade. And this Board, after the Purchasing Department reviews the bids, the bids still coming back to this Board, a motion to award the contract, and awarding the contract from this Board.

Secondly, if the Commissioners as a matter of policy, however, wish for him to clarify the role of the Purchasing Department, he could re-write the Ordinance to outline whatever sort of

authority or lack of authority you want that department to have. He is telling the Commissioners that the way we have been doing it is consistent with the Ordinance, with the Statute, and is fine. But given the confusion that came up and, frankly, an Ordinance that he thinks is not very well written -- he thinks it might be a good policy decision to clarify it -- but it is not necessary to do. Or the Commission can table it and think about it.

Commissioner McClintock said, "Rick seemed awfully concerned about that last week. You're not going to be here next week -- and I may not be here next week."

Attorney Wilhite said he will be here in three weeks -- on April 29th.

Ms. McClintock requested that this be placed on the agenda for discussion on April 29th.

Attorney Wilhite said, "In the meantime, I'm saying that the way we're doing it is fine. But in three weeks we will have on the agenda discussion of any proposed changes to the Purchasing Department Ordinance."

RE: AGENDA CHANGES

Ms. McClintock said she is going to move Approval of Polling Places to Action Items and remove Bill Taylor's Travel Request, because it is not until July 16th. She has been informed by County Council that they want to approve fellow-Council members' travel prior to seeking Commission approval.

With regard to the Consent Agenda, she wishes to add that on Saturday, April 13th at 10:00 a.m. is the Pigeon Creek Float departing from Marina Point. It will last approximately two hours.

RE: APPROVAL OF POLLING PLACES

Commissioner McClintock said she would like to propose that the Commissioners make three (3) adjustments. Ward 1, Precinct 5 is listed as Peace Lutheran Church. That precinct has always been in the Stadium and was moved from the Stadium when construction began last year. Now that construction is complete she thinks it would be more appropriate to locate that precinct back to the Stadium, since it is located in the precinct and Peace Lutheran Church is located in 1-2.

Secondly, for some reason someone wanted 4-15 moved to Sweetser Recreational Center. That precinct is her old home precinct. It has been at Culver School for one hundred fifty million years and she sees no reason to move it to Sweetser Recreational Center.

Further in Ward 5, Precinct 2, the precinct has been at the Catholic Center -- but that is located in 5-14. She proposes we move that precinct to the Hose House on Lynch Road, which is in Ward 5, Precinct 2. With those three changes, she would entertain a motion to approve.

Motion to this effect was made by Commissioner Hunter and seconded by Commissioner McClintock. So ordered.

RE: APPROVAL OF CONSENT AGENDA

Upon motion made by Commissioner Hunter and seconded by Commissioner McClintock, the Consent Agenda was approved. So ordered.

RE: OLD BUSINESS

Management/Stadium: Ms. McClintock said she has been contacted by a company interested in management of the Auditorium. She has arranged for a tour by Jack Kirwer and then she will go over and answer any questions they might have.

Arts Committee: She is still meeting with the Mayor's Arts Committee and very preliminarily they are just looking at starting their fund raiser for the renovation of Victory Theater.

RE: APPOINTMENT OF PARKING LOT COMMITTEE

The meeting continued with Ms. McClintock saying she would like to officially appoint the Parking Lot Committee. She recommends that Jack Kirwer chair the Committee, since he is working with the Auditorium Parking Lot and does have some spaces that could be made available to people that want to park over here. She will serve in behalf of the Commissioners; Jim Lindenschmidt for the County Council; Judge Brune, Courts; Steve Utley, Building Commission; Pat Tuley, County Treasurer; and Betty Hermann (the latter two were scheduled to serve on the Auditorium Parking Committee).

Upon motion made by Commissioner Hunter and seconded by Commissioner McClintock, the foregoing appointments were ratified. So ordered.

RE: EMPLOYEE WORKSHOP

Commissioner McClintock said she has a list of the employees (some 115) who plan to attend the Employees' Workshop scheduled for Friday, April 12th. These need to be approved by the Commission.

Auditor Humphrey asked how this is to be paid?

Ms. McClintock said the departments are to pay the \$2.00 per employee materials fee. If the departments do not have the \$2.00 fee, then the Commissioners will have the University of Evansville bill the County and we can take it out of the other fund.

Upon motion made by Commissioner Hunter and seconded by Commissioner McClintock, the list of employees was approved. So ordered. If other employees sign up, she said that list will be brought on Monday, April 15th, for post approval.

RE: REQUEST FOR VACATION OF PORTIONS OF RIGHT-OF-WAY
KNOWN AS OLD HIGHWAY 57 & OLD PETERSBURG RD.

Upon motion made by Commissioner Hunter and seconded by Commissioner McClintock, a Public Hearing was scheduled for Monday, April 22nd at 4:30 p.m. and the Secretary was instructed to advertise same. So ordered.

RE: YOUTH RESOURCES CONTRACT

Attorney Wilhite said he has a contract between Vanderburgh County and Youth Resources which needs to be executed. It was approved previously.

RE: LETTER OF UNDERSTANDING/SKATING PROFESSIONAL/BURDETTE PARK

Likewise, Attorney Wilhite said the Commission had asked him to prepare a Letter of Understanding re the skating professional at Burdette Park concerning his employment terms. This was also approved previously, the document just needs to be executed.

RE: KLF CONTRACT

Attorney Wilhite said the Commissioners asked him earlier in today's meeting to review the KLF contract or Letter of Understanding with Indiana Bell. It is generally acceptable, but it gives KLF incredible authority and he wanted to make sure this is okay with the commissioners. It gives KLF the authority to negotiate and incur whatever debt KLF deems reasonable and will bind the County for that. As long as the Commission realizes that by signing this we are saying KLF is our agent and they go out and negotiate with Indiana Bell in respect to service, equipment, and the kinds of orders they deal with -- we are telling Indiana Bell we will pay whatever is negotiated by KLF. If that has been the past practice and that is acceptable, the legal form is okay. But he is advising the Commission that they are giving KLF a blank check to negotiate for the County.

Ms. McClintock said that is their standard form -- unless we spend a whole lot of time and money re-writing the document.

The Commissioners executed the document.

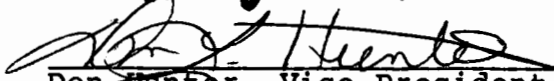
There being no further business to come before the Board at this time, President McClintock declared the meeting recessed at 7:05 p.m.

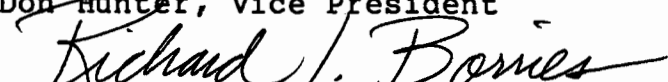
PRESENT:

Carolyn McClintock, President
Don Hunter, Vice President
Richard J. Borries, Member
Jeff Wilhite, County Attorney
Sam Humphrey, County Auditor
Richard Lythgoe
Greg Curtis, County Engineer
Cletus Muensterman, County Highway Supt.
Barbara Cunningham, Area Plan Commission
Les Shively, Attorney
Tom Bodkin, Attorney
Roger Klassy
Mr. & Mrs. Euler
Mrs. Mary Ann Marrese
Mr. Jacobs
Scott Shrode
Ms. Patricia Bunner
David Englert/LDDS Communications
Jerry Riney, Commission Office
Margie Meeks, Commission Office
Jeff Harlan, Attorney
Debbie Berning
Gary Kercher, County Engineer's Office
Mr. & Mrs. Wesley Knight
James & Dorothy Howell
William Jack Nellis
Doyle Jones
Rose Nellis
Jack Waldroup, Jr.
Ruth Salzman
Others (Unidentified)
News Media

SECRETARY: Joanne A. Matthews


Carolyn McClintock, President


Don Hunter, Vice President


Richard J. Borries, Member

MINUTES
COUNTY COMMISSIONERS MEETING
APRIL 15, 1991

I N D E X

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Moment of Silence for Harrison Students, etc.	1
County Coroner - Charles Althaus	1
Sale of County-Owned Surplus Real Estate ... (No Bids)	1
Alcoholic Beverage Commission (Deferred)	1
Approval Requested for Polling Places	1
1-5 (remains at Peace Lutheran Church)	
4-15 (request to move to Sweetser Recreational Center denied; to remain at Culver School)	
Request to Set Date for Public Hearing re Vacation of Portion of Laubscher Road	5
(Scheduled for April 29th at 4:30 p.m.)	
Burdette Park/Request to go on Council Call	5
County Highway - Cletus Muensterman	6
Air Conditioning Request denied	
County Engineer - No Report	7
County Attorney/Ted Ziemer	7
Memorandum & Proposed Ordinance re Dept. of Parks -- to be placed on 4/29/91 agenda for further discussion prior to any action	
Request for Postage for 1991 Tax Bills (approved)	8
Old Business	8
Pigeon Creek Tour;/Sub-Committee to be set up	
Reinstatement of Employee/Carolyn Gamblin	10
Procedures/Commission Meeting Paperwork	10
New Business	12
Building Commission authorized to use Auditorium for Block & Associates Electrical License Exams	
Rezoning Petitions	13
VC-4-91 (Approved on First Reading for forwarding to APC, with comments)	
VC-5-91 (Approved on First Reading for forwarding to APC)	
VC-2-91 (Denied by 2-1 Negative Roll Call Vote)	
Resolution re Resurrection Drive	13
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Authorization to Advertise Sale of Surplus County-Owned
Real Estate16
 (Matter referred to Attorney Ziemer prior to
 advertising)
Meeting Recessed at 7:45 p.m.16

MINUTES
COUNTY COMMISSIONERS MEETING
APRIL 15, 1991

The Vanderburgh County Board of Commissioners met in session at 6:00 p.m. on Monday, April 15, 1991 in the Commissioners Hearing Room, with President McClintock presiding.

RE: PLEDGE OF ALLEGIANCE

President McClintock promptly called the meeting to order. She noted that those present are thoroughly familiar with members of the County Staff, thus she will not introduce the staff and would ask that the meeting participants stand for the Pledge of Allegiance.

RE: MOMENT OF SILENCE FOR HARRISON STUDENTS, ETC.

Commissioner Borries said to depart a bit from the procedure -- Madam President suggested and he certainly would concur with just brief moment of silence for the students at Harrison High School injured during the past week. He says a moment of silence, in hope and prayer that they will improve. There is no change in their status. At this point we're wishing them well.

RE: COUNTY CORONER - CHARLES ALTHAUS

In response to query from President McClintock concerning those individuals or groups not listed on today's agenda, but who might wish to address the Commission at this time, County Coroner Charles Althaus was recognized. He said he is requesting permission to write specs and advertise for the surgical supplies needed for the County Morgue. He submitted a list of same to each of the Commissioners for their review. He indicated we will be able to get a good bid on this, because they have talked with five (5) representatives. Mr. Althaus proceeded to offer a detailed presentation noting that some items are one-time purchases and will be at the County Morgue for years and years. Following brief discussion, upon motion made by Commissioner Borries and seconded by Commissioner Hunter, Mr. Althaus was authorized to work with City-County Purchasing to write the specs (to be reviewed by the Commissioners) and advertise. It was subsequently determined that Mr. Althaus will provide the Commission with advertising and bid opening dates next Monday, following his meeting with the Purchasing Department. So ordered.

RE: SALE OF COUNTY-OWNED SURPLUS REAL ESTATE

President McClintock entertained bids on the County-owned surplus real estate that had been advertised for sale. There were no bids and the sale will continue.

RE: ALCOHOLIC BEVERAGE COMMISSION

It was noted that Mr. Danny Spindler has asked that he be deferred until he has had an opportunity to talk with the City. There will be some delay there, because Jerry Steckler (the City appointment to the A.B.C. Board) has resigned and they want to wait until they have a new appointment. It may be some time before Mr. Spindler requests to be back on the agenda.

RE: APPROVAL REQUESTED FOR POLLING PLACES

Commissioner McClintock said the next item concerns approval of polling places. Last week the Commission had approved the

Stadium for 1-5. Since then, it has come to her attention that is outside the precinct and across the highway from 1-5. The Precinct had previously voted in Harper School which, apparently, is very crowded and an inappropriate place for them to vote. Even though it is outside the precinct -- but on the same side of the highway, the suggestion has been made that the polling place for 1-5 be set at Peace Lutheran Church. A separate motion and/or discussion to that effect is needed.

Upon motion made by Commissioner Borries and seconded by Commissioner Hunter, the polling place for 1-5 was returned to Peace Lutheran Church. So ordered.

Commissioner Borries said, "Madam Chairman, I believe there are persons in the audience who do wish to some other changes that were announced as polling places. I would like for them to be able to address this body at this time."

Messrs. Mark Owen, Chairman of the Democratic Party and Jon Hill, (Democrat) of Voter's Registration were recognized.

Mr. Owen said, "For the record, Mark Owen, here as the Chairman of the Democrat Central Committee. The one change that was made that we'd like for you to reconsider was the change made in 4-15. It had been set to be placed at Sweetser Recreational Center, which is in the precinct. And it was moved last week from Sweetser to Culver School, which is actually located in 4-16. And I believe the statute does say that if there is a public facility located in the precinct, it should be located there. Sweetser, of course, is a public facility owned by the Housing Authority and my understanding is that 4-14 is already located there and there had been arrangements made preliminarily for 4-15 to be located there, if the Commissioners would consent."

Commissioner McClintock asked, "Where has 4-15 been previously? At Culver School."

Mr. Owen responded, "It has been at Culver..."

Ms. McClintock interjected, "For years."

Mr. Owen said, "I really don't know how long it has been at Culver."

Ms. McClintock said, "I do. That's my old precinct."

Mr. Owen continued, "Now, this is a new -- precinct lines changed about two years ago. So it may not be the same precinct that it was prior to the change. I have a picture of the map. I don't know where the largest number of voters is; frankly, it's a little hard to tell on the map, because it is such a strange precinct. It literally covers that entire river area. But be that as it may, 4-15 does have a public building which is Sweetser Recreational Center. I believe that if there is a public building in the precinct, that is where the precinct should be located."

Ms. McClintock asked, "Can we see the map please?"

Commissioner Borries said, "I would like for our County Attorney maybe to give a cite to that effect. Or, would you be able to have any response to that?"

Mr. Owen said, "It would be I.C. 3-11-8-3 and 3-11-8-4 -- Indiana Code."

Ms. McClintock asked, "Why don't we have our Attorney look at that if it is okay. We'll give him a minute."

Mr. Owen continued, "Actually, the other precinct that was changed (5-2) -- for the reason I just cited, probably is more logical. 5-2 does have a Hose House in it. And, again, that is one of those strange precincts that unfortunately -- I personally think we ought to consider modifying that line, because what happens is that the people who live on the western part of U. S. 41 -- it is quite difficult for them to be able to vote, because they are going to have to go all the way around and it is quite a distance."

Ms. McClintock interrupted, "And the people who live on the eastern side of 41 have the same problem."

Mr. Owen said, "And that precinct probably has more population on the east portion of 41 than it does the west. And it does have a Hose House in the precinct, which is also one of the requirements of the statute. So I really don't have any objection to that one."

Ms. McClintock asked, "So you're saying that Sweetser is in 4-15?"

Mr. Owen responded, "Yes. Is that correct, Jon?"

Mr. Jon Hill of Voter's Registration confirmed that this is correct.

Ms. McClintock asked, "And Culver School is not?"

Mr. Owen responded, "Culver School is in 4-16."

The Commissioners spent several minutes perusing the precinct map and viewing the precinct lines.

Mr. Hill said they moved 4-15 out of the precinct to 4-16, when that public building is available. There is no public building available in 4-14, which is why 4-14 was moved to 4-15. Mr. Hill continued, "Another advantage, if I may, is that the people that live in the Sweetser area normally do not have automobiles and it is difficult..."

In response to a muffled question from Mr. Hunter concerning a public building, Ms. McClintock stated, "No, it doesn't -- it's strictly up to the Commissioners. We could set it at Roberts Stadium."

(Mr. Hill made further comments, but they were muffled because he was not speaking from the podium -- but rather was situated between the podium and the Commissioners table.)

In response to comments made by Mr. Hunter as to why the precinct is so long, Commissioner Borries commented, "There are several reasons, one of which has to do with conforming to the Census tracts and it also has to be equal in voter population and registration with every other precinct. So they have to follow Census tract lines and they cannot have one precinct where one precinct may have 800 voters and another have 400."

Ms. McClintock said, "Okay. In the fall election, 4-15 and 4-16 were both at Culver School. Is that correct?"

Mr. Owen responded, "Yes."

Ms. McClintock said, "This was after the precinct lines were changed. Ted, what is your legal opinion?"

Attorney Ziemer responded, "Tell me what the question is. I'm sorry; I don't know what to address. I know what the statute says, but I'm not sure. Are we not wanting to put it in the precinct?"

Mr. Borries commented, "Yes. I think..."

Mr. Hill said, "That is what we are saying."

Ms. McClintock interrupted, "Well, the Democrat County Chairman wants to put it in the precinct. So he is saying that legally we have to. So we're asking whether legally he has to."

Mr. Hill said, "One advantage to that, of course, is that the people in the Sweetser apartments do not have automobiles and would have to go up to Culver School, whereas the people who live up by Culver School do have automobiles and..."

Attorney Ziemer interjected, "What the statute says is, 'If there is a suitable room in the precinct, then that is where you would put it.' If it's a place that people won't go to, then it is not a suitable room. And that is for the Commissioners to determine -- you determine suitability. If there is not a suitable room, then it may be in a public building in an adjoining precinct."

Mr. Hill said, "It would be difficult for the Commissioners to say that it is an unsuitable building since they have already placed one precinct there."

Commissioner Hunter asked, "I guess the question I have is how far is it from the western boundary from 4-15 to the polling place if you move it over to Sweetser Recreation Center? It looks like an awful far piece to me for people to have to walk or ride, or whatever."

Ms. McClintock said, "But where you've got it at Culver School right now is centrally located to the precinct."

Mr. Hill commented, "It is outside the precinct."

Ms. McClintock said, "But it is centrally located."

Mr. Owen again said, "It is outside the precinct."

Commissioner Hunter said, "The question is, how far is it from the western edge of that 4-15 to where the people will have to vote? In other words, is it going to be so inconvenient that it wouldn't be worthwhile? And what he just read..."

President McClintock interrupted, "I don't understand why you are trying to move it. It has been there forever. I mean, that's my old precinct. You didn't try to move it last year."

Mr. Owen said, "Yes, they did make a request."

Ms. McClintock interrupted, "No, I was on this Commission. There was no motion to move it."

Mr. Owen continued, "Yes, there was a request to move it last year and the request was submitted past the deadline for changing, if you will recall."

Mr. Borries said, "That may have been."

Ms. McClintock said, "I never saw it."

Mr. Hill said, "The point I was making about mobility is that the people who are the farthest away from Sweetser are people who do have automobiles and can drive. The people..."

Ms. McClintock interrupted, "Jon, I live up there. That is not necessarily so. Those people don't all have automobiles."

Mr. Hill responded, "Well, I agree -- not all of them."

Mr. Owen said, "I think you will find a larger number of people that live in public housing projects are going to be at a greater disadvantage having to drive than those who live in the western portion of the precinct."

Ms. McClintock, "Okay; I'll entertain a motion."

Commissioner Borries, "Okay, I move that Precinct 4-15 be moved to within the precinct as per the State statute and be located in a public place at the Sweetser Community Center."

Mr. Hunter seconded the motion.

Ms. McClintock asked for a roll call vote. Commissioner Borries, yes; Commissioner Hunter, no; Commissioner McClintock no. Motion defeated by 2-1 negative roll call vote.

Mr. Borries said, "I would have one other comment in view of that decision. I would like to have an explanation as to why that particular community room is not suitable. I would want to know if there are some reasons in terms of this Board making any decisions outside the meeting in relation to its handicap accessibility and so I would like to have some response to that -- in writing -- as to why the community room was not a suitable place."

Ms. McClintock countered, "Well, Commissioner Borries, I don't think we said it was not uh..."

Mr. Borries responded, "Yes, you did; you voted to say that it was not a suitable place. The County Attorney has ruled that it must be in a suitable place. And I want to know why it isn't a suitable place."

Ms. McClintock said, "Okay, any other comments or questions on the Consent Agenda? If not, I'll entertain a motion to approve."

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

RE: REQUEST TO SET DATE FOR PUBLIC HEARING RE VACATION OF
PORTION OF LAUBSCHER ROAD

Attorney Gerald Evans was recognized. He said he has filed a Petition on behalf of B.F.I. to vacate a portion of Laubscher Road east of St. Joe Avenue and west of the railroad tracks. That needs to be set for hearing.

Commissioner McClintock said Joanne Matthews has suggested we advertise on April 18th, with the public hearing set for Monday, April 29, 1991, if agreeable with the Commissioners.

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

RE: BURDETTE PARK - REQUEST TO GO ON COUNCIL CALL

Commissioner McClintock said Burdette Park is requesting an additional appropriation for the approved upgrade of the Assistant Manager of Burdette Park in the amount of \$815.00, which includes Social Security and Retirement.

They are also requesting permission to pay bus drivers hired for the Day Camp transportation \$6.75 per hour. New rules and regulations for licensing have made it necessary to hire school bus drivers, rather than using our own employees. They have contacted the School Bus Transportation Department and discussed with Charlie Johnson the amount paid bus drivers for field

trips. He advised they pay \$6.75 per hour with a two-hour minimum. Mr. Tuley is requesting permission to pay up to that amount.

Upon motion made by Commissioner Borries and seconded by Commissioner Hunter, the foregoing requests were approved, as presented. So ordered.

RE: COUNTY HIGHWAY - CLETUS MUENSTERMAN

Request re Air Conditioner: Mr. Muensterman said he is requesting permission to purchase a new air conditioner, rather than using the old one, for the County Highway Office. He has sufficient funds in the 201-3223 (Garage & Motors) to purchase this. They had an old one (better than 20 years old, when they looked at it). Gentlemen from Lewis and Schmidt looked at the unit. They advised it could go out at any time if we hooked it up as is. The cost of hooking up the old one as it is would be \$1,687 from Lewis and \$2,890 from Schmidt. Lewis and Schmidt both gave a price on a new unit (Lewis, \$545.00; and Schmitt \$1,100). The lowest bid would have been \$2,232.00. He currently uses four (4) window air conditioners which are old, and they are eating them up insofar as electric bills. The units are also noisy and it is sometimes hard for the secretaries to understand when they are on the telephone.

Mr. Hunter asked if Mr. Muensterman is talking about going to central air, and Mr. Muensterman responded affirmatively.

In response to query from Commissioner McClintock concerning total cost, Mr. Muensterman said it would be \$2,232.00.

Ms. McClintock asked if the window units now being used are still operational?

Mr. Muensterman said they would probably last -- maybe a day, maybe a week, maybe a year -- you don't know, since they are better than 20 years old. It would cost \$1,687 to install the old air conditioner, because he would have to run new duct work, electric line, gas line, etc.

Ms. McClintock asked, "You never had central air before?"

Mr. Muensterman said that is correct. They had four window air conditioners -- that's all they had.

Ms. McClintock asked if the window units work?

Mr. Muensterman said they do; they are loud and they are old 110 v. units and they, too, will soon need to be replaced. They came from up at the Children's Home.

Ms. McClintock asked, "Why does it cost \$1,687 to install the old units at the garage?"

Mr. Muensterman said they have to add duct work, add electric line, etc.

Mr. Riney interrupted, "The old unit he is talking about is an old furnace and an old coil given to him by Mark Acker. These are the old units that the \$1,687 (plus the duct work) would cost. What Mr. Muensterman is wanting is a brand new furnace and a brand new coil, so he will have a complete new set and he can get that for \$2,200 rather than \$1,600."

Ms. McClintock said the window units are still operational. As Mr. Muensterman knows, the budget is so tight this year for paving that we don't even have enough money to do what we need to do. She has a reluctance to approve (the other two Commissioners can do whatever they want to do) an expense for air conditioning

when those window units might last the entire year. She would prefer to wait and see if we can budget it next year. She can't imagine all four of those units going out at one time.

Mr. Muensterman said they might go out a unit at a time - but you'd still have to add a new one every time. Again, he is not asking for new money; he has money in motor supplies.

Ms. McClintock said there are probably some other things we could spend that money on as opposed to air conditioners.

Mr. Borries said he can't recall a request like this from Muensterman. Certainly, with the air conditioning units as old as they are -- yes, money is tight. But it seems like when we want to set political priorities from time to time we always find money somewhere. Therefore, he is going to move that the request be approved.

A second was provided by Mr. Hunter.

President McClintock then asked for a roll call vote: Commissioner Borries, yes; Commissioner Hunter, no; and Commissioner McClintock, no. Motion defeated by a 2-1 negative roll call vote.

RE: COUNTY ENGINEER

It was noted by Commissioner McClintock that County Engineer Greg Curtis will not be here this evening.

RE: COUNTY ATTORNEY

Attorney Ted Ziemer said the Commissioners have his customary report, which they can review at their leisure.

Memorandum & Proposed Ordinance re Department of Parks: Mr. Ziemer said the only other item he has for the Commission this evening is a memorandum and a proposed form of Ordinance regarding the possible establishment of a County Parks Board, which would make the County Parks eligible for certain Federal Grants and Federal funding. Some time ago the County adopted an Ordinance taking County Parks activities to itself and is not currently eligible for Federal funding. It is his suggestion that the Commissioners review this and advise him of any questions or comments they might have. If there are no changes, it could be advertised for hearing -- if that is the Commission's wish. Or, changes can be made.

Ms. McClintock said that when Mark Tuley had raised this question initially, we didn't know if this was possible -- and it is possible. This would provide us an opportunity to obtain State and Federal funding that we have not been getting.

Mr. Ziemer said that is correct.

Commissioner Borries asked how this interfaces with the Park District assigned by the City of Evansville that takes in all of Vanderburgh County, with the exception of Burdette Park?

Mr. Ziemer responded, "Any parks that are now County Parks would be controlled under the auspices of the new County Parks Board, so it would be transferring from County Commission control as it now is to a Park Board and, as I said, make it eligible for Federal funding. It would be just as it was prior to the Ordinance putting administration of the County Parks under Commission control.

Ms. McClintock said she thinks all the Commissioners would like an opportunity to review the proposed Ordinance and then bring it back to a meeting for discussion, even prior to setting dates for

any kind of hearing. She asked that the matter be placed on the agenda for April 29, 1991, at which time Mr. Ziemer will again be present..

Attorney Ziemer said that in the interim he will take a look to make sure that there is no other change that would be affected by that with regard to City Parks.

Commissioner Borries said he doesn't want to make any comment, other than the fact there is some Home Rule legislation that may be different today than it was in 1973 or 1983, or whenever the previous Ordinance was enacted.

RE: REQUEST FOR POSTAGE FOR 1991 TAX BILLS

Ms. McClintock noted that with regard to the tax bills (Item b) on the Consent Agenda, this matter needs to be discussed. She talked with County Treasurer Pat Tuley and they need a check immediately covering the postage for the 1991 tax bills. The check is to be made payable to Moore Business Forms in the amount of \$17,069.42. They need to be paid prior to mailing the bills. A motion was entertained.

Upon motion made and seconded by Commissioners Borries and Hunter, respectively, the request was approved and the check is to be issued in the amount indicated. So ordered.

RE: OLD BUSINESS

Pigeon Creek: The meeting continued with Commissioner McClintock saying "Several of us had an opportunity to take a trip on Pigeon Creek on Saturday -- in kind of gray, rainy weather -- and, Don, would you kind of like to report on that trip?

Commissioner Hunter said, "We went from the mouth of Pigeon Creek up beyond First Avenue, to where we could no longer get through because of the major large tree that had fallen across. There's kind of good news and bad news. The bad news is that in some spots the dumping is a really sorry situation. In some areas it appears that some of the land owners have used a lot of fill and have possibly encroached upon the right-of-way of the creek -- particularly on one side. In one case there was like an auto salvage where auto parts had fallen down. So there are some real ugly problems along Pigeon Creek.

On the other side of the coin, aesthetically it has tremendous potential. During the time we were gone we identified wood ducks, mallards, beaver; we saw raccoon tracks, what possibly were some deer tracks - and the wildlife biologist from Wesselman's spoke to us and said there are a number of endangered species that are indeed found along Pigeon Creek. In doing a little reading today I found that Pigeon Creek was so important in the early history of this community, that before Evansville or anything else came into existence a letter was sent and it was sent to Pigeon Creek, Indiana. This is one of the first letters of communication in the history of Vanderburgh County -- which I think is really interesting. Pigeon Creek got its name from the passenger pigeon, which has been extinct since about 1914. In fact, the mouth of Pigeon Creek (as I was able to read) housed literally hundreds of thousands of passenger pigeons which, of course, was a beautiful bird or tapered pigeon with a long tapered tail. And the last of those died in 1914. And as you went up Pigeon Creek, you kind of hoped that Pigeon Creek could be revitalized and that it is not dying, along with the bird it is named after. I would like to see a number of things happen. We had a lot of enthusiasm on the float. I would like to see us form some sub-committees, perhaps get the Soil Conservation Service involved in this to head up the committee; I would like to see maybe the West Side Improvement Association included in this. Who else did we talk about, Carol?

Ms. McClintock responded, "The Department of Natural Resources, the City of Evansville, and the Parks Department."

Mr. Hunter continued, "And I also would like to ask our County Attorney this evening to research who is in charge of Pigeon Creek? Is it the Corps of Engineers? If so, what are the laws governing it? If it is the State of Indiana, what are those laws? If not, what do we need to do as Commissioners to begin to look at who is taking advantage of situations along there and let's improve those. I think the first step is to try and stop some of the problems that exist. From an educational standpoint, I could just see this thing as a living lab of science for school groups throughout this whole area -- to be used much the same way as Wesselman Nature Center is, except it would have a whole different ecology than the Nature Center would. So from that standpoint it is exciting as a potential. When you think of cities like San Antonio, Texas, who developed theirs; and Spokane, Washington -- where they have developed a stream that goes through their community -- and when we talk about economic development, this has tremendous potential for this community. How many communities in this country have a creek of that type flowing right down the middle of it? I really would like to see this group become more involved and do whatever is necessary."

Commissioner Borries said he would like to add one point. He thinks it is important that we not only focus on some of the problems here at this point, but there has been a tremendous effort on the part of the Army Corps of Engineers that has not been mentioned in relation to flood control, that has been done in a massive way up and down Pigeon Creek. That represents literally millions of Federal dollars that have come into this community to protect right where we are sitting and all areas south in relation to the flood control of this city. There have been flood gates and all kinds of flood precautions taken by the Army Corps of Engineers. Therefore, he thinks it also important that we recognize the significant amount of money put into this community in relation to preserving this central city area from flooding. It does flood and there are also some very expensive problems that were outlined here that certainly will deserve a lot of study.

Commissioner Hunter noted that to add to what Commissioner Borries has said, the beauty of Pigeon Creek is from the area where the Corps of Engineers put their dam to the bank of the creek. This is the area that is relatively clean of debris and this is the area where he would recommend we put in jogging paths, bike paths, walking paths, picnic tables, etc. This is the area with potential that we can develop now.

Mr. Borries asked, "Between the creek and...."

Mr. Hunter interrupted, "Between the creek and the dam."

Mr. Borries asked, "What will you do in March?"

Mr. Hunter asked, "What do you mean in March? Are you talking about flooding?"

Mr. Borries responded affirmatively.

Mr. Hunter said, "You don't put any permanent structures in a flood zone. We're talking about jogging paths; we're talking about picnic tables that can be moved if you want to do that. Just like St. Louis has done on their waterfront. They literally walked the City back so that when the Mississippi floods they don't have those problems -- and we can do the same thing here."

Ms. McClintock said, "I think it is interesting that you should mention the Corps' effort, because it has been tremendous. Unfortunately, we have had property owners that are adjacent to the river following the Corps efforts encroach upon the river bed and they have been filling from both sides. And, Ted, this is a legal question -- as to what we can do. We may not be able to do anything -- who knows? But what virtually is happening there is because of this encroachment a cork is being put in the mouth of Pigeon Creek and that is one of the reasons we learned Saturday that we are experiencing that tremendous flooding north on Green River Road, all along Pigeon Creek, that we, as Commissioners get so many complaints about each and every year. So that fill has not benefitted the County and we have certainly heard a lot about it. That is something that definitely needs to be looked at, and to that end I did talk with Barbara Cunningham today. The Area Plan Commission is going to provide us with a set of maps that will show who the property owners are along Pigeon Creek from the mouth of the Creek all the way up to Diamond Avenue -- so we can take another boat trip and identify from those maps who those property owners are. Hopefully, by then we will know what we can and would want to say to those property owners and can move forward on some enforcement in that area. What we heard Saturday was "the DNR, the Corps of Engineers, we don't have the manpower or the time to enforce existing regulations". So we just need to see what we can do about that. I would like to see us form immediately a Pigeon Creek Committee to work with the groups that Don just outlined, including the City of Evansville with their Green Belt Master Plan, and would like to get some people appointed to that as soon as possible. I wonder if we could put this back on the agenda for either next week or the following week and bring back ideas of those groups that we all feel should be represented, in addition to individuals who might be interested in being represented.

It was determined by the Board that this matter should be put back on the agenda for April 29th. Mr. Hunter said when the newspaper put this information out, he thinks there are various groups in the community that will come forward and be very interested -- because he has had several calls from groups who said they would like to be a part of the green belt program along Pigeon Creek. In the interim, the Commissioners can be thinking about appointees to that committee.

RE: REINSTATEMENT OF EMPLOYEE - CAROLYN GAMBLIN (COUNTY CLERK'S OFFICE)

Ms. McClintock said that back in March the Commissioners had approved a sick leave with insurance for Pauline Dyer from the Clerk's Office. On the same release they were to approve Carolyn Gamblin because of knee surgery, who will be able to return to work on May 1, 1991. The way the note was written it was sort of impossible to tell that she was indeed returning and we sort of released her. We need to unrelease her and say that she can return to work on May 1, 1991. She is Assistant Bookkeeper/Deputy Clerk in the County Clerk's Office at a salary of \$15,836.00.

Motion to reinstate Ms. Carolyn Gamblin was made by Commissioner Borries, with a second from Commissioner Hunter. So ordered.

Ms. McClintock entertained other matters of Old Business.

RE: PROCEDURES

County Auditor Sam Humhrey was recognized. He said he would like to suggest that the Commissioners who received the memo from him dated April 10, 1991 circulate that to all the Attorneys involved, so that we can expedite some of the problems. Just for the record, at the meeting prior to April 10th, we were short two signatures on a check; the check only had the signature of

Commissioner McClintock; two (2) Change Orders; three (3) Ordinances which we had been instructed to advertise for Public Hearings; travel requests; a signed Street Acceptance; and 11 Claims which had been approved, which we should have had to transmit for payment. This past week we were asked to advertise an Ordinance relative to the Solid Waste Disposal, didn't have the Ordinance, and did not have instructions on how to advertise. That Ordinance became a 7-page Ordinance and we'd like to advertise these in precis; but we need that direction from the attorneys and we need it timely so that we can meet the time requirements for these advertisements. It took us three days to get it and by that time the Ordinance had changed and the date had passed. We did advertise it in the precis condition via telephone agreement with Gary Price (instead of Jeff Wilhite, who didn't answer the phone calls) He'd just like to remind them we need these things for purposes of handling the County's business in an expeditious manner. It took us probably four days to round up all these things and we don't have four days to do this kind of thing. If we can just handle it internally here as we get it. If we have an Ordinance like this, if the Attorneys would simply precis what we have to advertise. If we're going to have a Solid Waste Ordinance, that's fine; but we do need it timely.

And there is one thing in the revised Ordinance; State Law as it now reads makes the Auditor a Fiscal Officer. Auditors, as a body, have tried to change that by legislation, and it is before the Legislature right now. We're trying to get permission for Commissions to create an agency to handle these Solid Waste Districts, which seems to me to make a lot more sense than just leaving it internally. From those who have Solid Waste Districts, it involves a lot more people just to handle that district -- from the word we are getting. And we'd like to make that an agency -- but that is not done. And it says, for one thing, the initial Ordinance cited the County Auditor as a Fiscal Officer for the Solid Waste Management Board. The revised Ordinance provided for the selection of either the County Auditor or another individual. I don't think that is permissible under current legislation. It says the Auditor "will be" -- I don't want it, but...."

Ms. McClintock said, "That is pretty much the way the Ordinance is written now, that you would be the Chief..."

Auditor Humphrey said, "My point is that it says either/or -- and I don't think an "or" exists under current legislation."

Commissioner Hunter asked, "We don't have an either/or, do we? You're it."

Mr. Humphrey countered, "That's the problem. But the Ordinance that you are considering says "either/or" and I don't think that is permissible under State Law as it currently exists. See what I am saying?"

Ms. McClintock said that Attorney Ziemer needs to bring to the attention of Jeff Wilhite that it can't say "either/or". She then continued, "On the other things, Sam, Margie needs to be keeping track of those things."

Auditor Humphrey said, "The Attorneys just need to hand them down this way to the Secretary. Attorneys have a bad habit; Engineers have a bad habit -- of just walking out with them. It's just a habit we have to get into addressing."

Attorney Ziemer said his office doesn't have any of these things, so he can't address them with the exception of the last one. He knows Gary Price has met with Joanne and developed procedures for advertising for various matters and he believes the Auditor's office has a memorandum -- at least that is what he advised him. (Ms. Matthews advised Mr. Humphrey and the Commissioners that she

has not seen a memorandum.) Mr. Ziemer continued, "He responded to the issue of advertising the Solid Waste Disposal Ordinance in what I believe is a timely manner -- as we have tried to do everything in prior communications between you and me (and I think Joanne, when she has asked us for information). I don't know whether this was an afternoon too long or two minutes too long or whatever. But we return telephone calls."

Mr. Humphrey interjected, "And we're not suggesting that. Gary is where we got our information. But it took us two or three days with Jeff, who was the Attorney here -- trying to get a response and couldn't, then went to Gary and got a response."

Attorney Ziemer said, "I just want to be sure that Ziemer, Stayman, Weitzel, and Shoulders are doing their job -- and I think they are."

Mr. Humphrey said, "No. But it is not our position to do this. And if we hadn't done it, it would not have been timely advertised and you would not have been able to hear it on the scheduled hearing date. That's the point."

Ms. McClintock said, "You are absolutely right. But I don't think I carry things out of here with me -- and I think that is something Margie needs to watch."

Mr. Ziemer asked, "Well, where were they? That is too bad."

Ms. Matthews responded, "I don't know, I had to get them from Margie, who said she found them in various places in the Commission office."

Ms. McClintock said, "So what you are saying is, we as Commissioners need to be cognizant that we sign and forward everything in your direction to be given to the Secretary -- and if you don't need it, then you will forward it?"

Mr. Humphrey responded, "Right; just be aware that we do need these things at a particular time and the easiest time is to do it right here in this meeting. These time frames become so critical. For example, three or four years ago the Commissioners simply failed to timely advertise the Cumulative Bridge Fund. We didn't get it period. They don't care -- it's the date that is important to the State."

Ms. McClintock said, "We will try to behave -- and if we don't, bring it to our attention again."

RE: NEW BUSINESS

Building Commission: Ms. McClintock said she has a request from Roger Lehman, Building Commissioner, to use the Auditorium on May 15 and 16 for the Block & Associates Electrical Licensing Examination. The test is to be administered by the Building Commission and will be held from 6:00 p.m. to 9:00 p.m. each night. There are 26 applicants. She doesn't have any problem with them using a room in the Auditorium, but she doesn't think we necessarily have to give them the Auditorium. There are rooms upstairs or perhaps the Gold Room. She will entertain a motion.

Commissioner Hunter moved for approval, as long as it doesn't interfere with any other activities scheduled at the Auditorium on those evenings. A second was made by Commissioner McClintock. So ordered.

Ms. McClintock then entertained other matters of New Business to come before the Board. There was none.

There being no further business to come before the Board at this time, Commissioner McClintock declared the meeting recessed at 7:00 p.m., and said the Commission will reconvene at 7:30 p.m. to hear rezoning petitions.

* * * * *

The Vanderburgh County Board of Commissioners reconvened at 7:30 p.m. and Commissioner McClintock called the meeting to order. President McClintock noted the Commission has two First Readings on Rezoning Petitions (VC-4-91, Petitioner, DPF, Inc.; and VC-5-91, Petitioner, Landau Enterprises). Is there anyone to speak on either of these First Readings? If not, she will entertain a motion to pass these petitions on First Readings and then forward same to the Area Plan Commission.

Commissioner Borries said he doesn't have enough information in his packet to get an idea as to where these areas are located. It is very unusual that he would make a comment on a First Reading, but he intends to do so on one of them.

VC-4-91: Mr. Borries said that first of all he wants to express his concern over a rezoning that, in his opinion will be unacceptable unless the current owner would come up with some kind of plan on how and what he is going to do to rectify this situation that is currently clearly evident on this property. He would request that the Area Plan Commission perhaps contact this person and see if he intends to submit any kind of plan for the filling in of these so-called borrow pits or pits before this property would be rezoned.

Mrs. Cunningham said, "I thought that question would probably be addressed at the time of zoning."

Mr. Borries said he is sure it is. But he wants to make a comment right off the bat on that one, because he thinks the condition of the property is such that he doesn't know of any eventuality, in his opinion, that that could be considered for any kind of rezoning until some kind of an immediate plan would come forward to show or indicate how that would be appropriate land use. He just doesn't see any way.

Mrs. Cunningham said the application isn't the final product and she thought when the applicant came to the public meeting we would have the opportunity to get some answers to this question.

Mr. Borries said, "I am sure. But I would like the Area Plan Commission to contact him to see if he has any plans to that effect, because what happens when they come to a public meeting and don't have plans -- as you well know, sometimes we're not given a clear indication."

Mrs. Cunningham said she will make sure the applicant has Mr. Borries' comments.

Upon motion made by Commissioner Borries and seconded by Commissioner Hunter, VC-4-91 was approved on First Reading -- again with the foregoing comment, for forwarding to the Area Plan Commission. So ordered.

Upon motion made by Commissioner Borries and seconded by Commissioner Hunter, VC-5-91 was approved on First Reading for forwarding to the Area Plan Commission. So ordered.

Resolution re Resurrection Drive: Mrs. Cunningham said she talked with County Engineer Greg Curtis today, and the Resolution that was passed regarding Resurrection Drive had an error in the description. Greg said it would be agreeable with him for her to bring the error to the attention of the Commission and corrected

tonight. The error is minor. What it said was "Resurrection Drive begins at the intersection of Big Cynthiana Road and Harmony Way, when in reality it begins at the intersection of Big Cynthiana Road and New Harmony Rd. She would like to have that corrected by amendment tonight, if she can. It is just a change in the legal description. Tomorrow they can send the notices to all the utilities, the Post Office, the Sheriff, and Central Dispatch that the name has been changed.

Ms. McClintock asked, "We can do that by simple amendment?"

Mrs. Cunningham responded, "I would think, would you not, Mr. Ziemer?"

Secretary Joanne Matthews interjected that the Resolution has been recorded; therefore, she has a question. Because it does get included in the Code of Ordinances -- and because it was a street name change, does she not need an amended Resolution to record?

Attorney Ziemer responded, "Yes, you will need an Amended Resolution."

Ms. McClintock requested that Attorney Ziemer prepare same and bring it back to the Board for approval.

VC-2-91/Petitioner, Mary E. Alvey: Ms. McClintock said we have one Third Reading this evening. Requested rezoning is from Agricultural to C-2. Does the Petitioner have a representative?

Mr. Charlie Alvey said he is here with and on behalf of Mary Alvey, his Mother, who is the Petitioner and Owner of the property at 2514 S. Green River Rd. Their petition is for a rezoning from Agricultural to C-2 basically for the purpose of sale. They do not have a planned development for the property.

Ms. McClintock said she has a problem and asked why does the Staff Field say that all the surrounding area is residential and agricultural?

Mr. Alvey said it is, other than right toward the Interstate.

Commissioner Borries said that at the April 3rd APC meeting he had asked a question about the area that was designated as a wetland.

Mrs. Cunningham said she thinks it was finally determined that it was an artificial wetland at the rear of the property -- and that would have to be addressed at the time of Site Review and prior to any development. The major question raised at APC was the minimum amount of frontage on Green River Rd. and the possibility of an additional access at a designated point.

Mr. Borries asked Mr. Alvey to respond to the question in relation to the area that would need to be designated to be cut for commercial activity -- whether or not there was the correct amount of space necessary for that.

Mr. Alvey said that number one, left agricultural there will be a curb cut there now. That property toward the back is actually 230 ft. across the back end. It is cut out because there is a residence next to it that he can't say officially -- but will probably be coming for zoning to commercial eventually, as well. The other response to the question about curb cuts is as he said at the Area Plan Commission, this property is complimentary to the Carneal commercial subdivision immediately to the south -- and there will be potentially access to it from the extension of Riverside that will come in on that property.

Ms. McClintock said she has a problem with speculative rezonings in an area that is designated both in the 1991 and 1987 Comprehensive Plan as residential and agricultural. We're moving away from what the commercial is defined as south of the Carneal property and infringing further into a residential neighborhood. If we were talking about property along North Highway 41 that is designated as a commercial and an industrial area and we were doing a speculative rezoning, she wouldn't have the same problem.

Mr. Alvey said the Commissioners will note there are no remonstrators here tonight. Not only are there no remonstrators, there are letters of support from the abutting property owners. Since the extension or the development of I-164, which basically bends around this large area, the people who reside in that area have expected that entire corridor all the way up to Pollack Avenue to eventually go commercial. And he thinks it is no surprise, nor is it detrimental to that area. It may not conform to the Master Plan, but when you look at the area in proximity to I-164 (which is going to be a very busy roadway) the uses for residential on that property are probably not as applicable as using it for commercial development at this point -- because a lot of that property will be closer to the highway and a lot of noise.

Commissioner McClintock said that may well be true. But what Mr. Alvey is asking the Commissioners to do is to give a blanket rezoning on a piece of property in a residential and agricultural area right now. He is not asking them to do anything specific. That is why she has a problem with just writing a blank check. That is her personal feeling. She then entertained comments from the other Commissioners.

Commissioner Borries said if this rezoning were approved, Mr. Bauer had brought up again this point about the ingress and egress regarding commercial properties being about 200 ft. Would Mr. Alvey be able to state on record that he would be able to or consider modifying that ingress and egress with any adjoining property -- since there has been some commercial rezoning out in that area?

Mr. Alvey said he is not certain he understands the implications.

Mr. Borries said, "If your rezoning were approved, do you have to have the commercial cut on your property? Or, would that be something that would be negotiable or modified to fit the 200 ft. recommendation that comes with most commercial activity?"

Mr. Alvey said he thinks that would be negotiable. At this point they are petitioning for rezoning for sale -- not for development themselves. For that reason, he wouldn't want to bind that property to something that would bind a future developer to the point where it would not be salable -- that's the whole purpose -- for the sale of the property. But he certainly thinks something can be negotiated. They're certainly not here to see how many curb cuts they can get on Green River Rd. -- that's not the intent either. Since he is not developing the property, at this point he is not saying they are ready to abandon a curb cut. But he thinks there is a lot of room for negotiation on that point.

Mr. Hunter said he thinks he would be a lot more comfortable with this if Mr. Alvey had a potential purchaser and a potential plan to say "this is what we are going to do with this", "this is what we need to do". He read the transcript from Area Plan and there was general concern about the curb cuts, etc. And he also sees where Mr. Alvey is coming from on that -- he doesn't want to be restricted.

Mr. Alvey said they did consult an attorney before coming before the Area Plan Commission about the prospects of this. Oftentimes sale is contingent on rezoning and one of their efforts was to get it rezoned, basically to take care of that in advance. But he does understand the concern -- he just doesn't know that he can address it any further this evening.

Mrs. Cunningham said she is certainly not in agreement with the 150 ft. frontage on the road and no specific plans -- but, in essence, all zoning is speculative. If Mr. Alvey had come in with a plan and did not have a Use & Development and it was not really tied down -- what we're looking at is this good C-2 land use? And can anything go in here? And is there not enough room to develop -- and can it be developed properly? And can the roads be put in? In reality, a plan can be changed the next day unless it is really tied down.

The Commissioners acknowledged that Mrs. Cunningham has confused them.

Mrs. Cunningham said that in fairness to Mr. Alvey, what she is telling the Commissioners is that all zoning is really speculative. She was not excited about Mr. Carneal's zoning -- they thought this would be a small intersection at that area -- but, again, unless it is really tied down all zoning is speculative.

Ms. McClintock entertained further comments or questions. There being none a motion was entertained.

Commissioner Borries moved that VC-2-91 be approved, with a second from Commissioner Hunter.

President McClintock asked for a roll call vote. Commissioner Borries, yes; Commissioner Hunter, no; and Commissioner McClintock, no. Petition was declared denied by a negative 2-1 roll call vote. So ordered.

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

RE: AUTHORIZATION TO ADVERTISE SALE OF SURPLUS COUNTY-OWNED
REAL ESTATE

Secretary Joanne Matthews queried Commissioner McClintock concerning Item "j" on today's agenda. She had provided the Commission with a draft of an ad containing the remaining 42 parcels from 1990 and the additional 29 parcels in 1991 for their review and action.

Commissioner McClintock said she has referred this matter to Attorney Ziemer, who will review the information provided and provide legal counsel prior to setting date of sale and advertising same.

There being no further business to come before the Board at this time, President McClintock declared the meeting recessed at 7:45 p.m.

PRESENT:

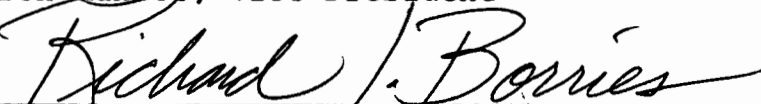
Carolyn McClintock, President
Don Hunter, Vice President
Rick Borries, Member
Ted Ziemer, County Attorney
Sam Humphrey, County Auditor
Charles Althaus, County Coroner
Cletus Muensterman, County Highway Supt.

Gerald Evans, Attorney
Mark Owen, Chairman/Democratic Central Committee
Jon Hill, Voter's Registration
Charlie Alvey
Barbara Cunningham, Area Plan Commission
Jerry Riney, Supt. County Buildings
Sandi Deig, Commission/Council
Carl Wallace, Veteran's Service
Others (Unidentified)
News Media

SECRETARY: Joanne A. Matthews


Carolyn McClintock, President


Don Hunter, Vice President


Richard J. Borries, Member

MINUTES
COUNTY COMMISSIONERS MEETING
APRIL 22, 1991

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MINUTES
COUNTY COMMISSIONERS MEETING
APRIL 22, 1991

The Vanderburgh County Board of Commissioners met in session at 4:30 p.m. on Monday, April 22, 1991 in the Commissioners Hearing Room with President McClintock presiding.

RE: INTRODUCTION OF STAFF

President McClintock called the meeting to order, welcomed the attendees, and introduced members of the County Staff.

RE: PLEDGE OF ALLEGIANCE

Ms. McClintock then asked the meeting participants to stand for the Pledge of Allegiance.

RE: ELECTION BOARD

In response to query from Commissioner McClintock as to whether there are any individuals or groups who wish to address the Commission today who do not find themselves on the formal agenda, Attorney Carl Heldt approached the podium, introduced himself, and said he is the Attorney for the County Election Board.

Ms. McClintock interrupted by saying that the Election Board is on the agenda.

RE: SALE OF COUNTY-OWNED SURPLUS REAL ESTATE

Ms. McClintock then entertained bids on the County-owned surplus real estate which has been advertised for sale. There were no bids and the sale will continue.

RE: PUBLIC HEARING RE REQUEST FOR VACATION OF PORTIONS OF
RIGHT-OF-WAY KNOWN AS HIGHWAY 57 AND OLD PETERSBURG RD.

Attorney David Bunner approached the podium, introduced himself, and stated he represents the Evansville-Vanderburgh Airport Authority District. The Airport Authority asked him to file this vacation. Basically, it is for all of Old S. R. 57 and Old Petersburg Rd., which is within the boundaries of the Airport. The Highway 57 property has been vacated by the State of Indiana to Vanderburgh County. At this point then, that has been basically abandoned by the County because it is no longer in use by Vanderburgh County. In fact, it is fenced off with the perimeter fence of the Airport. He has letters from the utility companies (Indiana Bell, Water & Sewer Department, and SIGECO) indicating they have no objection. Any easements that were maintained on their property have been taken care of to continue the use of that easement if the property is vacated. Jim Morley is here with him today should there be questions on the vacation.

Mr. Bunner noted there are no Cable T-V conduits or anything on the property. (Mr. Morley confirmed that this is correct.)

Commissioner Hunter said the one question he has -- Indiana Bell indicates Old S. R. 57 has no problem, but they don't indicate Old Petersburg.

Mr. Bunner said he has a copy of the easement. They just had an easement on Highway 57 and we have taken care of renewing that new easement. When the new terminal was constructed, the Airport paid \$107,000 to re-route all of the Indiana Bell lines and this takes it and connects it with that easement and then goes straight north.

Ms. McClintock asked if there is anyone present to speak against the petition? There was no response.

Ms. McClintock then asked Attorney Ziemer for guidance. Attorney Ziemer said, "We've reviewed the Petition, the proposed Ordinance, the Notices are in order, and we have no objections from a legal point of view."

Upon motion made by Commissioner Hunter and seconded by Commissioner Borries the request for vacation was approved, as presented.. So ordered.

RE: COUNTY CORONER

Change Order/County Morgue: Charles Althaus, County Coroner, was recognized and said he would like for Andy Easley to come forward and speak with regard to the Change Order concerning the County Morgue. He then submitted the original of the Change Order to be signed by the Commissioners.

Mr. Easley said, "If you will recall, on the 13th of February we approved a Standard Form of Agreement between the Board of Commissioners and the Contractor on the Morgue. At the same time, we approved the Change Order for \$11,636.00, which brought the contract up to \$539,879.20. And I think the Commissioners have been advised of some changes made in the exterior of the building. We also got permission to re-design the heating system, which resulted in a savings of \$41,000. You have a copy of these changes. The Coroner decided he didn't have to have ceramic tile in the restrooms and they went to a latex enamel on the drywall, and that saved \$1,300. But the bottom line is that we now have a \$35,660 credit to apply against the almost \$540,000 and that will reduce the building down to \$504,219, which is about \$24,000 less than what we anticipated when we awarded the original contract -- and I think there are very few government contracts that have the benefit of what I would call 'value engineering', which is the term they use when they evaluate during construction -- how can we do it a little cheaper than the way we designed it? We would request that you approve this change order. We have some minor items and may have a third change order.

Mr. Althaus interjected, "Yes, we're going to install safety glass in the office, because we've had some breakage now and there is a sink we need to install in Pathology. It will be about \$3,800 -- so we'll still be around \$508,000 total -- which is super.

In response to query from Commissioner Hunter if the 'breakage' was vandalism, Mr. Althaus responded affirmatively, saying this occurred about the second day after they installed the windows.

Ms. McClintock said we've met several times and reviewed all the items at length -- are there any questions?

Commissioner Borries said these are the kinds of change orders he likes, and moved for approval.

Commissioner Hunter seconded. So ordered.

Mr. Easley said the Coroner and Rick Woods were in on the negotiations and they had some real lengthy discussions.

Bids for Equipment/County Morgue: Mr. Althaus proceeded by saying he spoke with the Commissioners last Monday concerning bids for equipment for the County Morgue. He'd like to advertise that equipment on April 16th and May 3rd. Susan Jeffries suggested that this time we have a mandatory pre-bidder's conference on May 8th. The bid openings would then be held May 13th and contracts awarded on May 20th. He has a revised copy of the list of equipment.

Upon motion made by Commissioner Hunter and seconded by Commissioner Borries, authorization was given to advertise on the dates recommended by the County Coroner. So ordered.

RE: POOR RELIEF APPEAL - PIGEON TOWNSHIP

President McClintock said there is a Poor Relief Appeal from Pigeon Township for Jackie Franks. She then asked if Jackie is in the audience. There was no response, and Ms. McClintock asked Mary Hart of the Pigeon Trustee's Office if she would come forth to address this appeal.

Ms. Hart said Ms. Franks was denied assistance on a SIGECO bill because the bill was in the landlord's name. Ms. Franks said she is responsible for the bill, but it is in the landlord's name and the Pigeon Trustee does not pay bills that are in the landlord's name. The only way they could pay the bill would be if the utilities were in the applicant's name.

In response to question from Commissioner McClintock, Commissioner Borries said he does not think it is appropriate to discuss the matter at this time since the applicant is not present.

RE: E.U.T.S. /BURKHARDT RD. CORRIDOR STUDY/ROSE ZIGENFUS

Mrs. Zigenfus said she is here today to solicit the support and endorsement of the Commissioners re the Burkhardt Road Corridor Study. She believes she sent copies to the Commissioners and hopes they've had an opportunity to review same and see what EUTS is recommending. As the result of several analyses the report is recommending several improvements to the Burkhardt Rd. Corridor in an attempt to improve the traffic flow. She then cited highlights of the April 10, 1991 letter from EUTS concerning this matter. (Copy of memo attached herewith.)

Mrs. Zigenfus said she thinks the significant finding is that they would like to see a major interchange to the east of Burkhardt and Lloyd Expressway. She thinks our year 2010 traffic volumes project enough traffic in both directions -- north and south and east and west -- to warrant the interchange. We're looking at a partial cloverleaf. That is all vacant land at this time and she thinks it would be prudent to keep that in mind as the rezonings come forth and the Board begins to determine what they are going to do with that property. If the Board has not read the April 10th report, she would encourage them to look at it and the type of interchange proposed and keep that in mind when they look at rezonings. She thinks this type of improvement will require grass roots support from State and Local Elected Officials, Planning Agencies, the Chamber, citizens groups (West Side Improvement, developers, etc.), and everybody else, in general. EUTS has presented the findings to the IDOT and the Federal Highway Administration and they are both very receptive. They are looking at ways to acquire the right-of-way now, because it will be significant in cost, as well as in time, in acquiring all that property.

There is a project currently in the works to widen the Lloyd Expressway from Green River Rd. on out into Newburgh. It is hoped that all of this can take place at the same time.

Commissioner Hunter asked, "On any rezonings that come up in that area, do they come across your desk first?"

Ms. Zigenfus responded affirmatively -- she is aware of them.

Mr. Hunter asked if Mrs. Zigenfus can then come to the Commissioners and make them aware of same.

Ms. Zigenfus said, "Well, we do our rezoning reports; we'll make comments in there. Of if you'd like, we'd be glad to attend the meeting."

Commissioner Hunter said, "Either way -- just so we're aware of them -- because I agree it is kind of important to keep that clean out there."

Mrs. Zigenfus said she thinks it will be to our advantage in the future. When they ran the numbers and looked at the capacity, the intersection, with the six-lane approach in each direction with the double left turns still was not working adequately -- so they feel the traffic is just going to get worse out there. In response to query from Commissioner McClintock as to when we might begin work on this interchange and who would pay for same, Mrs. Zigenfus said, "The interchange would be part of the Lloyd Expressway improvement and we're hoping it will be State-funded -- to move the traffic. And, as far as time -- the project at the State level looks like four to five years widening and improvements."

Commissioner Borries asked, "On the Burkhardt Rd. Study, Rose, are you going to seek Federal funding for that?"

Mrs. Zigenfus replied, "Yes, we're going to try to get that in the Federal Aid program. When it comes time, we will have to amend the T.I.P.-- she would say that process would begin in four to five years, keeping in mind that the network west of Burkhardt, south of Morgan, north of Lloyd Expressway is also developing. The Royal Avenue Extension at Virginia and Vogel -- and that will all play an important role in this traffic circulation in that area."

Commissioner Borries queried Mrs. Zigenfus concerning the estimated cost of this improvement in 1991 dollars.

Mrs. Zigenfus responded, "They generally say \$1/2 million per ramp -- so you're looking at approximately \$4 million or \$5 million at this time -- and she thinks that is rather conservative. That is just construction of the interchange. That doesn't include the right-of-way or the P.E. So it will be a major improvement in that area."

Mr. Borries asked how much of that local government would be expected to pay?

Mrs. Zigenfus said, "On the interchange, we're hoping that if it is a State project that the locals wouldn't be involved in the interchange. But they would be with the widening of the corridor -- and that depends on the highway legislation. Right now that is 75%-25%. If that changes to 60%-40%, then we're still looking at a significant amount of money for the County. Thank you for your support -- I appreciate it."

Ms. McClintock asked if Mrs. Zigenfus would like a motion for the Board to endorse the Study, and Mrs. Zigenfus responded affirmatively.

Motion to endorse the Study was made by Commissioner Hunter, with a second from Commissioner Borries. So ordered.

RE: HEATHER COURT - REQUEST FOR ROAD IMPROVEMENTS

President McClintock said the next item on the agenda concerns the requested road improvements on Heather Court, which was continued from April 8th. Is there a spokesperson present?

Mr. Don Berning approached the podium, introduced himself, and stated he resides at 8105 Heather Court. He said, "As I understood it, this meeting tonight was to discuss with the County Engineer the financing requirements of the study."

Ms. McClintock asked Gary Kercher of the County Engineer's office if he is prepared to discuss this matter.

Mr. Kercher said, "We went out and did a rough survey of the area. There are about 13 roof drains coming off the property and outletting right behind the road curbs out there and that is creating part of the problem. If the County Highway does the work, we're talking about \$20,000 for materials to replace the curbs, as needed, taking those drains over the tops of those curbs and getting into the street and repairing the holes where we can. That is preliminary; we're not sure what we're going to find once we start digging into the road -- but right now that is what we've come up with. As we said the last time, we felt the roof drains are part of the problem -- between that and putting some under drain in the road, \$20,000 is the estimated cost at this time."

Ms. McClintock asked, "Ordinarily, would we be responsible for doing that kind of work?"

Mr. Kercher replied, "Ordinarily, that is done in the subdivision -- an outlet under the right-of-way. Putting the roof drains out is not that big a deal. The problem is building the curbs up and fixing the holes. The work on the roof drains is just a small portion of it. It's just a matter of throwing a small concrete ditch on our right-of-way for the drains to outlet over the top of the curb, rather than just outlet in the grass on top of it. Normally, no, we don't do that. I don't know that it would be a big problem to talk to the property owners about what we could do with it. In most subdivisions they are allowed to outlet onto the curb and there is really nothing in the Standards that addresses it directly."

Ms. McClintock asked, "But what you're saying, Gary, is that if it continues the way it is and that repair work isn't done, even if we would repair the road it is not going to help it any?"

Mr. Kercher said that is correct. In order for us to fix the road we have to tear the drains up partially into their yards anyway -- and I realize it is within our right-of-way, but they do have permission to outlet those drains onto the right-of-way. Therefore, we felt the minor concrete work that had to be done to get those drains out could be done simply at that time, rather than waiting and expect the property owners to do them all at one time. If it's all done at the same time, it could be done the way we want it. Most of that would alleviate a big portion of the problem, but we have a lot of voids in there that we don't know about. They just estimated the number of voids under the road and, of course, all of those have to be torn up and backfilled. The \$20,000 estimated cost is, again, only for materials and does not include County Garage labor.

Ms. McClintock asked what budget this would come from?

Mr. Kercher said it is up to Mr. Cletus Muensterman. He is not sure where we could obtain the funds -- because we don't have the money to do other things.

County Auditor Sam Humphrey interjected, "Right now we have about \$293,648 in the highway fund -- even with the recovered monies -- and all of that money went to pay for materials and contract services, etc."

Ms. McClintock asked, "So on the drain work, that is something that ordinarily we would not do?"

Mr. Kercher responded, "Ordinarily I don't believe we would do that. It really doesn't add to the cost any -- and we'd have to tear the outlets for those drains up in order to put those curbs back in -- so we could tear them up, put the curbs in, and wait for the property owners to re-do them. But we're not talking about much for each drain."

Mr. Borries asked if this is on County right-of-way, and Mr. Kercher responded in the affirmative.

Mr. Hunter asked if Mr. Kercher is saying it would be cheaper in man hours to do it now, rather than coming back and having to do it?

Mr. Kercher said, "I believe so; that way we could avoid ever having to do it again -- if we can get the roof drains done all at one time, rather than waiting for the property owners to come in and do them themselves. Some may take longer than others and it would be hard to get everything done at the same time. But I don't know what you want to do."

Ms. McClintock said, "Since we have not prioritized the rest of the roads from the Public Road Hearing, my personal preference would be (if the other Commissioners want to vote to make this a project of the County) to evaluate this project with the rest of the road projects and put it on the road list for 1991."

Commissioner Hunter asked, "If we do this project, will it solve the problem for those people? Of, are they going to be back here next year asking for the same thing?"

Mr. Kercher said, "While we're working on the rest of it, we can put some under drain in the road -- and that is the minimal we feel we can do. As stated, we'll know more once we start tearing it up -- but we think if we can get the water out from underneath the road and back on top of the road we can control it a little better."

Commissioner Borries stated, "We have some projects that were not done in 1990 that are still on the list which were approved last year. We turned down a request for air conditioners because of the tight budgetary situation that the majority of this Board said last week we did not have the money to do. So if we do not have the money, then I think we are going to have to sharpen our pencils and make sure that we are very clear on which are very critical projects and which ones we need to do first. We can add this one to the list -- I certainly would agree that these people need help. But as to exactly when we can do it based on priorities here, I think we need to examine it further. We'll do a more detailed plan. But if we do it with the County Highway crew, we can control it a little better obviously than if we bid it out."

Mr. Borries said, "They can do it -- we have an excellent highway crew. The problem is that we only have so many -- and when we get into paving season, then we get labor intensive with all the other equipment they have at some other place and you can't keep dividing them and have them do this and then do that -- as you well know."

Ms. McClintock said, "We're looking for a motion to approve the work on Heather Court to be added to the list of priorities in the County Engineer's office, which will then be ranked by need and brought back to this Board for final approval."

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

Mr. Berning again approached the podium and stated, "Whatever you can do to fix our problem out there -- it is quite unsightly. The water never stops running; it's coming up from underneath the road and it's nasty. It's a very nice neighborhood. If you had to drive through it every day I'm sure you would do what you could to speed any improvement along. It's pretty bad and any help you can give us will be greatly appreciated."

RE: PRIVATE MANAGEMENT OF VANDERBURGH AUDITORIUM

The meeting proceeded with President McClintock saying she wanted to bring the issue of private management of Vanderburgh Auditorium before the Commission for some very preliminary feedback and discussion. She has met with two of the management groups that have come to Evansville and have also met with the City and the management of Roberts Stadium. The City has prepared a Request for Proposal and are sending same to four (4) professional management firms nationally. There was also some discussion about them adding to that list two local management firms that had expressed interest in managing both the Auditorium and Roberts Stadium.

What the County can do -- the advantages that these groups as they come in have purported is that in a professional management system involving both Roberts Stadium and the Auditorium and perhaps Mesker Music Theater, that there are some potential savings and economy of scales -- because there would be one management structure overseeing those three facilities. They would be able to hire one operating officer, one financial, and one marketing person that would serve the three facilities -- and the facilities would basically have an advance manager that would manage the building. They draw upon the number of facilities that each operate through the country and one internationally, as far as arenas, auditoriums, convention centers -- those kinds of things -- and indicate they feel their buying power for both the City and the County is much stronger than an individual facility in trying to book events. If there is interest on the part of the Commission at no cost to the Commission, what we could do is prepare an addendum and send that addendum to the same groups that have received the Request for Proposal from the City of Evansville for Roberts Stadium and Mesker Music Theater and simply receive from these various management companies proposals as to what they feel they could do for us at Vanderburgh Auditorium and what that cost might be compared to what we are paying now, so we would have a cost benefit ratio to look at -- so we could compare professional management companies to what we are now doing at Vanderburgh Auditorium.

The City had originally wanted us to try to keep up with the same time table, which they are receiving their proposals on June 8th and mailed theirs out on April 17th. Her personal feeling was that we had just not had the opportunity to examine the issue at all. All four of the companies she has talked to indicated that the County would not have to enter into an agreement at the same time the City does, that the County could negotiate with the company hired by the City at a later date -- if there was some interest. That is basically where we are and she wanted to get some feedback from the Commissioners today as to the advantages and disadvantages. If they would like for her to, she would be happy to prepare on behalf of the County a Request for Proposal and bring it to the Commissioners for approval prior to mailing same out to various vendors.

Commissioner Hunter said he thinks it is a super idea. The only concern he has with a management corporation as opposed to bringing in a professional manager from perhaps a larger city (unless an assistant manager is ready to move into something like this) is that he lived for several years with the firm that managed Oak Meadow. Each time they had a quality manager out there the manager was then moved elsewhere and they took what he felt in many cases was a reject. If we enter into something like this he wants to be very sure that we are getting good quality people and that we will be able to keep those people.

Ms. McClintock said she thinks that is an excellent point.

Commissioner Borries said he would share Don's concern about that. He's not sure in the laws of the marketplace if that is a feasible do -- to say that you can guarantee anything in terms of keeping anything like that. And he would certainly consider any proposals we might receive along this line. He believes that Representative Jeff Hays years ago developed a facilities management ordinance at the State Legislature that considered a way in which facilities such as the Stadium, the Auditorium, and Mesker could be put under one facilities group -- and he had enabling legislation at one time that had been considered. So it is not necessarily a novel idea from that standpoint. Jeff has talked with him about it before and probably because we are living in an ever tightening budget situation he supposes there has always been some reluctance to look at these things. He would only see this kind of proposal as half of what needs to be done. He would think we'd have to look at a Facilities Management Board at that point and work with the City officials to see if that would be feasible. He believes Representative Jeff Hays would have some information and he will check with him on that and would certainly encourage the other Commissioners to do likewise.

Ms. McClintock said her question is, is there any interest on behalf of the Commission to look at a Request for Proposal that, if revised and approved, could then be sent to these companies so we could get some proposals back and then get some idea of what we are looking at potentially?

Mr. Borries said, "As long as there is no time line here where we're on the City's agenda at this point in terms of their decision making -- because, as I said, I would like to explore it further. Certainly we can look at the proposals."

Ms. McClintock asked if Commissioner Hunter would like to make a motion to that effect.

Mr. Hunter so moved, and Mr. Borries seconded. So ordered.
Ms. McClintock said she will try to have this at the Commission Meeting on May 6th and asked that it be placed on the agenda.

RE: EVANSVILLE SYMPHONIC BAND

Ms. McClintock asked if there is a representative from the Evansville Symphonic Band present? There was no response and Ms. McClintock continued, "They'd sent a letter to the Commission. They have a series of concerts at Mesker Music Theater. This year they're scheduled for June 9, 16, and 23 and July 4 at Riverfront. The Parks & Recreation Department provides them by waiving the fee for the use of Mesker Theater. They have reserved the Coliseum for use as a backup concert site in case of rain at Mesker Theater. They are asking us to waive the fees for these concerts. Since this has come up before, she indicated to the gentleman when she saw him that this Board did not have the authority to waive fees at the Coliseum, because that operates under a separate lease agreement. The Commission can do one of three things:

- a. Nothing
- b. Send a letter to the Coliseum (if the Commissioners agree) asking them to work with this group
- c. See if there are arrangements that could be made at Vanderburgh Auditorium.

They do not charge for the concerts -- they raise funds from all over the community to support these free concerts in the parks.

Commissioner Borries said he would certainly support sending a letter and see what transpires at that point. He moves that this letter be forwarded to the Coliseum, with Commission support of the request.

Motion was seconded by Commissioner Hunter. So ordered.

RE: ORDINANCE RE COUNTY CORRECTION FUND

Mr. Harris Howerton said this will be the fifth year -- Senate Enrolled Act 395 provides that counties can opt to keep their misdemeanor defenders in the community and provide care for them there. They offer the counties monies to do that. For Vanderburgh County that amount would be \$161,000. In cooperation with the Sheriff of Vanderburgh County each year they have split those monies, so that the Correction Program would use \$80,500 and the Sheriff would use \$80,500 to pay for manpower to provide those services. He is requesting that the Commission once again adopt this ordinance. He has provided everyone with a copy of the draft of the Ordinance.

Ms. McClintock asked Attorney Ziemer if this needs to be advertised?

Attorney Ziemer said it doesn't need to be advertised -- but it does need a hearing.

Ms. McClintock asked, "The hearing doesn't have to be advertised?"

Mr. Ziemer nodded his head negatively.

Ms. McClintock then asked, "So, can we set this for hearing May 6th?"

Mr. Howerton interjected, "Well, unfortunately, we need to do this by May 1."

Attorney Ziemer said, "You can have the hearing at the next meeting -- April 29th."

RE: AUTHORIZATION TO ADVERTISE FOR SALE OF SURPLUS
COUNTY-OWNED REAL ESTATE

Attorney Ziemer said his office has prepared forms of Notice to be used by Joanne for purposes of advertising. The Board just needs to set a time for receiving bids and the legal ad has to be advertised twice, and the second advertisement will have to be three (3) days prior to the first date we receive bids. Then we have to set the time for receiving bids, which can be up to as much as sixty (60) days. It could be one (1) day. That is up to the Commissioners. During that period of time bids have to equal 90% of the appraised value of the property. If there are no bids during that time, then you would advertise again. After the second advertisement the properties could be sold at any price. The Commission needs to authorize advertising and set the amount of time they want to keep the bids open.

Ms. McClintock said our history is that we're not going to get a lot of people coming in at 90%. A short time period would be good. She suggested a week, giving people two opportunities to come.

Mr. Borries said, "Let's talk about this. Ted, you said you could do it for as little as one (1) meeting for the 90%?"

Mr. Ziemer said that is correct. What you would do is set two (2) advertisement dates. The second date would have to be at least three (3) days prior to the date you want bids to be received -- and then it could be one day after that.

Mr. Borries asked if it could be the day you hold the meeting?

Mr. Ziemer responded, "Yes."

Mr. Borries said, "Then that is what I suggest, because they will still wait and we will continue to just prolong this. The shorter the better. If someone really wants to buy the property, it would be my suggestion that we do it for one (1) day -- the day of the meeting -- and then after that, open it up for whatever we are going to get."

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

The advertising dates were left to the Secretary, as long as she follows the legal requirement of the minimum three (3) days. So ordered.

RE: COUNTY ENGINEER

Claim/Caranza Drive Sewer Project: Mr. Curtis said he has the final claim re the Caranza Drive Sewer Project to Veach, Nicholson, Griggs Associates in the amount of \$3,092.57. He has that claim but does not know what the Commission's wishes are to do with that claim. He does, however, need some sort of action from the Commission to hold it any longer. It is the final payment.

Mr. Borries said, "You mentioned to me earlier -- is there pending litigation or possible litigation concerning this claim?"

Mr. Curtis responded, "There is potential."

Mr. Borries asked if there is any kind of time limit by which litigation could be filed in this matter?

Attorney Shively said, "I wanted to clarify that although we feel that we're not really happy with the assessment, at least everybody I know is going to grin and bear it -- and they will just take care of their problem at the polls next time. I was only joking -- seriously though, there are no property owners I'm working with that....."

Mr. Curtis interjected, "It wasn't the property owners the potential litigation was from."

Commissioner Borries asked that the record reflect that Attorney Les Shively made the earlier remarks and, based on his remarks, he would move that the claim be approved.

Second to the motion was made by Commissioner Hunter.

Mr. Curtis continued, "The potential litigation was for finance charges by the contractor. The Commission determined it wasn't their fault the claim wasn't paid and, therefore, it is the contractor's opinion that it was the Construction Engineers and, subsequently, it is the Commission -- and that is where the potential litigation is, I believe."

Ms. McClintock asked, "Would they not be suing Veach, Nicholson, Griggs?"

Mr. Curtis said, "I don't know what their intentions are -- but that comment was made to me by the contractor."

Attorney Ziemer said, "Well, they can sue anybody they want to."

Ms. McClintock so ordered that the claim be approved.

Union Township Project/Escrow Account: Mr. Curtis said that we need to establish an escrow account for the contract. Blankenberger Bros. currently has an escrow account at Citizen's National Bank and our bond fund is presently at Old National Bank. There isn't a legal problem in any way with having that escrow account at Citizen's National Bank. But if the Commissioners have a preference as to which bank that escrow account should be located, then they need to take that action so it can be set up. On a project this size, the law spells out that we must put the funds into escrow instead of just retaining them ourselves. In response to query from Commissioner McClintock, Mr. Curtis again said that Blankenberger Bros. would like the escrow account at Citizen's. They already have one there and it would not require any additional paperwork. Nonetheless, he needs Commission action as to where the escrow account is going to be.

Auditor Humphrey queried Mr. Curtis re the purpose of the escrow account.

Mr. Curtis said that is so they receive the interest on the money that is held as a retainage, rather than the County. And that is what the State law provides. He has a copy of the escrow agreement to be signed and it spells out all the statutes that that refers to.

Mr. Borries asked, "Who is 'they'? Blankenberger?"

Mr. Curtis said that is correct. The escrow account is so that the money that is retained is put into that account; the accrued interest is the contractor's for the duration of that retainage.

Mr. Hunter asked how much money we're talking about?

Mr. Curtis said, "5% of \$3 million; and it could potentially be withheld for a period of about 18 months. That is a considerable sum of money that interest would accrue to be -- so you can understand."

Mr. Hunter asked, "Why are we accepting Citizen's Bank on this because the contractor wants us to?"

Mr. Curtis responded, "You don't have to; you can choose wherever you want. That would be their preference. Our bond funds are presently invested at Old National Bank. What I am asking is whether the Commission has a preference? If they don't, Blankenberger would like for it to be at Citizen's, because they already have an escrow account there."

Auditor Humphrey asked, "For whose benefit is the escrow account? You're losing me a little bit."

Mr. Curtis replied, "If we retain the money, we don't pay them the interest on the money. But the law says we have to put it into an escrow account on this size project."

Mr. Hunter asked, "Can that money be drawing interest?"

Mr. Curtis responded, "It does draw interest and it draws interest to the contractor's benefit -- by State law."

County Auditor Humphrey said he would like that checked by the County Attorney. "The law, as I am aware of, says we only have to have it in place to let a contract."

Mr. Curtis said, "It is the 5% retainage on the contract. Just the retainage?"

Mr. Humphrey asked, "The 5% retainage?"

Mr. Curtis said, "As they bill us, we retain 5%; and then instead of us retaining that in our bank we put that 5% in their escrow account."

Mr. Humphrey asked, "You mean that is going to amount to \$1.8 million?"

Mr. Curtis said, "It is going to be 5% of \$3 million."

Ms. McClintock asked if Mr. Humphrey still wants this checked out, and he responded in the affirmative.

Attorney Ziemer said, "I think Mr. Curtis is correct, but I would like to check it."

Mr. Curtis said, "We recently had somewhat of a scare that the project was going to be held up by the railroad. We do have that issue resolved and next week we should have the cost estimate of the changes the railroad has required. It should be in the vicinity of \$10,000 to \$12,000. With that in mind, I would request authorization to give the contractor Notice to Proceed on the Union Township Project, with the exception of the bridge portion of the project."

Motion to approve the request was made by Commissioner Borries, with a second from Commissioner Hunter. So ordered.

RE: ELECTION BOARD

President McClintock recognized Carl Heldt, Attorney for the Election Board.

Commissioner Borries interjected that he wants to apologize and make a suggestion to the Board. What happened, apparently we are generating a lot of paper here -- and apparently "this must have been a First Draft of a County Commission Agenda that did not have anything on it to do with the Election Board. Madam Chairman, if I might suggest -- I want to apologize to Mr. Heldt, because the agenda I was using did not have his name or any mention of the Election Board under the Action Items. Somehow, if we could put "Draft" or "Final", or whatever we're going to do here -- I think it would be an orderly thing."

Attorney Ziemer noted, "Mr. Heldt did call me this afternoon and I explained to him that he was going to be on the agenda today -- and he wasn't on the printed copy of the agenda I had either, but I did advise him he was going to be on the agenda this afternoon."

Mr. Borries said, "No problem, Ted. I'm just saying if we're going to generate more than one version of the agenda if we could put "Draft" and "Final", it makes it a little easier for someone."

Attorney Heldt said, "No apology is necessary. I do appreciate being put on the agenda on such late notice, Mr. Ziemer. As I stated before, my name is Carl Heldt and I'm the attorney for the Vanderburgh County election Board. I just want to take a couple of minutes of your time very briefly. As you know, it is the Election Board's statutory duty to administer the State Election laws in Vanderburgh County. And, of course, I am sure you are

also aware that it is among the many duties of the Board of County Commissioners to secure appropriate and suitable rooms (is what the statute uses, I believe) for each Vanderburgh County precinct to use as a polling place on election day.

The Election Board also believes -- and I agree -- that the election laws require that the poll for each precinct be located within that precinct if a suitable room is available in that precinct. Now the Election Board was recently advised that this has not been done this year in Precinct 15 in Ward 4, and they have instructed me to discuss this with you and Mr. Ziemer and ask you to rectify the situation.

Specifically, it is my understanding that the room secured for 4-15 is actually in 4-16, while there is a suitable room available in 4-15, which you have selected to be used by 4-14. And I think that is the Sweetser Community or Recreational Building. Your Attorney, Mr. Ziemer, and I have had several discussions in the last few days about this matter and it is my belief that neither the criteria that you used nor the factual basis you used to make this judgment is sufficient to overrule what I believe to be the overriding and clear direction of the Indiana Code that each voter should, if at all possible, vote in the precinct in which he or she lives. Consequently, and in conclusion, on behalf of the Election Board I am respectfully requesting that you comply with this law in this regard and I thank you for your time and attention in allowing me to address you on this matter today."

Attorney Les Shively approached the podium and stated, "I am the minority member on the Election Board and I need to be in a meeting before 6:00 p.m. and I would appreciate being heard briefly -- and I'm sorry I'm out of order."

President McClintock said, "We don't have an order."

"For the record, I am Less Shively and I am the Republican member of the Vanderburgh County Election Board. Just briefly I want to clarify for the record that I concur with Mr. Heldt's opinion to the extent that he expressed to the Election Board at their meeting last Wednesday, the 17th, that it is the duty of the County Election Board to see that the County election laws are properly administered and followed by all entities that play a role in seeing that an election is conducted in this County according to laws. And that includes the responsibilities of the County Commission in securing facilities. It was my intention at that time -- and I have reviewed now the minutes of the April 15th meeting of this body and the discussion between Mr. Owen, the Democratic County Chairman, and the members of this Commission. It would appear to me that, number one, the reasons given for the change in that location (to change the precinct voting place outside the precinct) would pertain to suitability. It is my opinion, contrary to Mr. Heldt's, that suitability is for you all to determine. I am not a politician and maybe I would have done a little differently than you folks -- but there, again, I am trying to look at this the way a Judge would -- and I think you did have some discussion, at least some meaningful good faith on suitability. I would also note that 55 of the polls of the 144 polling places are located outside their precincts. That is about 38%. I also would suggest this, that in the future so we can avoid this problem so there is not the threat of legal challenges and all of this business -- I know the Republicans were real upset when the precinct lines were re-drawn when the Democrats were in power of the County. And now I guess the Democrats are upset because the Republican-controlled Commission is maybe selecting some polling places that they're not too happy about. I would just make this report, I guess. As the minority member of the County Election Board, I don't think the taxpayers benefit by litigation between governmental entities that are trying to serve the taxpayers. And I am certain that tomorrow --

when everyone receives -- or already received today -- their property tax bills, they want to see tax dollars used in a prudent manner. This election coming up is a Primary election, all right? It is an inner-squad scrimmage, if I can put on a sports vernacular. I would hope that even if the Commissioners could have done a more thorough job (if that is what Mr. Heldt believes or the majority members of the Commission believes, or the Election Board believes) -- I would hope that what we do maybe out of this situation is review what happens on election day and see if we do have problems in that precinct -- and others where we have changed the polling place to outside the precinct -- and then with plenty of time (not within two weeks before the election) the County Commissioners and the Election Board sit down and approach this in a reasonable, non-pressure cooker kind of situation -- not the threat of litigation -- and work this out, because after all both parties are interested in, number one, increasing voter confidence in the system and, number two, maximizing the number of people who feel comfortable in voting. So I guess I want to temper what might sound like a severe position from this Election Board member -- I guess maybe I am coming here seeking cooperation, but nonetheless reminding you all that we do have the duty (unfortunate maybe) and responsibility to see that the laws are followed. And I hope that this can be worked out. I apologize for having to leave early, but thank you very much for letting me speak."

Ms. McClintock said, "Thank you, Les." We have prepared a map of really three precincts -- 4-14, 4-15, and 4-16 -- so if anyone speaking at any time wishes to refer to the map, they have something concrete to do so with. Anyone else here wishing to speak to this issue?"

"My name is Darrell McKnight and I represent A. Phillip Randolph Institute and the N.A.A.C.P. Do you have copies of the map? Under the elections, I guess it's Article 3-11-8-3 -- Voting Polls to be Secured by County Executive, Section 3. 'Before each election, each County Executive shall secure for each precinct of the County a suitable room in which to hold the election. If there is no suitable room available within the precinct, then the polls may be located in a public building in an adjoining precinct if the public building is not more than one (1) mile from the closest boundary of the precinct for which it is the polls.' Now, Sweetser Project you have down here on this boundary (pointing to the map) and it seems to me that if 4-14 can be moved to Precinct 15, which is Sweetser Project, then I have a problem with moving the people out of Sweetser Project (which has a polling place) to move them to Culver. I really don't understand what is going on. I understand that someone re-drew or some folks re-drew the 4th Ward and there are no folks in this area (pointing to the map) and then there are folks here (pointing to the map) and then it is divided and you have Sweetser Project here. It seems to me kind of silly to have these folks moved out of their precinct to go vote -- especially when some of the people don't have cars. That is quite a long way to go to vote. From the Commissioners, why is this? Can I get an answer?"

Ms. McClintock responded, "I'll be happy -- we discussed that in a meeting and I will be happy to go through that with my reasons (everyone has their own opinion) once everyone has had an opportunity to speak."

Mr. McKnight continued, "Well, personally speaking, I don't care where these folk go to vote (again pointing to the map) -- but I do care where these folk go to vote (pointing to the map). Another question I want to ask these Commissioners -- Before this started everyone got up and said the Pledge of Allegiance to the Flag. And at the end of it it said, 'And liberty and justice for all.' Now, I want to know -- do you folks believe in that? Because if you do, the 'all' is not included in Sweetser

Project. And if you do believe in 'all' -- then something can be done about the folks at Sweetser Project. Evidently you guys have the power to change polling places. What is wrong in splitting them up? The people are in Sweetser Project -- vote in Sweetser Project. They have a polling place there. If these folks (pointing to map) want to cross to Precinct 16, let them cross. You've got folks in Precinct 14 that are crossing out of their boundaries to vote in Precinct 15 and you're telling people in Precinct 15 that they can't even vote in their own precinct. I don't understand. And that's all I have to say.

The Commissioners thanked Mr. McKnight for his comments.

County Clerk Betty Knight Smith approached the podium, introduced herself, and stated she is a member of the Election Board and also the County Clerk. "I live in 14. Now, you know, Carol, in one of your meetings you said they'd been voting there one hundred fifty million years. Okay. Up until the boundary lines changed, 15 was then 14. 14 that is now was Precinct 8. The problem, I think we've found -- and it's basically not with you or any of the rest of us -- is that the boundary line is strictly the levee. There are no houses that connect this part to this part (pointing to the map). It's just the levee -- because 14 goes to the end where the levee is. There are 369 registered voters in the area up in the other part (the east end). There are 210 registered voters in the Sweetser Housing Project area. In the General Election last year, out of the 369, 144 of them voted. It is so hard for the people in Sweetser, because most of them don't have cars and they're elderly and they've got families where they can't get up there -- there were only 82 that voted. I think we need to ask our Surveyor -- or whoever brings the boundary lines up -- to take a look at that, because basically that is where the problem is and I don't think anybody intended that. And when they asked last year to move it back to Sweetser, it was after the 10 day period and it was too late to re-advertise it -- and I think it has created a problem that was not an intention on anybody's part. When they brought it to everybody's attention it was after the 10 day advertising had gone out as to where the polls were going to be. Sweetser Housing Project was always in 13. They've cut 13 down so much now that there are not too many people there. To Garvin Street was the dividing line -- and there are enough people (I think there are 800 some odd people) who live in the area up here that we're talking about (pointing to the map) and, of course, I guess they went by registered voters. But I think if they'd take a look at 13 again and add that back into 13 that would stop the problem it has created. So it is the building in the precinct, which the law says if there is a public building in the precinct -- and that is what we based it on. I know that area probably as well as anybody does, because I've lived there 34 years -- and that is where they created -- I don't know why they -- there are no houses in this area, just the levee. There are no houses that could mix that area at all. I think that is where our problem was created and that is why I voted the way I did in the Election Board Meeting."

Ms. McClintock thanked Ms. Smith for her comments.

Louise Williams of the County Surveyor's Office approached the podium and asked if the Commissioners have the old maps (before the precincts were re-drawn) and the new maps of the precincts? If the Commissioners will look, Precinct 15 on the lower end was part of 13, not 14. They all voted at Glenwood School, which is closer to the Project.

Ms. McClintock interjected, "But they've changed all the numbers, too."

Ms. Williams said, "Well, Precincts 15 and 14 would have been the old 13 as one. They were divided into three (3). But the new 14 was 8, which was Betty Knight's precinct. The problem is, on the west end of 15 -- the new 15 -- that would have been part of John Vezzozo's old precinct, which was 14. (I know it gets complicated, okay?) Now, 14 did vote at Culver once or twice. But they also voted in the Parrett Street area at the Police Communications facility, then at the Church, okay -- so they haven't always voted at Culver. But the people in the Sweetser Project have always voted closer to home, which would have been Glenwood School at that time, okay? So the only thing we're asking is to try to keep them closer to home, because there are so many mothers who don't have cars, who have to bring their little children across Riverside (which is a very busy street) in order to vote. And during the last Primary it was almost chaos; they didn't know where to go. We had to tell them, 'No, you don't vote here; you go here'; and beside that, we're crossing another precinct line in order to get to 16, okay? And the only thing we're saying is that it would just be better if we could vote within the boundaries of 15 there in the Sweetser Project. Thank you."

Ms. Estella Moss was recognized, introduced herself, and stated that she is 4th Ward Leader and, as such, she deals a lot with the precincts. "The only thing that I want to say is -- and something for you Commissioners to think about in the future -- 4-14 was voting at Zion Baptist Church and the Minister said there just wasn't enough money for them to get up and have somebody there all day -- so they just wouldn't let us have it anymore. So that is why 4-14 is in the Sweetser Project and that was the closest public building that we have access to. That is why that is there."

President McClintock asked, "While you are up, Estella, would your preference for 4-14 if something could work out as far as the money -- because when I was looking at this area, I mean it does have nice parking and it seems to be accessibility-wise a good facility -- would that be your preference?"

Ms. Moss asked, "The church?"

Ms. McClintock said, "The church that is in 4-14."

Ms. Moss responded, "Sure -- yes. Definitely. But since I'm up here (you all made be come forward), I do join the rest of them and I do feel like Sweetser -- I mean you're breaking the law."

President McClintock commented, "That's your opinion."

Ms. Moss continued, "Yes, that is my opinion -- so I don't think we should go through all this; I think we should just abide by the law and okay the precinct at the Sweetser Housing Project."

Ms. Betty Knight Smith again approached the podium and stated, "Last year I came forward because we had problems and asked them to raise the fee. Zion Church (and that is where they voted for many years) -- by the time they paid the utilities (especially like in November in that building) they cannot do it for \$30.00. That is where they have gone to vote for years, and years, and years -- at Sweetser and Governor. But for \$30.00, you know, it doesn't pay the utilities to heat the recreation area of the church and I had asked them last year to raise it to at least \$50.00 for places we had to have it -- and they didn't agree to that. I think that is where we created the problem there. So I think we need to take a good look at the \$30.00 and raising it, because it is kind of hard for a lot of the churches that used to have them because they lose money on it."

Ms. McClintock said, "I tried to reach The Reverend both yesterday and today and have not been able to reach him. Do you think if we could raise that fee to \$50.00 that they would be willing to take 4-14 as a precinct this election?"

An unidentified individual in the rear of the room asked to speak to this. He said that church has already been occupied for that day for a meeting.

Ms. Smith said, "So that won't help."

Ms. McClintock continued, "Well, depending upon what happens with redistricting, there might be an opportunity to go back there for the General Election -- if we could work something out on the money. Okay? All right?"

Mr. Sam Liggett approached the podium. He introduced himself, said he is the Republican Precinct Committeeman in 4-15 and stated he is here to address everybody involved, because a number of things have been coming up here in the past few minutes. Number one was legalities. "I think this whole problem begins with the premature re-drawing of the precinct boundaries. Now, given the 10 day list from the Election Board, I worked up some figures in regard to the old part of the precinct and the new part -- kind of dividing them evenly, you know, in regard to old and new. I came up with -- according to the 10-day list, my practicing voters in my precinct runs about 76%, okay? Out of that 76%, the new portion being a number of places granted in Sweetser Projects is only 30% of my actual voters. Okay? In the old portion of the precinct it is 69.7%. As far as centrally located, granted the boundaries show a lot of square mileage, which is dead space. There are no houses. It shows a lot of levee. I have a lot of the old portion (being First Street, Parrett, Southeast Riverside) that do have multi-unit apartment complexes, which takes up quite a number of voters. I feel like we have voted at Culver School and over the weekend I went out and took a spot survey on where people would actually rather vote. The majority definitely said Culver School, because of the accessibility.

An unidentified gentleman in the back of the room asked, "How many of them were white?"

Mr. Liggett responded, "Quite a few; but there were quite a few blacks, too, which poses another thing, okay? I think that this is not a racial thing at this point here. It is an issue being brought up by premature drawing -- because the law states that it has to be the year following the U. S. Census, not the year before. I don't know the law completely -- but I know a little bit. I know the difference between the key words 'after' and 'before'. I don't think it is a racial issue, because I have a lot of black voters -- a lot of black practicing voters -- in my old part of my precinct (being Parrett, being Riverside, being First Street). Okay, now I've broken it down on this sheet in regard to the different streets of practicing voters -- which I don't want to go through all these numbers, because it would just be a lot of figures thrown out. But overall I went off the 10 day list that I was given by the Election Board. And I feel this problem wouldn't be here if, number one, it wasn't prematurely re-drawn. The Surveyor's Office (I spoke with Mr. Brenner) -- we had chatted back and forth in reference to this and he agreed with some of the things -- that it was premature and such. Now, the thing that I have to say is, if it is legalities that we're looking at, the key words 'before' and 'after' the Census, you know, that is where this whole solution to this problem is going to come up. Okay? It came up because of the premature drawing. Like I said, as far as a central area as far as a polling place, I think that Culver School is more than sufficient; more easily accessible; and it is not at the very far end of not so much a racial neighborhood, but a dead neighborhood as far as area

square miles. There is housing in the Glenwood area, etc. The majority of the people live down First, Riverside, and Parrett, and I think that in all honesty what I am looking at as a question to everybody involved is, 'Why are we voting where we vote?' Because it is easily accessible. I am the Precinct Committeeman and it is my responsibility as an elected official of my precinct to get the people that don't have transportation; that have children -- an opportunity to come vote. Okay? And there are a number of ways. I went myself and had people pick people up and bring them to vote. Everybody here, you know, knows there is always somebody there if somebody wants to vote -- they can vote. If they want to take and exercise the right to vote, yes, they can vote -- there is nothing stopping them -- not so much in a polling place situation. There is a Republican Headquarters number and there is a Democrat Headquarters number and that is all the numbers they need. It is up to the Precinct Committeeman to walk the precinct; to take note of who needs rides; who needs babysitters, etc. There is an opportunity to vote if they want to vote. And I don't think it is a racial thing. I know it is not a racial thing."

Ms. Moss interrupted, "We're not talking about the Precinct Committeeman -- we're talking about the voting place."

Mr. Liggett responded, Yeah, but like I said..."

Ms. Moss said, "4-15 used to vote at Buckner Towers -- not Culver."

Mr. Liggett said, "I've been a precinct committeeman for a few years and I've never..."

Ms. Moss asked, "What was your old precinct?"

Mr. Liggett responded, "4-14."

Ms. Moss said, "14 hasn't voted at Culver for years and years and years."

Mr. Liggett continued, "We voted at Culver the last election. I haven't got....in the past we have voted at Culver School, the theater, the police community service center there on Parrett -- it's not been every voting time that we voted at Culver. We vote there with another precinct. We vote there relatively easy, smoothly, with another precinct. And I feel like -- who are and what are we doing this for? We are doing this so people can get out and vote. That's why we have elections. And given the opportunity, it is up to a number of people -- not just one, or not just the Board -- that can take this and deal with it. But I think the whole problem -- what it boils down to -- is premature re-drawing of the boundaries prior to the Census."

Ms. Louise Williams commented, "It had to be done within a time element, okay? So I wouldn't say it was premature, because it had to be done and (inaudible)."

Ms. McClintock asked Republican Suzie Kirk of Voters Registration if she can address that?

Ms. Kirk said, " The State Election Board had sent down a ruling that you weren't to have any more than 800 voters in a precinct unless it was confined within a Township or it had numerous apartment complexes in it. And that could have been addressed without actually all that we went through, because I had gone through and with a couple of simple changes we could have done that, instead of re-drawing the whole thing."

Ms. McClintock asked, "Anything else to this issue?"

Mr. Liggett responded, "No, except that I would appreciate it -- and all my voters in my precinct, whether it be -- let me say the majority of the voters would more than be grateful to keep the voting polls where they were the last election."

Ms. McClintock thanked Mr. Liggett.

Mr. McKnight again approached the podium and said, "Yes, this fellow here is talking about accessibility. Now, accessibility to me means the closest place. Like I said before, you have a precinct polling place in Sweetser Project in Precinct 15. Now are you going to tell me if you're talking about accessibility that it is more accessible for those folks to go to Culver School than it is to vote in their own polling place in their own precinct?"

Ms. McClintock responded, "Mr. McKnight, you're only addressing the voters in Sweetser."

Mr. McKnight continued, "I understand that. But the polling place is in their precinct -- Precinct 15 period. That is what I am addressing. Why are you telling them that they can cross a boundary line to 16, when they have a polling place in 15 -- accessible or not? The polling place is in Precinct 15. 14 is crossing to 15 -- and from what I understand, you've got the old map, where did 15 vote before?"

Ms. McClintock responded, "4-15 voted at Culver School in 1988 and 1990."

Mr. McKnight asked, "4-14?"

Ms. McClintock responded, "4-14 voted in Zion Baptist Church is my understanding."

Ms. Betty Knight Smith commented, "That was Precinct 8, and what is now 4-14 voted at Zion Baptist Church."

Mr. McKnight asked, "That is what I'm saying, 4-14 voted at Culver, correct?"

Ms. Betty Knight Smith commented, "No, 4-14 voted at Zion Baptist Church and now that is 4-8, which is the new number for 4-14."

Mr. McKnight continued, "But you still have a polling place in 4-15."

Ms. McClintock responded, "I understand that. Is there anyone else wishing to address the Commission on this issue?"

* * * * *

Commissioner Borries stated, "Well, I don't think there is any problem here as long as we would follow the law. I think it is clear to say that there is a suitable place in the precinct. Last week I asked if we could have an explanation as to why that particular community room was not suitable -- and I would have liked to have had that in writing. There was nothing that I saw in the minutes that indicated it was not suitable according to any discussion. And by our vote (which was a 2-1 vote) we said in a vote being a decision that it was not suitable. So my position is still the same. I believe that the statute has been repeatedly said today -- says suitable place in the precinct and I think that is where it ought to be. I would urge this Board to reconsider our decision. It is my understanding that we still have time to make that change as late as the 27th of this month -- so there is time to reconsider that. Now, we can finger point here all we want, but regardless of premature decisions about the Census and whatever, I can give lots of testimony as to why they were drawn last year, particularly in light of the so-called Census that now indicates that Evansville has lost a population.

Early statistics we saw last year indicated that there wasn't going to be that much change. As has been pointed out, they had to follow rigid State standards that were approved by the Election Board. The State Election Board in the State of Indiana approved these precincts. Some districts had not been drawn in this city and in the community (particularly for County elections for twenty years). The last time we could see there'd been any change in any of the Commissioner districts may have gone back as far as 1970. So it was twenty years. Because the law had changed and said some very rigid things about 800 voters per precincts, census tracts had to be followed, certain boundaries could not cross State Legislative lines and Township lines and whatever. That is why there is an unusual connection to this particular precinct. But if you look at the number of voters in each precinct you will find that the end result was accomplished. And the end result was that there were enough voters in all the precincts so you didn't have 1,000 in one and 30 in another. And, as correctly pointed out, part of it is the levee, so it is not inhabitable at certain points. But to get back to it, there really isn't any problem since if we follow what the statute says - it says there is a suitable place in the precinct -- and it is a public place. We talked about a church. Churches re a different ball game -- and we're very grateful for the churches that we have. It was mentioned that we have a number of them in different precincts -- and that is precisely because there isn't a public place in those precincts. You will notice that the Evansville Vanderburgh School Corporation must give space -- must give -- they have no choice -- and they do that. In several cases there have been as many as three precincts in some public places because a public school is a public place. It is just not a problem. I think we need to move forward on this in a positive way and recognize that a mistake was made here -- and that we need to reconsider this and that we need to act in the best interest of the voters in that precinct because there is a suitable public place."

Commissioner Hunter said, "I had some concerns about this last week because, look at that map. This is a textbook classic example of geerymandering. As a matter of fact, I'd like to copyright that and sell it to a textbook company that puts out government books. I believe they'd buy that from us. There are 144 other precincts and we don't seem to have any real concern about those. So I can only assume here that there must be some sort of hidden political agenda on wanting to move this thing around. I'm not sure I understand what it is -- but it is obviously there with this much rhubarb over one precinct. Mr. McKnight, I agree with you. I don't like either of the locations. Last spring when I went to the primaries throughout the County, polling places had been changed and some of the elderly people on the east side were on their third precinct trying to figure out where to vote. They were frustrated, as you can well imagine. As I said, I don't understand why this was drawn like this. I think the rules say you have to have a certain number -- I understand that. But they are also supposed to be compact and contiguous. This is not. As I said, this defies every rule of a proper drawing. It may meet the basic State law in terms of people, but it doesn't meet anything else. I guess I'd ask why hasn't this particular issue been addressed before today or the last week?"

Commissioner Borries commented, "It was addressed last year."

Mr. Hunter countered, "Well, I wasn't around last year. But why wasn't it rectified?"

Ms. Smith said it was brought to a meeting too late.

Mr. Hunter asked why that happened?

Mr. Hill, "There were so many changes they just didn't notice it until people brought it to their attention the week before the election."

Mr. Hunter continued, "Any way you do this you're going to inconvenience an awful lot of people. I guess I was concerned last week when I voted on this as to why -- and I asked what the distance from the northwest corner to the southeast corner of this thing is -- and I still don't see a scale on here, so I don't know how long it is. But that is unbelievable, particularly in light of looking at the other two, which appear to be drawn in the fashion that they should have been drawn. I'm sorry -- there's just a chapter here that I don't understand."

Ms. Susan Kirk again approached the podium and stated, Mr. Borries, you mentioned something that does need to be addressed -- it's a misconception. When the precincts were re-drawn., it was only because the State said to get them below 800 -- and you said that has now all been done and it is really equal. It isn't. We have precincts since they were re-drawn that have over 800. We have one precinct in the 4th Ward that has 95 voters. So we're paying all these people to show up election day -- and then we have 95 voters, which means that is a very small turnout. So to address that, I just wanted to clarify that they are not equal by any means. And, Mr. Hunter, you brought up a very good point about the voters in last year's primary who were very unclear as to where they were to go to vote. If you will remember, Mr. Bitz and I came before the County Commissioners and got the money -- you were gracious enough to let us do it -- and we mailed out every voter in Vanderburgh County a Voter's Registration Card. We paid out of our Voter's Registration budget to have placed on that Voter's Registration Card where they were to go vote. As of now, if they look at their card it says 'Culver School'. So if you change this polling place, you watch -- there will be people from Sweetser Projects who will go right back over to Culver School. They will. You're going to have that confusion again. Just in my opinion -- and the political thing -- it's all Democrat anyway, so it doesn't really favor the Republicans at all one way or another as far as Sweetser Projects or the top part or the bottom part is immaterial. But I suggest that you leave it where it is. We have spent money to tell these people where to go vote and until the Commissioners or whoever is going to re-draw and equalize these precincts, I suggest you leave it alone until such time as you re-draw and then we will see if we want to go to the expense of mailing out Voter Registration Cards once again -- because that is not a law. We're not required to do that. The County did it as a courtesy. Thank you."

Mr. Jon Hill said, "I want to bring out the point that, Susan, it is true that if you change there will be some confusion. But if you will look at the number of changes you've already made this year there are going to be some changes -- and perhaps it is necessary that we should ask you -- perhaps we should send postcards out to at least the ones that have been changed this year."

Ms. Kirk said, "We just mailed them out last year."

Mr. Hill stated, "We've changed some since you sent the cards out. There are a few changes..."

Ms. McClintock interrupted, "I don't have any problems with mailing cards to the voters in the precincts that have been changed since the last election."

Mr. Hill, "My point was that there have already been several of them that have changed."

Ms. McClintock, "Okay. Any other comments?"

Mr McKnight asked, "Can you, as Commissioners split the precinct as far as votes are concerned -- as far as polling places are concerned?"

Commissioner McClintock said, "That would be the ideal solution."

Mr. Hunter echoed Ms. Commissioner, saying "That would be the ideal solution to this, and I can certainly see where you are coming from and I agree with you."

Mr. McKnight continued, "Okay. Then the only thing I have to say then -- and I'm done -- is that I can't understand why Sweetser Projects is a suitable place for 4-14 to vote, but it is not a suitable place for 4-15 to vote -- when it sits in 15. Now, if you guys can tell me why that is the case -- you know, to me that is the \$64,000 question. Now, can anybody answer me that question?"

Ms. McClintock responded, "I'm going to address that in just a second. Any other comments?"

Attorney Ziemer said, "I guess I just from a legal point of view want to clarify a couple of things. The law does not require a polling place to be in a public building unless it is a place outside the precinct. That's the first thing.

The second thing is, the law says that the place that is to be the polling place is to be a suitable place as found in the discretion of the Commissioners. I've heard two or three comments made here today that it is against the law and that there is a violation of the law and that we should follow the law. I want to point out very clearly that, in my opinion, nobody has violated the law. What we're dealing with here is a determination of what is suitable and that issue is to be determined by the County Commissioners and not by anybody else. You may not agree with the decision of the County Commissioners as to what is suitable, but that determination is theirs -- so long as they make that in a reasonable manner. So that is my comment on the law. After that it is a question for the Commissioners."

Attorney Heldt said, "I recognize Mr. Hunter's dilemma. I think the precinct is a mis-mash as well, but I think precisely what Mr. Hunter said was that it is going to inconvenience someone no matter where you put it. And my only suggestion is, "When in doubt, follow the statute -- and the statute says put it in the precinct."

Attorney Ziemer countered, "If it is suitable.

Mr. McKnight commented, "It is suitable for 14."

Attorney Ziemer continued, "If it is suitable - because that is the issue addressed by the Commissioners last week. My job is only to advise the Commissioners on the law. The Commissioners make the decisions."

Ms. McClintock said, "Just to give a little background and the reason for my vote in this particular issue, Mark Owen approached the Commission last week and made the request that the polling place for 4-15 be moved from Culver School to Sweetser Well Child Clinic at the April 15, 1991 meeting of the Vanderburgh County Commission. The request was denied. The request was denied -- and, again, I can only give my opinion -- because the polling place at Sweetser is not centrally located to the voters of the precinct. And in addition to that, there is no off street parking available at the Sweetser Center for anyone to park -- I've been down there and I've got pictures if you'd like to see them. Whereas, at Culver School, if you look at the population

centers and you figure out the distance, it is more centrally located to the majority of the voters in the precinct and there is ample accessibility in regards to parking. 4-14 was moved because of the problem with the Zion Baptist Church. It was not instituted by this Commission. That request came, it is my understanding, from the Democratic Party. That request was approved and that is why 4-14 will be voting at this point out at the Sweetser Child Care Center. Hopefully, as Betty said, if we can work out something on the amount of money available for precincts, we will be able to for the General Election -- where the majority of voters vote -- return that precinct to the Zion Baptist Church. 4-15 has not voted in their precinct since it was located in Culver School. It voted at Culver School in 1988 and 1990. All of the precinct that we're looking at now was included in the Culver School precinct. Culver School is .3 miles from the boundary of 4-15. And as the law that Ted just outlined states, the public building has to be within one (1) mile of the boundary of 4-15. Since Culver School has operated two (2) precincts we have not had -- and I don't remember -- I did not receive a complaint from any of the voters in the new precinct regarding voting at Culver School. Nor has that been brought to the attention of the Commission. As Suzie Kirk has pointed out, the Commission has spent money mailing cards indicating to voters where they should vote. We have confused voters tremendously over the last year. It appears the feeling on this Commission is that when we re-district this summer that we need to realign those precincts so that we can find an appropriate location that is within a reasonable district of the majority of the voters in a compact area, as Mr. Hunter stated, and I don't see any reason to take 4-15, move it from Culver to Sweetser, meet in the summer, change the districts, and change everybody again."

County Auditor Sam Humphrey commented, "I have a similar problem. If the law says it should be within a mile of the precinct -- in my particular precinct (3-11) the voting place is at Vogel Rd. and Roosevelt. That area that is north and east of the railroad track at Boeke and Vogel is one part of my precinct. The next part of my precinct is at Franklin and Boeke south -- well over a mile away. Voting areas are separated by Stockwell Woods, Wesselman Park, and Roberts Stadium. Got a lot of land, but two separate entities of voters. And I had a big problem getting the south voters to come into my precinct. In fact, I had to carry maps down there personally and deliver them in order to get them there. (We did a pretty good job on it.) And it is all in one contiguous area as far as the precinct map is concerned, but I've got lots and lots of woods and Roberts Stadium and Wesselman Park in there (that have no voters that I'm aware of). There's even a cemetery in there, and I don't think we voted any of them. But we've got two separate areas of voters -- not contiguous, except by a line that somebody drew -- and when I questioned this I was told it was because it had to fall inside the Census tract and the Census tract was Morgan Avenue north and south. My precinct formerly was a very compact precinct -- half of it north of Morgan and half of it south. Now it's a long ways away from it and the polling place is well over a mile from the south part of it. But it is still in the precinct."

Commissioner McClintock said, "I would say -- I think, Mr. Shively, -- and Betty Knight Smith (who spoke earlier) this summer when we begin to look at -- I mean we could be here all night talking about the problems in precincts -- and there were problems before the redistricting was done -- and there are problems that exist now. I think it's something that needs to be a bipartisan effort -- that we all need to look at -- and not only take into account boundaries, but also what kind of effect stretching a precinct like Sam's is going to have on the ability of people to vote. We're here to try to encourage that and I hope we can -- and feel that we can work with the Election Board to try to further that process this summer."

Commissioner Borries said, "Well, I would certainly agree to that. I think that it is a very noble thing to encourage voting. It is interesting if we look at gerrymandering, it has to do with more than just the area. It talks about benefitting one political party. It's kind of ironic if what Ms. Kirk says -- if Suzie says it was supposed to benefit the Democrats, yet the Democrats are talking about moving the polling place -- it's kind of ironic. I don't know how you reverse-gerrymander anything -- so it's a little unusual there. I would like for a reconsideration -- so at this time -- to end this discussion then, I would move that Precinct 4-15 location be put in a suitable public place at the Sweetser Recreational Center, which is in Precinct 4-15."

A second to the motion was made by Commissioner Hunter.

Commissioner McClintock then asked for a roll call vote: Commissioner Borries, yes; Commissioner Hunter, yes -- Oh, are you ready for the voting? No; and Commissioner McClintock, no.

Ms. McClintock then stated, "So, Precinct 4-15 for this Primary Election will remain at Culver School. And the discussion will continue this summer when we look at redistricting precinct lines."

* * * * *

RE: DEPARTMENT HEAD REPORTS

Auditorium: Ms. McClintock said she doesn't see Jack Kirwer; she doesn't think he really had a report.

Mr. Borries commented that someone had crossed Mr. Kirwer off the copy of the agenda he has. He doesn't know what is going on -- maybe a private meeting here.

RE: COUNTY ATTORNEY

Attorney Ziemer said he has a very brief written report.

Amended Resolution re Resurrection Drive: Attorney Ziemer said he has prepared an amended Resolution with regard to the renaming of a portion of Big Cynthiana Drive to "Resurrection Drive". If the Board will recall, the legal description was erroneous.

Upon motion made by Commissioner Hunter and seconded by Commissioner Borries the Resolution was approved and signed. So ordered.

RE: CONSENT AGENDA

Ms. McClintock said that under the Consent Agenda (one of the problems is that people bring things in at the very last minute). The Commission tries to get them typed on the agenda rather than having Margie write them on (which used to be the case in the old Commission) and some would have written copies and others would not.

Mr. Borries said, "Well, let's write them down -- what the heck.

Ms. McClintock said, "What I am telling you, Rick, is what you used to is prepare the agenda and distribute a typewritten agenda and then Margie would have to make written changes. Now, instead of the changes being in writing, they are just typed in. That's the difference."

Mr. Borries said people are going to always be people and they are going to be late -- so that's all part of life. What he is saying is, if you're going to put something down -- put it down

Draft #1 or whatever -- write it down. "I've seen attorneys (and here is our distinguished County Attorney -- and I saw the previous County attorneys) -- what the heck, I've seen them do contracts. They would change it and write it right in there. I don't mind writing. You can write it in. If somebody is going to be recognized to speak, my only point was -- I didn't know there was another agenda out -- because this was in my mail box and this is what I was going by.

Ms. McClintock asked, "Okay, so you would prefer I'd just write in on my agenda so nobody knows?"

Mr. Borries said, "Write it on mine, too."

Ms. McClintock replied, "I'm not going to sit and write it on everybody's agenda."

Mr. Borries said, "Have somebody write it on it -- what the heck, if they can type, they can write.

Ms. McClintock said, "You didn't use to write it on my agenda."

Continuing, Ms. McClintock entertained questions re the Consent Agenda.

Mr. Borries asked if Commissioner McClintock is going to add Betty Knight Smith's request with regard to travel?

Ms. McClintock said she was going to take that separately, because they didn't get it in on time.

Ms. McClintock entertained a motion to approve the Consent Agenda. Motion to this effect was made by Commissioner Hunter, with a second from Commissioner Borries. So ordered.

Mr. Borries said, "Point of information here. We used to have our famous 'pink slips' that always indicated there had been employment changes made. Sam, are you comfortable then with this Consent Agenda -- are we still signing those?"

Mr. Humphrey responded in the affirmative.

Employment Changes: Ms. McClintock said one item that didn't make anybody's agenda was an appointment made to Veteran's Services of Kristine K. Harmon, Extra Help (Clerk Tyist) at \$5.00 per hour.

Travel Request: Commissioner McClintock said County Clerk Betty Knight Smith is requesting that travel expenses be allowed for four (4) employees to/from Indianapolis, IN on May 8, 1991. The purpose of this trip is a training session with the personnel of Bureau of Motor Vehicles pertaining to procedures concerning OMDWI cases.

Upon motion made by Commissioner Hunter and seconded by Commissioner Borries the request was approved.

Acceptance of Check: A check from United Consulting Engineers in the Amount of \$400.00 for the employee education fund.

Mr. Hunter moved the check be accepted and endorsed, with a second from Commissioner Borries.

Mr. Borries then asked, "Have we ever seen any guidelines on that Employee Education Fund -- how that is going to be administered?"

Ms. McClintock said they have the Ordinance going to County Council. She received the check today, but doesn't want to keep it. Can we put it in the General Fund somewhere and get that fund set up? We won't spend anything; they have to approve the fund and then we would have to approve the guidelines.

Auditor Humphrey Auditor said you can't create a new fund in the middle of the year. It could be in the Commissioners' account as a line item. The State has to approve funds.

Ms. McClintock then asked that the check be in the Commissioners' budget.

Auditor Humphrey said, "You can put it in the Commissioners' account and a line item can be created for it. The State has to approve funds. (Account #130-371 was subsequently created.)

RE: RESIGNATION OF CARL WALLACE:

Commissioner Borries said he was going through information prepared in duplicate. Does Ms. McClintock have a letter prepared by Carl Wallace? He has not seen it.

Ms. McClintock said, "I have it in my file. I assumed he copied the other Commissioners.

Mr. Borries said it is not in his files and he would like to see it.

Ms. McClintock said, "It is not effective until June 1st."

RE: OLD BUSINESS

Request to Set Executive Session: Ms. McClintock advised she would like to set an Executive Session for purposes of interviewing potential candidates for positions with Vanderburgh County. Following brief consultation with the other Commissioners, it was determined the session will be held at 3:00 p.m. on Friday, May 10, 1991.

In response to query from Joanne Matthews, Ms. McClintock stated the purpose of the session is to interview prospective County employees -- and she prefers to leave that open ended.

Recycling/Wellman, Inc.: Commissioner said he would like to bring the Commissioners McClintock and Borries up to speed on what happened last week with Wellman, Inc. He's sorry to see some of the media is already gone -- he wants to thank them for their help and support on this. Anything we can do in this area of recycling -- it's going to take a real concerted effort on the media to inform the public -- to get public support on this. If we don't have it -- it won't work. He appreciates the support the media gave last week re the meeting. He can promise that as this progresses along, he wants the media to be an integral part of the discussions.

Last Week, Mr. Dennis Sabourin, Vice president of Wellman, Inc. (basically the world's largest recycler of plastic) came into Evansville and met with (for lack of a better word) most of the City Fathers. He met with Vision 2000. He met with the proper people, including the people next door here on Tuesday evening (with approximately 50 people attending) and a lot of good questions. Basically what came out of this was that Wellman, Inc. is interested in being a partner (we have not seen any dollars or numbers and these are the kinds of things we need to look at and they would come back) with this community -- public or private, whatever we want to work out -- for a new unit that they create. It's an outfit they call New England Crate, which is a subsidiary of Wellman. Basically, what it does is eliminate the need for all the little different kinds of bins on City collection trucks or disposal trucks. This system will require two pick-ups each week; one of garbage and one of recyclables. Recyclables, aluminum, bi-metal, glass, plastic, and the paper can all be put into the same container. It can then be put into the truck and squeezed into little squares or whatever they do

and taken to the site and this recycling unit separates. From what we could gather the other night, there is no water, no environmental negatives at this point anyway -- and this blows my mind, but you put equipment in and out the other end comes the bi-metals, the glass, the plastic, the aluminum and the paper. Wellman is a merchant that desires the plastic. This is the reason they are interested. There should be plastic from as far away as Oregon to one of their plants on the East Coast right now -- so Evansville would be very much within this. As stated, they are interested in being a partner in this. They are going to come back into the community. City Council told him that the gentleman's talk pretty well shot down some of their ideas to save thousands of trucks that had separate bins on them for plastic, metal, and what have you. When Wellman comes back in, Mr. Sabourin will bring them and he will bring their technical people with them from Crate, Inc. or whatever. At that point we will set up some meetings. We'll probably set up two meetings; these people are going to do an analysis of the community in terms of demographics, what the potential markets are here, etc. Wellman even went as far as to say they would be willing to find -- part of their deal would be that they would find the buyers for the paper and the aluminum -- so he is kind of excited that something is happening here and it is happening in a positive direction. In response to query from Commissioner McClintock, Mr. Hunter said he anticipates that Wellman will be back within two weeks.

Request to Move Polling Place for Precinct 5-15: Commissioner McClintock said she had a call from City Councilman Jack Corn this afternoon requesting to move Precinct 5-25 from the Church of the Nazarene to the Diamond Valley Apartment Party House. She went out this afternoon and looked at both locations. She would be happy to support that recommended move.

Mr. Hill said that particular precinct found that immediately inside the door you had to go up ten (10) steps. They used it last year for the first time and found it very inaccessible to the handicapped.

In response to query as to whether new registration cards could be mailed to these voters, Ms. Kirk said, "No way. We have about 20 of the old registration cards left. We had no idea we were going to be asked to mail ..."

Mr. Borries asked, "What are we going to do?"

Ms. Kirk replied, "We're in the process of getting a new program, but we are not going to have it ready for this Primary -- maybe this fall -- but there is no way that we're going to be able to..."

Mr. Hill interjected, "And there have been at least four or five other changes in other precincts since those postcards were sent out."

Mr. Borries said, "So we could change the other one and not send postcards either. What the Heck? Let's confuse them. Yes, I'll vote for it."

Ms. McClintock said, "Excuse me, Commissioner Borries. We're making this change at the request of the 5th Ward Councilman, who is very familiar with this area. He has indicated to me that he will personally see that the voters in that particular precinct are notified of the precinct change. Mr. Corn has always, as far as I know, done what he has indicated he will do. That is why I support this."

Mr. Borries said, "Why I'm sure he would -- so I said I would support that"

Mr. Hunter seconded and Commissioner McClintock so ordered.

Mr. Borries asked Mr. Hill to repeat this again, so the motion is clarified.

Mr. Hill said 5-25 will be moved from the Diamond Valley Church to the Diamond Valley Apartment Building. He said we have many voting precincts which are not handicapped-accessible, but we're just now trying to go through them."

Mr. Hunter asked if this is something we can look at in the fall?

Ms. McClintock said, "We had to certify that to the State, so we know which ones are and which ones aren't."

Mr. Hill confirmed that is correct.

RE: CLAIM/CARANZA DRIVE-KEMPELL SEWER PROJECT

Mr. Gary Kercher of the County Engineer's Office said that a few weeks ago the Commissioners approved a claim to Veach, Nicholson, Griggs & Associates re the Caranza-Kembell Sewer Project for a construction engineering fee of \$3,092.57. He left the claim in his office, but is requesting the Board approve the claim and have it signed or stamped tomorrow. This is the last claim on the project.

Ms. McClintock said that is fine.

D. Agnew House/Lynch Rd. Extension: Mr. Kercher said we have a house on property we purchased from D. Agnew with regard to the Lynch Rd. Extension project. He would like to get permission to put that up for bid. Hopefully, we can get somebody to move it for us at a relatively low rate -- if not. They are going to put a bid out to move the house or raze it. They still have to write the specs and he could bring same next week.

It was the consensus of the Board that Mr. Kercher should proceed.

There being no further business to come before the Board at this time, President McClintock declared the meeting recessed at 6:45 p.m., with an announcement that the Drainage Board will convene immediately.

PRESENT:

Carolyn McClintock, President
Don Hunter, Vice President
Richard J. Borries, Member
Ted Ziemer, County Attorney
Sm Humphrey, County Auditor
Carl Heldt, Election Board Attorney
John Hill, Voter's Registration
Mark Owen, Chairman/Democrat Central Committee
Betty Knight Smith
Betty Lou Jarboe
David Bunner, Attorney
Susan Kirk, Voters Registration
Estella Moss
Darryl McKnight
Louise Williams, Surveyor's Office
Jack Waldroup, Jr., United Consulting Engineers, Inc.
Greg Curtis, County Engineer
Les Shively Attorney
Gary Kercher, County Engineer's Office
Don Berning
Mary Hart, Pigeon Trustee's Office
Harris Howerton, Circuit Court
Jerry Riney

COUNTY COMMISSIONERS
April 22, 1991

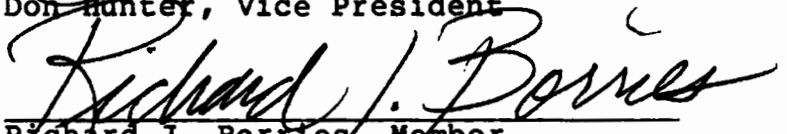
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Margie Meeks
Others (Unidentified)
News Media
Alan Julian/Evansville Courier

SECRETARY: Joanne A. Matthews


Carolyn McClintock, President


Don Hunter, Vice President


Richard J. Borries, Member

MINUTES
COUNTY COMMISSIONERS MEETING
APRIL 29, 1991

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Public Hearing/Vacation of Portion of Laubscher Rd. (Continued to May 6, 1991 at 4:30 p.m.)	1
Ordinances/First Readings	1
Solid Waste Management District	
Establishment of Non-Reverting Fund/Burdette Park	
Float Stand	
Establishment of Non-Reverting Fund/Employee Education	
Ordinance re County Correction Fund	2
County Highway (No Report)	3
County Engineer - Greg Curtis	3
Street Design/Construction Approval	
Certified Technician Tests	
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Facility Lease (to be reviewed by County Attorney)	
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MINUTES
COUNTY COMMISSIONERS MEETING
APRIL 29, 1991

The Vanderburgh County Board of Commissioners met in session at 4:30 p.m. on Monday, April 29, 1991 in the Commissioners Hearing Room, with President McClintock presiding.

RE: INTRODUCTION OF STAFF & PLEDGE OF ALLEGIANCE

Commissioner McClintock called the meeting to order, introduced members of the County Staff, and asked the meeting participants to stand for the Pledge of Allegiance.

Ms. McClintock then asked if there are any groups or individuals who wish to address the Commission who do not see themselves on today's agenda. There was no response.

RE: SALE OF COUNTY-OWNED SURPLUS REAL ESTATE

The meeting continued with Commissioner McClintock entertaining bids on County-owned surplus real estate that has been advertised for sale. There were no bids and the sale will continue.

RE: DATA PROCESSING - CONTRACTS

Mr. Roger Elliott of Data Processing was recognized. He said he has two contracts which require Commission approval. One deals with the maintenance agreement from Personnel Data Systems for the Payroll/Personnel software we have and the other is a License on a Security Software that will be installed at our network which will protect modum access into our network. Both contracts have been reviewed by the Data Processing Board and it is their recommendation that they be approved.

Upon motion made by Commissioner Borries and seconded by Commissioner Hunter the contracts were approved and signed. So ordered.

RE: PUBLIC HEARING/ FOR VACATION OF PORTION OF LAUBSCHER ROAD

Ms. McClintock said she did not understand how this Public Hearing was advertised. With regard to vacations, there is just one opportunity for public hearing. Since all the parties that wanted to come and present testimony were differently informed, the Commission wants to provide ample opportunity for that to happen. At this time she will officially open the Public Hearing re the vacation of portion of Laubscher Road. If there is anyone here who would wish to speak re same, the Commission will be glad to hear the testimony today. However, it is the Commission's intention to continue this hearing until Monday, May 6th, so that everyone will have ample opportunity to participate in same.

Upon motion made by Commissioner Hunter and seconded by Commissioner Borries, the Public Hearing re this vacation will be continued to May 6, 1991 at 4:30 p.m. So ordered.

RE: ORDINANCES - FIRST READINGS

President McClintock said the Board also has three (3) First Readings advertised for today on the following Ordinances:

- 1) Solid Waste Management District
- 2) Ordinance Establishing Non-Reverting Fund for
Burdette Park Float Stand
- 3) Ordinance Establishing Non-Reverting Fund for
Employee Education Fund

Ms. McClintock asked if anyone wishes to comment on First Reading with regard to the Solid Waste Management District.

Upon motion made by Commissioner Hunter and seconded by Commissioner Borries the Ordinance was approved on First Reading. So ordered.

With regard to the Ordinance re the Burdette Park Float Stand Non-Reverting Fund, no one wished to speak.

Upon motion made by Commissioner Hunter and seconded by Commissioner Borries the Ordinance was approved on First Reading. So ordered.

With regard to the Ordinance re the Employee Educational Fund, Commissioner Borries offered comments.

"I have some concerns that I will continue to raise that perhaps even border on a bit of intimidation. I do not feel that it is the mission of any vendor or group that does business with the County to have to be asked to contribute to any fund that has to do with employee education for Vanderburgh County. It should be the duty of the County, itself. Now, if the County has budgetary problems and cannot fund that education, then that is the way things go. But I have some serious concerns over the approaching of any kind of groups that do business with the County in an effort to either ask them for funds that could, for some people, almost border on intimidation -- feeling that they would not be able to do business with the County as a result of that type of thing. And I don't think we need to put the bite on people to contribute to something that at this point may be a worthwhile goal, but certainly should be first and foremost the duty of this County. And that is my feeling on that."

Ms. McClintock asked if Mr. Hunter has any comments and he responded, "Not really."

Ms. McClintock said she will reserve her comments for the final reading.

There being no further comment, Commissioner Hunter moved for approval on first reading.

Commissioner Borries said that for purposes of discussion, he will second. So ordered.

RE: ORDINANCE RE COUNTY CORRECTION FUND

Commissioner McClintock said the Board has a Final Hearing today with regard to the County Correction Fund.

Harris Howerton of Circuit Court said he addressed the Commission the last time he was here and believes the Commissioners are familiar with the S.E.A. 395 concerning misdemeanor funds coming to Vanderburgh County.

Ms. McClintock entertained questions concerning the Ordinance. There being none a motion was entertained.

Upon motion made by Commissioner Hunter and seconded by Commissioner Borries the Ordinance was approved. So ordered.

RE: COUNTY HIGHWAY

Ms. McClintock noted that Cletus Muensterman, County Highway Superintendent, had nothing to report today.

RE: COUNTY ENGINEER - GREG CURTIS

Street Design/Construction Approval:

Brookview Section E (Lakewood Drive/327 l.f. and Lakebrook Court/490 l.f. = 817 l.f.);
Brookview Section F (Brookview Drive/272 l.f. and Southbrook Drive/1,431 l.f. = 1,703 l.f.)
Meridian Subdivision (Meridian Avenue/1,090 l.f. and Meridian Drive/380 l.f., Pendleton Avenue/1,096 l.f. = 2,566 l.f.)

All the foregoing streets are concrete with rolled curbs, etc., and meet our standards. There are no excessive grades. It is his recommendation that the County approve same.

Upon motion made by Commissioner Borries and seconded by Commissioner Hunter, the foregoing were approved. So ordered.

Certified Technician Tests:

Mr. Curtis said they received information in the County Engineer's Office last week concerning completion of the Certified Technician Tests, as well as the offer of the re-tests. He would like to send four (4) people overnight for twelve tests at \$20.00 per test or a total of \$240.00, one night's lodging in two rooms for \$94.60 and eight (8) days per diem at \$24.00 per day for a total of \$192.00 or expenses (whichever is less). The tests are May 1 and May 2 (Wednesday and Thursday of this week) and that will hopefully complete the certification for the employees in his office for Federal Aid and Highway Department associated work.

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

Claim/Martin Woodward Backhoe: Mr. Curtis said he has a claim for the installation of trench drains on West Summit Drive and Oglesby Drive. They have been installed and inspected. He would recommend approval of the claim in the amount of \$5,656.00.

Upon motion made Commissioner Hunter and seconded by Commissioner Borries the claim was approved. So ordered.

Ground Breaking Ceremony/Union Township Access Project: Mr. Curtis noted there will be a Ground Breaking Ceremony with regard to the Union Township Access Project this coming Thursday at 1:30 p.m. It will be basically at the point where Koressel Avenue would intersect the levee were it to continue, which it is not going to do. Invitations have been sent to all present Commission and Council members, as well as all members of the Commission and Council last year. Invitations have also been sent to United Consulting Engineers and they will be on hand for the Thursday ceremony.

Purchase of Survey Equipment: Mr. Curtis said for some time they have been obtaining information for the purchase of survey equipment. They have basically found that there are three (3) authorized equipment dealers in this area. There were four different types of equipment, but one of them is more expensive than the other three. Thus, we just have three that are economical. He has given each of the Commissioners a copy of the information. He is recommending we purchase the equipment from Instrument Sales & Service in Indianapolis at a total price of \$14,990, pending approval by the Purchasing Department of the procedures. Motion to approve purchase of the equipment was made

by Commissioner Hunter, with a second from Commissioner Borries, contingent upon approval by the Purchasing Department. So ordered.

Funding of Employees/Union Township Project: Mr. Curtis said that at the April Council Meeting he had requested that two employees be funded for the Construction Engineering on the Union Township Project. That was denied and they suggested that we contract those employees. He won't get into details, but that will have to be paid out of the Bond Fund. Therefore, those employees will only be able to work on the Union Township Project and no other projects. We will have some down time with those employees. He will need to get with the County Attorney and get those contracts ironed out by next week. Scott Davis will be returning to work this coming Monday. Therefore, one of the employees Mr. Curtis wants to hire is the individual hired to replace Scott while he was gone. He would like approval of at least one of those positions by Monday.

Transportation for employees on the Union Township Project also needs to be discussed -- whether we are going to purchase vehicles or pay them mileage; and, whether or not they will be able to use County equipment, even if we were to purchase those vehicles -- whether a contracted employee can use County equipment.

Mr. Hunter raised questions with regard to purchase of transportation equipment. Mr. Curtis said that is the Board's decision -- but he thinks it would be cheaper in the long run if we were able to purchase the equipment -- simply because the employees aren't necessarily going to have the type of equipment where they can get around on a dirt job if it is the least bit soft.

Ms. McClintock advised Acting County Attorney Jeff Ahlers that the Commissioners need to know whether contracted employees can use County equipment, both to transport themselves and to use on the job -- and the cost estimate of paying mileage versus buying the equipment.

Mr. Curtis suggests buying one 4-wheel drive vehicles off the State bid (in the vicinity of \$11,000 or \$12,000). When the project is finished, the County would still have that vehicle.

RE: COUNTY ATTORNEY

President McClintock said Attorney Jeff Ahlers is here for Attorney Jeff Wilhite today. She asked if he has anything to report. Mr. Ahlers advised they have nothing to report at this meeting.

RE: BURDETTE PARK - MARK TULEY

Facility Lease: Mr. Tuley submitted a copy of the Facility Lease utilized at Burdette since around 1984, which was drafted by the then County Attorneys. With the Board's permission, he would like for one of the current County Attorneys to review that lease. Several things have transpired since that lease was incorporated, one being that they've added the catering fee. The other thing, he understands there are some current changes in the A.B.C. laws and he'd like to see what effect, if any, those changes will have on Burdette -- since they rent facilities to individuals who obviously have alcoholic beverages. He thinks this needs to be checked to protect the County's interest. It is his understanding that if you rent a public building and you're going to serve alcohol that you have a caterer do that. He needs to know if this is true. If so, we need to incorporate that in our lease. He thinks that would apply to a wedding party or anybody else who would be serving alcoholic beverages.

Mr. Tuley said they also inserted some wording re imposing the catering fee and this language needs to be checked to determine if that is correct -- and if there are further corrections needed in any area of the lease..

Ms. McClintock said they checked this for Channel 9 before and she thinks there might be some difference if it is a Cash Bar or not.

Bonus for Summer Seasonal Employees: Mr. Tuley said he has information from King's Island re a bonus for summer seasonal employees. He wouldn't recommend doing this for all of our employees, but he would recommend the Commissioners study this in several key areas, one being the aquatic center -- where we need qualified staffing such as life guards, etc. The other area being the Day Camp. One of the things it does is give the people a bonus to fulfill their summer contract with the County (the employer). It guarantees you to a certain degree that the employees will basically stick around to the date they indicate they are going to stay to. It is a constant problem when you hire a kid and he says he will be there -- he is not going back to school until August 10th and he will work until August 9th. All of a sudden on August 1st he says he needs two weeks vacation and he quits. This way, it gives the individual a little incentive to fulfill the contract and gives them a bonus for each hour worked. It also spells out what they have to do to fulfill the contract. If the Commissioners will study this, he will be glad to come back in a week or two to discuss same. Or, he could draft something similar and bring it back to the Commission for study and consideration. It is something we need to move rather quickly on. He doesn't know whether we can get it implemented this year. The County Council has implemented a program whereby part time help can only be paid up to \$5.00 per hour without their approval -- so this is something we probably will have to go to them and get funding for -- if we're going to offer the Day Camp Counselors a bonus, because it would be over and above that \$5.00 per hour.

Ms. McClintock said when she discussed this with Mr. Tuley, they talked about if he was going to pay a Day Camp Counselor \$5.00 per hour, for example, he would pay them through the season \$4.70 per hour, and then if -- and only if -- they fulfilled their contract they got their bonus. But it should be a little more than they would have made. Say we paid them \$4.85 per hour. If they fulfill the contract they get the bonus. If they don't -- that is the way they figured that by the end of the summer we wouldn't really be spending any more money. We'd have kids who would leave and not get the bonus and kids who would stay who would get the bonus.

Mr. Tuley said the Day Camp is the area where we'll have problems. It is very hard to get that second or third year college student to come in and work for anything less than \$5.00 per hour. It is hard to get good qualified people for less than that and he would recommend that we go to the Council to go above that \$5.00 per hour for those working in the Day Camp program. Obviously, 70% of the kids in the Aquatic Center will be below \$5.00 per hour (the life guards) so we won't have any trouble staying within the salary guidelines set by the Council. The other problem is that the City pools are guaranteeing these kids an "X" amount. This is something he and Commissioner McClintock need to get together and discuss.

Ms. McClintock suggested Mr. Tuley come back to the Board on May 13th to discuss this matter.

Pool Closing Date: Mr. Tuley said that traditionally Burdette has been open daily from Memorial Day weekend to Labor Day weekend. Last year was the first year that the Evansville School Corporation started school prior to Labor Day. This caused some

severe staffing problems at Burdette. This year they start on August 26th, which means he has a whole week. While attendance falls off that time of year, he doesn't believe they can adequately guard that facility during that week. The City pools have already done that and he would like permission from the Commission to close that week and open back up on Labor Day weekend. He doesn't think that will hurt our revenue that much.

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

Claim: Whitewater West (final payment on waterslides from last year - \$10,256.86). Mr. Tuley said Ad-Craft is still owed \$500.00 as a sub-contractor and that amount is in dispute. We've held the money for about a year. We may want to withhold an additional \$500 in case there are attorney fees -- in case Ad-Craft has to go back and sue.. Whitewater West owed Ad-Craft \$4,500 and they paid \$4,000 -- and the dispute right now is over some parts or something. Ad-Craft can file a Mechanic's Lien since they did some work on our property.

Attorney Ahlers said they only have 90 days after the work is done to file a Mechanic's Lien. But this will be checked out before the claim to Whitewater West is approved for payment.

RE: CONSENT AGENDA

Upon motion made by Commissioner Hunter and seconded by Commissioner Hunter the remainder of the Consent Agenda was approved. So ordered.

RE: OLD BUSINESS

Veterans Service Officer/Carl Wallace:

Borries: Last week, Carol, you entered a letter from Carl Wallace regarding his retirement.

McClintock: Um....hm....

Borries: This week I have another letter.

McClintock: Umhm?

Borries: So, what is Mr. Wallace's status at this point?

McClintock: Mr. Wallace's continued employment with Vanderburgh County needs to be put on the agenda for next week's meeting. But when I spoke with him last week he -- I mean, I'd spoken with him.....

Borries: Had you told him last week that you were going to enter in his letter at that time?

McClintock: I had spoken with him previous -- I mean, I didn't speak to him on Monday -- I'd spoken to him previous to the meeting...

Borries: Previous....in what -- any length of time?

McClintock: Oh, I don't know.

Borries: A month? Two months?

McClintock: It could have been a month; it could have been six weeks.

Borries: And you told him the exact day on which his letter would be read?

McClintock: Rick, he wasn't disputing that he had resigned or was retiring. I mean, I told him that I would take it to a Commission Meeting and it would be approved.

Borries: Well, okay.

McClintock: I mean, I had no reason to understand from Mr. Wallace why he would not expect to retire on June 1st, as he had indicated to me in several conversations and the letter dated back in November of 1990. So I was as surprised as you when I saw that letter on my desk this morning -- and Margie asked me what to do with it. I said, 'We need to take it back to an advertised public meeting' -- so we'll have it on the agenda for next week.

Borries: Okay.

RE: NEW BUSINESS

State & County Financial Problems: County Auditor Sam Humphrey said that he has read extensively during the past couple of weeks about problems with State & County finance. It would be his suggestion that a member of this Board go to the NACO Conference in Salt Lake City (whenever that is) -- because that financing, future financing, and budgeting will be addressed at that point and it is of prime concern to counties. It may be well spent money if the Commission would send one of the Board members. Again, it is just a suggestion. One of the articles he read said that the aggregate deficit for 1991 for States would be \$9.7 billion and in 1992 it would be worse. So if we think we have problems now with the State holding our property tax replacement credit, it will be worse next year. Next year, California alone is supposed to be a \$9.6 billion deficit. And every state has the same problem. We're going to have to address those problems when it comes budget time.

There being no further business to come before the Board at this time, President McClintock declared the meeting recessed at 5:15 p.m.


PRESENT:

Carolyn McClintock, President
Don Hunter, Vice President
Richard J. Borries, Member
Jeff Ahlers, Acting County Attorney
Sam Humphrey, County Auditor
Roger Elliott, Data Processing
Harris Howerton, Circuit Court
Mark Tuley, Burdette Park
Greg Curtis, County Engineer
Jerry Evans, Attorney
Vickie McBride, C.O.L.E.
Harold Post, B.F.I.
Jerry Riney, Commission Office
Margie Meeks, Commission Office
Others (Unidentified)
News Media

SECRETARY: Joanne A. Matthews


Carolyn McClintock, President

Don Hunter, Vice President


Richard J. Borries, Member

MINUTES
COUNTY COMMISSIONERS MEETING
MAY 6, 1991

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MINUTES
COUNTY COMMISSIONERS MEETING
MAY 6, 1991

The Vanderburgh County Board of Commissioners met in session at 4:30 p.m. on Monday, May 6, 1991 in the Commissioners Hearing Room with President McClintock presiding.

RE: INTRODUCTION OF STAFF & PLEDGE OF ALLEGIANCE

President McClintock called the meeting to order, welcomed the attendees, introduced members of the County Staff, and asked the meeting participants to stand for the Pledge of Allegiance.

Ms. McClintock then asked if there are any groups or individuals present who wish to address the Commission and do not find their particular issue or item on today's agenda.

RE: HECKEL ROAD BRIDGE

Mr. Raymond Michael Elliott approached the podium, introduced himself, and stated he resides at 5300 Heckel Road. He said he wishes to discuss the Heckel Rd. bridge closing. The question that he has is -- he had made some calls and is curious to see if they are going to make a decision today to re-open the bridge or not re-open it, depending upon the cost of repairs. His concern was that when the bridge was built 98 years ago it was approved for 8 ton load limit. He believes we now have at the front of the bridge a 4 ton load limit sign. An average empty school bus weighs 8 tons, alone -- not counting the children on it. If it is a full bus it weighs over 11 tons. This is not counting the heavy equipment that is running across it due to the construction company that is at the other end of the road -- with bulldozers, backhoes, and dirt hauling out of the bottom area. He just wanted to bring this to the Commission's attention.

Ms. McClintock said the Commission will be opening bids today for emergency repairs to the bridge and a discussion on that will take place later in the meeting.

RE: PROPERTY ON GREEN RIVER RD.

Mr. Lee Hensley introduced himself and said he is here in reference to a partial property on Green River Rd. relative to upkeep, maintenance, and assumption of liability. He was approached as to whether or not he had an interest in it. He said that he does have an interest in pursuing that.

Ms. McClintock said, "As a bit of background, Mr. Hensley is with the Evansville Day School and the property he is referring to is the property that we had to purchase on a hardship for the Lynch Road Extension. What we are looking for is someone who might be interested in living in that residence and assuming the liability and the maintenance of that property so that we do not have to continue with the liability and maintenance of that property. He spoke to our County Attorney prior to coming to today's meeting. She then asked Attorney Wilhite if he sees any problems?

Attorney Wilhite responded, "I think we can negotiate an agreement where you would assume liability and indemnify us for damages. So the Commissioners need to instruct me on a rental term or instruct me to negotiate for you and then I think we can work out the details."

Commissioner Borries said, "I would have some concerns that in that lease, depending upon when the construction would come about and the available funding, that Mr. Hensley might be aware that there might at some time then in the future be cause for him to move. So there would have to be some terms negotiated in a reasonable period of time should his offer be accepted."

Mr. Hensley commented, "There are three aspects of this that are very clear. One is that there is a maintenance aspect, a liability, and that it is temporary -- and that is clear."

Ms. McClintock asked if the Commissioners wish to instruct the County Attorney to work with Mr. Hensley to develop a lease favorable in terms to the County and Mr. Hensley and bring that back to the Commission.

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

RE: SALE OF COUNTY-OWNED SURPLUS REAL ESTATE

Ms. McClintock entertained bids on County-owned surplus real estate which has been advertised. There were no bids and the sale will continue.

RE: OPENING OF PROPOSALS FOR NEEDS ANALYSIS OF COUNTY-WIDE GEOGRAPHIC INFORMATION SYSTEM & OPENING OF BIDS FOR EMERGENCY REPAIRS/HECKEL ROAD BRIDGE

Upon motion made by Commissioner Hunter and seconded by Commissioner Borries, the County Attorney was authorized to open the proposals and the bids. So ordered.

Commissioner Borries said he does have a question concerning the proposals. What is the purpose of this Geographic Information System?

Ms. McClintock said she believes County Engineer Greg Curtis is going to address that in his report. It was discussed at a prior meeting.

Mr. Borries said it must have been when he wasn't here.

Ms. McClintock said, "You were here."

(Note: A check of the permanent records revealed that while Mr. Borries was at the meeting on April 8th when authorization was given to advertise for proposals, he left the Commission meeting a few minutes early to attend another scheduled meeting and was not present when the brief discussion took place concerning the County-wide G.I.S.).

Commissioner Borries said, "My question is -- we can go ahead and open the proposals, but I think we definitely want to review those. I'm not sure we're budgeted correctly for that or if there is any budget for awarding that type of thing."

RE: POOR RELIEF APPEAL - KNIGHT TOWNSHIP

Ms. Marvaline Prince, Para-Legal Secretary of Legal Services, Inc. introduced herself and Ms. Hattie Offutt of 1019 Adams Avenue. Ms. Prince said they are here because Ms. Offutt was denied medical assistance by the Knight Township Trustee. The reason for denial is that she has "Call Waiting" on her telephone. The other thing is, she has been provided assistance with medications before with them knowing that she has "Call Waiting". She does not pay for it -- someone in her family who does not live in the household pays for it. Ms. Offutt takes

hypertension medication and Xanax for anxiety - and if she does not take these medications we know what can happen to a person when they have hypertension.

Ms. McClintock asked if there is a medical reason she has to have "Call Waiting" on her telephone.

Ms. Offutt said, "For one thing, it does serve a purpose. I wouldn't have known my brother was killed Monday night if I hadn't had "Call Waiting". And it does serve a purpose. There is other sickness in the family and if someone calls they can get through if my son is on the phone."

Ms. McClintock asked, "Teenage son?"

Ms. Offutt responded, "Yes."

Ms. McClintock asked, "His age?"

Ms. Offutt responded, "He is nineteen."

Ms. McClintock asked how much "Call Waiting" costs?"

Ms. Prince responded, "It is \$3.00 per month."

Ms. McClintock asked if someone is here from the Knight Township Trustee's Office?

Ms. Sharon Mosby, Senior Investigator for Knight Township, introduced herself. She said that Hattie Offutt first submitted an application on 10/4/90. "Her application update was 4/26/91. Page 4 of the Knight Trustee's Guidelines states that "Call Waiting" is not allowed. Therefore, she was denied. We gave her the option to have the service removed, but she refused. We received new information from her doctor."

In response to query from Commissioner McClintock concerning cost of the medication, Ms. Mosby said the two prescriptions come to \$46.00 per month -- one is for blood pressure and the other is Xanax for hypertension.

Ms. Prince commented, "In reference to this statement from Dr. Bloom, Dr. Bloom treats her and prescribes a medication -- he does not live in her household. And I don't know that Dr. Bloom even has any business releasing any information on a patient without her prior authorization. This was not discussed with her and I don't even think it should be made a part of the record."

Mrs. Emarie West, Chief Deputy Trustee, requested permission to speak. She said, "We do have a signed release on that in her file, which allows us to obtain information from a physician. That is why we did this."

Ms. Prince asked, "When was the release signed?"

Ms. West responded, "When she filed her last application -- on April 26th."

Ms. Prince asked, "And it says you can contact her doctor and get information? Medical information, I assume?"

Ms. West responded, "Yes Ma'am, right there it is."

Ms. Offutt offered comments, part of which were inaudible, because she was not speaking directly into the microphone. However, audible was, "I never denied anything; I told them from Day 1 that I had 'Call Waiting'. They had told me their stipulations -- no 'Call Waiting'; they continued to help me and never stopped. And this time they told me, 'Well, if you don't take 'Call Waiting' off we're not going to help you anymore.' They knew I had it from Day 1 -- I never lied to them."

Mrs. West countered, "I have an application dated October 4, 1990 that asks if there is a telephone in the home. It states only one phone. Do you have any extra features on the telephone, such as Call Waiting, Call Forwarding, 3-Way Calling, Speed Calling, or Conference Calling?-- and the answer was none. Then, when there was a monthly update done on November 28, 1990 -- at that time it was approved -- but on a temporary basis."

Ms. McClintock asked, "So you're saying that on November 28, 1990 when an update was done you were indeed informed that she had "Call Waiting" and it was approved on how temporary a basis?"

Mrs. West responded, "Well, very limited. State Law requires that we update these applications every six months. When we did the update, we felt that a 5-month period of allowing Call Waiting was a sufficient time considering our Guidelines state that it is not allowed period."

Ms. Offutt offered comments, again partially inaudible because she was not speaking into the microphone..."I was not given a time limit."

Mrs. West said, "I might also add that there have been a few other areas where we have given assistance other than just the medication."

Ms. Prince asked, "What have you denied?"

Mrs. West responded, "We haven't technically denied anything. We did deny her a non-food order this time."

Ms. Prince commented, "And the water bill and medication."

Mrs. West said, "Yes, we paid the water bill and two visits to the doctor."

Mrs. McClintock asked, "Why did you deny her the non-food order?"

Mrs. West responded, "Well, the medical purchase order was written at the date of the application because she was on medication. She did receive medication, but whenever we reviewed with her that the Call Waiting was not allowed and she would have three (3) days to have it removed, then it was all assistance that was denied."

Ms. Prince asked, "I just wonder if the County Attorney has taken the time to read the statute in reference to medications."

Attorney Wilhite responded, "No, but I'm familiar generally enough with the statutes to know that anything considered luxury items are going to prohibit assistance. Apart from this, as a general principle, it is inconsistent with the purpose of the statute to have someone who is spending money on what would be considered luxury items -- forgetting for a moment how we define luxury items. I mean that is the general principle -- that no one could be spending money on luxury items while obtaining that assistance. We have defined in our local standards what we consider to be luxury items. But I don't think it is inconsistent with the statute to consider call waiting a luxury item."

Ms. Prince asked, "What if she is not paying for it? She has a statement from her sister, who pays for the call waiting -- and they know that."

Ms. McClintock asked, "Wait a minute -- does your sister live with you?"

Ms. Prince responded, "No, they know her situation and that is why they are helping her. She pays her phone bill, but does not pay the call waiting -- her sister pays for that."

Ms. McClintock asked, "So, does that make a difference?"

Mrs. West responded, "No, Ma'am; that is like someone saying 'I pay for their cable, but they have the service of it.' That does not make a difference."

Ms. Prince interjected, "To the Trustee."

Ms. Offutt again offered comments, but they were completely inaudible.

Commissioner Borries said, "Madam Chairman, I must again state here that there are always mitigating circumstances. As I understand it, our role on this Board is to see and to judge as to whether or not the Trustee's Guidelines have been violated -- and then decide on that basis whether an appeal would be legitimate. At this time I cannot make that determination. I think the Trustee is following guidelines - so that is my statement on it."

Attorney Wilhite said, "I would agree with Commissioner Borries. Page 4 of the Guidelines clearly says that if the applicant has any extra phone services other than the basic that would be grounds for denial and I think it is crystal clear under the facts presented that we are not violating those guidelines through the denial."

President McClintock entertained a motion.

Mr. Borries said he is not sure a motion is necessary.

Ms. McClintock then asked Attorney Wilhite if a motion upholding the action of the Trustee is necessary?

Attorney Wilhite said, "No, but I think you need to let them know something, even if it's ..."

Commissioner Borries said, "Well, my opinion would be just a simple statement that in view of what we've heard, I believe the Trustee is following validly adopted guidelines."

Ms. McClintock asked Commissioner Hunter if he concurs.

Mr. Hunter responded that he concurs totally.

President McClintock said, "I do, too. However, I do believe that this woman should have been notified specifically that this was a problem and it was stated in the November report that she did have Call Waiting. And at some point you knew you were going to deny her assistance because of that and she should have been notified on what date that would be so that she could make a determination to get that removed."

RE: PUBLIC HEARING/VACATION OF PORTION OF LAUBSCHER ROAD

Attorney Jerry Evans said he represents Browning Ferris Industries of Indiana, Inc., which filed a Petition to vacate a portion of Laubscher Road extending from St. Joe Avenue to the CSX Railroad tracks. He would like to submit a brief locator map and also a plat drawing that shows more details of the subject road. The portion of Laubscher Road we are talking about is the portion that currently serves to provide access to the landfill operated by BFI. The road in actuality is a dead end road at both ends. It dead ends at St. Joe Avenue (as you can see from the map). It also dead ends from a legal easement standpoint over at CSX Railroad tracks. But in truth and fact it has

stopped for quite some time at just a little bit east of the entrance to the landfill. A barricade was placed there a long time ago and has remained at that location. BFI owns (as you will see from the detailed description of the portion we are seeking to vacate) the property on the north and on the south of this entire stretch of property with the exception of the property currently operated as the landfill site -- which it operates by lease -- the owner of that property is in agreement with this application for vacation of this road. The property that is owned by JMar Farms extends from Laubscher Road to Wimber Road and if this is granted, would maintain access to his property through Wimberg Road. There is no intention at this time to have any access to landfill operations changed. The reason I point this out is that these people do consent to the vacation and, if it is granted, they would maintain proper access to their property by Wimber Road at some later date for some other use. Vacation of this portion of the road would add the property to the tax rolls obviously. In addition, it would remove from the obligation of the County the maintenance of the road and the maintenance of the bridge that goes across Locust Creek through this stretch. It would provide better access and controlled access by BFI in the operation of the landfill site. Currently this road provides access only to the landfill and for farm operations that are conducted on property owned by BFI on the north and the south. There are no churches; there are no schools; there are no public buildings that are provided access along this road. It really doesn't provide access to anything other than the farming operations and to the landfill site. We do not believe that the vacation of this road would in any way hinder the development of the surrounding area, since it serves nothing but the land fill and the farm ground on the north and south that BFI owns. There are statutory grounds for remonstrance to a petition to vacate and they are specified in Indiana Code 36-7-3-13. I believe if you read those you will see they relate solely to the impact of the road vacation and the intent of that statute is to see whether or not vacation of the road would deny access to and from other property or the development of other property. We believe a review of what we are asking for and the circumstances of the surrounding area show that this road serves absolutely no one but BFI, the people who use the landfill, and the farming operations on the property owned by BFI. He would respectfully request that the Commission grant their petition.

In conclusion, Attorney Evans said he has filed with the Commission the consents of all the public utilities. There were requests made for easements by SIGECO and by Indiana Bell. Those easements have been signed -- but not delivered. He has been instructed to deliver them at the point they are needed (if the road is vacated). If the road is not vacated, they do not need the easements. He will leave with the Commission copies of the signed easements, which show the consent letters have been complied with.

Ms. McClintock asked if Attorney Evans has also filed the consent letter from JMar Farms.

Mr. Evans said it is not in the form of a letter -- it's part of an existing lease agreement.

Ms. McClintock asked who actually owns the land the road is now on?

Attorney Evans said the land would be owned to the center of the road by the people on either side, subject to the right-of-way for the road.

Ms. McClintock asked, "The land is not owned by Vanderburgh County?"

Attorney Evans responded, "Not to my knowledge."

Ms. McClintock entertained questions of Attorney Evans. There were none.

Ms. McClintock then asked Attorney Wilhite if he wants to go through the statute?

Attorney Wilhite commented, "Fortunately, as a legal matter, your decision on this petition to vacate is, frankly, easy. The issue is not whether we want the landfill there or not, or an expansion or not, it is simply whether there is any legally recognizable objection to the vacation of this road. It is important to know first that as a legal matter that the County does not own this land. This is BFI's land that at one point the public had a right-of-way over it, but we are not giving BFI, if you were to grant this petition, any County land. When the County obtained its right-of-way, we didn't buy the land or purchase from BFI any real estate. Also, as a legal matter, I would agree with Mr. Evans that this will now increase BFI's tax burden and this would, of course, remove the County's maintenance requirements -- and in reviewing some figures with Mr. Hunter we have obviously spent some maintenance dollars on this road and we would no longer be legally obligated to do that. Under the statute there are only four (4) grounds that you, as the Board of Commissioners, can permit an objection to a petition to vacate. In other words, even if you wanted to deny this petition, you are not allowed to deny it unless you find one of these four things:

- 1) That it would hinder the growth or orderly development of the unit or neighborhood in which it is located. As a factual matter, that basically means that somehow if by granting it you would hurt the landfill itself, then that obviously doesn't apply.
- 2) If you found that the vacation would make access to the lands of the remonstrators somehow more difficult -- you are entitled to deny the petition -- especially since the lessor seems to be consenting and is not a remonstrator, I don't see how that could apply.
- 3) You could deny the petition if it would hinder the public's access to a church, school, or other public building. That obviously doesn't apply.
- 4) If the vacation would hinder the use of a public way by the neighborhood in which it is located or to which it is contiguous. Again, since this road just leads to the landfill, I don't see how that applies.

So while this issue is maybe a close cousin to some broader landfill issues, statutorily you have to find one of those four things to deny this petition. As your legal counsel, I don't see how you could squeeze any argument into one of those four. We are not talking about landfills good or bad -- just in terms of taking away the County's right-of-way and vacating that back to BFI.

Ms. McClintock asked that Attorney Wilhite again cite Item #4.

Attorney Wilhite said, "If the vacation would hinder the use of a public way; in other words, if this would somehow hurt the use of another public road. But since this now public road going private is only to this private facility, I don't see how it could conceivably hurt the use of another public road."

Ms. McClintock asked who currently has the land that was previously vacated adjacent to this? Wasn't there another strip of Laubscher Road that was vacated prior to this?

Mr. Evans said, "Not to my knowledge."

Ms. McClintock asked if there are individuals present who wish to speak to this petition for vacation of portion of Laubscher Road?

Nancy Guest said she lives out in that area. She asked if they told the Commission today if the railroad is still a viable railroad? She knows that the train trestle has been burned down -- but is it still an open line owned by CSX? She would request that the Commission determine if it is. If it is, that they petition the Railroad to have the bridge rebuilt so that once again - before the landfill was there, they had a road on St. Joe Avenue that came out onto Kratzville Rd. and it is a straight stretch, a much smoother road. They now have to use Wimberg Road, which is narrow, in bad shape, has a very tight curve at one end, and a low overhead train trestle. If that railroad is still responsible for that, she would ask the Commission to petition them to put the railroad bridge back so that opens the road back up and once connects public access from St. Joe Avenue across to Kratzville Rd. Before the bridge conveniently burned down, that road was much more heavily used than is Wimber Rd.

Mr. Jim Guest said he lives at 4634 Kleitz Rd. and he is here to voice his opposition to the vacation of Laubscher Rd. "The Commission is being asked to vacate a perfectly good road. It was recently paved and is in good condition. It is even better and wider than St. Joe Avenue is in a lot of places. He remembers when this road went through and, like his wife said, it was an easy route to Kratzville Rd. and First Avenue and then down to North Park. Since the bridge mysteriously burned down shortly after the landfill opened it was never replaced. He thinks anybody in the area knows the reason why, but he doesn't think many realized that it wasn't the County's responsibility to replace that bridge, it was the railroad's -- but they were never asked. If anything is done with it, Laubscher Road should be opened. EUTS wants to put a bridge in at Mill Rd. to go over the railroad tracks. Insofar as adding this to the tax rolls, we've been maintaining this road for all the years BFI has been there and now all of a sudden they want us to give it to them. I don't know if there is any legal basis in it, but I'd say sell it to them. I just ask you to deny this for now. I heard the Attorney and there are several points there whereby I think you can deny it. I think you can deny it until BFI comes up with all the necessary permits in their hands (if that ever happens) and if they are not allowed to expand here and we want to open that road up, do we have to buy it back or condemn it again? And although it is not whether people want the landfill there or not, four thousand people signed petitions in just a few short weeks when this all came about, and I don't think you can find very many of them (if any) who've changed their mind since last year."

Mr. Charlie Anslinger of 8405 Schaeffer Rd. said he respectfully asks the Commissioners to deny this request. His reasons are as follows:

- 1) He believes this is putting the cart before the horse. Right now, BFI is in the permitting stages of this landfill. Their zoning permits and everything are in litigation with the Courts. How can BFI stand here today and predict what any one of these governmental agencies or the Courts are going to do? They may deny it. Wouldn't it be bad judgment on the Commission's part to hand over this right-of-way to them this afternoon if any one of these agencies overturn their permits or if the Courts would overturn their zoning? I say don't give them anything today. The circumstances change on a day-to-day basis. Once BFI has all their permits and it's out of Court and everything, let them come back at that time and ask for this vacation. Right now all the local agencies and local governmental officials have

told us it is okay for BFI to go ahead with this expansion -- that all the State agencies they have to have their permitting through won't let anything happen. Well, all these State agencies have told us time and time again of how understaffed and overworked they are and that they need the public to be their eyes and ears. If you give this away to them today, this will close the eyes and ears of the public. We will have no access to go back to the landfill to look for violations of what they are doing. The attorney had mentioned that one of the things in there that we needed to prove was the point being that it would be detrimental to the neighborhood. And with the landfill being there and our not being able to watch what goes on, we're blind sighted and won't be able to follow through or watch it for the State agencies or any of the other governmental agencies."

Ms. Vickie McBride of C.O.L.E. (Citizens Opposed to Landfill Expansion) of 8215 Kneer Rd. said she would like to reiterate a couple of points that have already been made and bring up a couple of additional points.

"First, BFI indicates that the vacation of Laubscher Rd. will facilitate the development of the expanded landfill project. You have been handed petitions today with over right at 100 signatures on it. And I would like to remind you that we had over 3,700 petitions against the siting of this proposed expansion last year. It is our intention to keep this site from being utilized by keeping it tied up through the Courts and through litigation either through IDEM, DNR, the CORPS, or the Court of Appeals. The local zoning was issued last year. However, we are in the District Court of Appeals and as Charlie had said, if the District Court of Appeals should happen to rule in our favor, you are going to have vacated a County road that our tax dollars have, yes indeed, paid for -- for probably the last 80 years -- to no good point. It will be a dead end. BFI states the request will permit them to better control access to the current landfill. We have objections based on the following.

There was some concrete placed in Locust Creek, which we felt was a clear violation of 404 Permit under the Army Corps of Engineers' jurisdiction. However, BFI pointed out that they were legally within their rights to do so because they were providing access for a farmer from one field to another. Now they're talking about shutting off an access that that same farmer would be using.

Secondly, Wimberg Road will be one of the only other viable sources of accessing the current site. So you're talking about trying to access this property to whatever business it is that would be utilizing this by trying to travel Wimberg Rd. up a 30 ft. incline to the top of the peak. Not knowing where the gate will be established, this could create a bottleneck of traffic on already overcrowded St. Joe Avenue. St. Joe Avenue is, by Comprehensive Plan status, what they call a sub-standard road. So we're looking at perhaps an increased bottleneck of traffic on St. Joe Avenue, which would slow access to people's homes along that corridor.

Thirdly, there is an old cemetery there on adjacent property that was, to the last of her knowledge, owned by Don Stucki. She knows it is not necessary or by law required that you provide public access to cemeteries that are 100 to 150 years old. However, she thinks it would be a nice thing to do.

And, very importantly, this is the keynote to their objection -- and that is what Charlie had touched on -- and that is the fact that IDEM does count on them to be their eyes and ears. IDEM is the Indiana Department of Environmental Management, the state level EPA in Indiana. We always hear how they are understaffed

and underfinanced. Our inspector comes down and inspects Laubscher Meadows Landfill, as well as the other sites in Vanderburgh County once a month. He is down about thirty minutes looking at approximately 100 acres of landfill, trying to see what he can see and report what he can report. Now we have the added burden of the fact that the inspector from just up territory of ours has been killed and our inspector must also assume a portion of that territory. So now we're looking at having an inspector in here luckily every 2-1/2 months for half an hour a time -- if we're lucky enough to have him here that long. So it gets back to the State telling them they must be their eyes and ears. As Charlie said, if this public access is taken away from us, we will not be able to monitor and we do have a right to protect our public health and our welfare. There was a dumpster that sat out on the very dead end of Laubscher Rd. at the end of last year for two or three weeks. This dumpster had an asbestos banner on it. While this is still a County-owned and operated road, a dumpster that has asbestos markings on it -- what is going to occur when we can no longer get to this site? We've called in the Corps of Engineers and that was explained away. We called in IDEM and DNR -- all for things they should have seen and done something about. But due to the fact they are understaffed, undermanned, and underfinanced, did not get around to doing. Please do not cut off our eyes and ears. And I think that goes directly to the point the Attorney was referring to -- Point #1 -- hinder the growth and development of the neighborhood. Yes, I think if we're being put in a sacrifice zone we do have the right to defend our public health and welfare and I think this would very definitely go to the detriment of the neighborhood if we were not allowed to watch out for ourselves.

Finally, I would like to point out that BFI states they are vacating the road to remove the cost of maintenance from the County. I would like to go back again to the fact that if the expansion site does not get permitted, what will the taxpayers of Vanderburgh County think? And BFI states that vacating Laubscher Rd. will add property to the tax rolls. But what you have to realize is that BFI is a business -- in fact, a very big business -- and they do not take costs out of their profit. They pass costs on to their customers. So what we are really looking at is the customers -- people using the landfill -- paying higher tipping fees to absorb just one more cost."

Rose Parks of 8505 Kneer Road said she, too, wants to point out the importance of eyes and ears. They recently had water put in. She talked with Ron Biloski. She did not water because she has a well and the water is good. During the course of their conversation he asked where the landfill was located? She told him and he said, 'Well, Ma'am, I'll tell you, if your well isn't already contaminated it will be from the landfill.' I don't think you should cut off our eyes and ears. We need a way to find out what they are doing. Also, just yesterday a piece of property next to her is for sale and has been for quite some time. She lives on the dead end of the road and people come down there looking at the lots for sale and they turn around in her yard. Yesterday the people came out and looked at the lot and asked her where the landfill was? She told them how far over it would be. They asked her how far if this expansion goes through? She told them. They said, "We read something about where they are going to shut off Laubscher Rd., so that must mean it is going to be there." She said, "No, it is in Court." The lady told her husband (she assumes) -- 'Let's just wait and not do anything until we find out.' So that is proof that people are not going to come out there and buy property until they know whether that landfill is going to be there. We need Laubscher Rd. open -- not closed."

Mr. Mark Barron of 2601 Meier Rd. said he will be reiterating a lot of points, but he feels it important that the Commissioners hear from him. "I come before you tonight to voice my opposition

to the County giving Laubscher Rd. to Browning-Ferris Industries. This is a County road that was once a major thoroughfare, until a railroad overpass bridge mysteriously burned, making through travel impossible. It is my belief that this action is very premature, as the proposed Laubscher Meadows Landfill expansion is under appeal and will be fought at every stage of the permitting process. So there is a very real possibility that this landfill will not expand at all. giving this road up will only serve to enhance a profit corporation's profit picture. It would be a major disservice to the taxpayers of Vanderburgh County to relinquish this road. Instead, the Commissioners should be looking into rebuilding the bridge so Laubscher Rd. can be returned to service for all residents of Vanderburgh County and not turned over to a private corporation."

Mr. Dan Lasher of 7919 Schaeffer Rd. said he wanted to oppose the vacation of portion of Laubscher Rd. He wants Laubscher Rd. opened up again.

Ms. Viola Dewig of Kleitz Rd. said she is very much against the road being closed.

Ms. McClintock asked if anyone is present who lives on that road on the other side of the bridge that currently deadends at CSX-- where the \$200,000 homes are?

Ms. Dixie Wagner of 309 Colonial Avenue said to get to that area now she usually goes out First Avenue to Darmstadt, Darmstadt to Mohr Rd. Darmstadt is a very curvy road and she does not like to go that way at night. She can remember when Laubscher Road was a through road; it was a very nice road. Her mother lives out on Kneer Lane. It would be much more convenient to use the Laubscher Rd. route to get to that part of the county. She doesn't use Wimberg Rd., because as pointed out before, it has a very sharp turn and a low underpass. Mill Rd. is a straight shot, but it is pretty much further south. She knows they feel there is a need to widen Mill Rd. As people have mentioned, it may be better to look into talking to CSX about doing their duty and replacing that bridge. She understands it is their responsibility. One of the biggest questions she sees is the property that is now the landfill. That's almost 100 acres. They have no idea what the owner is going to do with that and, as Vickie said, God forbid they make it another park like Moutoux Park. But you don't know what that it is going to be. It may be a driving range; it may be a golf course; and if you vacate Laubscher Rd., the only access to that property will be Wimberg Rd., which is a very, very poor road. Or, if you have a cut-out from St. Joe Avenue to get to that property, as she understands it that wouldn't be an access. So there are two questions. Do the Commissioners want to limit possible access to that property before they know if the expansion is actually going to be there -- and before they know what the current landfill is going to become? We may need Laubscher Rd. as an access to that.

Commissioner Hunter asked, "The infamous bridge that burned -- was that a bridge that handled automobiles that went over the tracks?"

Ms. Wagner confirmed that it did handle auto traffic. It burned around 1980, directly after the current landfill opened.

Mr. Hunter asked if Ms. Wagner has any idea why it was never replaced?

Ms. Wagner said, "Well, I have an idea."

Mr. Hunter asked, "Was there any concerted effort on the part of people who, obviously like you, used the bridge a lot to get it replaced?"

Ms. Wagner said, "Had the bridge been replaced, there would have been access to the landfill down the other way from Laubscher Rd. Instead of just being able to come up St. Joe, you could also have come down from Kratzville down Laubscher Rd. As I understand it, Mr. Stucki owns some property right there by the bridge that burned. As long as the bridge wasn't there, he would not have the worry of garbage trucks going by his house."

Mr. Hunter asked, "But if the bridge were rebuilt tomorrow, would you then have access to Laubscher from St. Joe to across to Kratzville?"

Ms. Wagner responded in the affirmative and noted a study was done.

Attorney Evans approached the podium and stated, "There was a study done on that and it was in the newspaper and the estimated replacement cost was \$67,000. But it was represented that it was Vanderburgh County's responsibility and that absolutely is not true. That is the railroad's property and they are supposed to maintain it."

Ms. McClintock said that is one of the reasons she inquired about the road on the other side of the railroad. She doesn't know how enthusiastic they would be about the bridge reopening and garbage trucks coming from the other direction.

Ms. Wagner said, "This is in answer to your concern about how thrilled the people would be who live on the other side. As I understand it now, when BFI got let out of their 600 ft. setback with the trailer park that is there on Wimberg, they have an agreement signed -- she knows this one man has on there that he has no objection to lessening the 600 ft. setback. But he does not want access to the landfill from Wimberg Rd. And if that is a question, I am sure that something in the same manner could be worked out, because they say their access by way of St. Joe is sufficient now."

(End of Side "A", Tape #1)

Mr. Norman Ray of 2143 Schenk Rd. said that as a taxpaying citizen he thinks it is wrong to allow Laubscher Rd. to be vacated. There may come a time when the railroad may decide to put that bridge back in and then that would deny him the right to go down that road if the bridge is there and he can't go any further. He has to turn around and go the other direction. As a taxpaying citizen, he says it is his right to be able to drive down Laubscher Rd. and he doesn't think anyone can deny him that right. If the bridge is put in he will be able to do that.

Ms. McBride said, "This is not a filibuster; but I do have a question. Getting back to the point about the adjacent property owners and the legal rights to vacate if the road in question services only those who have so far agreed to the vacation. If currently the bridge existed connecting Laubscher Rd. east and west of the CSX rail line, would BFI be allowed to ask the County to vacate that portion of the County road?"

Attorney Wilhite said, "If that bridge were open and the road did not dead end into BFI's property, then I would agree that it would appear at that point to be a continuing thoroughfare used beyond BFI's property and, yes, I think that would be a different situation."

Ms. McBride commented, "Then I think we have a real Catch 22 here, because it not the taxpayers' fault that the bridge is no longer in service and that we, in the past, have been denied the right to have that access re-established. We did not know that it would ever come to this, or I can guarantee you that as a

point we would have thought harder before this in plenty of time to have seen that the bridge was reconstructed. So I think this is a real Catch 22."

Attorney Wilhite continued, "And the real difficult thing for the Commissioners in terms of interpreting the statute is that it doesn't exist now. I mean, as of today, I think everyone agrees because of the burning of the bridge -- as of today it is not a public use thoroughfare -- except to get to BFI property."

Nancy Guest said, "My question is, if the bridge is gone now, then that road does not dead end into BFI's property. It dead ends into the railroad's property. Isn't that right? It stops and the railroad is there. So, do they have permission from the railroad?"

Attorney Wilhite said, "My understanding is that the railroad is not a remonstrator."

Ms. Guest asked, "Has anyone even talked to the railroad?"

Attorney Wilhite said, "The statute talks in terms of whether a remonstrator's property is going to be harmed or not. That is a good point. It may be the railroad's and not BFI's, but they are not here complaining about their loss of access."

Ms. Guest said, "The other question -- I do want you to ask the railroad to rebuild the bridge. Secondly, we have to live with the garbage trucks lumbering past our houses. The access is cut off from the \$200,000 homes up there. They are no better than we are. I did want to make that point. The other point is, since that access has been cut off to them they seldom travel past that side of the landfill -- where we had a large sign posted about this hearing today. They may not even know it is going on; they are not connected property-wise to the landfill. And if you don't read the little bitty classified ads you don't know."

Ms. Ruth Parks said, "As a taxpayer, that road belongs to me -- the same as it belongs to every other taxpayer. Therefore, there are landowners who own that land here -- because we are taxpayers and we own that road."

Mr. Richard Bee of 8445 Schaefer Rd. asked if BFI has stated why they need that road? Have they stated a purpose for it, other than closing it?

Ms. McClintock responded, "No, but we will ask them that."

Mr. Bee continued, "Another thing, I know that Seeger Corporation (now Whirlpool) was there for years and years and Morgan Avenue crossed between the two plants and it didn't seem to hurt them either way -- they survived."

Ms. McClintock asked, "Mr. Evans, why are you seeking this vacation?"

Attorney Evans responded, "The road has served no public use other than access to the landfill and to the adjoining farm ground for quite a number of years. It has been a dead end. It is, in fact, a dead end road. BFI does not have power of condemnation, so their ability to put together contiguous tracts and develop a landfill expansion program takes some time. It was just somewhat recently that we acquired the last of the parcels that we wanted to put together in this package and that was acquired from CSX. I think it is Parcel #8 on your drawing that was acquired from them that gave them then total control of all the property on the north and south. We did not file the road vacation until we owned or controlled all the property so there would be no issue about denying access to anybody -- other than for the railroad right-of-way property itself. There is a little

sliver there -- and you can see it does contain an old cemetery. We wish to close the road to give us better control of the access, take it off the tax rolls. We have had a problem of maintaining that road in suitable condition. We maintain all the interior roads in the landfill and there have been some cooperative arrangements with the Commissioners in the past where BFI pays part of the expense in maintaining it so that a suitable road would be there. On St. Joe Avenue from time to time there have been some problems with some dirt being tracked back on the road and we've tried to work with the County and the County has worked with us to keep that road in good shape to provide a way to clean those tires off the trucks to the interior road and the Laubscher Rd. access to facilitate the maintenance of St. Joe. We would like to do that on our own and assume that responsibility. It will also facilitate the landfill expansion program. It is a part of our program. We would like to use that and make it an interior road and possibly fill across it. So, yes, we have a lot of interest."

Ms. McClintock asked, "So what would happen if the County Commission vacated this portion of Laubscher Rd. and the landfill expansion was not approved by the State?"

Attorney Evans responded, "Then we would have the road and there wouldn't be a landfill there."

Ms. McClintock asked, "So what you are saying is that BFI would still be responsible and have to maintain the road?"

Mr. Evans responded, "They'd have to if they are going to use it."

Ms. McClintock said, "But they do not have to maintain it as a road?"

Mr. Evans responded, "No. The interior roads within the landfill move around from time to time. There is a main central trunk that has pretty well stayed where it is, but there are other roads they have developed interior-wise that move. You have to in order to move within the operating phases."

Ms. McClintock asked, "Will BFI deny the public access to the landfill?"

Attorney Evans responded, "That is a hard question to answer. The public has to have access or they can't dump their trash -- I mean, that goes without saying. Do they want people just wandering in and about? No, I don't think any operation like that does. Peabody Coal does not want just people helter-skelter out of the community wandering through their pits and through their mining operations. And BFI does not either. People, from time to time, have had tours and go through the landfill. But, no, it is not a normal practice to say whoever wants can just traipse through the landfill. No, no -- it hasn't been and would not be."

President McClintock entertained other questions or comments.

Mr. John Wetzel of 10340 Schaefer Rd. said, "As I understood, the principal reason given by Mr. Evans for BFI's desire to vacate this road is for the purpose of their expansion in the landfill -- which is only a future wish of theirs and is being opposed by a great number of citizens of Vanderburgh County. Therefore, they do not need to have that road vacated if they don't expand. Because his only reason was that it facilitates better use of the property in the expansion program. They waited until they acquired all the surrounding ground. He also responded to you that if the expansion didn't take place they then would own the right-of-way and the road would be theirs. I think we need to look to the future and the possibility of their expansion not

taking place, and expanding that road on through as it originally was -- with the bridge being rebuilt. This could be done much less expensively than widening Mill Rd. and would facilitate much better east-west travel from the northwest area to the other areas of the city. So I think if their only reason is because they want to expand, and when they do expand they need it -- they should wait until they are in a position to be able to expand, with all permits in hand. And then, be given the opportunity to vacate this road."

Commissioner Hunter said, "Madame President, I would move that no action be taken tonight and that this matter be continued. Also, I would like to instruct our County Attorneys to research very carefully this bridge issue, which I was not aware of until this evening. It may even be that the County is negligent in having not reconstructed that bridge that burned in 1980. And/or CSX may be negligent in having not reconstructed the bridge that burned in 1980. I move we continue this and you do the research and come back to us in two weeks."

Ms. McClintock said, "I will second for purposes of discussion. We had to continue this as a result of my error last week. How long can we continue this without having to readvertise?"

Attorney Evans said, "Thirty days from date of filing the petition."

Attorney Wilhite said he does not have the statute in front of him -- but that sounds right. When was the petition filed?

Attorney Evans responded he filed the Petition on April 11, 1990.

Ms. McClintock said if the Commission extends the public hearing beyond the 30 day period, the Attorney would have to readvertise.

Attorney Evans said the statute says they have to hear it within 30 days.

Attorney Wilhite commented, "If you wanted to look at something like the bridge issue, then technically I think you would have to deny this petition, but let BFI know that all you're doing is looking into an issue and if you found nothing could be done about the bridge and it really was a dead end into the railroad property, that you would be favorably inclined to look at a new petition. By just continuing the hearing you are not taking action within thirty (30) days."

Commissioner Hunter said, "I guess my concern here is that the interpretation of the State statues -- this bridge hinges very distinctly upon the interpretation as the vacation of this land. And this puts it in a whole different ball game."

Commissioner Borries said, "From the County Attorney's standpoint -- and certainly Mr. Hunter has a right to do that. I don't see that as what we are doing here. We are not talking about building a bridge; we are not talking about expanding the landfill. We are here to vacate a portion of Laubscher Rd. That is the issue. Madame Chairman, you need to keep order here, because I think it is appropriate that we have the opportunity to discuss this at this time. We can vote on Commissioner Hunter's motion at this time, or apparently amend it. But as I understand it, what we need to do here today is take action one way or another -- because if we delay it two weeks, in effect, it makes no sense to have a public hearing at any time."

Ms. McClintock asked, "Mr. Hunter, reiterate exactly what you want the County Attorney to do."

Commissioner Hunter said, "I would like the County Attorney to investigate this bridge, because of Items #1 and #2 in the statute. I guess my concern is that perhaps the bridge should have been replaced in 1980 and the County may have been derelict in their duty in not having done that. We just need an answer as to whether it was the County's responsibility to rebuild this bridge in 1980, or whether it was CSX's responsibility. I am asking the County Attorney to research this, because this puts this whole thing in a totally different light -- if I am reading this State statute correctly."

Ms. McClintock said, "I think it is fairly clear that it is CSX's responsibility."

Attorney Wilhite commented, "It does sound like it is on their land. It sounds like it was their bridge. The only reason I hesitate at all, Commissioner, is that it was a public road that went over CSX property -- just as all public roads go over individuals' properties. So I have some question as to whether it was a public road with some public duties to maintain it and to continue the access. So I think there is a valid question. However, Commissioner Borries is quite correct. We are here only dealing with the vacation, not the landfill expansion. Also, technically not the bridge issue. I guess the reason it might be relevant to this issue is -- is there public access on this road, or not? As a practical matter as we speak now, no -- because there is no bridge. But is there public access in a more legal sense if there is a bridge that happens to be out that legally should be up? And I can't answer that question -- but I think everybody agrees that the premise of this petition as a practical matter is that the road dead ends at BFI or CSX property."

Attorney Evans said, "You note the grounds it talks about -- agreed persons and it talks about the contiguous neighborhood. The landfill has been out in this area for 11 years. And the road has been used exclusively for this purpose for approximately the same period of time. During this period of time -- the contiguous neighborhood? There have been references already -- \$200,000 to \$250,000 houses have been built across the tracks abutting this landfill property. The way it has been operated -- testimony has been given by the protestors showing that the landfill has somehow or another, strange as it may seem to you or me or whoever -- been quite acceptable to people, who came in not living in the area -- into a new area to develop it -- and to put that kind of money into property adjoining and abutting this. There was also reference made to the mobile home park, which doubled in size after the landfill went in. Those are really not the issue, however. The issue is, do you have aggrieved persons on contiguous property who are protesting and who are being served or would be served? The answer is, for 11 years it has been no and the answer today is no. The protests come by people who say 'we have avowed purpose, and that is to do anything we can to cause trouble, to cause delay, to do whatever we can to delay or stop or prohibit anything resembling landfill expansion. That is not the issue you have before you. You have before you whether there are persons here who are contiguous to it who meet these criteria that the statutes and the case law say are the sole grounds for persons to protest and for you to turn down a vacation of this type. And I hope you will give this your consideration and approve our petition today. Thank you."

Ms. Dixie Wagner again returned to the podium and stated, "Even though he agrees that it isn't the issue here today, he brought up a point I feel I need to respond to about the people that take such delight in building a house next to a landfill. These people were under the impression that this landfill was going to be gone in 1994. In addition to which you talk about public access of this road, whether it is a form of public access for people. Is that limited to just vehicles? If I choose to take a walk, I can still walk from St. Joe Avenue up Laubscher Rd., down

across the railroad tracks up the other side and get on the other side of Laubscher Rd. If that is vacated, I don't have that public access to get to Laubscher Rd. that way, because that will then be property of BFI. So, does it matter whether you are in a vehicle or on foot?"

Ms. McClintock said, "Mr. Hunter, I will withdraw my second to your motion, because we can't move to continue. Would you or Mr. Borries like to make another motion.?"

Mr. Hunter responded, "No, I'll let Mr. Borries do this one."

Commissioner Borries moved that the vacation of a portion of Laubscher Rd. east of St. Joe Avenue and west of the CSX Railroad tracks be approved as per the advertised hearing.

Second to the motion was made by Commissioner Hunter.

Commissioner McClintock then asked for a roll call vote: Commissioner Borries, yes; Commissioner Hunter, no; and Commissioner McClintock, no. Motion passed by 2 to 1 vote.

Ms. McClintock continued, "However, I do want to advise you that I have serious concern about the legality of what we are doing here and I think that the question has been raised about the CSX Railroad. We need to contact the railroad and get a response in a very short fashion, because this is a very clearly laid out statute as to what we can and cannot do insofar as a road vacation is concerned. And, as the Attorney said at the beginning of this hearing -- and I want to reiterate -- this is not a landfill expansion hearing. This was a hearing regarding the vacation of a road. Hopefully, we can get a response from CSX very soon so that we can give some indication to BFI as to where we might stand regarding that vacation of a portion of Laubscher Rd. I want to thank you all very much for coming today and we appreciate all of your input and look forward to more discussion on Laubscher Meadows. The County Attorney will find out the answers to all those questions raised today and, hopefully, we will be back to report very soon.

RE: PUBLIC HEARING/1991 COMPREHENSIVE PLAN ADOPTION RESOLUTION

Ms. Barbara Cunningham, Director of the Area Plan Commission offered the following comments.

"I am not going to take very long, as we had discussion in the April meeting. On May 3rd I notified you that the 1991 Comprehensive Plan for the City of Evansville and Vanderburgh County was on your agenda today and the plan was adopted by the Area Plan Commission on March 7, 1991 and by the City Council on April 8, 1991. We attached a copy of the City Council minutes on the Comprehensive Plan for your information. At your Public Hearing on April 8th, there were, in essence, three issues brought up. The Airport, generally, was discussed by Mr. Lythgoe. There were two other issues discussed at the First Hearing: One was the development on the south side of Lloyd Expressway between Burkhardt Rd. and Fuquay Rd. The APC and City Council both agreed with the plan and agreed to keep the area residential, rather than changing the future planned land use to commercial. The second major issue discussed was development along I-164 and it was suggested at your April 8th meeting that the plan did not allow any commercial and industrial development along the I-164 route. In fact, over 1,000 acres from Burkhardt Rd. to the Warrick County line and from Lloyd Expressway to the planned Lynch Rd. Extension are shown on the year 2010 conceptual land use map as planned for industrial and commercial development. In addition, approximately 1,500 acres are planned for commercial and industrial development in the area adjacent to I-164 from Green River Rd. to Burkhardt and from Lloyd Expressway to the Lynch Rd. Extension. And these areas are planned for

industrial land commercial development. One of the reasons they are planned for this is because a road network is planned in the area and while the infrastructure is not currently place in the entire area, both sanitary sewer and water is planned to be extended north to the Lynch Rd. Extension area and east of I-164. It is true that the I-164 area north of the Lynch Rd. Extension is not planned for industrial and commercial development but is planned to remain rural and agricultural and that is, as we explained last time, for several reasons. There are no sewer and water facilities in place and none are planned for the future. The road network is not adequate for industrial and commercial development and it is not planned to be ugraded in the future and the area is mostly in the flood plain. So with those things, that is why the area north of Lynch Rd. is not at this time planned for industrial and commercial development. I also, again, forgot to introduce the two planners with me and I want to do that. We have Joe Ballard and Dana Easley, who are planners at the APC and I want to make it a point to introduce them.

Ms. McClintock stated, "We had a meeting with considerable public comment approximately a month ago regarding the adoption of the 1991 Comprehensive Plan. Are there individuals in the audience who wish to comment on the plan who have not had an opportunity to appear before this Board and make their comments known previously?"

Mr. Tom Euler stated he is the son of Mr. & Mrs. Alfred Euler. "You may remember that my mother talked in April concerning this whole matter. She lives in Newburgh now; but at one time she lived south of the Lloyd Expressway on the corner of Burkhardt Rd. She lived there for 70 years before the State took her property. The thing I wanted to bring out, which a lot of people seem to sluff over is the fact that a lot of the people seem to think we are a bunch or speculators waiting to get the most amount of money we can from the property. But the whole thing is that we have owned that property for over 120 years and my mother lived there for over 70 years. The State and County came in and took the house away from her and she was forced to move. The thing is, a lot of these home owners in the areas are afraid of putting up with a little bit of discomfort because of a little bit of commercial. I would like to say that all those homeowners put together don't even come close to having the amount of pain and suffering that my mother has put up with for the last 50 years. Every year it seems like some governmental agency or some utility has come along trying to grab a little bit more of the land and I think most of you people here don't really realize what little a piece of property is still able to be built on. We have easements from Lloyd'e Expressway. We have easements for the electric company next to it. We have easements from Burkhardt Rd. And then they built this humongous drainage ditch that is taking up a large part of our property. Not only that, but a few years ago the State -- in their supreme wisdom -- decided that nobody should live within 75 ft. of a legal drain. So with a stroke of the pen we lost 75 ft. on the total frontage of our property. Of course, we weren't reimbursed. And all these homeowners sit back and say, 'Well, we just want to get a profit.' Well, the thing is, we've been giving for 50 years. We've been giving to help build Lloyd Expressway. We've been giving to build Burkhardt Rd. We've been giving for the electric company to bring their electricity through. And right through the middle of our property is the gas company -- and they have an easement through the property. Not only that, but if we ever did decide to build, because of the poor planning in the past there is going to be a drainage problem. So we would have to put some type of retaining lake (similar to the one across the street) in order to catch all the flood water that is coming down from all these houses that have been built. So, in essence, we have been putting up with all their problems -- but they are not willing to give an inch insofar as even allowing us to even develop our

property. The thing is, I just want to go a bit back in history. I don't know how much you know about the area. But my great grandfather and the farmers in that area (he was a farmer at that time) helped build Burkhardt Rd. and Division Street and put in the ditches in that area. Then when the State came in with their engineers, first of all the farmers had put in three big culverts. Then the State came in and decided in their great wisdom that there was only a need for two culverts. And they even made the main culvert not as deep as the one it was replacing. As result, the whole area was flooding.

Ms. McClintock interrupted, "We are here to address land use planning -- not flooding or the history, etc. Whether that area should be residential or commercial."

Mr. Euler continued, "Well, I think it all has a bearing on how the area can be used. The thing is, as far as the flooding is concerned, it is not...."

Ms. McClintock again interrupted, "What you are saying is that it shouldn't be used for anything -- residential or commercial."

Mr. Euler continued, "What I am saying, because of the poor planning in the past, this area is flooding. And this question needs to be addressed. And that is one of the first questions that needs to be answered -- What is this Board going to do in regard to the flooding? In the past it seems that the County and the State have always decided that the best solution is the path of least resistance. For example, when they put in the water mains and the sewer, they cut off a ditch. Now where there used to be three culverts, there is now one..."

Ms. McClintock interrupted, "Mr. Euler, I'm sorry, but we have a lot of people who want to speak this evening. Drainage problems will be addressed when the property is developed. Please confine your comments as to why this property should not remain residential."

Mr. Euler countered, "I disagree with you. I think that drainage is not an exotic..."

Ms. McClintock again interrupted, "Mr. Euler, we are not addressing that this evening. We are addressing whether this particular piece of property should remain residential -- as it is currently in the Plan."

Mr. Euler said, "The big reason I believe it should be made commercial is because I grew up along Division Street and many years ago there wasn't much traffic along Division Street. But as the traffic increased the pollution increased. The pollution actually killed our plants in our yard and there have been many studies as to the cancer rate of people who live along expressways and the incident of cancer increases for those living along an expressway. Not only that, there is the noise. I don't think anybody who has lived along the highway would recommend that any residential area be placed next to the highway. I think that most of the owners of property in that area agree that there has to be a commercial area, a buffer area, and then a residential area. If I were going to live in that area I certainly would not live by the highway. I would want to live by a buffer zone. I don't know if I will get in trouble again talking about the drainage problem, but because of the drainage problem there probably will be a retaining lake."

Commissioner Hunter stated, "Mr. Euler, there won't be any commercial or residential development there until a drainage plan has been submitted to the Drainage Board and has been approved."

Mr. Euler said, "But I think you are putting the cart before the horse. The drainage problem will have to be solved."

Mr. Hunter said, "Until there is adequate drainage and the plan has been submitted to the Board and approved, there will be nothing happen."

Mr. Euler asked, "So there will be declaration as to whether or not it will be residential or commercial?"

Mr. Hunter replied, "Yes, before anything happens there has to be an approved drainage plan -- and I agree one hundred percent with what you're saying. But there will be a plan submitted and it will have to be approved. It will be very carefully studied.:

Mr. Euler said, "Well, the last point is that it looks to me there is going to have to be some retainage lake (similar to that across the street) and the thing is, it seems to me that if we have commercial that this lake would act as a good buffer between the residential and the commercial -- similar to what they are building at the I-64 spur. They have commercial, a retaining lake, and then the residential across the retaining lake. To me, it would be a solution to the problem. I certainly would rather live on the side of a lake if I were concerned about residential than I would next to the highway."

Mr. Hunter said, "This is purely conjecture on my part, but no matter what goes in there -- there will either be a retention or a detention type lake go in there, whether it be commercial or residential, because of the drainage problems you have just brought up."

Mr. Euler said, "The only thing I was trying to bring up earlier was that the track record for the County and the State has been very poor insofar as solving this problem."

Mr. Hunter said, "I agree."

Mr. Euler continued, "They have always tried to solve the problem by, for example, making this big retaining ditch -- where the lady drove into the retaining ditch, the car turned over, and she died. For me, any kind of this planning is responsible."

Ms. McClintock said, "Thank you very much. Is there anyone else here who wishes to speak to the Comprehensive Plan insofar as land use and how it is addressed in the plan?"

Mr. Jacobs indicated he wanted to speak.

Ms. McClintock said, "Okay, you will want to speak, then you know the neighbors are going to have to speak, and then Roger is going to have to speak....."

Commissioner Borries interrupted, "On their behalf, Madam Chairman, you know we didn't get this bent out of shape when we had people here who were just remonstrating with the Laubscher Meadows situation. I think we ought to have the common courtesy to accord the same right to other citizens who wish to speak on an issue. Now, we've been here a while and I think...."

Ms. McClintock interrupted, "And, Mr. Borries, these people have all spoken at a public meeting and it is all on the public record."

Mr. Borries continued, "And I think that the other people have had the same opportunity and did so several times at this past hearing. Go ahead, Mr. Jacobs."

Mr. Jacobs said, "I apologize, I'm Arthur Jacobs. I just want to say that basically a statement has been made when they allowed the commercial -- which I think they should -- right beside the expressway they have, in essence -- I think any thinking person

knows that no longer the interest (that commercial, which is only one way down that road there) through the property would ever be residential. So obviously, it is completely unthinkable that it should be residential. The APC is simply making a statement that you all should not make the decision. We feel that you should make the decision to make a statement at this time that they are correct in saying it is obviously foolish and we ask you to consider it from that point of view. Thank you."

Ms. Charlotte Skaggs of 7400 E. Sycamore stated that she approved of the Comprehensive Plan. "I think it is just great to keep one side of the Lloyd Expressway commercial and one side residential. Those of us who live in those homes are very proud of them. We pay a lot of taxes. We would not like to see our property values go down, down, down. You have plenty of room on the north side of the Expressway for all your commercial ventures. They are developing it beautifully over there right now and I think your plan is just fine."

Dottie Hammel said, "My mother is Mrs. Euler. What she said -- that she would like to keep her side of Lloyd Expressway -- she heard at the last meeting that everybody said they wanted the south side of Lloyd Expressway to be really nice -- it's the gateway to Evansville. But if you've ever gone into any cities (let me use Louisville as an example) -- you go on I-164 into Louisville. When you first go in I-164 from the west, you have the residential area -- and what do you have? You don't even want to get off the Expressway, because it has turned into slums over the years. You go in the other side as you go out of Louisville on I-164 and you have the commercial property there. You have the nice hotels and office buildings, and it is extremely attractive. Behind those buildings you have the better homes -- and that is the area the people are now moving into. I think you need to look at some of these towns that are more progressed and see what they have done. If you put residential there, granted it might start out as a very nice residential area. But think -- in five to ten years -- couldn't live there and my Mother couldn't stand it. She could have moved the house back. But she moved to Newburgh rather than move back. The noise is tremendous. All our plants were destroyed by pollution. I could no longer mow the lawn outside without being really, really sick from the pollution. Who is going to live there? And, eventually, the type people who are going to take over will be their neighbors. I, myself, would rather have something commercial there than to go down to low income type neighbors which, eventually, it will be -- because nobody who can afford to get out will stay there."

Mr. Roger Klassy said, "I am here, in part, to respond to Commissioner Hunter's request that we identify the areas of which we last spoke and to respond to some of the things said today and a month ago. Now you will note that in color coding these areas we are defining a buffer -- going to the layer buffer concept generally. We are defining the residential office areas as those areas abutting and contiguous with residential tracts. And then, in the stair step fashion, moving from the yellow to the orange, we then move into C-1's and pinks (C-2's) and blues (C-3's) and then the C-4's. We don't propose that you take the permitted uses within the zoning manual in tact. What we are proposing is that by line item veto the busy areas (the after hour areas) are not permitted in these groupings. And I will go over that in just a moment. But between that period of time and this point in time we presented our thoughts to the City Council and we bumped into the EUTS Burkhardt Rd. Study, which was dated in February -- and I am sure the Area Plan staff made provisions for this wishbone interchange at the corner of the Lloyd and Burkhardt Rd. that severely impacts the area that we're talking about. I'm talking about those owners south of Burkhardt Rd. and Fuquay Rd. I was looking on this map and I don't see that wishbone -- and I wonder if someone would point that out to me."

Mr. Ballard said the wishbone is not shown on the map Mr. Klassy is talking about.

Mr. Klassy said, "Just think about that for a moment. A wishbone intersection is one like you'll drive over on Morgan Avenue and I-164 -- a huge thing. It not only takes a sliver off our track, but closes the crossover. We were told by a representative of EUTS not to worry because we would be assured access -- and I am hearing a secondary road, and who needs such a costly improvement in a residential tract if, in fact, this is going to be held strictly residential. But the only access we would have would be Fuquay Rd., and there the adjoining owners to the east have dedicated right-of-way and make those improvements for us to gain access to it, Or, to the west over the Marrese track and the Euler tract and those two property owners must also dedicate and pay for those improvements. So I don't see that we have that access that we are assured -- convenient access that we have now. When we negotiated with the State they dedicated a 15 ft. strip -- this was additional land required to give them the total right-of-ways they needed. And then they made a dog-leg for the intersection which they built and they left us with a median crossover. And I see that disappearing. I am really confused that this study is not part of the Comprehensive Plan."

Ms. McClintock asked, "Which study is that which you're referring to, Mr. Klassy?"

Mr. Klassy responded, "The Burkhardt Rd. Corridor Study. And I believe you took action on this just a short period of time ago."

Ms. McClintock said, "We just voted on that."

Mr. Klassy responded, "In favor of, I believe."

Ms. McClintock said, "But there are corridor studies all over Vanderburgh County that are not included in the Comprehensive Plan."

Mr. Klassy asked, "But don't you think they should be? I mean, when you start wiping out -- well, it doesn't matter -- we're talking about a Comprehensive Plan."

Ms. Cunningham said, "It is mentioned in the Comprehensive Plan."

Mr. Klassy asked, "On the drawing?"

Ms. Cunningham responded, "No, it is not on the drawing. But the drawing does not reach that in detail. We don't have every overpass on the drawing. This is a conceptual land use map. And that is what it addresses -- it addresses land use, not transportation, on this map."

Mr. Klassy said, "I've heard not this and not that. And he heard a moment ago about infrastructure not being a part of this conversation. Yet, your very presentation talked about certain lands being exempt or not developable because they did not have infrastructure. But in any rate, if we're just talking about, you know, a best case scenario, if we're just talking about what may be, and we're just talking about a situation that is going to totally highly impact our land and if it does, in fact, stay residential, are you proposing a curtain wall -- as you have along I-164 as it swings south? Now, that is important, because we're talking about a rather blaze mass of something, you know, between there and our property. I don't know whether or not the interchange will ever be built -- but it is going to be very, very costly. As I understand it, you cannot overpass Burkhardt with Lloyd. You cannot build as tight an exit design as you have on Green River Rd. because of the fact that it would be cost prohibitive to raise Lloyd. So we're now raising Burkhardt --

and the wishbone meanders east and consumes this property that we're talking about. It consumes our northeast exit to I-164 on the south; it consumes the southeast exit to I-164 on the north; You can develop, in my view, a high capacity intersection on Burkhardt and Lloyd - 5 lanes -- the center for turning, the flanking then for either turning and driving straight-way; and then the two outsides for turning in either direction. We have within two feet the necessary dedicated right-of-way along Burkhardt for five (5) lanes. We're short two feet. But there is the Crawford-Brandeis drainage ditch, which has recently been reconstructed. And from the top of that bank east then we have the 75 ft. set-back. So there is ample room to develop this high capacity intersection. And we're not consuming our property, as such. And I think this is the impaction that we really suffer -- because as we come before these groups in the future, we're going to be reminded that you folks approved this Comprehensive Plan -- even though it may never ever come to be.

Now, let's go back if you will to the map I submitted. If you will look at the CO-2 area and the use groups permitted.....

Ms. McClintock interrupted, asking, "Mr. Klassy, are you working on a wrap-up here?"

Mr. Klassy continued, "It doesn't sound like it, but I am. Commissioner Hunter, you were concerned about what we were proposing to do with these various nicely shaded areas in the past -- and now we have colored them for you and identified them with a use group out of the code itself. But by line item veto, we are going to delete certain things that are not compatible to the residential. For instance, under the yellow group we are going to veto the permitted use of a boarding house. And under the same group a tourist home (for bed and breakfast) -- you know we don't want something to later be turned into a motel or something of that sort. And then as we move into the other groups, what we are really doing there is trying to define a use that is compatible with residential living -- and we're not talking about active after hour establishments that create a lot of busy activity -- searchlights, loud speakers, odors, etc. So we feel a real need for all these things and, again, we are a bit miffed that we were skirting around the very interchange that highly impacts our area. And we do request that you send this back to Area Plan. "

Ms. McClintock asked if anyone else wishes to speak to the 1991 Comprehensive Plan?

Mr. Scott Schrode said he previously spoke, but he would like to make a brief comment. "The feeling of the neighbors in the area is that this is a highly developed residential area and should remain residential. I think we are kind of getting the cart in front of the horse in that if it stays residential, what that will do is force some attempt at a meaningful residential development. We don't know whether it will develop residentially or not unless we give it a chance. We heard here at the last meeting -- one of the landowners said a good use of this ground would be gas stations -- and I think that is indicative of what happens (Mrs. Marrese said they had a gas station next to their house in a similar development and she liked it). I think if this is allowed to show commercial on the land use map, we'll see all types of commercial come in here. If it is residential, we'll see a good faith attempt. Again, a lot of this was held back at the time it was developed residentially -- by the same people who are here today to try to get it changed to commercial. And finally, we can look at all the nice colored maps we want to, but this is one thing that government has done and done well. If government wants to require certain restricted uses of property, there is such a thing in our own zoning code showed as a Planned Unit Development -- and it ties everybody's feet down and let's everybody know what is going on. Nicely colored maps are

wonderful for arguments, but they leave the door wide open. We appreciate the Commissioners' time. We would point out that this is a plan that has been, as you will know, approved by the Area Plan Commission and the City Council. Thank you."

Ms. McClintock entertained further comments and/or questions.

Commissioner Hunter said Oak Hill Cemetery contains 178 acres established in 1852 as maybe being included in the National Register of Historic Places. One hundred twenty-eight of these acres are platted and then it says 50 acres are planned for future expansion. "I guess my question, Barbara, is what type of expansion you have in mind?"

Ms. Cunningham responded, "Future expansion of Oak Hill Cemetery. That is what Oak Hill has planned for that, yes."

Commissioner Hunter continued, "And on Page 152 you talk about a Multi-County Solid Waste District."

Ms. Cunningham then commented, "We can update that -- since you are a Single County District."

Mr. Hunter said, "You talked about the EPA o Page 180 and you talked about fuel tampering prior to re-sale of autos. I have no idea what that is."

Ms. Dana Easley of Area Plan explained, "That is addressing tampering between leaded and unleaded fuel."

Mr. Hunter said, "Then a special meeting was held somewhere on February 27th and a question was asked by Dixie Wagner (who, I think, was here today) about any kind of a ground water plan you all should put together -- strictly in the Laubscher Meadow area. Has anything been done with that?"

Ms. Cunningham said, "I think Dana explained that night, and we talked about the Flood Plain Ordinance and we talked about the controls that were going to be put in. I don't think we determined who would do the plan, but I imagine that Soil Conservation would. Dana, you've done the research on that -- so would you want to come to the microphone?"

Ms. Easley commented, "It is something that it is suggested be done. Throughout the plan there are a lot of suggestions that need to be done within the next ten to twenty years throughout the planning process. That is what we have attempted to define. Many of the things will not be addressed in the next two, three, five, or ten years; but they are things we need to consider ow and keep considering. Not consider them now and not put them down there -- and say we're not going to look at this now -- it's not a problem now. It will be in the future. So that is why a lot of these things are in here now."

Ms. Cunningham said, "And the fact that it is in the plan gives a lot of credence to look at it in the future. It gives a basis on it."

In resonse to query from Commissioner McClintock, Commissioner Borries said he has no comments at this time.

Ms. McClintock entertained a motion.

Motion was made by Commissioner Borries to approve the 1991 Comprehensive Plan, with a second from Commissioner Hunter.

President McClintock then asked for a roll call vote: Commissioner Borries, yes; Commissioner Hunter, yes; and Commissioner McClintock, yes. Motion unanimously approved by roll call vote.

RE: FINAL READING/ORDINANCE ESTABLISHING THE VANDERBURGH
COUNTY SOLID WASTE MANAGEMENT DISTRICT

Ms. McClintock asked if anyone is present who wishes to address this Ordinance. There was no response, and Ms. McClintock then entertained questions or comments from the other Commissioners.

Commissioner Borries said, "The County Attorney is here. There is a minor typo on Page 3 and a correction needs to be made -- (should be budget, rather than budge). Also, Item #19 on Page 4 under the Powers of District do not include the following -- I'd like some explanation of what it says -- the power or eminent domain."

Attorney Wilhite explained, "The Power of Eminent Domain is the power to condemn. And by State statute this district, itself, would not have the power of eminent domain."

Mr. Borries asked, "So this District then could not condemn land for the purpose of ever acquiring land?"

Mr. Wilhite responded, "Right; that may be different than whether we as a County could do something and lease to the District. Yes, that is correct."

Mr. Borries continued, "In our planning, to say 'a single country district' we are going to then, as some would say, let's just put the landfill somewhere else. According to the way this statute would read, this Board will not have the power to condemn land for the purpose of acquiring other land for landfills? Is that correct?"

Mr. Wilhite responded, "That is correct."

Commissioner McClintock entertained a motion.

Motion to approve the Ordinance was made by Commissioner Hunter, with a second from Commissioner Borries.

Ms. McClintock then asked for a roll call vote: Commissioner Borries, yes; Commissioner Hunter, yes; and Commissioner McClintock, yes. Ordinance approved by unanimous affirmative roll call vote.

RE: APPOINTMENTS TO THE VARIOUS COMMITTEES OF THE SOLID
WASTE MANAGEMENT DISTRICT

President McClintock said she would like to schedule on the May 13th agenda appointments to the various committees of the Solid Waste Management District, if agreeable to the other Commissioners. The other Commissioners so agreed.

RE: FINAL READING/ORDINANCE ESTABLISHING A BURDETTE PARK
FLOAT STAND REVOLVING FUND

Ms. McClintock said the purpose of this fund is to take all the funds that are generated from the float stand and place them back into a separate non-reverting fund, so that the manager of Burdette Park can purchase, rent or otherwise procure property to be offered for sale or rent, so that County Council does not have to reappropriate continually throughout the year. At the end of the year, any excess funds in this revolving fund would revert to the County General Fund. Ms. McClintock then entertained questions or comments concerning this Ordinance. There were none.

Motion to approve the Ordinance was made by Commissioner Borries, with a second from Commissioner Hunter.

Ms. McClintock then asked for a roll call vote: Commissioner Borries, yes; Commissioner Hunter, yes; and Commissioner McClintock, yes.

Ordinance approved by unanimous affirmative roll call vote.

RE: FINAL HEARING/ORDINANCE ESTABLISHING AN EMPLOYEE
EDUCATION AND IMPROVEMENT REVOLVING FUND

Ms. McClintock explained the purpose of this Ordinance is to enable the County to receive funds from various individuals and businesses to be used exclusively for the improvement of County employees work-related skills through Seminars, Workshops, or other similar activities, and any necessary expenses incidental to such activities including, but not limited to, payment of the cost for the County to conduct or sponsor such activities. It calls for the monies to be received through the Commission and the money is to be approved for expenditure by the Commission prior to their expenditure. Ms. McClintock then entertained comments or questions.

Commissioner Borries said, "Yes, as you will remember, last week I objected and still have the concern that I do not believe it is the mission of this County to ask any vendor group or any group that does business with the County to have to be asked to contribute to any fund that has to do with employment education of Vanderburgh County. If you look at the School Corporation or other units of government, it is their main and sole responsibility to be able to provide those kinds of educational benefits for their employees. If they cannot, due to budgetary problems, then perhaps a Foundation could be set up and I could at some point in the future perhaps consider asking Foundations that are not directly involved with business with the County (such as the Bristol-Myers Foundation, or some other Foundation) and they would be willing to contribute to that fund. But in no case do I believe it is proper for this County to be asking businesses who are vendors for the County to do business with the County and contribute to this kind of fund. It is a matter of being unclear as to who is going to ask for these contributions, how much they have to contribute, who is going to contribute and not contribute, and always the fact that there could be some intimidation that if a person does not contribute to this fund, then he, she or that business might not do business with the county in the future. So, I object to it."

Ms. McClintock asked if anyone else wishes to comment concerning this Ordinance?

Mr. Greg Hoffman of 921 S. Colony Rd., said his firm was asked to try to arrange a Seminar for the benefit of the Vanderburgh County employees. And, as insurance agents handling property and liability insurance for the County, they were delighted with the opportunity to specifically try to work to set up a program and they are currently working on an Employee Safety Seminar. They have not specifically been asked to contribute any money -- they have just been asked to use their expertise and try to provide a worthwhile program that, again, would be of use to the employees. They are currently going through several avenues. One, in particular, the carrier for the Vanderburgh County PENCO looking to utilize their loss control people and their engineers to assist them in the Seminar and they also have contacted several area major corporations to ask them if they could make available manpower through the use of their management consultants to also assist in this type of seminar. So from their aspect there might be some cost involved from their time and some money required to put on a seminar, but they view that as a benefit not only to the employees, but also if they can, for example, cut down Workmen's Comp costs through less claims that would, in turn, save taxpayer money.

Mr. Borries said, "I agree completely. I'm all for education and have spent a lot of my life in it. Greg, let me just ask you -- you do business with the County, is that correct?"

Mr. Hoffman replied affirmatively.

Mr. Borries asked, "And you say you were asked? Who asked?"

Mr. Hoffman replied, "Carol McClintock."

Mr. Borries said, "I did not ask, is that correct?"

Mr. Hoffman replied, "No, you did not ask."

Mr. Borries asked, "Other people who perform the same service as you, if they were not selected do you think they might be asked to contribute to this same fund?"

Mr. Hoffman replied, "I don't think that would be unreasonable."

Mr. Borries continued, "But, in some cases --you're a good business man and a gentleman. And there are others in the audience who, I think, probably might have been asked to be here today, too. And precisely for the fact that they want to continue to do business with the County. I mean, that is the bottom line, too. You have a business and you are very well respected -- and I appreciate your being here. My point is, I think it places undue pressure on you and any other business person to be asked to contribute to this kind of fund if you are doing business with the County. If you are not doing business with the County, you are solely interested in education and the progress of this County through better trained employees -- Amen -- I'm for it. But I'm saying we have to have restrictions on it. I think it needs to be put in a Foundation and limited to those kinds of groups that are not doing business with the County -- not those who are."

Mr. Hoffman said, "We were never asked to contribute. We were just asked for ideas and to see if we could implement a program -- and we thought that was a worthwhile idea and we are pursuing that."

Mr. Borries said, "Good."

President McClintock asked, "Now, Commissioner Borries, what is the difference between asking a business to contribute to an Employee Education Fund and asking a business to buy turkeys for employees at the County Garage?"

Mr. Borries responded, "Well, maybe no difference. Maybe we need to stop buying turkeys at the County Garage."

Ms. McClintock said, "I've never bought turkeys at the County Highway Garage, but that was done under the former administration."

Mr. Borries said, "Well, don't buy them."

Ms. McClintock said, "We were originally approached in an initial discussion about this particular Employee Education Fund. Most of the businesses who are doing business with the County -- and, again, I reiterate as I have at every meeting, that we would be happy to take donations in any size, because no one has defined what size a donation would be, from any business or individual in Vanderburgh County, whether or not they currently do business with the County. But the original idea was to take the money that businesses -- or to ask businesses -- that are currently buying things for the County that I call 'toys' for the County employees and officeholders -- things like pens, Atlases, maps, calendars, etc. -- they are spending a tremendous amount of money

on those items each year -- and to consider taking all of or a portion of their turkey money or calendar money or pen money or Lib's candy money -- or whatever that might be -- and instead of singling out a few individual officeholders and/or individuals that purchase directly for the County, that they take that money which would be placed in a fund that would be available to benefit all of the County employees and then the taxpayers of this community. So I don't have any problem with accepting donations in any amount from any individual or business, including Bristol-Myers,. I think you will find that it would not matter to Bristol-Myers or any other business in town whether it is set up in a separate Foundation, as long as it is in a protected fund, where those monies (and that is what this outlines) cannot go back into the General Fund."

Commissioner Hunter said, "Susan, you're going to have to help me out on this. But Thom McGann is President of the Chamber of Commerce? Apparently, a few months ago you had some sort of retreat where you tried to come up with a list of goals and objectives -- very comprehensive -- for the community and you're ready to have another retreat of some sort. I remember reading about it the other day and it just hit me. One of the goals and objectives that you all endorsed was the streamlining or the improvement of government employees -- to make them more effective in the work place. Am I not correct on this? There was a statement to that effect. You might want to look back at it. I was just thinking that the Chamber must feel that the improving of City-County employees on all levels must be pretty critical if you included that in your long term goals and objectives for the community."

Ms. Sauls countered, "That was not only the Chamber, though, Don, that was a representation of the entire community."

Mr. Hunter continued, "Apparently then the entire community felt that way -- business people, etc., -- that this was important -- that we do have as efficient governmental employees as possible and to come up with a program. So I would throw that out as something else we need to consider."

Commissioner Borries said, "Education is not the issue. The issue here is how we're going to collect the money. We have no problem in terms of education. That is not the issue. We're not debating whether or not we need education and training for the future. It's how we're going to collect the money, who has to contribute the money, and how that money is then, in my opinion, going to be allocated at some future point. All of those things have not been considered in this Ordinance -- and that is why I object to it."

Ms. McClintock said, "Commissioner Borries, we have said on the record -- I think this is at least the second time -- the money will be entered through a public Commission meeting; it will be part of the record. There will be no amount set on contributions. No one has ever said that. Any business in Vanderburgh County can -- and those who want to can -- contribute money to an Employee Education Fund by contacting the County Commission Office. That is as simple as it is. There isn't anything -- there is no hidden agenda here -- the only agenda is providing for the education of our employees. It has not been funded by County Council and, frankly, the taxpayers of this community have said, 'Enough is enough -- don't spend anymore money'. This is a way to help our employees without spending anymore tax money."

Motion to approve the Ordinance re establishment of the Employee Education Fund was made by Commissioner Hunter, with a second from Commissioner McClintock.

Ms. McClintock then asked for a roll call vote: Commissioner Borries, no; Commissioner Hunter, yes; and Commissioner McClintock, yes. Motion passed by 2-1 affirmative vote.

RE: DISCUSSION RE PRIVATE MANAGEMENT OF VANDERBURGH AUDITORIUM

Commissioner McClintock said to update the Commission, the City has mailed Requests for Proposals to four companies. She has provided to each Commission member copies of information from CMS Corporation and also Ogden Allied Services Corporation, which are the only two she has spoken to at all. We had set on the agenda at this point a discussion on whether the Commission wanted to pursue this to the extent that we would prepare a Request for Proposal for the Vanderburgh Auditorium to be brought back to the Commission for either approval, amendment, or disapproval, to make the final determination as to whether we should mail Requests for Proposals to the same companies and/or local companies interested in the private management of Vanderburgh Auditorium.

Commissioner Borries said, "Madam Chairman, he has sat here patiently -- and I am indeed honored that he can be here today -- Representative Jeff Hays is here. You will remember that when we discussed this at a previous meeting I had mentioned that I had a conversation with Representative Hays a year or two ago regarding what could be another alternative in relation to the privatization aspect -- and that is the formation of what is called the Facilities Management Board. I understand this is done in the City of Indianapolis, City of Ft. Wayne, and others. Representative Hays has spent a long time in the Legislature and is, I believe, familiar with that legislation and I would like for him to speak at this time."

Representative Hays said, "There is a statute that I had a hand in passing ten years ago and I've never been able to get the City of Evansville or the County to adopt. And I don't think it is contrary to what you are doing. It started about 1979. We had a Local Government Study Commission and it went on for three years and we tried to institute the wisdom of having Home Rule, particularly in things that didn't involve financial aspects -- so that when it came to operating your facilities, you could do so without having to run to the Legislature to enact Ordinances -- and that is what it was prior to our Commission. Part of our charge was to see what was available and what other cities had done. This particular Code (36-10-8-1) is really taken off the Ft. Wayne statute. If you're reading it and see references made to I.C. 18-7-18, that was repealed in 1982, but that dealt only with the City of Ft. Wayne. So it is a little confusing when you read it. But basically what this does, it is called Capital Improvement Boards -- but really we've always referred to it as a Convention Center statute. And if you will see the powers, there are eighteen powers listed on the second and third pages -- and you can do almost everything there. You can construct, repair, remodel, acquire, and then, of course, as you go on you can hire staff, and I would think you could also go out and hire a consulting agency to run the program for you. I think the beauty of what this Board does -- and this is the way Indianapolis runs its Dome Stadium -- it runs the Market Square Arena by contract -- much maybe the way you would want to do it. This Board was able when they had the Colts coming to Indianapolis -- the Mayor was able to turn to this Board and say 'Hey, they need a practice field out here -- \$7 million -- and we don't have the wherewithall to do it' -- but this Board was able to do it, because it has authority much like a city has the authority to do it. We might have the same situation when it comes to Bosse Field if you had a baseball team coming in. This Board could do it. This is a Board of Managers -- and I think this Board of Managers could do everything you are trying to do. If the Board of Managers saw fit to hire a professional group and have Requests for Proposals, I think the beauty of this is the County

Commissioners could turn over the Auditorium (which has been a problem, I know, for twenty years) to this professional board and they could do the things you are doing -- so you wouldn't have to go through it and look at Requests for Proposals and all that type of thing. This statute was instituted in Ft. Wayne, South Bend, Gary, Indianapolis when they built their convention centers -- and consequently is probably why it was called the Capital Improvement Board. When they built it they set up this managerial process -- but the funding from it came from a motel tax -- and I think Roberts Stadium is a different story -- it's a money making proposition. Most items you deal with lose money, so you have to have another source of money. A source of money that is not one that if the roof leaks you've got to have a special meeting and try to fix the roof. You've got to have a source of money that is dedicated where you can plan an orderly maintenance program, fix the air conditioners on time, fix the roofs on time, remodel -- this group also has bonding power for revenue bonds or general obligation bonds -- it can do just about everything. But I would recommend you could set up this Board (which the County Commissioners are able to do). You don't have to go to the Legislature and get this whole thing. All you have to do, by Ordinance, is establish a Board. It says the Board is composed of seven members. 'The County Executive (that's you people, the County Commissioners) shall determine in creating the Ordinance which units within the County shall make appointments to the Board.' Now, if you're just dealing with the Auditorium, it may be that you will want to keep all the appointments yourselves and then no more than four (4) members may be of the same political party. So it's meant to be a bipartisan type Board. It took a lot of people and a lot of attorneys a lot of time to draft this statute. I have talked about doing this -- this is what Vanderburgh County should do. Now, we've been blessed because we didn't have to build with motel tax money or Auditorium. That was built before motel taxes came into existence. But I think you all realize they have a lot of work to do. You have a 25 year old building. You might want to remodel; you might want to knock out some walls; you might want to do a lot of things to make it a modern facility. I think this particular mechanism would enable you to do that. It is one that I only felt, being a Legislator, I wanted to call to your attention. I don't think it has to be in opposition to what you are attempting to do. I think it might be a mechanism to put a professional (much like a building authority) -- this one can collect money, collect fees, can hire, can do almost everything and retain money and issue bonds if you have a study of appropriations to the Board or a tax. That is basically it, Madam Chairman. I would be happy to answer any questions that anybody might have."

Commissioner McClintock thanked Representative Hays for his comments and said that, in fact, the next item on the agenda concerns a very similar situation in going to more citizen boards that actually do have some real powers and clout as far as County Government is concerns. "I, as one Commissioner, would be happy to consider looking at this prior to looking at the privatization issue. As we said at last week's meeting, we weren't able to get in sync with the City on that anyway. We could -- or if we did have this group look at doing that with whomever contracts with the City at any point during their contract. So I certainly think it is worth a second look."

Representative Hays interjected, "I think I would be derelict in my duties not to call this to your attention. I think it serves your purposes. It has in other cities -- you might inquire how they do it in Indianapolis -- and I might say I didn't mind sitting through your two hour session. I think I'm a government junkie (we do that in Indianapolis all the time) -- but I don't envy you some of the problems you have."

Commissioner Borries expressed appreciation to Representative Hays for his time and patience.

Ms. McClintock asked, "Is it the pleasure of the Commission to have our attorneys look at this or would you prefer to look at it individually and think about it and then put it on the agenda for next week or the following week?"

Commissioner Borries said, "I'd like a week to look at it and, again, appreciate Jeff's being here to share this information with you Commissioners."

Commissioner McClintock instructed Mrs. Meeks to put this on next week's agenda and again expressed appreciation to Representative Hays.

RE: DISCUSSION OF PROPOSED ORDINANCE ESTABLISHING A DEPARTMENT OF PARKS & RECREATION AND REPEAL OF ALL ORDINANCES IN CONFLICT THEREIN

President McClintock said this Ordinance actually will be passed by the County Council and Mr. Ziemer has done the legal work.

Attorney Ziemer said he is prepared to answer any questions the Commissioners may have regarding the proposed Ordinance and would entertain any questions at this time.

Commissioner Borries said, "Ted, I had some questions regarding Section 5. It says, 'In addition, the Board shall have all the powers listed in I.C. 36-10-3.' I began to look at some of those and if I am not incorrect I guess I just need some acknowledgment. This Board, if it were set up, is essentially a duplicate board of what the City of Evansville already has -- that already goes to the Taxing District throughout the County. It would do exactly the same thing as the Parks Board of the City of Evansville, with the exception of Burdette Park -- would have the power to issue bonds. It could levy to pay bonds, set up cumulative building fund -- is what what you see?"

Attorney Ziemer responded, "Yes, as they would relate to parks or recreation facilities in the County outside the City limits."

Mr. Borries continued, "Then it says that if the City of Evansville -- and I got a copy of their Ordinance where it now talks about that they have an Ordinance that goes..."

Ms. McClintock interrupted, "All of Vanderburgh County with the exclusion of Burdette Park."

Mr. Borries continued, "Right. All of Vanderburgh County with the exception of the property currently comprising Burdette Park. Well then, this Ordinance would say that (36-10-3-23) the acquisition of property for improvements. So, in effect it could buy property already listed under the authority or the potential authority of the City of Evansville?"

Attorney Ziemer responded, "That is not contemplated. It is contemplated to apply to Burdette Park. Let me give a little background, Rick. Originally there was a County Park Board and I think until 1983 (I'm not exactly sure of the year) and about that time the County Commissioners elected (as they could, by statute) to take over the activities and responsibilities of the statutorily created Park Board to itself -- and the County did that. Toward Home Rule then, the State of Indiana nullified the Statute that created the Park Board and instead created a new statute authorizing the County, if it so desired, to create a Park & Recreation Board under the Ordinance that we're looking at here today. The principal purpose for this, as I understand it, would be to make the County Park (Burdette Park, in particular) eligible for Federal and State funding, which it is not now eligible for. The reason it is not is that the Federal and State grants require the establishment of a Board separate from the

County Executive, require the implementation of a 5-year plan for development and improvement of the park facility, and require citizen input into the development of that facility. It is my understanding that the funds that would be made available would greatly enhance the development and operation of Burdette Park. It would not create any new taxes; it would simply, for example, consider it this way -- money which is now appropriated by the County Council to the County Commissioners for Burdette Park would instead be appropriated to the Parks & Recreation Board if it were created for that operation. So it is simply a transfer of the funding from one body to another with the other body having the specific purpose of operating that Park, making it their sole business, and doing so with perhaps broader citizen input than is available through the County Executive."

Ms. McClintock asked if anyone wishes to speak to the proposed Ordinance?

Commissioner Borries said, "Counselor, again, you did a very good job. But I have some grave concerns about the strict duplication here that my reading says that it can issue bonds. In effect, that increases the taxes. We're talking about saving the taxpayers money and on the other hand we set up a potential non-elected Board being able to issue bonds here. Also, in the interest of good government, we may want to look at a combined Parks Board. Maybe it's time to do that. I mean, why are we -- we get a lot of citizen input (Don Henry and Shirley James are right here). And I know a couple of years ago when the Commissioners discussed changing fees, etc., Shirley was very quick to get her Board and group together and review that. So there has always been citizen input. I would say that the amount of monies from DNR in these budgetary times (and I understand it has gone from \$12 million available in 1980 to \$4 million today. We will be competing with the City of Evansville for that same diminishing pie of \$4 million. I would have a lot of concerns about creating a duplicate board with taxing power that, frankly, could blow the lid off the tax rate and a non-elected body. One of the beauties, I guess, about the way we've operated the park since that time is that if you're going to be elected and have to take the heat to make some proposals to raise taxes, then the voters are going to find that out one way or another and they are either going to like what you did at Burdette Park or they won't like what you did at Burdette Park. But sooner or later it is going to have to come back here and somebody is going to have to answer to that. Sometimes an appointed board like that, that is not always the case and I have some concerns about that."

Attorney Ziemer commented, "Of course, that same thing applies to the City Park Board."

Commissioner Borries said, "Exactly -- that's exactly right."

Ms. McClintock said, "Well, I think -- this is not a duplicate board -- and you keep saying 'duplicate'. The Department of Parks & Recreation Board covers all the land in Vanderburgh County with the exclusion of Burdette Park. This Ordinance covers Burdette Park. I was in the Parks Department when that was extended and I don't think you will find that the City of Evansville would be enthusiastic about taking on Burdette Park as an additional burden. There was no agreement at that point and it was all of the same political persuasion and I doubt seriously whether that has changed. If the Mayor would like to come in, or the Department of Parks & Recreation Board and make that proposal to the County Council, I think they would be more than happy to listen to that."

Commissioner Borries countered, "I have not discussed that. But I am saying if there is a duplication -- and excuse me -- if you are a County resident, you are paying a City tax rate. You are paying a tax rate for Burdette Park. Everybody is paying the same rates -- for Burdette Park and for the City."

Ms. McClintock said, "This Ordinance does not change that."

Commissioner Borries said, "I know it doesn't. What it does is -- it increases the liability and the potential -- this Ordinance -- for more taxes. You could issue bonds."

Ms. McClintock responded, "So can we. We can issue bonds for Burdette Park."

Commissioner Borries said, "We're elected."

Ms. McClintock, "So we wanted citizen input -- you wanted citizen input in the Auditorium, but you don't want citizen input in Burdette Park?"

Mr. Borries replied, "It is not a duplication at that point. It's only a consideration. You don't have two combined tax rates for parks to handle the same function."

Ms. McClintock said, "This is not a duplication. It is not."

Mr. Borries contended, "It is; it's a matter of semantics. You say one thing and I say another."

Councilman Betty Lou Jerrel said, "I would like to comment from the perspective of a Park Board member. I'm speaking first from the perspective of a former Park Board member. I served eight (8) years on the City Park Board and I know it is an appointed board. It is a citizens board; but it really does, Rick, give you more advantages than you have than the way I've watched today. You all really have an amazing diversity of responsibilities and I admire you for your strength -- to have to answer all the things you have to answer and know all the things you have to know. A citizens park board does many more things than that -- and I am a perfect example of it. I've been weaned away from that Park Board since 1980 and I've never thrown away anything, because it was through the efforts of the citizens on that board deciding policy for the people who were hired to carry out. And I had people every day coming to my house saying, 'We need this or we need that' and they don't do that to the Mayor. They don't get through to the Mayor or through all the time to the Commissioners. Or, if they do, I don't see how you all get anything done. But a Park Board has some measure of responsibility that is extremely valuable. It is no different than this law that lets this Auditorium Civic Center thing have the power to bond and tax. And I'm sure that would be an effort that would be a lot easier to get through than it would be some extra money taxed for Burdette Park.

Now, as a Councilman (I'm going to take off that old Park Board hat and put on the Council hat) I also feel the pinch of requests that I don't get to look at each and every little thing that happens. And a good conscientious Park Board member does go to the facilities. I learned more about how you waterproof and build a pool when Lloyd Pool was built than probably many an engineer knows, and I think that is equally true of Burdette Park. That is the role of the kind of people you put on a Park Board. And I can guarantee you they are not going to do any more fund raising or worrying about taxpayer dollars than this piece of paper I have in front of me. Now, this may be the way that you want to go. I don't know. I felt compelled to sit through all this business just to say that to you all. I really believe that a citizen appointed board has a major impact upon a facility -- particularly in the long range planning, which you three absolutely do not have the time to do. And you're elected. But you're only going to be elected by generalized knowledge of that event. The people who go to Burdette Park -- if they have a problem, they want to tell somebody specifically about where that fits into the plan and get something done

about. I'm not here to argue about the issue of establishing an Ordinance. I'm here to stress the importance of a Park Board of citizens."

Mr. Don Henry of 815 Schutte Rd. said, "I was connected with the Park Board for six years and President of the County Park Board. I think you have two schools of thought here. Rick, your thought is well taken. I stand to be corrected, but as of 1981 when you dissolved the Park Board as it was (and it was just about what you have there, Ted) the County Park Board lost its federal through the Bureau of Outdoor Recreation -- and I know monies have been cut back and cut back since then. But I think you need something like this, whether it is a consolidated board or something. Betty Lou was on the Park Board and people take interest in that park. You can go to the National Park District and all the way down to a Township Park District, and they were never put in business to make money. They were put in business to provide recreation for the people of that community, whatever it may be. And I don't think the County Commissioners need to lose sight of that. Burdette Park has really developed into a commercialized place and there are a lot of monies that take place out there and I think you need to seriously look at some type of an administrative/legislative park board, whether it be a consolidated one or an individual one. But because of serving on that, I would also like for you to look at it for the entire county, because when we were on it they recommended that the County Park Board take jurisdiction over all the community areas -- Armstrong, McCutchanville, and places like that. But it's food for thought and I think you really need to put some thought into that. Ted, I do agree with that -- and from what I hear, it's about identical to what the Board used to be, isn't it?"

Attorney Ziemer confirmed that this is correct.

Mrs. Shirley James, President of West Side Improvement Association, introduced herself and said they are, of course, very interested in this discussion. They have done a brief tally to see exactly what some of their Board members thought of this proposal. Most individuals to whom they've talked (including the Commissioners and other County officials) to get an idea of what would be the best course to take, it appears that many are in favor of this Park Advisory Board. However, they have not...."

Mr. Borries interrupted, "This is not an Advisory Board, we have an Advisory Board."

Mrs. James said, "Excuse me, I understand that -- it is a legislative body -- it has legislative powers. I'm sorry. I'm used to serving on Advisory Boards and I guess that is what was on the tip of my tongue. Anyway, there seems to be a great deal of favor for this legislative body because it is broadly based and because we rank No. 49 in getting our Federal monies back into the system. Many people would like to see that improved. However, we haven't totally discussed this with our full Board and we would like to take both issues back to our Board for the May 20th meeting. Could we then submit a letter?"

Ms. McClintock explained that the Ordinance actually goes to County Council. Now that Mr. Hunter is not here, she assumes the Board will not vote today to send it on to County Council?

Mr. Borries said, "Well, I'm not. I'm not in favor of the Ordinance. I'm in favor of citizen participation and certainly commend Betty Lou Jerrell and Don Henry for their years of loyal service and I welcome that. I think it can be an active and pretty ongoing Advisory Board, but I have some concerns that we are duplicating what the City of Evansville has already done in extending the County Park District to the County, with the exception of Burdette Park. I would also say that we are trying to re-write history here in a politically correct way. I think

that the proof is in the pudding; I think there have been some pretty dramatic improvements at Burdette Park -- all locally funded -- in the last ten years and that there has been adequate citizen involvement. Did you speak and have the opportunity to speak, Shirley, when there was a change in the price structure in terms of the swimming pool?"

Mrs. James replied, "Yes, we had the opportunity to speak."

Commissioner Borries asked, "And did we honor your request?"

Mrs. James responded, "Not that I remember."

Mr. Borries asked, "We did not? Did you talk in favor of a one price structure at Burdette Park?"

Mrs. James responded, "I have to confess to you that we were not too very much in favor of the one price structure."

Mr. Borries commented, "Right -- and, in fact, you spoke against it. And, in fact, this Board did not adopt it partly because of your recommendation."

Ms. McClintock said, "Since Commissioner Hunter had to leave this evening we will have to put this back on the agenda when we are both here. When does your group meet?"

Mrs. James responded, "We meet at noon on May 15th."

President McClintock requested that Mrs. Meeks place this item on the Commission agenda at 4:30 p.m. on May 27th, since May 20th is an evening meeting.

Mr. Borries commented, "They're all getting to be evening meetings, so it doesn't make any difference."

Ms. McClintock commented, "That is the intention -- so citizens can come to the meeting."

Attorney Ziemer interjected, "Let me suggest that in the interest of whatever we decide, in moving this forward if this is what is decided, that you give some consideration to the language of the Ordinance in terms of appointments. I do want to point out two matters. It is mandatory that two members be appointed by the Judge of the Circuit Court; one appointed by the County Executive; two appointed by the County Council; and one appointed by the Mayor. It is optional as to whether you have any appointments by either the County Extension Agent and the Soil & Water Conservation District. So you will want to think about how you will approach that in terms of the Ordinance you'd like to send forward to the County Council. I think those are the only optional features you'll have. The other language is pretty much governed by statute."

RE: DISCUSSION RE PURCHASING DEPARTMENT

President McClintock noted this item is back on the agenda from a previous meeting. She sees no real reason to go into any major discussion on that this evening. The Commission will have the report (which she was going to announce later) on May 13th and that is going to be a part of their recommendation as something they are looking at.

RE: PIGEON CREEK GREENBELT COMMITTEE

Ms. McClintock asked Commissioner Borries if he has any preference as to individuals he would like to see serve on the Pigeon Creek Greenbelt Committee.

Mr. Borries said he knows nothing about it other than, he guesses, Ms. McClintock is going to form one or wants to discuss the committee. Does the Commission have any kind of Ordinance to review on this?

Ms. McClintock said, "No. We had discussed with the Mayor's office, Surveyor, and Soil Conservation Service about establishing a committee to study what could be done with the Pigeon Creek Greenbelt. I indicated to the Mayor that we would consider some recommendations to that committee and make those appointments in a Commission Meeting and then ask the Mayor or Parks Board (whoever is going to do it) to come up with their recommendations so that we could gather the committee from joint City-County officials to talk about the project and the scope of the study. This is a study at this point as to what can be done and what the various problems are along Pigeon Creek. This was the result of the trip we made up Pigeon Creek and many years of out-of-town expensive studies. The people who were suggested (and we certainly don't need to make appointments today, but can look at that next week) were Dave Ellison (the Commission appointee to the City Parks Board); John Koch; Dr. Kixmiller; Darrell Rice (Soil Conservation Service); Shirley James (West Side Improvement Association); Mike Biggerstaff; Dr. Charles Price (West Side Improvement Association); Bob Rothchild; and the County Surveyor. Ms. McClintock said she spoke with Bob Brenner (County Surveyor) and he said he would be happy to serve on the Committee.

RE: AGREEMENT RE LEASE OF FACILITIES AT BURDETTE PARK

Ms. McClintock said this is the same agreement Mr. Tuley has been using and he just wanted it checked to be sure it is okay to continue too use same. Attorney Wilhite indicated someone from his office has reviewed the lease and it is okay.

RE: LETTER FROM WILLIAM JEFFERS RE CARANZA-KEMBEL DRIVE
SEWER PROJECT

It was noted by President McClintock that also included in the Commissioners' packets today is a 5-page letter from Mr. William Jeffers with regard to the Caranza-Kembell Drive Sewer Project, which Mr. Jeffers requested be made a part of the official minutes of the Commission Meeting of April 29, 1991. This was not done because she did not see the letter until after the meeting. Mr. Jeffers has requested that the letter be made a part of the official minutes of today's meeting. (Copy attached hereto.)

It was also requested that a copy of the report from Attorney Jeff Harlan concerning the Caranza-Kembell Drive Sewer Project be made a part of the official minutes. (Copy attached hereto.)

RE: LEGAL AID SOCIETY/REAPPOINTMENT OF AL FOLDEN

Ms. McClintock said the Board has a letter from the Legal Aid Society requesting the reappointment of Al Folden. His term ends June 1991. They say he has been a good Board member, attends meetings on a regular basis, etc.

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, Mr. Folden was reappointed. So ordered.

RE: COUNTY ENGINEER - GREG CURTIS

Bridge #76/Heckel Rd.: Mr. Curtis reported that at approximately 3:05 p.m. this past Friday, Bernardin-Lochmueller & Associates contacted his office. They had just completed an inspection of the bridge and found three of the members to be in a dangerous state and in need of repair. Until that repair was made, it was their feeling that the public safety was at risk. After looking at the bridge, he and the County Highway Department closed same

until repairs could be made. They contacted four (4) contractors (Arc Construction, Deig Bros., Key Construction and Southwest Engineering). All but Arc were the same three contractors they contacted when they repaired the bridge three years ago (so they would be familiar with the repair we wished to make.) They had appointments at 10:00 a.m. today and asked them to have their quotes at today's meeting and he believes they have. It is his understanding that if the Board approves one of the quotes for the work to be done that possibly we can have the bridge open this Friday. It should take no more than for (4) working days to get the bridge back open.

Attorney Wilhite read the following quotes:

- | | |
|--------------------------|-------------|
| 1) Deig Bros. | \$3,695.00 |
| 2) Key Construction Co. | \$17,890.00 |
| 3) Southwest Engineering | \$ 6,800.00 |
| 4) Arc Construction Co. | \$14,235.00 |

Mr. Curtis said all four firms were present, all heard the same instructions, and basically all four quotes addressed the same items. He does not know why there is such a discrepancy.

Mr. Borries urged Mr. Curtis to review the quotes carefully. Somebody is reading something into that that others aren't.

Mr. Curtis said he knows that in speaking with Deig and Southwest Engineering, both firms already had people on staff who were going to do the work. Two years ago Key Construction was significantly lower than both Southwest and Deig Bros., because they were the only one of three firms who had presently had someone on staff qualified to do the work. He doesn't understand it making that much difference, but he is sure that is partly responsible for the difference. He did review the quotes and they are exactly what we asked to be included. Both Southwest & Deig Bros. -- Deig Bros. stated that with one day's notice they will start the work and it will take them four (4) working days and Southwest basically was the same. They said they would fabricate for one day and then begin the work and it would take four days. He has carefully reviewed the bids and recommends awarding the contract to Deig Bros. in the amount of \$3,695.00.

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

Mr. Raymond Elliott came forward and said, "As I mentioned earlier, I don't see how the Board could approve a temporary patching of the bridge with all the other work that needs to be done as well, insofar as the floor, the shape it is in, the rusting. Two years ago there was about \$22,000 spent on that bridge and it was temporarily patched. Regardless of whether this temporary work is done -- whether \$3,000 or \$15,000 -- the bridge only has a load limit of 4 tons (the sign is posted on it). The bridge did have in the very top corner two years ago a maximum capacity of 8 tons when it was built. With the size of the vehicles (school busses, etc.) when this bridge is opened they are going to use it. With the amount of weight, what is going to happen when one of the school busses plunge into this bridge? The bridge was used this weekend -- the barricades were moved off to the sides. That was my only point. Even with the temporary work that is going to be done, I don't know who can even say this is approved for a 4 ton limit.

Ms. McClintock said that not this evening, but at a future meeting, the Commissioners are going to have to determine what they are going to do with that bridge.

Commissioner Borries said, "I share your concern. I think you have a valid point about these school busses. I would move at this point -- we have a problem with the load limit."

Mr. Curtis said we have an Ordinance that says that bridge will not carry more than 4 tons. We have notified the School Corporation of that ordinance and of all those weight restrictions on each and every bridge in the County that has a weight restriction.

Mr. Borries asked if the busses use this bridge that Mr. Curtis is aware of?

Mr. Curtis said he was informed by Bernardin-Lochmueller & Associates that while they were inspecting the bridge a school bus went across it.

Mr. Borries said we need to contact the School Corporation immediately and he will talk to them.

Mr. Curtis said that with regard to the barricades being moved, he spoke with the County Highway Department this morning. Last time we ended up having to place guard rails across the road. If for some reason we get into enough rainy weather that it is going to be some time before the bridge is repaired, he will suggest that they do the same again.

With regard to the weight limit and the certification of it carrying 4 tons, Bernardin-Lochmueller & Associates will certify that it will carry 4 tons whenever these repairs are made. They might possibly raise that limit, he doesn't know. That is their decision, based upon their analysis of this structure.

With regard to the long term consideration of repair of the bridge, he has been looking into that and we've contacted the State about funds for possible rehabilitation or restoration of an historic bridge. We have yet to receive a definite answer. We've also started working on obtaining the DNR permit to see what sort of length of bridge would be required for replacement, as well as looking into the cost of rehabilitating the bridge with our own funds and seeing what that cost is. He thinks not to do these repairs would basically leave the road closed for three months minimum. If we have to wait on a DNR permit it would probably be 6-8 months.

Ms. McClintock said she doesn't think we want to keep the bridge closed three to six months.

Mr. Elliott suggested closing the bridge until the Commissioners make a decision as to whether to completely redo the bridge or close it permanently.

Ms. McClintock asked, "Your problem, Mr. Elliott, is that you don't want school busses to go over the bridge? What about the other people who live in the neighborhood? I hate to take your word that it's no big deal that we don't have the bridge open."

Mr. Elliott said he is certain the people at the end of the street will complain that they have to travel approximately a mile to come around. But there is also a construction company on a lane that turns south off Heckel (Heerdink Construction, he thinks) that hauls dirt out at all times. They have bulldozers, backhoe -- you can see clearly in the morning that these trucks are running across the road. The farmers with their tractors are using that. He thinks if there were just access for vehicles, then yes, he looked at the bridge real close. It's not just the areas we're talking about welding and fixing. The entire bottom pan of this bridge that holds the blacktop or concrete has rusted holes all the way through where you can see the floor. He doesn't think it is just the eight or so iron structures we're talking about welding.

Ms. McClintock asked, "Our bridge expert says that once these repairs are made that they would certify it for 4 tons?"

Mr. Curtis responded, "They did not say what tonnage they would certify it for, but they did say that these repairs would allow it to remain open to at least automobile and pick-up truck traffic."

Ms. McClintock then said, "We've already made a motion to approve the expenditure of \$3,695.00."

Commissioner said he does share Mr. Elliott's concerns and thinks the Board is going to quickly have to come to a determination with regard to this bridge. He will contact the School Corporation authorities tomorrow morning and he advised Mr. Curtis that he thinks we need to again send a letter to the School Corporation reminding them that bus traffic should not be on that bridge. We also need the same letter to be sent to Heerdink Construction.

Mr. Curtis said that more than once since he's been working for the County we've asked the Sheriff to go out and ticket this particular company for driving across the bridge.

Mr. Borries said there is a new bridge on Millersburg Rd., plus Heerdink is a new road. It would be out of the way -- but that's a heck of a lot better than having the Heckel Rd. bridge go down on him.

Attorney Wilhite requested that Mr. Curtis draft both letters for his signature.

RE: TRAVEL REQUEST - COUNTY ENGINEER

Mr. Curtis said he would like to leave as soon as he is finished, and asked if the Commission has any questions regarding the travel request for both himself and Valerie Harry (design engineer) to attend the seminar, as well as Commissioner Hunter, with regard to the Federal Aid, etc. Both Commissioner Borries and Commissioner McClintock had indicated they could not attend.

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

RE: COUNTY ENGINEER - EMPLOYMENT CHANGES

Mr. Curtis said that on the original FINAL agenda for the Commission Meeting the employment changes for Scott Davis and Frank Hassel were not included.

Mrs. Meeks said a copy was given to Karen and the changes will go through next week.

RE: QUOTES FOR REPAIRS ON ELNA KAY DRIVE

Mr. Curtis noted he has quotes for repairs on Elna Kay Drive. We're ponding about 3 inches of water in the streets. Quotes are as follows:

- | | |
|--------------------------------|----------|
| 1) Law Construction | \$ 3,999 |
| 2) McCullough Wire Excavating | \$ 4,430 |
| 3) Harvey Klenck Masonry, Inc. | \$ 4,189 |

It was the recommendation of Mr. Curtis that the Commissioners have Law Construction perform the repairs in the amount of \$3,999.

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

Mr. Borries said at one point he was was contacted by residents on Peach Blossom Lane (immediately behind Elna Kay Drive). They have complained continuously of drainage problems. Of course,

that is nothing new for the whole county. However, his concern is that by approving these particular repairs on Elna Kay Drive, what is going to happen to these people on Peach Blossom Lane? Is this going to affect the drainage in any way?

Mr. Curtis said it is going to place it back into the condition it was in 1988. When Elna Kay was modified there was a dip in the road and it was mistakenly repaired because they thought it was settling -- and the dip was in the road to allow the water to drain off.

Mr. Borries asked where the water is going to drain?

Mr. Curtis said it is going to drain down the ditch back into the Peach Blossom area, where there is an area drain to catch this water that was designed as a retention basin evidently. There is no filed drainage plan that his office has been able to find and Mr. Borries is correct, the structure going basically from that area drain in the gentleman's back yard (Mr. Borries said he believes this is a Mr. Turpin). From the area drain in his back yard, it eventually goes out to Covert Avenue and ties into the storm sewer under Covert Avenue. This was approved prior to construction and the wrong size pipe was installed. He believes the developer has subsequently gotten out of the developing business. In any event, at this point in time we are ponding at least 5 inches and sometimes as much as 8 inches of water in Elna Kay Drive.

Ms. McClintock asked if Mr. Curtis thinks this is going to create a problem down on Peach Blossom Lane?

Mr. Curtis said this is going to put more water back into the area, but he is looking into replacing the storm sewers and getting the easements to do so.

Mr. Borries said he needs to take this under advisement for a week and think through this. He wants Mr. Curtis to help work on a plan for that. He understands what Mr. Curtis is trying to do, but he doesn't know whether he wants to be a part of creating another problem if it is going to make it worse for the people behind them than we already have.

Ms. McClintock said she will withdraw her second if Mr. Borries wants to withdraw his motion.

Mr. Borries withdrew his motion.

Mr. Curtis said he will bring this item up again next week or the following week.

Mr. Borries again enlisted Mr. Curtis' help, saying we may never have a problem before January -- but as soon as the heavy rains hit we will have problems out there.

RE: AGREEMENT BETWEEN CSX TRANSPORTATION & COMMISSIONERS

County Engineer Curtis then submitted an agreement between CSX Transportation and the Board of Commissioners. He believes both Mr. Wilhite's office and Mr. Ziemer's office have reviewed the agreement. He is seeking Commission verbal approval, so the agreement can be forwarded to CSX for their approval and signatures and then back to the Commission for final signatures.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries the verbal approval was given. So ordered.

RE: COST ESTIMATE/FLASHING SIGNAL AT GREEN RIVER RD. &
BOONVILLE-NEW HARMONY RD.

Mr. Curtis said he has a cost estimate for placing a flashing signal at Green River Rd. & Boonville-New Harmony Rd., which will stop the traffic (it will be flashing "red" for Boonville-New Harmony and flashing "yellow" for Green River Rd) as well as a flashing "red" at Covert Avenue and Fuquay Rd. He will let Gary Kercher take care of that, as he has worked up those cost estimates.

Mr. Kercher said the range we have for each intersection depends a bit on what we want to do. If we do the work ourselves, we're talking between \$25,000 and \$30,000 per intersection. We're going to try to get the Traffic Department to use some of their surplus material. He's talked to Dave Savage and thinks we can get it down to around \$10,000 per intersection.

Ms. McClintock asked where the \$10,000 per intersection will come from?

Mr. Kercher said it will come from the Local Roads & Streets contractual services account.

Ms. McClintock noted the installation of this signalization is at the request of residents in the pertinent areas, and Mr. Kercher echoed this, saying that the requests have been heavier since around February.

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, the installation of the signalization at the above-mentioned intersections was approved. So ordered.

RE: COUNTY ATTORNEY - JEFF WILHITE

Resolution re Parking Lot Agreement: Attorney Wilhite noted he has handed the Commissioners a Resolution re the Parking Lot Agreement, which was negotiated by Jack Kirwer and Betty Lou Jarboe. The concept was discussed at a meeting and this simply formalizes the concept. There is nothing to sign tonight -- this is simply a Resolution saying the agreement looks like what we want to do. This can be included on next week's agenda.

Mr. Wilhite said this is all he has to report.

RE: READING OF BIDS/G.I.S. SERVICES

Attorney Wilhite noted six (6) bids were received. Since these are basically in the nature of Consulting Services, there was no fee requested. It is his understanding from talking with the County Engineer that he will subsequently recommend three or four of these people to interview. Bids were received from the following:

- | | |
|-------------------------------|--|
| 1) Boettcher | \$28,500 |
| 2) Beam, Longest & Neff, Inc. | |
| 3) Three-I Engineering | |
| 4) McCarter & Associates | \$27,225 |
| 5) Plan Graphics | \$54,650 |
| 6) Digitech Systems | \$45,000 + \$5,000 for
additional offices not bid |

Attorney Wilhite said it is his understanding the County Engineer will talk in much more detail with three or four of these and the prices will become more firm at that point.

Upon motion made by Commissioner Borries and seconded by Commissioner McClintock, the bids were referred to County Engineer Curtis for his review and a recommendation. So ordered.

RE: CONSENT AGENDA

President McClintock requested that the Letter from Carl Wallace be removed from the Consent Agenda, as it is not a consent item.

There is a claim from Key Construction in the amount of \$173,882.09, and everything else on the Consent Agenda looks fine. Are there any questions?

Mr. Borries asked what Ms. McClintock is going to do about the letter from Carl Wallace?

Ms. McClintock said it will be considered after the Consent Agenda is approved.

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

RE: RESIGNATION OF CARL WALLACE

President McClintock said that Carl Wallace, Veterans Service Officer, had sent a letter of resignation. That letter was read into the record and accepted at our last meeting. Since then, he has sent a letter asking the Board to consider his remaining on the job until November 1, 1991. He has indicated in his letter that Social Security informed him he would be assessed a penalty to retire in June. She has information from the Social Security Administration that indicates a special rule allows people who retire during the year to receive benefits for the rest of the year no matter what they earn before retiring. You can be paid for any month your wages do not exceed the monthly exempt amount and you do not perform substantial services in self-employment. She talked to the S.S. Administration last week and they said that there was no reason that Mr. Wallace should be penalized for retiring on June 21st now, because he has asked that his vacation be extended into what his original retirement was. So that is the status on that.

Commissioner Borries said, "I don't know. Carl, do you want to say anything?"

Mr. Wallace said, "Yes, I didn't understand what you said back there. Originally, what happened -- in November, 1990 I made a request that I remain on the job until June of this year."

Ms. McClintock interrupted, "You sent a letter of resignation, Carl, yes -- thank you."

Mr. Wallace said, "That's right. And it said -- and in January I talked to Ms. McClintock and asked her to extend it to November and she said she would consider it and let me know. Then week before last I found out they had read the letter I sent in in November -- that is what I heard -- I didn't see the minutes or anything like that. But in the meantime I talked to her on the phone and explained the situation and said that I would like to stay until the 1st of November, sell my house, and be able to get out of Evansville with everything -- and I feel staying on another four months would more or less give the new man the opportunity to learn what it takes to be a County Service Officer and gain knowledge as to what to do, where to go, and how to do it. And I feel it would be better for the veterans of Vanderburgh County to have this opportunity to have somebody here to train this fellow. He's a very nice guy and is trying hard. I told her today -- this morning -- when I talked to her on the phone that I asked to be considered for this request. I've tried my best as a County Service Officer. I don't think I've done anything wrong. I've done everything I possibly can to help every veteran and everybody in the community. And this is my request."

Ms. McClintock said, "Thank you, Carl."

Mr. Borries asked, "Are you going to vote on this?: I move the request be granted."

President McClintock said, "I'm not going to second."

RE: OLD BUSINESS

The meeting continued with President McClintock entertaining matters of Old Business to come before the Board. There were none.

RE: NEW BUSINESS

Ms. McClintock then entertained matters of New Business to come before the Board. There were none.

RE: TRANSITION TEAM - REPORT

Commissioner McClintock said that, as indicated, next week we will have a report from the Task Force Study Committee for the County.

RE: INTERVIEWS FOR REPLACEMENT FOR JERRY RINEY

The Board will be interviewing job applicants on Friday afternoon at 3:00 p.m for Jerry Riney's replacement. Two interviews are already set up and Sandy Deig should be getting copies of their resumes to Commissioner Borries in advance for his review. We hope to have three interviews scheduled.

Commissioner McClintock entertained further matters of business to be brought before the Board today. There being none, she declared the meeting recessed at 8:15 p.m.

PRESENT:

Carolyn McClintock, President
Don Hunter, Vice President
Richard J. Borries, Member
Sam Humphrey, County Auditor
Jeff Wilhite, County Attorney
Cletus Muensterman, County Highway Supt.
Greg Curtis, County Engineer
Gary Kercher, County Engineer's Office
Raymond M. Elliott
Lee Hensley, Evlle. Day School
Marvaline Price, Legal Services
Hattie Offutt, Poor Relief Applicant (Knight Twp.)
Emarie West, Chief Deputy Knight Trustee
Jerry Evans, Attorney
Don Henry
Nancy Guest
Charlie Anslinger
Jim Guest
Vickie McBride
Rose Parks
Mark Barron
Dan Lasher
Roger Klassy
Thomas Euler
Viola Dewig
Richard Lythgoe
Charlotte Skaggs
Sharon Mosby
Susan Sauls
Dixie Wagner
Bernie Kahre

Scott Shrode
James Gist, Jr.
Portia Bee
Richard E. Bee
Deanna Taylor
Shirley James
Greg Hofmann
Ronald McBride
Susan Sauls, Chamber of Commerce
Sam Elder
Betty Lou Jerrel
Robert Bohrer
Norman Ray
Carolyn Ray
Barbra Cunningham, APC
Dana Easley, APC
Joe Ballard, APC
Carole Davis
Ella Johnson, Evlle. Courier
Dana Albrecht, Evlle. Press
Mark Mayhew, WIKY
Others (Unidentified)

SECRETARY: Joanne A. Matthews


Carolyn McClintock, President


Don Hunter, Vice President


Richard J. Borries, Member

MINUTES
COUNTY COMMISSIONERS MEETING
MAY 13, 1991

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Sale of County-Owned Surplus Real Estate	1
Transition Team Report (Deferred to June 3, 1991)	1
Opening of Proposals for Removal of Houses & Buildings from 4701 Green River Court (No proposals received)	1
Opening of Bids for Equipment for the County Morgue	1
Telephone System - John Johnson	1
(Vote deferred until J. Riney can have another meeting with the Telephone Committee)	
Request for Quitclaim Deed/Paul McDaniels	2
Vanderburgh Auditorium/Discussion re Private Management, etc.	3
(Attorney Ziemer's Office to draft Ordinance for Board's consideration; C. McClintock to draft Request for Proposals for Board's approval on 5/20/91)	
Appointments to Solid Waste Committee	6
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Resolution Authorizing Burdette Park Manager to Negotiate & Execute Facility Leases at Burdette Park	7
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John Koch	
Dave Ellison	
Darrell Rice	
Shirley James	
Mike Biggerstaff	
Dr. Charles Price	
Bob Rothchild	
Becky Embrey	
Jim Morley	
County Surveyor	
(Commissioners to send letter to the Mayor with list of their appointees to work with the appointees of the Mayor and the Parks Board to begin work on Pigeon Creek.)	
County Highway - Cletus Muensterman	9
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MINUTES
COUNTY COMMISSIONERS MEETING
MAY 13, 1991

The Vanderburgh County Board of Commissioners met in session at 4:30 p.m. on Monday, May 13, 1991 in the Commissioners Hearing Room, with President Carolyn McClintock presiding.

RE: INTRODUCTION OF STAFF & PLEDGE OF ALLEGIANCE

President McClintock called the meeting to order, welcomed the meeting participants, introduced members of the County Staff (including Attorney Gary Price, who was sitting in for Ted Ziemer. The latter had hernia surgery on Friday afternoon), and asked the attendees to stand for the Pledge of Allegiance.

She then asked if there are any individuals or groups wishing to address the Commission who do not find themselves on today's agenda. There was no response.

RE: SALE OF COUNTY-OWNED SURPLUS REAL ESTATE

Commissioner McClintock entertained bids on the County-owned surplus real estate that was previously advertised. There were no bids and the sale will continue.

RE: TRANSITION TEAM REPORTS

It was noted that a portion of the Transition Team met this morning. Unfortunately, several members of the committee were called out of the City because of the Legislative Session this afternoon. Two very key Committee Reports were unable to be given -- the Property Management Report and also the report on the County Property & Liability Insurance. They have set a hopefully final meeting for May 28, 1991 and have requested to be on the agenda to make their full report on June 3, 1991. We did receive Preliminary Reports from three different areas today, but the committee felt very strongly that they wanted an opportunity to mull over what they heard today and also to look at the rest of the reports so they could present it in a group fashion. Hopefully, we can look forward to getting that report on June 3, 1991.

RE: OPENING OF PROPOSALS FOR REMOVAL OF HOUSES AND BUILDINGS FROM 4701 GREEN RIVER COURT

Ms. McClintock asked if we have any proposals to open at this time. No proposals were received.

RE: OPENING OF BIDS FOR EQUIPMENT FOR THE COUNTY MORGUE

Upon motion made by Commissioner Hunter and seconded by Commissioner Borries, Attorney Gary Price was authorized to open the bids, to be read into the minutes later in the meeting.

RE: TELEPHONE SYSTEM - JOHN JOHNSON

Mr. Johnson asked if the Commissioners have had an opportunity to review the packet he had submitted, and the Commissioners acknowledged they have not. He continued by saying his company represents Indiana Bell Centrex product and via this product they are able to take the outlying lines the County has and pool these and come to a considerable cost savings for the County. There were some not included and he worked very closely with Jerry Riney. It is also a distance-sensitive product. There are some

listed on the first page not included, as well as reasons why given.

The next page contains a breakdown of all the flat business lines we have outlying in the area, the monthly cost for each location, and what the proposed cost under a Centrex program will be. There are 32 lines outlying in the area. Right now the County is paying \$1,697.898 and under a Centrex program the monthly cost would be \$915.34. This program is going to save the County \$782.54 per month and in excess of \$9,000 per year.

Mr. Riney said these lines are all in buildings outside this immediate building. He has gone over the cost and discussed same with Commissioners Hunter and McClintock. He never did get to talk with Commissioner Borries. He has asked the Commissioners to delay any vote on this until the next meeting, until he has had an opportunity to again meet with the Telephone Committee.

Ms. McClintock said the Board will vote on this at the May 20th meeting.

Commissioner Borries said there were some Indiana Bell persons who talked with him. What he essentially told them was to get their stuff together and submit their proposal for the Board to review. Is this a different group?

Mr. Johnson said the product they are selling is a tariff product of the Public Service Commission. If Mike Rau came in here and showed the Commission the same thing, it would be the same price -- not a penny more and not a penny less.

Mr. Borries said he does not understand. Is Mr. Johnson an agent for Indiana Bell, or how does this work?

Mr. Johnson responded, "Just as Mike Rau is -- we're just different agents."

Mr. Borries asked, "Who is he for?"

Mr. Johnson replied, "Mike is with Indiana Bell Communications."

Mr. Borries said he appreciates knowing this; he knows Mike had talked with him.

Mr. Riney said, "Mike talked with me and he should have talked to David Conrad and Steve Utley by now. This is another reason why I wanted to have another meeting with the Telephone Committee prior to the Commission voting on the matter."

RE: REQUEST FOR QUITCLAIM DEED ON PROPERTY

Mr. Paul McDaniels said he has a simple request. Right after the Korean War he purchased a 100 ft. x 265 ft. deep lot in McCutchanville, not realizing there was a 60 ft. lot next to him that had no ownership. "I asked the man (Mr. Albert George) who made up the plat and who owned all the land 'What about this 60 ft.?' after he began selling the rest of the lots. He told me, 'You can use that 60 ft. in any manner that you want to' -- which I have done. Now that I'm getting into kind of the condition that I might have to hire that work done, I think that property should be mine after maintaining it for 40 years. I have a plan that shows that lot and Mr. Riney and I went to the Center Township Assessor and there was no ownership of that land shown there or in the Recorder's Office. I would like for the County Commissioners to have their attorney make me out a Quitclaim Deed whereby I can report that and tax money can be paid in on it."

Mr. Riney said this was originally going to be a street in that project -- but they never opened it and they won't.

Mr. McDaniels said there is a giant spillway that runs down to Highway 57 from the lake -- the area is damp and wet and not the best place to build anything. He has maintained this as part of his yard.

Auditor Humphrey asked, "How did the County get title to that?"

Mr. Riney said, "We don't have title to it."

Mr. Humphrey asked, "Who has title to it?"

Mr. Riney said that nobody does.

Mr. Humphrey asked, "Why don't you just homestead it and forget it? Somebody had to have title to sub-divide it."

Mr. Riney said Mr. McDaniels consulted an Attorney to find out what he should, could, or couldn't do. They advised him to ask the Commissioners for a Quitclaim Deed. The Attorney is Ben Buente, who is in Florida and couldn't be here today. So Mr. McDaniels is here today to get things started.

Mr. Borries asked, "Is there anything in there that needs to be vacated?"

Mr. Riney said, "Yes, and that is what he is trying to do."

In response to query from Commissioner McClintock as to whom the developer was, Mr. McDaniels responded, "Albert George, the father-in-law of Guthrie May. Guthrie May is gone and his wife is gone."

Ms. McClintock said, "Guthrie May's wife is still living."

Mr. Humphrey said somewhere there is a break in the title.

Ms. McClintock said the County Attorney will talk to Mr. McDaniels' attorney.

RE: VANDEBURGH AUDITORIUM/DISCUSSION RE PRIVATE MANAGEMENT

President McClintock said there was to be discussion on the Ordinance brought to the Board's attention through Commissioner Borries and J. Jeff Jays at the meeting last week. At last week's meeting, the way the item was left was that the Board would think about it and see if it was something we were sincerely interested in pursuing, before we asked our Attorneys to spend their time drafting an Ordinance for the Board's consideration. So that is where we are at this point. She knows Gary Price has looked over that particular legislation and she asked if he has any comments.

Attorney Price, "As I said, from initially looking at it I think it is very similar to other statutes which are used in creating such boards. I just took a brief glance at it -- and didn't see anything to comment on at this point."

Commissioner McClintock entertained comments from the other Commissioners. Commissioner Borries said he had none at this time.

Ms. McClintock asked, "Is this something we are interested enough in to ask the County Attorney to draft an Ordinance setting up that Board for our consideration?"

Commissioner Borries said, "You know, the whole premise here and the reason I brought that to your attention is that it is an option that certainly needed to be considered. It seems to me you have all kinds of committees that are working on the Auditorium. There are people who are noticeably absent from any

kind of ongoing dialogue and discussion; not only major users, but people who have extensive experience in auditorium promotion, at least. I am not saying that someone, for example, like Larry Aiken would be interested in managing the Auditorium -- but certainly his perspective and his ideas, since he promotes on literally a nation-wide basis, is a person who it would be extremely valuable to get his opinion as to what he would envision as a management structure for that. So I am not placing any deadline on it. I did tell you that Representative Hays had this information. It obviously has worked in Indianapolis and other areas -- and I gave it to you as an option at that point for you to study and at no point did I say I was willing to endorse it. But I did do as I said - that I would contact him and bring it up. There are some advantages probably to that type of structure. But it seems to me that we have a lot of ground to cover perhaps before we would be ready to make a decision on whether or not it is private management or whether or not this type of board needs to be enacted. And there are a lot of other things going on in terms of theater committees looking at other areas. So certainly I would not want at this point to say that this has to be on a fast track or has to be done by any specific time.

Commissioner Hunter said he missed that portion of last week's meeting and asked, "Do you think it is worthwhile to have the Attorney go ahead and pursue it? It sounds like a good idea to me."

Commissioner Borries responded, "Well, it is worthwhile if you want to look at a specific area of revenue for the Auditorium because, in my opinion, the Auditorium has consistently had a problem (as have many County facilities) by way of lack of continual funding and a way in which you need revenue for improvements for the facility. If you're asking me that, I would say yes. If you're saying that there are other considerations going on here and things I hear out in the community - that there are other considerations going on -- that the Auditorium at some point in the future may not have the same mission that it has today, then I think perhaps it is better to wait and consider what that future discussion is going to be - because I would not want to set up a structure and then see the Auditorium change its mission. I think they certainly can look at it and perhaps draft a basic Ordinance for us to consider and look at the ramifications on it. But I personally am not ready to adopt that yet -- again, until I get a lot more information as to what is going to happen with the Auditorium. I would suggest that a person like Larry Aiken be contacted, because he has not only opinions, but certainly can speak from a perspective different from ours. We see the Auditorium as a facility we'd like to generate more use of -- and it may need improvements in certain areas. But maybe we are not as bad off as we think we are. Maybe we are suffering from tunnel vision, because a lot of us don't get the aspect of seeing what other communities are doing with their auditoriums. And, as I say, I certainly think his opinion should be considered -- not for an endorsement, but merely for an opinion as a person who certainly has the qualifications to look and see how other arenas and auditoriums are managed."

Commissioner Hunter said, "I agree with you one hundred percent. I agree that Larry Aiken is a natural because of his background. But is there any reason that the creation of this Board -- or looking into this -- I mean, we can have this no matter what direction we go in terms of management. I can't see that the two are incompatible."

Commissioner Borries countered, "I can see some incompatibility if the mission or the direction of the Auditorium is changed in the future. I think, for example, there are some unanswered questions. And obviously there is a move (as you've read and

seen in the media) regarding the Victory. And I think it opens up some questions as to whether or not you can have two halls within two blocks of each other exist in their current state. The Philharmonic and a group are looking at the Auditorium. If we set some structure in place at this point for the Auditorium, and its mission changes, then I am not sure we would have made a wise decision. So that is what I am saying."

Commissioner Hunter said, "From what I have read with regard to the Victory, that is going to cater to a totally different type and size of crowd than the Auditorium, wouldn't it?"

Mr. Borries responded, "Not at all. You have the Philharmonic that is considering -- they would go from 2,000 to 1,600 seats. So they would go down in seats. I've heard that there would be some community groups and high school groups that could use it. If they use it, then they are not going to be using a hall two blocks over -- so we have some major questions to look at there. That's my point."

Commissioner McClintock said, "I would have to agree with Commissioner Hunter. The proposed structure of the Auditorium, whether it remains the way it is under the direct control of the Commissioners, working with the Advisory Committee -- or whether this separate Board that was brought to our attention last week be established -- I don't think it is incompatible or precludes looking at the type of management of the facility, including a discussion of private management of the facility. I believe that is a separate issue. In fact, I have spoken with Mr. Aiken at length and also other users of the Auditorium facility about their feelings about the management and where they think we should go. And I know that Gary Staley's group at the School Corporation has met at length with a number of the users of the Auditorium. The Theater District Committee will meet tomorrow at 3:30 p.m. and where they are is looking at maybe pretty much a final determination as to whether they are going to pursue a fund drive to raise money for the renovation of the Victory Theater. In effect, the Auditorium has been placed in a three phase plan off in the future somewhere, and I wouldn't look to anything happening at the Auditorium or anything significantly different for anywhere from five to ten years. Even if the Theater District Committee were to determine tomorrow that they wanted to go out and raise the \$9 or \$10 million (or whatever the estimated figure is) it is going to take a considerable amount of time to raise those kinds of dollars in this community and then you're looking at construction, etc. I do believe that if that decision is made and it appears that the Philharmonic will use that as their primary house in this community, then the Commission is going to have to really look at the Auditorium and make some decisions regarding the use of that particular facility and how we can beef up the use of that facility. The proposal and the Theater District plan that was contracted by the Mayor's group through the Parks Board really calls for it to be expanded and then for the Auditorium to be a facility to be used for primarily Broadway and other out-of-town shows that would come in -- and that is one of the reasons I wanted to discuss the size, etc., with Mr. Aiken. From where I see it at this point, I don't want to -- I spoke with the City Controller and the City Parks Director last week. They are very interested in whether we are going to want to pursue this private management idea. Those contracts can be done year to year. We're not locking into anything on a long term basis. It is all negotiated. If we feel that the structure is something we want to wait and look at, we could go ahead and write a Request for Proposal to be sent to various private management firms -- not only outside Evansville, but also locally -- and at least look at the cost of operating that Auditorium on a private basis and what kinds of shows and promotions that a private company feels they might be able to bring to the Auditorium with their experience. Again, that would not -- and I have spoken with local promoters -- those promoters

of being some kind of either national or local package. And I do not believe we would want to exclude anyone that has used the facility on a long term basis. That is sort of where I see we are now. If we aren't going to pursue the Ordinance, I think we still need to make some kind of decision -- whether it's yes we want to pursue it and go ahead and prepare the Ordinance. Or, no, we're not interested at all -- so that we can let the City of Evansville know where we might be planning on going with regard to this issue."

Mr. Borries said, "They must have downgraded the Auditorium, because I heard Tom Tuley speak last week and the Auditorium was a Phase II. So something must have phased out here. Anyway, I have some other ideas that I am going to put together about the Auditorium and particularly the structure of it. But I have no objections to looking over the privatization proposals."

Commissioner McClintock said, "So, would you like to see a proposed Request for Proposal at next week's meeting? And we can consider whether or not, in fact, we want to adopt that and mail that out to private management firms to get some proposals back?"

Commissioner Borries made a motion to this effect, with a second from Commissioner Hunter. So ordered.

RE: APPOINTMENTS TO SOLID WASTE COMMITTEES

President McClintock said there were four (4) Sub-Committees that were outlined at the meeting back in March or early April -- and those Committees were:

- 1) Study of the Waste & Waste Stream
- 2) A Committee studying demographics
- 3) A Committee to study current and potential facilities for Waste Management
- 4) A Problems Committee -- a committee that would identify potential problems and, hopefully, a solution to those problems.

As outlined, by Ordinance, last week, we also have some appointments as do others. We didn't outline those specific groups at last week's meeting. She doesn't know if the other Commissioners have individuals they want placed on those committees at this point. There is a whole list of individuals who are interested in solid waste management and who signed up at the meeting. She thought the thing to do would be to identify what those separate committees would be and ask that we bring appointments to next week's meeting, based upon the specific committees, and get the sub-committees appointed first -- and then look at the composition of the overall Solid Waste Management Committee -- if that makes sense.

Commissioner Hunter said, "One other thing is that Wellman, Inc. is still very interested in coming in here on the recycling and, if they do, which I imagine would hopefully be within the next two weeks or so -- some of these concerns we have put together here may be addressed. So why don't we go ahead and begin to put together our committee for next week."

Commissioner Borries noted, "And those who signed up who attended the last meeting may not have been, for example, from my district where people clearly see a need at this point for some kind of solid waste facilities -- but perhaps are not as close to the mission as some of the people who attended the last meeting. There are many of us who envision that this has to be a community-wide effort and I think there have been wide media reports concerning the rights and concerns of those residents who live near it. There are going to be others who are going to have much concern if the tax rate lid gets blown away here by some kind of ill-thought out plans. So we need to be very careful

here to make sure that all people from all parts of this community and all parts of this County if it is, in fact, a single county district, are represented. So I will certainly try to contact some people who will look at it from an impartial background."

Commissioner Hunter said, "I agree with you -- because most of the people who attended that other meeting were really business people who had some type of vested interest in it. There were very few people from the community. I agree with you one hundred percent - I think we need some play of representation from all corners of the community."

Mr. Borries said, "It is a lot like rezoning. You will see the folks who live right next to it turn out. But you don't see all the folks turn out who are actually going to be affected by it and we all see that we have needs for solid waste here at this point -- so it behooves all of to be as objective as we possibly can in regards to that committee."

Auditor Humphrey queried the Commissioners concerning estimated cost and Ms. McClintock said there are no estimates at this point.

Mr. Borries asked if we've filled in all those persons who will serve mentioned in the Ordinance? That seems to be a rather simple way of looking at that. The Ordinance is real specific there. The Sub-Committees are going to take some time.

Commissioner Hunter said, "That is a matter of the Mayor getting his folks and the County Council, the City Council, and the Town of Darmstadt. That is pretty well done. We do have to come up with the Citizens Advisory Board. But that is not critical. The thing critical now is to get this in place by July 1.

Ms. McClintock asked why don't we bring that list to next week's meeting. It is very clearly defined in the Ordinance. And also bring suggested list of appointees to the various sub-committees, as outlined previously. There may be people who want to serve on a specific committee but who also want to be included on that Citizens Advisory Board. We can have all of that for next week. No one was promised at the meeting when a sign-up sheet was circulated that they would be appointed to any committee. They were invited to give their name and address and indicate if they had a preference.

RE: RESOLUTION AUTHORIZING BURDETTE PARK MANAGER TO NEGOTIATE & EXECUTE FACILITY LEASES AT BURDETTE PARK

Upon motion made by Commissioner Borries and seconded by Commissioner Hunter, the subject Resolution was approved and signed. So ordered.

RE: RESOLUTION AUTHORIZING VANDERBURGH AUDITORIUM MANAGER TO NEGOTIATE & EXECUTE FACILITY LEASES AT THE AUDITORIUM

Ms. McClintock said this Resolution is exactly the same idea -- it gives the Auditorium Manager the authority to negotiate and execute on behalf of the Board of Commissioners for use of the Auditorium facility. It has to be done at rates previously fixed by the Board of Commissioners, unless the Board approves a greater or lesser rate.

Upon motion made by Commissioner Borries and seconded by Commissioner Hunter the Resolution was approved and signed. So ordered.

RE: APPOINTMENTS TO PIGEON GREENBELT COMMITTEE

At last week's meeting the Board talked about naming a Pigeon Greenbelt Committee or individuals to represent the County and then we would forward our names to the Mayor and the City of Evansville Parks Board and see if they had other individuals they wanted to add to this committee, so we could get it moving along and get the study started. It is a good time to do it because people can get out and get this moving. Last week she suggested the following: Dr. Kixmiller, John Koch, Dave Ellison (who is on the City Parks Board), Darrell Rice (Soil Conservation Service), Shirley James, Mike Biggerstaff, Dr. Charles Price (USI), Bob Rothchild, Becky Embrey, and the County Surveyor. Are there any problems with those individuals -- and are there any other suggested appointments to be made to that committee?

Commissioner Borries said he talked with Jim Hadden today and he had not talked with Commissioner McClintock about this and was a little surprised to hear that we were doing this. But, certainly, from the standpoint of a master plan that has been around for several years that he had envisioned at some point would be enacted when funds through DNR would be available -- and also from their application for Build Indiana Funds and since so much of the creek is boundaried through the City of Evansville -- he finds it a bit incredible that we wouldn't want to not only include them -- but contact them -- and work together on this. People like Jim Hadden, Jim Daniels (the recycling coordinator), Christine Perry from the EPA, Ron Biloski (who does much in terms of water analysis through the Sewer & Water Department), Debbie Williams, Bruce Belwood (both on the Evansville Police Department and part of the Litter Control through Operation City Beautiful) and even Phil Bruner (the Wild Life Director for DNR) -- he hasn't had a chance to talk with him. Those would all be excellent people. Unless we have a political agenda here -- or hidden agenda that he doesn't understand -- he thinks it behooves this group to certainly work with the City. The City of Evansville has been very active in this area and would be most willing to work with any other members that we appoint to this committee. Those would be people that he suggest we immediately put on this committee.

Ms. McClintock commented, "Maybe I didn't make myself clear. When we met with Jim and other representatives of the City of Evansville that Saturday in March or April -- whenever we went up the creek -- the way it was left was that we were to appoint people that we felt would be appropriate to represent the County and forward those names to the Mayor and to the Parks Board, so they could appoint individuals -- so this would be a Joint Committee working together. Yes, the project is primarily in the City. But the County needs to become involved because of the question regarding drainage and what can be done to affect a legal drain. When I last spoke to Jim on this issue and a couple of other issues about a week and a half ago, I indicated to him that we were working to get our group together and would forward that information to them. And I think all the people you name are fine. We can appoint them -- or ask the City to appoint them. I just thought it more appropriate for the Mayor to appoint his own employees."

Commissioner Borries said, "Oh, I agree. I don't think that they understood. Apparently there was no communication as to whether or not the County was going to appoint members to whatever kind of committee there was at this point. So they expressed a bit of surprise from that standpoint, too. So whatever was left up the creek may have stayed there, I don't know. But for whatever reason, I would strongly urge that some of these people be considered. They are now aware that a committee is being formed and are very interested in it. And I agree, I think that should be the Mayor's call to appoint those people. And maybe we need to put somebody like Jim Morley on there. He has worked with the

Levee Authority up and down Pigeon Creek and is very much aware of the considerable dollars being spent in terms of flood control along that area. And, certainly, I think he would be a person who needs to be considered."

Commissioner Hunter said there is another gentleman on the tour that needs to be considered -- a young man on the staff at Wesselman Nature Center. He made an excellent report that Saturday morning on a study he had done on habitat along Pigeon Creek, etc. He'd be another good one to have on the committee. I think those are all excellent people. Do you want to submit that list to the Mayor so he can appoint them?

Ms. McClintock said, "I'm sort of hesitant to appoint a City employee."

Mr. Borries said, "I think you perhaps need to convey here that a committee is being formed, because they were unaware that there was any committee being formed. I will certainly convey those ideas to the Mayor at this point."

Ms. McClintock asked, "Are there any problems with any of the individuals we'd like to appoint to this committee?"

Mr. Borries said, "Let's add Jim Morley to the list."

Mr. Hunter again suggested the fellow from Wesselman Park.

Commissioner McClintock said he is an employee -- and she thinks that appointment would be up to the Mayor.

Upon motion made by Commissioner Borries and seconded by Commissioner Hunter, the list of appointees, including Jim Morley, was approved. So ordered.

Ms. McClintock said she will send a letter to the Mayor with the list of County appointees who are willing to work with the City and other appointees of the Mayor or the Parks Board to begin work on Pigeon Creek.

RE: COUNTY HIGHWAY - CLETUS MUENSTERMAN

Weekly Reports: Mr. Muensterman said he has submitted his Weekly Reports.

Auction of Equipment: Mr. Muensterman said since members of the news media are present, we want to make them aware of the Auction of County equipment to be auctioned off at the County Highway Garage (located at the corner of St. Joe Avenue & Mill Rd.) beginning at 8:00 a.m. on Saturday, May 18th.

RE: COUNTY ENGINEER - GREG CURTIS

Road Paving List: Mr. Curtis submitted the road paving list, saying they have reviewed each of the roads in the field. Rather than trying to prioritize each road, they went through the requested funding, which will give us total available funds for paving contracting, repair work, and for the County paving and repair work of \$1 million. Referring to Page 2 of the list, Mr. Curtis said they anticipate the funds will run out at Old Boonville Highway. If the contract bids come in lower than expected, we might be able to get that finished. Also, starting with the 5th line on Page 2 (Bickmeier Rd., Charles Drive, Folz Drive, Myrtle Avenue, and Reis Rd.) -- each of those roads are very narrow, being 9, 13, 12, 13, and 12 ft., respectively, in width. We've had numerous complaints from citizens to pave these roads. If they're like the other roads similar to these roads, we will have numerous complaints because we paved these roads and people drive too fast -- and there is no way for cars to meet each other. Therefore, rather than putting them on the list and

just going out and paving them, he thought it best to bring these to the Board's attention and let them decide whether or not we should pave these roads. On Schissler Rd. on the west side, we've had an accident at that location with a fatality that some of the citizens in the area have attributed to the fact that the road was narrow. We paved it, so the people were driving too fast. They likely were driving too fast when it was rock, as well, but in any event he wanted to bring those particular roads to the Board's attention and let the Board make that decision. For instance, Bickmeier Rd. is 9 ft. wide and someone has to get totally off the pavement; it's not like you can have one wheel on the pavement and one on the shoulder. That is narrow enough that someone is going to be considerably off the road.

Ms. McClintock queried Mr. Curtis concerning the current status of these roads. Are they gravel?

Mr. Curtis said Bickmeier is partially gravel and partially pavement. Charles Drive is a rock road. Folz Avenue is also a rock road. Myrtle Avenue from Allen's Lane to dead end was a rock road. Reis Rd. from No. 6 School Rd. to dead end -- there are two sections of that. He broke that down because it narrows down to about 12 ft. near the end of that road. The road had gotten bad enough that we had repaired it with rock.

Mr. Borries said the key to it is the right-of-way.

Mr. Curtis said we would have sufficient right-of-way on all of these roads to widen the road out to 16 ft. It's just that all five of them would be at considerable cost.

Ms. McClintock asked if it would make more sense to pick one or two roads this year and widen them to 16 ft. and pave them -- instead of going in and paving them if they are too narrow?

Mr. Curtis said they will do whatever the Commission instructs them to do. We got the list to that point and when we were reviewing them there were a number of roads that we felt (these five, in particular) needed to be brought to your attention for that reason.

Ms. McClintock said she agrees -- she's not too enthusiastic about paving a road that is too narrow. We could be setting ourselves up for a big liability.

Mr. Curtis said we have a number of roads (3) which are 14 ft.; but on each of those he believes they have sufficient shoulder for cars to pass.

Ms. McClintock said Indian Mound Boulevard is also 12 ft.

Mr. Curtis pointed out that it is a separated road -- where one side is one way and the other side is one way - with a big median.

Commissioner Hunter queried Mr. Curtis concerning County Line Rd. and possible legislative changes.

Mr. Curtis said he has not yet looked into that. He was trying to get this list completed so we could start on contracts and the County crew could start.

One of the Council members has asked him to look at Maasberg Rd. There are three or four roads he still has to look at and bring information back -- and possibly something can get bumped down.

Commissioner Hunter said he would think on the narrow roads -- we could take one or two of these at a time and widen them to 16 ft.

Mr. Borries asked if all the roads not finished last year are on the list Mr. Curtis just submitted?

Mr. Curtis said, "They are on this list. I do want to point out, however, that Fitzgerald Rd. from Burkhardt to Drury Lane (which is a 14 ft. wide rock road) was on last year's list. No one lives on Fitzgerald Rd. between Burkhardt Rd. and Drury Lane. There is a drive that comes off that intersection that goes back to a house. With this list, we are paving both Drury Lane and Peacock, which get traffic back out to Burkhardt on new pavement from that home. Therefore, we felt that was a low priority road. Oak Grove Rd. from Burkhardt Rd. to the Warrick County Line was on last year's list. Here, again, we felt this was a lower priority road, with the main traffic traveling on the other roads in the area. Trapp Rd. from Buente Rd. to the new pavement (where we ended our pavement either last year or the year before) has one house on it. Here, again, they felt it was low enough priority that it would be best to wait and consider that again next year -- unless our bids come in lower than anticipated, in which case we might possibly be able to pave those this year.

Mr. Borries requested that Mr. Curtis get additional information on some of the more narrow roads; how much right-of-way we have, and a cost estimate in terms of widening the road to 16 ft., etc.

Ms. McClintock asked, "Then we can approve this list through Woods Rd. at this point? When you get more information on County Line Rd. and the narrow roads you can come back."

Motion to approve the road paving list through Woods Rd. was made by Commissioner Borries, with a second from Commissioner Hunter. So ordered.

RE: REQUEST FOR NEW POSITIONS/CUMULATIVE BRIDGE

Mr. Curtis said the Board will recall that he had requested that two positions be funded in the Cumulative Bridge budget and the bond funds be billed for their time for construction engineering on the Union Township Overpass project. At the present time we have not received a definite answer from Larry Downs of Kahn, Dees, Donovan and Kahn. There is some question as to what we are going to be able to do and what we are not going to be able to do. Therefore, with the deadline of the 15th approaching, he would like very much to go ahead and request these funds at the next Council meeting. That will allow us the opportunity when the project is not operating in the wintertime or in bad weather to use those people on other projects.

Mr. Borries asked, "But you don't have an opinion on that yet, do you?"

Mr. Curtis said, "The opinion I don't have yet is on whether or not we can contract an employee and work them in excess of 40 hrs. per week. If they are, in fact, an employee if we do that."

Mr. Borries asked, "What about the issue of the bond money?"

Mr. Curtis said, "We can pay them out of the bond money or out of the Cumulative Bridge budget and reimburse the Cumulative Bridge budget on an hourly rate."

Auditor Humphrey interjected, "We cannot pay FICA and insurance out of the bond account."

Ms. McClintock noted that is not what the Attorney said.

Mr. Curtis said, "The Attorney has a letter from Buddy Downs saying other than that. I know we have discussed that before but they have a letter from Larry (Buddy) Downs that says that we can -- and that is one of the things he is checking into, because when he said that I said, 'We've been under the understanding that we couldn't' and that is one of the things he is checking out."

Commissioner McClintock said, "This has been approved by the Commission and been to Council once, where it was turned down. We'd like to take it back through, because we don't feel it is appropriate to ask the taxpayers of this community to allow employees (even though it is out of the bond money and that is not property tax) to sit in their construction trailers during times that the weather is such that no work is going on on the Union Township project. If we set the employees up through the Cumulative Bridge Fund, it is reimbursed from the Union Township Project for the time spent on that -- then these employees can be used for other projects within the County Engineer's Department."

Auditor Humphrey asked, "Can a County employee contract?"

Ms. McClintock responded, "No, these would be employees -- they would not be contracted."

Mr. Humphrey said, "Well, you're talking about paying these people and you're going to have to have a contract with the bond in order to pay them."

Ms. McClintock said, "We're going to reimburse the Cumulative Bridge Fund from the bond for the hours they work on Union Township."

Mr. Curtis commented, "Joe Harrison, Jr. got a letter from Ice, Miller about that issue and they also indicated that the expense of existing County employees' time can be reimbursed."

Commissioner Borries said, "For the purposes of at least that discussion, I will grant your request. I would like to see what that legal opinion says."

Mr. Curtis said, "I am sure we will have to have those for it to pass."

Mr. Borries continued, "I want to follow the law and want to make sure we have our act together from that standpoint."

Ms. McClintock said, "Well, we have those opinions and will be happy to get you a copy of those."

Motion to approve the request was made by Commissioner Borries, with a second from Commissioner Hunter. So ordered.

Commissioner Hunter asked, "If we cannot work it out whereby we can reimburse the Bridge Fund and have to use the bond money, approximately how many days a week will we have people sitting in a trailer in the wintertime doing nothing?"

Mr. Curtis said, "Well, it would depend on the severity of the weather. I'm sure for the first part of the winter there will be a multitude of paperwork and we can get everything caught up and even ahead. But there will come a time -- particularly if we have a normal winter -- that those people will begin to sit there and it will depend entirely upon how badly the contractor wants to go out and work in the wintertime conditions -- and I can't predict that at this point in time. We've not yet seen how badly Blankenberger wants to get it done."

Mr. Hunter asked, "During January and February, would we figure we'd get two out of every five work days?"

Mr. Curtis responded, "We'd be very fortunate to do so. We might a week and then we might not get anything for three weeks."

Mr. Hunter asked, "So you can figure a 60% loss of time?"

Mr. Curtis replied, "I would say so."

One other thing regarding the Union Township Project discussed in the past is supplying those people with vehicles. He has received word from the Attorney's office that this can be done if they are employees of the County. He has looked at the State quantity purchase awards, as well as there were no small pick-ups on this year's quantity purchase awards -- so they priced pick-ups locally. We've gotten prices on both of those. However, to buy off the quantity purchase award is approximately a 6 week delay, because they order those vehicles. His question would be, do we want to wait until such time as we have a final answer as to who the employees are going to be or how they are going to be handled, or do we wish to go ahead and pursue that?

Ms. McClintock stated she does not think we are in a position to pursue that at this point. If Council would turn down the request, we're going to have to decide whether we are better off spending more money and contracting with a Construction Engineer outside or whether we want to try to contract with employees -- and we won't be able to use vehicles for them.

Mr. Curtis said this is what he assumed.

(End of Side A, Tape #1)

RE: STREET ACCEPTANCE IN CROSS POINTE SUBDIVISION

Mr. Curtis requested the Commission to accept Cross Pointe Boulevard in Cross Pointe Subdivision (450.00 l.f. for maintenance.

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

RE: RIGHT-OF-WAY/GREEN RIVER ROAD

Mr. Curtis said most of the right-of-way on Green River Rd. is moving along in condemnation or has been cleared, with the exception of one (1) parcel, which concerns the Day School. The problem we've run into there is that we are affecting their softball field and there are some significant ramifications for their accreditation for their baseball field. So we're in the process of ironing that out. Next week we will either have a settlement or a recommendation to proceed through the Courts.

Along Green River we also have settled the Weber parcel (Parcel #5) in the amount of \$35,000 and Mr. Hunter has that claim. It is Mr. Curtis' recommendation that the claim be allowed.

Motion to this effect was made by Commissioner Hunter and seconded by Commissioner Borries. So ordered.

RE: HECKEL RD. BRIDGE

Mr. Curtis noted that last week we closed Bridge #76 on Heckel Rd. over Bluegrass Creek. Deig Bros. did a large amount of their fabricating work on Tuesday and Wednesday and Thursday they made repairs to the bridge. Around 2:30 p.m. on Thursday, the bridge was open to traffic. He has a claim from them in the amount of \$3,695.00, which was their quote. He very happily would recommend that the claim be approved for payment. Job well done.

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

Commissioner Borries said that, for the record, he did contact Mr. Charles Johnson of the School Corporation and told him that buses were not to be allowed to go over that. He asked me for how long.

Mr. Curtis noted, "Indefinitely."

Mr. Borries said that is what he told him. Do we have it clearly posted as to what the -- this will involve changing some bus routes also indefinitely from the School Corporation's aspect. What is the posted tonnage?

Mr. Curtis responded, "Four tons -- and it has been posted as such for two years -- and it is clearly visible."

RE: USI OVERPASS PROJECT

Mr. Curtis said it has been brought to our attention at our meeting in Indianapolis during the latter part of April that we would be possibly eligible for Federal funding for this overpass project, due to the analysis the Commission had requested Bernardin-Lochmueller do on the new numbers that EUTS had projected or had gathered for us of the traffic out there. Due to it being warranted, the Federal officials indicated we possibly would be eligible for Federal funding out of the bridge funds for that. We don't know what the new highway bill is that is going to be coming down -- whether it is going to be separate funding. Bridges have always had separate funding from road funding. My purpose, primarily, for bringing this up today is to find out whether or not the Commission wishes for that to be looked into. There are a number of issues. There are a number of issues to be addressed. What the bond money that is left over can or cannot be used for; what the arbitrage that kicks in -- what the ramifications of that are -- and what those effects with the bonds are -- as well as what delay might possibly occur due to going back through the Federal Aid process. And, obviously, if we have to back track -- and one of the things that has to be done is a modification to the Environmental Statement on Eickhoff-Koressel. Someone will have to do that and it will have to be paid for in some form or other. All those things have to be addressed. But if the Commission doesn't wish to pursue Federal funding on it, then there is no sense in getting answers to all those questions -- because I know we will need to talk in depth with Ice, Miller or the County Attorneys concerning that matter.

Commissioner McClintock asked, "Well, as you've outlined, the bridge funds are a separate funding source from highway funds. So pursuing Federal funds for the USI project would not take away money from any other project that we're looking at insofar as roads in this County at this point?"

Mr. Curtis responded, "Not unless there is a significant restructure of the funding after the new highway bill."

Ms. McClintock said that it is her understanding from the meeting in Indianapolis that a lot of the work that would be normally required for a Federal Aid project, we either already have or will have to complete to get the project accepted anyway to tie into Eickhoff-Koressel -- and that is why they said at the end of the meeting that this project is probably eligible for Federal funds at this point. Because of the Eickhoff-Koressel project we're going to have to do a lot of additional work anyway. Is that correct?

Mr. Curtis said that is what he understood them to say.

Ms. McClintock said she thinks we should pursue it -- and get the answers to the questions outlined by Mr. Curtis and what happens to left over money? Can we spend it on something else, or do we have to go back? And what delays might occur by going through that process. She thinks we need to know that before making a decision.

Mr. Borries asked how long it is going to take in terms of the 106 that still has to be worked through at this point?

Mr. Curtis replied, "To give you an example, we had a feasibility study on the Franklin Street Bridge that was about six months in getting approved. But we've had other things approved very quickly -- and it is not a real predictable process as to how long it will take before we will get something. We would hope within the next two or three months we would know what we could do. But that will depend on the number of agencies reviewing it in a timely manner -- and sometimes those happen, but not very often."

Mr. Borries said there are some pretty serious questions here and the bottom line, he thinks, has a lot to do with it. We have funding in place at this point. There is a critical situation here, in his opinion, regarding the delay -- how long we'd have to wait. It seems if we could get the information regarding that we might be able to make up our minds a bit quicker. Secondly, we will have to figure out what to do with the funding if we wouldn't use it. There are a lot of "ifs" with Federal funding. It is no longer the gravy train that it once was. There are changes in the rules all the time -- and that is what we are finding out here. One person says this and another person says that. He will move that we proceed, with caution. If Mr. Curtis could give the Board some information with regard to how long it would take, that would surely make up his mind.

Motion was seconded by Commissioner Hunter. So ordered.

RE: READING OF EQUIPMENT BIDS/COUNTY MORGUE

President McClintock requested that Attorney Price read the bids received on equipment for the County Morgue. Mr. Price read the following three (3) bids:

- 1) Baxter Scientific Products - McGraw, IL \$52,746.56
- 2) Info Lab, Inc. Oglethorpe, GA) \$51,247.69
- 3) Fisher Scientific - Notation on bid "Unable to bid to your advantage."

Upon motion made by Commissioner Hunter and seconded by Commissioner Borries, the Coroner will take the bids under advisement and a recommendation is to made at next week's meeting.

RE: COUNTY ATTORNEY - LETTER

Attorney Price submitted letter from the County Attorney's office, indicating there are only three items -- and none require action this evening.

Ms. McClintock said she will go a bit into Item #2. We have discovered that for the past who knows how long that the County had been providing a piece of equipment for the Dog Pound and letting the Dog Pound fuel the equipment there, providing maintenance work to the piece of equipment and insuring this piece of equipment when, in fact, we have an agreement with the City of Evansville where we are billed back for 25% of all the expenditures. So we were providing this piece of equipment but we were not being reimbursed by the City for 75% and we were paying more than our fair share. So she met with Leslie Blenner on Friday and all the different parties know that we have to get this changed. It is her understanding that we're getting this particular piece of equipment transferred from our insurance to the City insurance -- and then we'll be billed back 25% on that piece of equipment. That is the background on that particular item.

Mr. Price said that Leslie Blenner also sent out a letter last week to inform the departments how they were supposed to be handling this.

Ms. McClintock said she is not sure they were too happy that we caught that, but it will save us a bit of money anyway.

RE: ITEMS REFERRED TO COUNTY ATTORNEY

President McClintock said the Board has two items to refer to Attorney Ziemer's office: the Carroon & Black contract and review of the Vanderburgh County Health Department Special Liability Policy that we have through Helfrich Insurance.

RE: CONSENT ITEMS

Commissioner McClintock then asked if there are any questions concerning the Consent Items on today's agenda.

Mr. Borries asked if this is the Final list, and Ms. McClintock responded in the affirmative.

Upon motion made by Commissioner Borries and seconded by Commissioner Hunter, all Consent Items were approved. So ordered.

RE: OLD BUSINESS

Resumes: Ms. McClintock said Margie has made copies of two additional resumes. She will put them in the Commissioners' boxes subsequent to the meeting. A separate meeting will not be set, but if the Commissioners have any interest in talking to either of those people -- (she has interviewed both parties) -- please feel free to contact them personally and talk to them.

RE: NEW BUSINESS

Ms. McClintock then entertained matters of New Business to come before the Board. There were none.

Mann Rd.: Ms. Martha Runyon of Mann Rd. (between Montgomery Rd. and Old Owensville Rd.) said she understood that tonight they were supposed to submit the final road paving list -- and she understood that the meeting started at 6:00 p.m.

The Commissioners apologized, stating the meeting starts at 6:00 p.m. next week. Commissioner McClintock then informed Ms. Runyon that Mann Rd. is on the list and thanked her for coming.

There being no further business to come before the Board at this time, President McClintock declared the meeting recessed at 5:50 p.m.

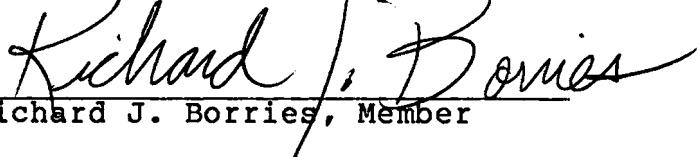
PRESENT:

Carolyn McClintock, President
Don Hunter, Vice President
Richard J. Borries, Member
Gary Price, Acting County Attorney
Sam Humphrey, County Auditor
Greg Curtis, County Engineer
Cletus Muensterman, County Highway Supt.
Paul McDaniel
David Herrenbruck
Charles Althaus/County Coroner
John S. Johnson/Van Ausdall & Farrar
Pam Martin/Evansville Chamber
Jerry Riney/Supt. County Bldgs.
Margie Meeks/Commission office
Martha Runyon
Others (Unidentified)
Warren Korff/WBKR
Mark Mayhew/WIKY

SECRETARY: Joanne A. Matthews


Carolyn McClintock, President


Don Hunter, Vice President


Richard J. Borries, Member

Board of Commissioners

of the
County of Vanderburgh

305 ADMINISTRATION BUILDING
CMC CENTER COMPLEX
EVANSVILLE, INDIANA 47708



CAROLYN MCCLINTOCK
DON L. HUNTER
RICHARD J. "RICK" BORRIES



TEL. (812) 426-5241

AGENDA

VANDERBURGH COUNTY COMMISSIONERS
MAY 13, 1991
4:30 P.M.

FINAL

1. Call to order
2. Introduction of staff
3. Pledge of Allegiance
4. Any groups/individuals wishing to address the Commission
5. Action Items:
 - a. Sale of County owned surplus real estate
 - b. Transition Team reports
 - c. Opening of proposals for removal of houses and buildings from 4701 Green River Court
 - d. Opening of bids for equipment for the County Morgue
 - e. John Johnson ---Telephone System
 - f. Paul McDaniels --- Request for Quit Claim Deed on property
 - g. Discussion on Private Management of the Vanderburgh Auditorium
 - h. Appointments to be made to the Solid Waste Committee
 - i. Resolution authorizing Burdette Park Manager to Negotiate and Execute Facility Leases at Burdette Park
 - j. Resolution authorizing Vanderburgh County Auditorium Manager to Negotiate and Execute Facility Leases at the Vanderburgh County Auditorium
 - k. Discussion on naming a Pigeon Greenbelt Committee
6. Department Head Reports:
 - a. Cletus Muensterman.....County Highway Superintendent
 - b. Greg Curtis.....County Highway Engineer
 - c. Ted Ziemer.....County Attorney

7. Consent Items:

- a. Check received from Xerox Corporation - Refund for approval and deposit
- b. Check received from Glenn Deig - Delinquent fees collected for ambulance service
- c. Request to travel - Health Department
- d. Request to travel - Clerk of the Circuit Court
- e. Employment Changes - Appointments:
 - Gary Hester.....Circuit Court.....04/29/91.....\$4.25 per hour
 - Kyle D. Koob.....Perry Township Assessor.....05/09/91.....\$5.00 per hour
 - Scott Davis.....Vanderburgh County Engineer/Inspector.....05/06/91.....\$18,767.00
 - Cory Greening.....Health Dept./Vector Control Technician....05/20/91.....\$5.00 per hour
 - Randy Gerth.....Health Dept./Vector Control Technician.....05/14/91.....\$5.00 per hour
 - Tonya Bennett.....County Treasurer.....part time.....05/08/91.....\$5.00 per hour
- f. Employment Changes - Releases:
 - Frank Hassel.....County Engineer/Inspector.....05/06/91.....\$15,064.00
 - Finis Vincent.....Sheriff's Dept....Correction Officer.....05/20/91.....\$18,375.00
- g. Approval of Claims:
 - Claim received from Glenn Deig - Legal Services rendered
 - Claim from Whitewater West Industries, Ltd. - Burdette Park Waterslide Expansion
- h. Scheduled Meetings:
 - Tuesday, May 14, 1991 - Data Processing Board - 8:00 A.M. - Room 303
 - Tuesday, May 14, 1991 - Design Review Committee - 8:30 A.M. - Room 307
 - Tuesday, May 14, 1991 - Subdivision Review - 9:30 A.M. - Room 303
 - Monday, May 20, 1991 - County Commissioners Meeting - 6:00 P.M. - Room 307
 - Monday, May 20, 1991 - Rezoning Petitions - 7:30 A.M. - Room 307

NOTE: Saturday, May 18, 1991 - Auction of County Surplus Property to be held at the County Highway Garage

8. Old Business

9. New Business

10. Meeting recessed

MINUTES
COUNTY COMMISSION MEETING
MAY 20, 1991

I N D E X

<u>Subject</u>	<u>Page No.</u>
Meeting Opened at 6:00 p.m.	1
Introduction of Staff & Pledge of Allegiance	1
Departure of Jerry Riney	1
G.I.S.	1
Sale of County-Owned Surplus Real Estate (no bids)	1
Awarding of Contract/County Morgue Equipment	1
Request to Use Vanderburgh Auditorium for Emergency Management Agency	1
Agreement with Private Industry Council	2 & 6
Request for Proposals re Private Management of Vanderburgh Auditorium	2
Telephone System for Outlying Lines in the County	2
Resolution & Agreement re Auditorium Parking Lot	2
Appointment of Superintendent of County Bldgs. (Lou Wittmer)	3
Proclamation re Seat Belt Safety Week	3
Request to Hold Open House at Vanderburgh Auditorium ...	3
Collection Problems/Aiken Management	3
County Highway - Cletus Muensterman	3
Weekly Reports School Corporation re Gerlock Rd.	
County Engineer - Greg Curtis	4
Acceptance of Street Improvements/Old Boonville Highway Commercial Park Union Township Access Project/Employment Agreement/Frank Hassel Authorization to Purchase Vehicle/Union Twp. Access Project Claim/Koberstein Trucking (\$2,166.56) G.I.S. Proposals/Interviews	
County Attorney - Jeff Wilhite	6
Agreement with Private Industry Council Lease re 4701 Green River Court	
Claims Service Contract/Corroon & Black	7
Weber Condemnation Settlement	7
Complaints for Condemnation	7
County Attorney - Written Report	7

Employment Agreement/Frank Hassel	7
Presentation of Gift to Jerry Riney	7
Consent Agenda	7
Old Business	8
Oglesby Sub/Water Damage	
New Business	9
Request for Address Change	
Interviews - Veterans Service Officer	9
Rezoning Petitions	9
VC-6-91 (Approved on 1st Reading)	
VC-19-90 (Denied)	
VC-4-91 (Continued to June 17, 1991)	
VC-3-91 (Approved by unanimous roll call vote)	
VC-5-91 (Sent back to APC with regard to restrictions re no Off Premise Advertising)	

Meeting Recessed at 9:10 p.m.

MINUTES
COUNTY COMMISSIONERS MEETING
MAY 20, 1991

The Vanderburgh County Board of Commissioners met in session at 6:00 p.m. on Monday, May 20, 1991 in the Commissioners Hearing Room with President McClintock presiding.

RE: INTRODUCTION OF STAFF & PLEDGE OF ALLEGIANCE

President McClintock called the meeting to order, introduced members of the County Staff, and asked the meeting participants to stand for the Pledge of Allegiance.

RE: DEPARTURE OF JERRY RINEY

Ms. McClintock said the Commission is thanking Jerry Riney this evening for his years of service. This is his last Commission Meeting as Superintendent of County Buildings. A presentation will be made to Mr. Riney later in the meeting and refreshments will be served subsequent to the meeting.

RE: G.I.S.

Mr. Donald Dudkowski, Project Coordinator, Beam, Longest & Neff, Inc. was recognized. He said he called earlier and was told he could address the Commission at this time. The Commission recently solicited proposals regarding the G.I.S. In speaking with County Engineer Curtis last week, he indicated he may be shortlisting from the list of firms that submitted proposals and conducting interviews. He is here tonight to express his firm's interest in the project and request to be included in the interview/presentation process.

Ms. McClintock said that, hopefully, Mr. Curtis will submit a list of those firms today that are to be interviewed.

RE: SALE OF COUNTY-OWNED SURPLUS REAL ESTATE

Ms. McClintock entertained bids on County-owned surplus real estate that had been advertised for sale. There were no bids.

RE: AWARDING OF CONTRACT FOR COUNTY MORGUE EQUIPMENT

Upon motion made by Commissioner Borries and seconded by Commissioner Hunter, the contract for equipment at the County Morgue was awarded to Baxter Healthcare Corp. in the amount of \$52,746.56. (Info Lab was seemingly the low bidder at \$51,247.69. However, the low bid had 85 items of No Bid. Baxter Healthcare only had four items of No Bid, all of which were consumable products.) So ordered.

Coroner Althaus said he will still have to come before the Board re X-Ray equipment and he is trying to find an organization to donate this piece of equipment, but has had little results to date. St. Mary's Hospital has given us 25 cassettes for the X-Ray machine whenever we get it.

RE: REQUEST TO USE VANDERBURGH AUDITORIUM FOR EMERGENCY MANAGEMENT AGENCY

Mr. Sherman Greer said he believed the Commissioners received a letter from Roger Lehman concerning use of Auditorium for In Service on earthquakes and practical application for the Central

United States. Speaker is Raymond Kincaid, Structural Engineer and Vice President of E.Q.E. Engineering in Los Angeles. The session is scheduled on Monday, June 10th, 7:00 p.m. - 9:00 p.m. Upon motion made by Commissioner Borries and seconded by Commissioner Hunter the request was approved. So ordered.

RE: AGREEMENT WITH PRIVATE INDUSTRY COUNCIL

President McClintock asked Attorney Wilhite if he has had an opportunity to review the subject agreement. He indicated he had not and it was the consensus of the Board that action will be deferred until such time as Mr. Wilhite has reviewed the agreement.

RE: REQUEST FOR PROPOSALS RE PRIVATE MANAGEMENT OF VANDERBURGH AUDITORIUM

Ms. McClintock stated she has prepared a Request for Proposals re private management of the Auditorium, indicating we would like the proposals submitted by June 24th, which gives us a month. Hopefully a recommendation can be made to the Commission on July 8th and, if a selection is made it could be made on July 22nd. The second sheet provides background information and there is a description of the Auditorium, itself. Anyone interested in bidding will need to make arrangements to look at the Auditorium and speak with current management. Financial information will also be required and Sam Humphrey has been listed as the contact concerning revenues and expenditures for the Auditorium.

Motion was made by Commissioner Hunter and seconded by Commissioner Borries to pursue proposals on private management of the Auditorium. So ordered.

Ms. McClintock said as soon as some typos can be corrected the Request can be sent out -- hopefully, tomorrow, to the groups who were interested in the Stadium and to any local private property management firms.

Motion to this effect was made by Commissioner Hunter and seconded by Commissioner Borries. So ordered.

RE: TELEPHONE SYSTEM FOR OUTLYING LINES IN THE COUNTY

At the recommendation of Mr. Riney, upon motion made by Commissioner Hunter and seconded by Commissioner Borries, the Board approved the utilization of Van Ausdall & Farrar's Digital Centrex System at a cost of \$915.34 per month (an annual savings of \$9,390.48). So ordered. (The School Corporation and the City of Evansville are also going with this system.)

RE: RESOLUTION & AGREEMENT RE AUDITORIUM PARKING LOT

It was noted by Attorney Wilhite that the agreement puts into legal form what Jack Kirwer has already negotiated.

Upon motion made by Commissioner Hunter and seconded by Commissioner Borries, the Board adopted the Resolution and approved the Agreement. So ordered.

In response to query from Commissioner Borries, Mr. Kirwer noted that if a person pays \$15.00 per month, that individual will receive a rear view mirror numbered tag. If an individual would pay the \$15.00, then decide to stop, that tag number will be voided and if that number is found on a car, that car will be towed. The City will police the parking and they will have a list of current numbers. The tags can be used on any vehicle, however, as the tags will be distributed to the individual. The spaces will not be numbered; it will be on a first come-first serve basis. July 1st

the City is putting in a new computer system and they will be able to handle the parking tags by payroll deduction, similar to the way the Y.M.C.A. dues are currently being handled.

From the standpoint of traffic safety, Commissioner Borries urged that Mr. Kirwer talk with the Police Department to make them aware of the traffic situation when cars exit the Auditorium Parking Lot and turn left onto Walnut. Walnut is a City street and someone needs to be made aware of this from a traffic safety standpoint.

RE: APPOINTMENT OF SUPERINTENDENT OF COUNTY BUILDINGS

President McClintock said the Commissioners initially interviewed five (5) applicants for this position and subsequently interviewed three (3) applicants in Executive Session. She checked references on two of the individuals interviewed on Friday and she is ready for a recommendation concerning this appointment.

Upon motion made by Commissioner Hunter and seconded by Commissioner Borries, the application of Mr. Lou Wittmer was accepted and he was appointed Superintendent of County Buildings. So ordered.

RE: PROCLAMATION FOR SEAT BELT SAFETY WEEK

The meeting continued with Commissioner reading the subject Proclamation (copy attached hereto as part of formal minutes) and upon motion made by Commissioner Hunter and seconded by Commissioner Borries the Proclamation was approved. So ordered.

RE: REQUEST TO HOLD OPEN HOUSE AT VANDERBURGH AUDITORIUM

Mr. Jack Kirwer requested permission to hold Open House at Vanderburgh Auditorium in either August or September. He is coordinating with the Chamber of Commerce to have a Kick-Off Program. Tours and refreshments will be featured and literature re Auditorium facilities and rate schedules will be distributed. By coordinating this with the Chamber of Commerce he is hoping to gain publicity and thereby obtain more usage of the facility.

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

RE: COLLECTION PROBLEMS/AIKEN MANAGEMENT

Mr. Kirwer stated he is having problems collecting payment from Aiken Management for two events. With the permission of the Commissioners he will turn same over to the County Attorney for collection, because they are 2-1/2 months overdue. He called once and was told it would be 30 days before the bills could be paid. Both bills were sent to Aiken Management on March 1st. One event was the Laser Light Show and the other was Up With People.

Commissioner McClintock requested that Mr. Kirwer write a letter to Aiken Management and enclose copy of the bills, prior to giving to the County Attorney for collection. If no response in a couple of weeks, we can then refer to the County Attorney.

RE: COUNTY HIGHWAY - CLETUS MUENSTERMAN

Weekly Reports: Mr. Muensterman submitted weekly reports from the County Highway Garage.....reports received and filed.

Auction: It was noted by Mr. Muensterman that he is awaiting a final report from Kurtz Auction & Realty, but we made \$9,205.00 from the auction held at the County Garage on May 18th. There weren't enough people to have a good auction. He saved back the

belt loader and the Wausau plow/snow blades. He couldn't see letting a \$45,000 piece of equipment go for the \$4,000 bid. Kurtz agreed. That plow is really for a 36" or 40" snow, and he's been trying to contact an airport north of here.

Call from School Corporation re Gerlock Rd.: Mr. Muensterman said Mr. Charlie Johnson called him this afternoon concerning Gerlock Rd. (off Seminary Rd.) which is not a County-accepted road. Mr. Johnson goes into Gerlock with the school bus and either turns around or backs onto Seminary Rd. and is requesting that we put rock on Gerlock. We put some on the intersection -- there was a drop-off and we filled that in. Mr. Muensterman asked if it would be agreeable with the Commission to go in about 10 ft. or 25 ft. or what. There are a lot of people who have summer camps down there and they travel the same road. It would be rocked only when school is in session -- not when school is out. Mr. Johnson would like for it to be rocked so it will be better between now and the time school lets out for the summer. Then we'd do it again in September or October. It would take about two loads of rock now (20 ton) or 400 ton for a full year at about \$6.00 per ton. (In the past, where school busses turn around in driveways we've been rocking those where necessary.)

Mr. Borries said he thinks we're setting some dangerous examples here that if the road is not accepted for County maintenance -- pretty soon that 25 ft. becomes another 25 ft., and pretty soon we're maintaining the whole road and we have no authority to do so. Should there be any incidents we would not be covered by liability insurance. The attorney would have to research that. In any event, Mr. Borries said that he will talk with Mr. Johnson.

Ms. McClintock said she doesn't know how we can rock anyone's private driveway either, as we'd be opening ourselves up to exactly the same kinds of things Rick is citing.

It was the consensus of the Board that the County should not rock private driveways or unaccepted roads. Whenever Mr. Muensterman has a situation like this, he should call it to the attention of the Board -- just as he has done today.

RE: COUNTY ENGINEER - GREG CURTIS

Acceptance of Street Improvements/Old Boonville Highway Commercial Park: Mr. Curtis said an inspection was made and there were some minor repairs to be made. The developer, Mr. Woodward, has made some of those and has signed a commitment to make the remainder. With that in mind, Mr. Curtis said he recommends acceptance.

Upon motion made by Commissioner Hunter and seconded by Commissioner Borries, the Board approved acceptance of Kotter Avenue (1,618 LFT). So ordered.

Union Township Access Project: Mr. Curtis said he has a copy of an employment agreement worked up jointly by Lee Frank and Larry Downs for the employment of Frank Hassel as Construction Technician on the job. As discussed in previous meetings, they have been trying to get these positions approved to where we could hire someone. With this agreement we can hire someone and pay them out of the bond fund. There is disagreement at this time as to what expenses related to that employee can be paid out of the bond fund. He does, however, have that agreement -- along with a letter from Lee Frank of Kahn, Dees, Donovan and Kahn. Mr. Curtis requested permission to go ahead and hire Mr. Hassel. Due to the workload, he needs an employee to work on that project. He recommends the agreement be signed. Until such time as the disagreement is resolved, the agreement states he will have the same benefits as any other employee. However, upon completion of the project he

will be terminated and he understands he will not have a position at that time. Mr. Curtis said it is his understanding the benefits can be paid out of the Cumulative Bridge Fund -- we just need to put the additional funds out of the line items.

County Auditor Humphrey said it is his understanding those benefits cannot be paid out of the Cumulative Bridge Fund. To pay benefits out of that fund you have to have a County employee on the payroll -- not a contract employee.

Ms. McClintock raised questions about the health benefits County Council approved about two months ago for an employee who is not an employee of the County -- a CASA employee?

Mr. Humphrey said those employees are under County control.

Ms. McClintock said that if they're not County employees it is exactly the same thing.

Mr. Humphrey said he believes Attorney Wilhite will agree that this is different because part of this money is coming out of bond funds -- there's an overlap there that is an awfully thin wire.

Commissioner Borries asked why we can't get a determination from bond Counsel in Indianapolis?

Attorney Wilhite said we did speak with bond Counsel and confirmed what seemed to be the obvious -- he thinks the language is clear. He understands there have been subsequent communications. He has no problems with hiring the employee or entering this agreement.

Mr. Humphrey mentioned that CASA is a direct off-shoot of one of the Courts -- and that is the only employee.

Attorney Wilhite reiterated that it is okay to pay salary and benefits out of the bond fund, the reason being there is nothing to exclude that. It doesn't limit it. Tonight we can enter into the employment agreement and subsequently his office will continue to look into this.

Mr. Curtis asked when Mr. Hassel can start -- next week, next month, or next year?

Attorney Wilhite said if the Commissioners approve the employment agreement he believes the terms of the agreement indicate "immediately".

It was noted that the contractual employee cannot work on any project except the Union Township Access Project as long as his salary, etc. are being paid from that project.

Upon motion by Commissioner Hunter and seconded by Commissioner McClintock the employment agreement was approved. So ordered.

Purchase of Vehicle/Union Township Access Project: Mr. Curtis noted the Commissioners have a copy of the Quantity Purchase Award from the State of Indiana from which we have an opportunity to purchase. We had looked at a 4-Wheel Drive Chevy Blazer. We deleted the automatic transmission, trailer hitch, and transmission cooler, which amounts to \$13,965.58. We do want mud tires. He is requesting permission to order that vehicle. It has to be ordered by May 24th or we have to wait six weeks before we can order a 1992 vehicle, as it is the end of the production year.

Auditor Humphrey raised questions as to who will have title to the vehicle, etc., and said he will not pay a claim on the vehicle until he has orders from the State Board.

It was the consensus of the Board that this matter be deferred to next week.

Claim/Koberstein Trucking: Mr. Curtis submitted a claim to Koberstein Trucking, Inc. in the amount of \$2,166.56. Somehow or other we sent the claim through on that project but did not send claim through for this amount. He thought final payment had been made.

Upon motion made by Commissioner Hunter and seconded by Commissioner Borries the claim was approved. So ordered.

G.I.S. Proposals: Mr. Curtis said we had requested proposals two weeks ago. He would recommend we short list and interview four of the six who submitted proposals: Boettcher Engineering, McCarter & Associates, Digitech, and Three "I" Engineering. Interviews are tentatively set for Wednesday at 11:00 a.m., 1:30 p.m., 2:15 p.m., and 3:00 p.m.

Ms. McClintock asked if there is a reason that Beam, Longest & Neff were not included in the scheduled interviews?

Mr. Curtis said they reviewed the proposals and called references and talked with a number of them. It was his feeling that McCarter and Digitech were more qualified for the type services we're looking at currently. He did not receive any information from references for Beam, Longest or Plangraphics as to their experience and capabilities in re doing a needs analysis. He did not do a thorough investigation of the two local firms. Their experience was limited, but we would want to interview them and see what experience we have locally.

RE: COUNTY ATTORNEY - JEFF WILHITE

Agreement with Private Industry Council: Upon motion made by Commissioner Hunter and seconded by Commissioner Borries the agreement was approved and signed. So ordered.

Lease re 4701 Green River Court: Attorney Wilhite said the Board requested he negotiate a lease for 4701 Green River Court. He has done that, with the rent being \$100.00 per month in exchange for the renter maintaining the property. He would request the Commissioners execute the lease at this time.

Questions were raised by Commissioner Borries, who stated we had to go through a considerable legal set of criteria to appraise that property. Does Mr. Wilhite know what the County paid for this property and what it was appraised for?

Mr. Wilhite responded negatively, and Mr. Borries said he believes we paid \$140,000. He understands Mr. Hensley's willingness to rent the property since it is near the Day School -- but he is bothered by the \$100.00 rental fee in light of the value of the property. That is low.

Ms. McClintock said it is either rent the property and let someone else maintain it or the County has responsibility for maintaining the property.

Mr. Borries said there has been some discussion re the house being moved, which would solve part of the liability question. The house could be sold at auction. He is concerned about the \$100 rental fee. There are persons out there pretty hard pressed to pay rent in far less substantial accommodations that house and he doesn't think that rent is adequate.

President McClintock suggested we obtain information re insurance

and maintenance of that property, as well as fair market value for rental of that square footage and put this back on the agenda for next week.

RE: CLAIMS SERVICE CONTRACT - CORROON & BLACK

Upon the recommendation of Attorney Wilhite, motion was made by Commissioner Hunter and seconded by Commissioner Borries to approve the contract. So ordered.

In response to query from Commissioner Borries, Attorney Wilhite explained that altered language includes that Corroon & Black will try to hire one of the County Attorneys when they can (which is exactly what they have done in the past, except that this verbiage was not previously included in the formal contract.)

(End of Side "A", Tape #1)

RE: WEBER CONDEMNATION SETTLEMENT

Attorney Wilhite reported that we have received funds to close the Weber condemnation settlement and should be closing that matter later in the week.

RE: COMPLAINTS FOR CONDEMNATION

Attorney Wilhite said he also has two Complaints for Condemnation for the Board's approval tonight

Upon motion made by Commissioner Borries and seconded by Commissioner Hunter Board approval was given. So ordered.

RE: COUNTY ATTORNEY - WRITTEN REPORT

Attorney Wilhite submitted written report on the status of various legal matters.....report received and filed.

RE: EMPLOYMENT AGREEMENT - FRANK HASSEL

Auditor Humphrey raised questions concerning subject contract, specifically with regard to indefinite period of the contract. Attorney Wilhite said that language has to be included in the contract, otherwise we would have to show good cause for termination.

RE: PRESENTATION OF GIFT TO JERRY RINEY

On behalf of the Board, President McClintock presented a Gift Certificate to Mr. Jerry Riney and expressed appreciation to him for his services as Superintendent of County Buildings and wished him the best of luck in his retirement.

Mr. Riney expressed thanks to the Board, saying he has truly enjoyed the time he has been in this position and will miss everyone.

Commissioner Borries also expressed his personal appreciation.

RE: CONSENT AGENDA

Ms. McClintock entertained questions concerning the Consent Agenda.

Commissioner Borries raised question concerning Item "h" (the check from Sue Hensley). At this time he does not feel he can consent to acceptance of this check.

Attorney Wilhite said that is correct, and Ms. McClintock instructed the Board to strike Item "h".

Ms. McClintock said Commissioner Hunter had also raised a question as to whether it is necessary to have a regular Commission Meeting next week because of the holiday week. She does not believe the Board has advertised anything for Tuesday, May 28th. If agreeable to the Commission, the next scheduled meeting will be on Monday, June 3, 1991.

Mr. Borries requested explanation re Item "k" (Commission request to go on Council Call re Legal Services). We already have requests outstanding in the amount of \$78,000. Could the attorneys give an estimate of what the Board can expect for the rest of the year. Assuming Council would grant this request, we would then still only have a balance for the remainder of 1991 of \$27,272.07. He is concerned as to whether this will be sufficient for the remainder of the year.

Ms. McClintock said that prior to the last Council Meeting she, Margie and Jerry prepared a breakdown on that. At that time the majority of the bills had been paid to Bowers, Harrison, Kent and Miller for work left over from last year.

Mr. Riney noted that it is not the Commission's fault nor that of Council that the attorneys have not received payment. The State Board has been holding this up for several weeks.

Attorney Humphrey reported he called the State Board of Tax Commissioners today and the State Board was holding the money because someone from the Highway Department had requested \$1,671 that we didn't have. He told Council that, but they left it in the minutes. It was not put on the request for appropriation. They didn't call and ask for an explanation and consequently held it on the desk. It has been verbally approved as of today and he has instructed bookkeeping to pay the attorney bills. The State Board order will be signed and mailed this afternoon.

Item "k" was left in the approved Consent Agenda.

Mr. Riney said there is another request to go on Council Call for the Commission, also. It concerns Manatron. There are some bills back to 1988 and 1989 for the Township Trustees. At that time Council informed the Commission Office that they were no longer to have any reassessment funds and we couldn't pay the bills. However, Council President Curt Wortman has informed Evelyn Lannert of the County Assessor's Office to get the bills together and they are in the Auditor's office to be paid as soon as Commission approval is given. We've asked for \$20,000 to pay our contract with Unisys Corp.

There being no further questions, a motion was entertained.

Upon motion made by Commissioner Hunter and seconded by Commissioner Borries the amended Consent Agenda was approved. So ordered.

RE: OLD BUSINESS

Oglesby Subdivision/Water Damage: Mr. Mike Turi of 1716 Orchard Rd. was recognized and said he is here re the water damage in Oglesby Subdivision. They have worked on it but the problem is not resolved. They did not extend it 3 ft. on the northwest side -- they cut it 4 ft. short from the curve and left it there. He talked to Gary Kercher and he is going to recommend that they come out and look at the problem again. Mr. Turi said he has given the County almost a year to resolve the problem. What has been done just hasn't done the job.

RE: NEW BUSINESS

Request for Address Change: Ms. McClintock said a group of residents in northwest Vanderburgh County are requesting that their mailing address be changed from Wadesville, IN to Evansville, IN. They needed a letter to Post Master Larry Powell from the Board of Commissioners supporting their request. A letter has been prepared and she would entertain a motion at this time.

Upon motion made by Commissioner Hunter and seconded by Commissioner Borries the letter was approved for forwarding. So ordered.

RE: INTERVIEWS - VETERANS SERVICE OFFICER

Ms. McClintock said she would like to schedule interviews for Veterans Service Officer on Friday, June 7, 1991 beginning at 3:00 p.m., if agreeable with the other Commissioners. The position will not take effect until June 24th. That will be an Executive Session for the purpose of interviewing applicants for the Veterans Service Officer position.

There being no further regular business to come before the Board, Ms. McClintock recessed the meeting at 7:20 p.m., and said the Board will reconvene at 7:30 p.m., at which time Rezoning Petitions will be heard.

* * * * *

The Board reconvened at 7:30 p.m. to hear Rezoning Petitions.

First Reading:

VC-6-91/Petitioner, Hillery H. Nalley: Requested zoning is from Agricultural to C-4. There being no one present to speak re this petition, upon motion made by Commissioner Borries and seconded by Commissioner Hunter the petition was approved for forwarding to Area Plan Commission. So ordered.

Third Readings:

VC-19-90/Petitioner, James & Betty Rittenhouse: Requested zoning is from Agricultural to M-1, with a Use Development Commitment.

Attorney Les Shively was present to represent the petitioners and offered a lengthy presentation. Mr. Ron Titzer of 8001 Green River Rd. was among the remonstrants and stated his Mother lives adjacent to the subject property (to the west). He offered comments opposing the rezoning. Mr. Dennis Kraft of 5901 Millersburg Rd. subsequently offered comments opposing the rezoning. Bob and Sheri Claybrooks of 5909 Millersburg Rd. and Janet Moore of 5205 Millersburg Rd. were also among those offering comments opposing the rezoning. Mr. Shively subsequently offered a rebuttal and following further lengthy comments, and subsequent questions from the Commission, motion was made by Commissioner Borries and seconded by Commissioner Hunter to approve the petition.

Commissioner McClintock asked for a roll call vote: Commissioner Borries, no; Commissioner Hunter, no; and Commissioner McClintock, no. Petition denied by unanimous negative vote. So ordered.

VC-4-91/Petitioner, DPF, Inc. Requested zoning change is from R-1 to C-4. Ms. McClintock said this matter has been continued to June 17, 1991.

VC-3-91/Petitioners, Harvey & Carol Klenck: Requested zoning change is from Agricultural to C-4, with a Use and Development Commitment.

Attorney Les Shively also represented the Klencks, and presented information packets to the Commissioners concerning Mr. Klenck's efforts with regards to all necessary buildings permits from the State of Indiana and the local Building Commissioner. The purpose of this petition is not to expand or build, but simply to bring the current operation into compliance. Any zoning approval given this evening will be subject to Mr. Klenck being able to obtain permits for a septic system, all permits for his building, approval from the State Fire Marshall, etc., and not by the standards in 1978, but to meet 1991 standards. Among those present supporting the petition were Mr. & Mrs. Klenck's neighbors, and a signed petition supporting the rezoning was submitted to the Board.

Mr. Jim Morley was recognized and said he was asked by one of the remonstrators to take a look at one of the roadways that leads to the site and to make his comments known to the Commissioners. The site is located on about the fourth major curve north of Highway 66 and there are some problems with Vienna Road relative to heavy traffic, whatever the source. The worst case is probably just off Highway 66, where the pavement breaks apart. There are also a few other areas where the asphalt is rutted from truck loads, school bus loads, or whatever the heavy loads. The curve immediately to the south of the site has some overhanging trees and the sight distance is down around 100 ft. Safe distance for stopping properly is 200 ft. at 30 mph and it does appear at times that the traffic on Vienna moves a bit faster than 30 mph. Regardless of what happens on zoning, this is a problem that should be corrected.

Barb Fendrich also offered very lengthy comments opposing the rezoning and offered photos to the Board, as well as a list of equipment owned by Mr. Klenck, which travels the road twice daily. She directed the Commissioners' attention to the empty and loaded weights, noting he has five trucks which carry 70,000 lbs. There is a 10 ton limit on Vienna Rd. There are no shoulders on the road nor sewers. The APC in their records of previous meetings stated that no business would be granted zoning without sewers or shoulders on the road. Mr. Klenck's trucks have also used Slate Rd. and School Rd. No. 6, which are both narrow, wooded and curvy and have no shoulders. All the taxpayers in Vanderburgh County pay for maintenance of the roads. Mr. Klenck has knowingly violated zoning and building permits on Vienna Rd. He proceeded to build without permits or zoning, even though he is a contractor and property owner and is fully aware that permits and zoning must be obtained prior to construction. He also is aware of the zoning where he lives.

Mr. Bill Stucki also offered comments opposing the rezoning, primarily concerning road damage. He noted that Vienna Rd. is only at maximum 20 ft. wide and the current County road standards call for 24 ft. width. Mr. Stucki urged the Commission to carefully consider this petition, saying people are required to be licensed and zoned before they take action and not wait until they get caught. Zoning and building codes apply to all -- right is right and wrong is wrong. Passage of this petition will cause tremendous problems with future spot zoning in our County. There was a strong negative vote from Area Plan. This area calls for undeveloped agricultural, scattered single-family homes and the residents hope to keep it that way.

Following Mr. Shively's rebuttal and further comments from remonstrants, a motion was entertained.

Motion was made by Commissioner Hunter and seconded by Commissioner Borries to approve the petition.

Commissioner McClintock asked for a roll call vote: Commissioner

Borries, yes; Commissioner Hunter, yes; and Commissioner McClintock, yes. Petition was approved by unanimous roll call vote. So ordered.

VC-5-91/Petitioner, Landel Enterprises: Requested zoning is from Agricultural to C-4.

Mr. Rod Clutter represented the petitioner, along with Mr. Jim McCarty of Colonial Garden Center. An issue that came up at the APC concerned Off Premise Advertising. They were asked to make a commitment re no Off Premise Advertising at the end of their presentation. They had not discussed the matter prior to the issue coming up. They are very much in favor of no Off Premise Advertising and if they need to make that commitment in order to get this petition passed, then so be it. They were not sure it was properly an issue and were under the impression that the issue was the proper use of the land. So he is here with a question tonight.

Following lengthy comments and questions, it was the consensus of the Board that VC-5-91 be sent back to the Area Plan Commission with regard to restrictions re no Off Premise Advertising.

There being no further business to come before the Board, President McClintock declared the meeting recessed at 9:10 p.m.

PRESENT:

Carolyn McClintock, President
Don Hunter, Vice President
Rick Borries, Member
Jeff Wilhite, County Attorney
Sam Humphrey, County Auditor
Greg Curtis, County Engineer
Cletus Muensterman, County Highway Supt.
Jerry Riney, Supt./County Bldgs.
Donald Dudkowski, Beam, Longest & Neff
Charles Althaus, Coroner
Sherman Greer, Emergency Management Agency
Jack Kirwer, Auditorium Manager
Les Shively, Attorney
Rod Clutter
Jim McCarty
Jim Morley, Morley & Associates
Barb Fendrich
Bill Stucki
Ron Titzer
Dennis Kraft
Bob & Sheri Claybrooks
Margie Meeks, Commission Office
Sandi Deig, Commission Office
Others (Unidentified)
News Media

TAPED BY: Sandi Deig &
Margie Meeks

TRANSCRIBED BY: Joanne Matthews (following vacation)


Carolyn McClintock, President


Don Hunter, Vice President


Richard J. Borries, Member



Board of Commissioners

of the
County of Vanderburgh
305 ADMINISTRATION BUILDING
CMC CENTER COMPLEX
EVANSVILLE, INDIANA 47708



ROBERT L. WILLNER
RICHARD J. 'RICK' BORRIES
CAROLYN MCCLINTOCK

TEL. (812) 426-5241

AGENDA

VANDERBURGH COUNTY COMMISSION

MAY 20, 1991

6:00 P.M. - Commissioners Meeting

7:30 P.M. - Rezoning Petitions

FINAL

1. Call to order
2. Introduction of staff
3. Pledge of Allegiance
4. Any groups/individual wishing to address the Commission
5. Action Items:
 - a. Sale of County owned surplus real estate
 - b. Contract to be awarded for County Morgue Equipment
 - c. Letter of request to use the Vanderburgh Auditorium for Emergency Management Agency from Roger Lehman
 - d. Private Industry Council Agreement submitted for approval
 - e. Decision to be made on Telephone System for outlying lines in the County
 - f. Proposed request for proposals on private management of the Vanderburgh Auditorium
 - g. Vanderburgh Auditorium Parking Lot Agreement
 - h. Appointment to be made - Superintendent of County Buildings
 - i. Proclamation on Seat Belt Safety Week - May 20th. to May 27th. 1991
6. Department Head Reports:
 - a. Jack Kirwer.....Vanderburgh Auditorium Manager
 - b. Cletus Muensterman.....County Highway Superintendent
 - c. Greg Curtis.....County Highway Engineer
 - d. Jeff Wilhite.....County Attorney
7. Consent Items:
 - a. Annual Report for 1990 - Legal Aid Society of Evansville, Inc.
 - b. Approval of minutes - County Commissioners meeting of May 13, 1991

- c. Approval of Claims
- d. Approval of Holidays for 1992
- e. Employment Changes - Appointments:

Burdette Park

Effective:

Ryan Wargel - Pt. time Ground Crew - \$4.25 Per hr. - 4/27/91
 James Townsend - Pt. time Ground Crew - \$4.25 Per hr. - 4/27/91
 Daniel Townsend - Pt. time Ground Crew - \$4.25 Per hr. - 4/27/91
 Kevin Reis - Pt. time Ground Crew - \$4.25 Per hr. - 5/1/91
 Chris Rowe - Pt. time Ground Crew - \$4.25 Per hr. - 5/1/91
 Shawn Helmer - Pt. time Ground Crew - \$4.25 Per hr. - 4/27/91
 Jeremy Kieffner - Pt. time Ground Crew - \$4.25 Per hr. - 4/27/91
 Julie Singer - Pt. time Ground Crew - \$4.25 Per hr. - 5/5/91
 Benjamin McCarthy - Pt. time Ground Crew - \$4.25 Per hr. - 5/1/91
 Susan Bernhardt - Pt. time Ground Crew - \$4.25 Per hr. - 5/4/91
 Scott Felty - Pt. time Ground Crew - \$4.50 Per hr. - 5/2/91
 William Cook - Pt. time Ground Crew - \$4.50 Per hr. - 4/29/91
 Robert Barnett - Pt. time Ground Crew - \$4.50 Per hr. - 4/24/91
 Kerri Nelligan - Office \$4.50 Per hr. - 5/2/91
 Dale Hinton - Part time Rink D.J. - \$4.25 Per hr. - 4/25/91
 James Gerard - Pt. time Ground Crew - \$4.25 Per hr. - 4/27/91

Vanderburgh County Highway Department:

Greg A. Baggett - Laborer - \$9.92 Per hr. - 5/16/91

Vanderburgh Cumulative Bridge:

Eric A. Acker - Laborer - \$9.99 Per hr. - 5/16/91

- f. Employment Changes - Releases:

Vanderburgh County Highway Department:

Eric A. Acker - Greaseman - \$10.22 Per hr. - 5/16/91

Vanderburgh Cumulative Bridge:

James R. Carrigan - Laborer - \$9.99 Per hr. - 5/10/91

Health Department:

Susan Van Russelburghe - Pt. time R.N. - \$11.57 Per hr. - 5/28/91

- g. Scheduled Meetings:

Thursday, May 23 - Health Dept. T.B. Class - 8 a.m. to 1 p.m. - Room 303
 Thursday, May 23 - Health Fair - St. Marys - 8 a.m. to 11 a.m. - Room 301
 Thursday, May 23 - Central Dispatch Board - 1:30 p.m. - Room 301
 Thursday, May 23 - E.U.T.S. Policy Committee - 4:00 p.m. - Room 307
 Tuesday, May 28 - Department Head Meeting - 3:30 p.m. - Room 303
 Tuesday, May 28 - County Commissioners Meeting - 4:30 p.m. - Room 307
 Tuesday, May 28 - Transition Team Meeting - 1:30 p.m. - Room 303

- h. Check from Sue Hensley for rent on 4701 Green River Court
 - i. Check received from Robert Barthel - Education Programming for County employees
 - j. Check received from St. Mary's Medical Center - Refund
 - k. Request to go on Council Call - County Commissioners (2)
 - l. Holiday Closing - All County offices will be closed on Monday, May 27, 1991, in observance of Memorial Day
8. Old Business
9. New Business
10. Rezoning Petitions - First Reading:
- VC-6-91 - Petitioner, Hillery H. Nalley - Ag to C-4
11. Rezoning Petitions - Third Readings:
- VC-19-90 - Petitioners, James & Betty Rittenhouse - Ag to M-1 with a use and Development Commitment
 - VC-3-91 - Petitioners, Harvey & Carol Klenck - Ag to C-4 with a use and Development Commitment
 - VC-4-91 - Petitioner, DPF, Inc. - R-1 to C-4 (Continued until June 17, 1991)
 - VC-5-91 - Petitioner, Landel Enterprises - Ag to C-4
12. Meeting recessed

Memorandum Memorandum

To: Local Elected Officials

Date: April 2, 1991

From: Jerry Yezbick, Executive Director



P.I.C.

Re:

Signature Update for the Southwest Indiana Delivery Agreement Among Elected Officials for Implementation of the Job Training Partnership Act and the Service Delivery Area Agreement Between Elected Officials and the Private Industry Council of Southwest Indiana for Programs Under the Job Training Partnership Act.

Following a recent review of the Agreement among Local Elected Officials for the implementation of the Job Training Partnership Act, and the Service Delivery Area agreement between Elected Officials and the Private Industry Council of Southwest Indiana for programs under the Job Training Partnership Act, we observed that the documents needed to be updated to include the signatures of those Elected Officials who are presently in office. The agreements are not being amended.

Please take a moment to review the agreement, sign the form where indicated and return it to our office (Attention: Jeffrey L. Amos). If you have any questions regarding this matter or any issues regarding the Private Industry Council, please feel free to call. Thank you for your cooperation in this matter.

JY/cd

*Call Franka Siscl
424-4473
With Questions*



JOBS FOR PEOPLE
PEOPLE FOR JOBS



PRIVATE INDUSTRY COUNCIL OF SOUTHWEST INDIANA
JOB CENTER

160 S. THIRD AVE. P.O. BOX 10008
EVANSVILLE, IN 47708
(812) 424-HIRE FAX (812) 422-2438



SERVICE DELIVERY AREA AGREEMENT BETWEEN
ELECTED OFFICIALS AND THE PRIVATE INDUSTRY COUNCIL
OF SOUTHWEST INDIANA FOR PROGRAMS UNDER THE
JOB TRAINING PARTNERSHIP ACT

This document is mutually agreed to by the parties to this agreement for the express purpose of conducting job training programs in the five Indiana counties of Perry, Posey, Spencer, Warrick and Vanderburgh. These training programs will adhere to the provisions of the Job Training Partnership Act (Public Law 97-300), the federal regulations for programs under the Job Training Partnership Act (20CFR Parts 626 through 638), and all applicable federal and state rules and policies.

The signatories to this agreement shall be legally bound to the following points:

- I. **SHARED AUTHORITY.** All sections of the agreement will emphasize the sharing of decision making between the Private Industry Council and the local elected officials. On matters that require negotiation, the Mayor of Evansville will represent the elected officials, and the President of the Private Industry Council will represent the Private Industry Council. The actions of the President of the Private Industry Council are subject to approval of the full Private Industry Council. The elected officials may call a special meeting at any time to review the actions of the Mayor of Evansville on program matters. If an impasse occurs, an outside mediator may be called upon, if desired by both the Private Industry Council and the local elected officials, to assist in reaching local, mutually--agreeable decision.
- II. **GRANT RECIPIENT.** The Private Industry Council will receive grant funds from the Department of Employment & Training Services for all JTPA activities including, but not limited to Title II A, II B, SYEP, Educational programs, Title III Economic Dislocation Worker Adjustment Assistance Act (EDWAA) projects and any other funds for projects deemed appropriate for services to eligible individuals.
- III. **ADMINISTRATIVE ENTITY.** The Private Industry Council will serve as the administrative entity and will provide day-to-day supervision of the staff of the Private Industry Council Office. Major personnel decisions will be made jointly by the Private Industry Council and the Mayor of Evansville. Personnel policies will be developed by the Private Industry Council and jointly approved by the Private Industry Council and the Mayor of the City of Evansville.
- IV. **CONTRACTING.** Proposals for programs will be initially reviewed by the Private Industry Council through its established committee structure. Proposals approved by the Private Industry Council will be referred to

the Mayor of Evansville for action. Contracts for programs will require the signature of the President of the Private Industry Council and the Mayor of the City of Evansville. Contract monitoring will primarily be the responsibility of the Private Industry Council Office staff.

- V. **PLANNING.** Annual planning for total programming will be initiated by the Private Industry Council. The Private Industry Council staff, under the direction of the Private Industry Council, will prepare detailed program plans, including budgets, for public comment and for review and approval by the elected officials. The public comment period will include announcement of availability of the plan in local newspapers and mailing of summaries of the plan to interested parties. The Annual Plan will include, at a minimum, the following:

- . . .Description of employment and training needs of the eligible population and of area employers;
- . . .Geographic distribution of funds within the area;
- . . .Distribution of funds by program type;
- . . .Description of youth programs;
- . . .Description of adult programs;
- . . .Description of older worker programs;
- . . .Description of Summer Youth program;
- . . .Description of participant selection procedures;
- . . .Description of selection procedures for contractors;
- . . .Description of coordination plans with the Employment Service, secondary and post secondary training institutions, Indiana Rehabilitation Services, economic development programs, and other efforts related to employment and training;
- . . .Description of administrative systems; and
- . . .Identification of performance standards.

- VI. **STAFFING.** A single administrative staff structure, which will operate under a performance evaluation system, will be developed by the Private Industry Council and jointly approved by the Private Industry Council and the Mayor of the City of Evansville, to assist in planning and administration. Major personnel decisions will be initiated by the Private Industry Council and approved by the Mayor of the City of Evansville. The Executive Director of the Private Industry Council will be the key contact person for the Governor's office and the community for matters related to the Job Training Partnership Act. All staff positions developed will be advertised within each of the five counties prior to hiring decisions. All staffing decisions will be

made based on the qualifications of the individual candidates and will adhere to proper Federal guidelines and The Affirmative Action plan.

- VII. ANNUAL PLAN APPROVAL. An annual meeting of elected officials and the PIC will be held for the purpose of the approval of the annual plan by the elected officials for the upcoming year. Special meetings may be called by elected officials during the course of a program year. At least ten days will be required for notice of the annual meeting and forty-eight hours for special meetings. At least six of the elected officials must approve the Annual Plan.
- VIII. PROGRAM MONITORING. Performance monitoring responsibility will rest primarily with the Private Industry Council. Monthly monitoring reports will be prepared by the Private Industry Council Office staff and be available to the Private Industry Council and all elected officials. A written annual report will be prepared within three months following the end of the program year.
- IX. PRIVATE INDUSTRY COUNCIL MEMBERSHIP. The role expected of the Private Industry Council requires active participation of all members at both committee and PIC business meetings. Failure to participate in three consecutive months in PIC board and/or committee meetings will result in removal from the Board of Directors. Members removed in this manner will be eligible for re-appointment using the same procedures as from new appointments.
- X. VOTING PROCEDURES FOR LOCAL ELECTED OFFICIALS. On matters requiring a vote of elected officials, the following elected officials will have one vote each:
- | | |
|----------------------------------|------------------------------|
| Mayor of Mt. Vernon | Warrick County Commissioners |
| Posey County Commissioners | Mayor of Tell City |
| Mayor of Evansville | Perry County Commissioners |
| Vanderburgh County Commissioners | Mayor of Rockport |
| Mayor of Boonville | Spencer County Commissioners |
- Action of the elected officials will require six votes. Proxy voting is not allowed.
- XI. VOTING PROCEDURES FOR PRIVATE INDUSTRY COUNCIL. The Private Industry Council, through the establishment of its by-laws, will define voting procedures and required number of votes for action.
- XII. MEETINGS OF THE PRIVATE INDUSTRY COUNCIL AND LOCAL ELECTED OFFICIALS. The Private Industry Council and the located elected officials will hold separate meetings except for the Annual Meeting described in section VII and any other time that both sides agree that a joint meeting is needed. All meetings will comply with the provisions of the Indiana Open Door Law. All meetings will be announced and public except for executive sessions which comply with the Indiana Open Door Law.

- XIII. MODIFICATION OF AGREEMENT. This agreement may be modified at any time by mutual approval of the Private Industry Council and local elected officials using voting procedures described in Sections X and XI.
- XIV. TERM OF AGREEMENT. The term of this agreement will commence at the time that all parties to the agreement have signed and shall be automatically renewed from program year to program year unless a signatory notifies the other signatories of its intention not to renew at least 90 days prior to the expiration of any one year period of upon action taken by the federal or state government which requires changes in the agreements.
- XV. SIGNATURES. Mayor of Mt. Vernon, Mayor of Evansville, Mayor of Boonville, Mayor of Rockport, Mayor of Tell City, Posey County Commissioners, Perry County Commissioners, Spencer County Commissioners, Warrick County Commissioners, and Vanderburgh County Commissioners.

SOUTHWEST INDIANA SERVICE DELIVERY AREA

AGREEMENT AMONG ELECTED OFFICIALS

FOR IMPLEMENTATION OF THE

JOB TRAINING PARTNERSHIP ACT

This document is mutually agreed to by the signatories for the purpose of establishing a Private Industry Council of Southwest Indiana and conducting job training programs under the provisions of the Job Training Partnership Act of 1982 (Public Law 97-300), its amendments, and any rules and regulations issued thereunder. The signatories agree to the following:

- I. GEOGRAPHIC AREA. The Service Delivery Area designated by the Governor of Indiana includes the Counties of Vanderburgh, Posey, Warrick, Spencer and Perry.
- II. APPOINTMENT OF PRIVATE INDUSTRY COUNCIL. A Private Industry Council will be appointed in compliance with the requirements for the establishment of a Private Industry Council under the Job Training Partnership Act. The Metropolitan Evansville Chamber of Commerce will contact other local Chambers of Commerce in the 5-county area and will coordinate the nomination process for business members. The elected officials of each county will select the business members from their county from among the nominations received. The Private Industry Council will consist of thirty-three (33) members with composition as follows:
 -Ten (10) business appointments from Vanderburgh County (eight (8) appointed by the Mayor of the City of Evansville, two (2) appointed by the Vanderburgh County Commissioners);
 -Two (2) business appointments from Posey County (appointed by the Posey County Commissioners);
 -Two (2) business appointments from Warrick County (appointed by the Warrick County Commissioners);
 -Two (2) business appointments from Spencer County (appointed by the Spencer County Commissioners);
 -Two (2) business appointments from Perry County (appointed by the Perry County Commissioners);
 -Fifteen (15) "non-business" members including at least one member from each of the following: educational agencies; organized labor; rehabilitation agencies; community-based organizations; economic development agencies; and public employment service.

The "non-business" members will be appointed by the Mayor of the City of Evansville who will consider equitable geographic distribution and required membership categories in making the appointments. At least

five (5) of the "non-business" members must be from counties other than Vanderburgh. Nominations will be solicited from county commissioners for these appointments. Members of the Private Industry Council will be appointed to fixed and staggered terms. The process for future appointments to the Council will be the same as the process prescribed in this section for initial appointments.

III. TERM OF AGREEMENT. The term of this agreement shall begin on May 1, 1983, and shall run through June 30, 1984, and thereafter shall automatically be renewed from program year to program year (as defined by Department of Labor) unless any signatory notifies the other parties of its intention not to renew at least 90 days prior to the expiration of any one year period or upon action taken by the Governor of Indiana to change the service delivery area.

IV. AGREEMENT WITH PRIVATE INDUSTRY COUNCIL. Once appointed and certified by the Governor of Indiana the Private Industry Council will share decision-making authority with the elected officials of the Service Delivery Area. An agreement between elected officials and the Private Industry Council will be negotiated and signed and will cover, at a minimum, the following items: establishment of administrative entity; establishment of planning process; role of Private Industry Council; role of elected officials; and staff of program.

SIGNATURES: Mayor of Evansville, Mayor of Mt. Vernon, Mayor of Boonville, Mayor of Rockport, Mayor of Tell City, Vanderburgh County Commissioners, Posey County Commissioners, Warrick County Commissioners, Spencer County Commissioners, Perry County Commissioners.

<i>Carolyn S. McIntosh</i>	<i>5/20/91</i>
County Commissioner of Vanderburgh	Date
<i>Bob Hunt</i>	<i>5-20-91</i>
County Commissioner of Vanderburgh	Date
<i>Richard J. Borries</i>	<i>5-20-91</i>
County Commissioner of Vanderburgh	Date

<i>Sam Humphrey, Auditor</i>
Attest

VANDERBURGH COUNTY

REQUEST FOR PROPOSALS
FOR
MANAGEMENT OF VANDERBURGH COUNTY AUDITORIUM

MAY 20, 1991

VANDERBURGH COUNTY
FILED

JUN 20 1991

Sam Humphrey
AUDITOR

GENERAL INFORMATION

ISSUE DATE: May 20, 1991

PURPOSE: To engage the services of a private management group more fully described in this RFP.

ISSUER: Vanderburgh County Commissioners

Technical Questions: Carolyn S. McClintock, President
(812)426-5241

Financial Questions: Sam Humphrey, Auditor (812)426-5300

Deadline: All proposals must be in a sealed envelope and clearly marked:
"Sealed Proposal -- Management of Vanderburgh County Auditorium"
All proposals must be received by June 24, 1991 by 11:30 a.m.
Evansville time. Five copies of the proposal should be addressed
to: Carolyn S. McClintock, President, Vanderburgh County Commission,
Civic Center Complex, Room 305; Evansville, Indiana 47708

Award Date: If determined to be in the best interest of the County, a proposal
may be selected by:
A selection may be made sooner or later.

Evaluation Criteria: Qualifications and experience of the firm Comprehensive-
ness of the proposal
Proposed fee structure
Financial savings and/or return to the County

Any proposals received after 11:30 a.m. June 24, 1991
will be returned unopened. Vanderburgh County may
cancel this RFP or reject proposals at any time prior
to an award.

Schedule: Request for proposals issued: May 20, 1991
Proposal submission deadline: June 24, 1991
Recommendation: July 8, 1991
Selection: July 22, 1991

PROPOSED ENGAGEMENT:

Background

Vanderburgh Auditorium was constructed 20 years ago as an auditorium and multi-purpose convention center. The facility has had a series of managers over the past several years and although it is physically in fair condition, the Auditorium has not been fully utilized throughout its' history.

The Auditorium Manager resigned in November, 1990 and there have been two interim managers since that date. The County Commission has a transition team of volunteers reearching the management of all of our facilities including Vanderburgh Auditorium. Professional management is one of the areas that they are researching.

The Auditorium does have a five member Advisory Board that works with the management to make recommendations on improvements to the facility. These members are appointed by the Commission.

Facility Description

The Auditorium is a 2,000 seat theater/concert/lecture hall with 100 ft. wide by 45 ft. deep stage, five star and two chorus dressing rooms. The Auditoriums many users include the Evansville Philharmonic, the Evansville Vanderburgh School Corporation and countless other school, church and community organizations. In addition, concerts for all tastes by local and nationally acclaimed artists, Broadway tours, national telethons and teleconferences are held at the Auditorium.

The Gold Room contains a spacious 12,700 sq. ft. of unobstructed floor area and five smaller meeting rooms on the second floor balcony. As a banquet hall it will seat 1,000. With its' unique design, the room adapts to many other uses including meetings, dances, exhibitions and markets of all sorts.

RESOLUTION

WHEREAS, the Commissioners of the County of Vanderburgh, State of Indiana (hereinafter "County") are aware of the limited parking space availability in the downtown area of Evansville;

WHEREAS, it is the judgment of the County that the parking lot adjacent to and just northeast of the Vanderburgh Auditorium Convention Center is not presently being used as effectively as it could be to relieve the downtown parking problem; and,

WHEREAS, the County and the City have reached agreement upon creating increased parking availability through permitting use by the public of reserved and metered spaces in the Vanderburgh Auditorium Convention Center parking lot, and have determined the responsibilities and benefits of both the County and City.

NOW THEREFORE, BE IT RESOLVED, that the Agreement between the County and City regarding establishment, maintenance, and police enforcement of regulations regarding the reserved and metered spaces to be designated in the Vanderburgh Auditorium Parking Lot, which Agreement is attached hereto as Exhibit "A", is hereby approved and accepted, and the appropriate officer of the County is hereby authorized to execute and deliver said Agreement.

Commissioners of the County of
Vanderburgh, State of Indiana


Carol McClintock, President


Don Hunter, Vice President

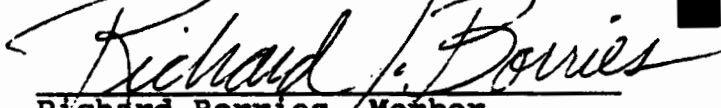

Richard Borries, Member

Exhibit "A"

AGREEMENT

THIS AGREEMENT, executed this 20th day of May, 1991, by and between the Common Council of the City of Evansville, State of Indiana (hereinafter "City") and the Board of County Commissioners of Vanderburgh County, State of Indiana (hereinafter "County");

WITNESSETH;

WHEREAS, it has been proposed that the County provide for the purchase of parking stickers permitting the bearer to park in the Vanderburgh Auditorium Convention Center parking lot (hereinafter "Auditorium Parking Lot"); and,

WHEREAS, there has been a further proposal to provide for metered parking spaces for use by the general public in the Auditorium Parking Lot.

NOW THEREFORE, in consideration of the premises, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

1. City Installation and Maintenance of Parking Meters. The City shall direct the City of Evansville Parking Meter Department to install three (3) hour parking meters at twenty-five spaces to be designated by the County in the Auditorium Parking Lot. The City shall be solely responsible for the installation and maintenance of said meters throughout the term of this Agreement, and any extensions hereto.

2. Other Duties of the City. The City shall be solely responsible for removing moneys deposited in the meters, issuing tickets for meter violations, and for ticketing parties illegally parked in the reserved spots to be designated. The City shall further perform law-enforcement patrols of the Auditorium Parking Lot to enforce the applicable parking restrictions from 8:00 o'clock A.M. to 5:00 o'clock P.M., Monday through Friday.

3. Division of Meter Revenue and Fines. The City shall retain seventy-five percent (75%) of the revenue derived from use of the parking meters, and shall retain one hundred percent (100%) of the revenue resulting from parking ticket fines issued to individuals illegally parked in the Auditorium Parking Lot.

4. Monthly Stickers: Revenue. The County shall establish parking slots to be rented for Fifteen and 00/100 Dollars (\$15.00) per month, and shall issue readily visible identifying tags or stickers evidencing payment of the fee for obtaining a parking space. The County shall retain all revenue generated from the issuance of identifying tags or stickers. The City shall be

Exhibit "A"

responsible for enforcement of the reserved parking restrictions, and any parking ticket fines recovered by the City for tickets issued to parties illegally parked in the reserved monthly slots shall be retained by the City.

5. Applicable Law. This Agreement shall be governed by and construed in accordance with the laws of the State of Indiana. If any provision of this Agreement is contrary to, prohibited by, or deemed invalid under applicable laws or regulations then such provision shall be deemed inapplicable and deemed omitted, but shall not invalidate the remaining provisions hereof.

6. Entire Agreement. This instrument contains the entire agreement between the parties and supersedes all prior oral or written understandings, agreements or contracts, formal or informal, between the parties hereto. **THIS PROVISION, AND EACH AND EVERY OTHER PROVISION OF THIS AGREEMENT MAY NOT UNDER ANY CIRCUMSTANCE BE MODIFIED, CHANGED, AMENDED OR PROVISIONS HEREUNDER WAIVED VERBALLY, BUT MAY ONLY BE MODIFIED, CHANGED, AMENDED OR PROVISIONS HEREUNDER WAIVED BY AN AGREEMENT IN WRITING EXECUTED BY ALL OF THE PARTIES HERETO.**

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals as of the day first above written.

Common Council of the City of Evansville, Indiana

BY: _____
David Mosby, President

"CITY"

Board of Commissioners of Vanderburgh County, Indiana

BY: _____
Carol McClintock, President

"COUNTY"



CAROLYN MCCLINTOCK
DON L. HUNTER
RICHARD J. "RICK" BORRIES

Board of Commissioners

of the
County of Vanderburgh
305 ADMINISTRATION BUILDING
CMC CENTER COMPLEX
EVANSVILLE, INDIANA 47708



TEL. (812) 426-5241

P R O C L A M A T I O N

- WHEREAS, Studies have shown that the proper use of lap and shoulder safety belts can reduce the risk of death or serious injury in about half; and
- WHEREAS, Eighty percent (80%) of motorists in Canada use seat belts, and the percentage is still climbing; and
- WHEREAS, Only forty-two percent (42%) of U.S. Motorists use seat belts; and
- WHEREAS, The national goal is seventy percent (70%) motorists' seat belt usage by the end of the year, 1992; and
- WHEREAS, Fifteen thousand lives would have been saved last year alone if all front seat occupants had been wearing seat belts;

NOW, THEREFORE, I, Carolyn McClintock, President of the Vanderburgh County Commissioners, do hereby proclaim the week of May twentieth to the twenty-seventh, 1991 as

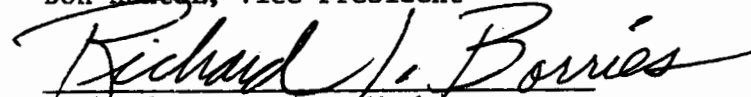
"SEAT BELT SAFETY WEEK"

In Vanderburgh County, Indiana;

THE BOARD OF COMMISSIONERS OF
THE COUNTY OF VANDERBURGH


Carolyn McClintock, President


Don Hunter, Vice President


Richard J. Borries, Member

715A Locust Street
Evansville, IN 47708

Tel. (812) 424-9603

**RE: Acceptance of Street Improvements in
 Old Boonville Highway Commercial Pk**

Vice-President
Richard J. Borries
Member

CLAIMS SERVICE CONTRACT

THIS AGREEMENT, made and entered into this 1st day of February, 1991, between **CORROON & BLACK ADMINISTRATIVE SERVICES, INC.**, a Tennessee Corporation, with principal offices at BNA Corporate Center, Building 200, P.O. Box 78, Nashville, TN 37202, hereinafter referred to as "CBAS", and **VANDERBURGH COUNTY, INDIANA**, with principal offices in Evansville, Indiana hereinafter referred to as "Client".

WITNESS:

WHEREAS, "CBAS" is in the claims service business and

WHEREAS, "Client" desires to employ "CBAS" as its claims service company to service the claims of "Client" arising out of coverages provided under policies issued by Underwriters at Lloyd's effective February 1, 1990 through January 31, 1992, and Workers' Compensation claims arising out of "Client's" responsibilities under the Workers' Compensation Statute of the State of Indiana.

NOW, THEREFORE, "CBAS" and "Client" contract as follows:

"CBAS" AGREES:

1. (a) To review all claim and/or loss reports with claim and/or loss dates subsequent to the retroactive date specified in the policies issued by Underwriters at Lloyd's and reported to "CBAS" during the term of this Contract which involves claims against "Client" and/or claims by "Client" under said coverages.

- (b) To review all Workers' Compensation claims reported to "CBAS" during the term of this Contract.
- (c) To investigate, adjust, settle or resist all such losses and/or claims within the agreed discretionary settlement authority limit of Two Thousand Five Hundred Dollars (\$2,500.00).
- (d) To investigate, adjust, settle or resist all such losses and/or claims as are in excess of the discretionary settlement authority limit of Two Thousand Five Hundred Dollars (\$2,500.00), but less than Ten Thousand Dollars (\$10,000), upon consultation with and approval of legal counsel designated by "Client". For claims in excess of Ten Thousand Dollars (\$10,000.00), "CBAS" shall be required to obtain express approval of "Client's" Authorized Representative for settlement.
- (e) To furnish claim forms necessary for proper claims administration.
- (f) To establish claim and/or loss files for each reported claim and/or loss. Such files shall be the exclusive property of "Client" and Underwriters at Lloyd's. Such files are available for review by "Client" during normal business hours with reasonable notice.
- (g) To furnish "Client" a monthly Claim Activity Loss Run and a quarterly Loss Prevention Analysis Run.
- (h) To indemnify, defend and hold harmless "Client" with respect to any claims asserted as a result of any errors, omissions,

torts, intentional torts or other negligence on the part of "CBAS" and/or its employees unless the complained of actions of "CBAS" were taken at the specific direction of "Client".

- (i) To engage legal counsel approved by "Client", such counsel being designated as the "county attorney", where legal counsel is required in order to satisfy the obligations of "CBAS" under the terms contained herein, except that where it is deemed necessary due to conflict of interest concerns to select legal counsel other than a named county attorney, "CBAS" shall upon conferral with and approval of "Client's" Authorized Representative select and engage legal counsel to defend "Client" where "CBAS" or its Underwriter deems outside counsel necessary.

"CLIENT" AGREES:

1. (a) To pay as requested by "CBAS" claim and/or loss payments and associated allocated expense.
- (b) To pay "CBAS" the service fee as prescribed in this Contract.
- (c) To pay all allocated loss expense in addition to the claim service fee to be paid to "CBAS" as prescribed in this Contract.

"Allocated Loss Expense" shall include but not be limited to attorneys' fees, court reporters' fees, transcript fees, the cost of obtaining public records, witness fees, witnesses' travel expense, commercial photographers' fees,

experts' fees (i.e. engineering, physicians, chemists, etc.), fees for independent medical examinations, extraordinary travel expense incurred by "CBAS" at the request of "Client", auto appraisal or property appraisal fees, all outside expense items, and any other similar fee, cost or expense associated with the investigation, negotiation, settlement or defense of any claim hereunder or as required for the collection of subrogation on behalf of "Client".

- (d) In the event "CBAS" acting at the specific direction of "Client" becomes liable to any third party, "Client" agrees to indemnify, defend and hold "CBAS" and/or its employees harmless.

"CBAS" AND "CLIENT" MUTUALLY AGREE AS FOLLOWS:

1. (a) The term of this Contract is continuous from its effective date for one (1) year. The Contract may be terminated by either "CBAS" or "Client" upon cancellation of the coverages provided under the policies of insurance underwritten by Lloyd's of London.
- (b) "Client" shall have the option, upon termination of this Contract:
- i) With approval of Underwriters of Lloyd's to self-handle to a conclusion all claims and/or losses and associated services which have been reported to "CBAS" on the date of termination of this Contract, such handling not to

result in any expense or reduction in Contract revenue to "CBAS"; or

- ii) To self-handle to a conclusion all Workers' Compensation claims and/or losses and associated services which have been reported to "CBAS" on the date of termination of this Contract, such handling not to result in any expense or reduction in Contract revenue to "CBAS"; or
- iii) To have "CBAS" handle and adjust to a conclusion all claims and/or losses pending on the date of termination of this Contract, and to continue making payments as requested by "CBAS".

(c) "Client" hereby designates the individuals who, from time to time, hold the title of President of the Vanderburgh County Commissioners, and the Executive Assistant to the County Commissioners, as its authorized representatives (hereinafter "Authorized Representative" or collectively "Authorized Representatives") to approve or reject settlement proposals as required under the terms of this Agreement, and "CBAS" may rely upon and act upon statements of either Authorized Representative as reflecting the wishes of "Client", and shall not be liable to "Client" as a result of any settlement or rejection where "CBAS" acted upon directions of one of the Authorized Representatives; provided, however, "Client" may, by written notice to "CBAS", at any time change the Authorized Representatives designated hereby.

2. (a) This Contract covers claim service for "Client" in the United States of America.
(b) "Client" shall pay "CBAS" fees in the amount of Twenty-Nine Thousand Five Hundred Dollars (\$29,500.00) for claims services provided during the term of this Contract.
(c) "Client" agrees to pay "CBAS" within 45 days of the effective date of this Contract.
3. (a) In the event any one or more of the provisions of this Agreement shall be determined to be invalid or unenforceable by any court or other appropriate authority, remainder of this Agreement shall continue in full force and effect, as if said invalid and unenforceable portion had not been included in this Agreement.
(b) This Agreement shall be constructed and interpreted in accordance with the laws of the State of Indiana.
4. This Agreement represents the entire understanding of "CBAS" and "Client" and supersedes all prior oral and written communications between "CBAS" and "Client" as to the subject matter. Neither this Agreement nor any provisions of it may be amended, modified or waived except in writing signed by a duly authorized representative of "CBAS" and "Client".
5. The failure or delay of either "CBAS" or "Client" to take action with respect to any failure of the other party to observe or perform any of the terms or provisions of this Agreement, or with respect to any default hereunder by such other party, shall not be

construed as a waiver or operate as a waiver of any rights or remedies of either "CBAS" or "Client" or operate to deprive either "CBAS" or "Client" of its right to institute and maintain any action or proceeding which it may deem necessary to protect, assert or enforce any such rights or remedies.

IN WITNESS WHEREOF, "CBAS" and "Client" have caused this Contract to be executed by the person authorized to act in their respective names.

Signed this 20th day of May, 19 91.

**CORROON & BLACK ADMINISTRATIVE
SERVICES, INC.**

WITNESS: Connie Prochaska

BY: James R. McMaster
TITLE: EXECUTIVE VICE PRESIDENT

VANDERBURGH COUNTY, INDIANA

WITNESS: Sam Humphrey

BY: Carolyn S. McClintock
TITLE: President

Board of Commissioners

of the
County of Vanderburgh
305 ADMINISTRATION BUILDING
CMC CENTER COMPLEX
EVANSVILLE, INDIANA 47708



CAROLYN MCCLINTOCK
DON L. HUNTER
RICHARD J. "RICK" BORRIES



TEL. (812) 426-5241

May 20, 1991

Post Master Larry Powell
Main Post Office
Evansville, Indiana 47708

Dear Larry:

It is our understanding that a group of residents in northwest Vanderburgh County are requesting that their mailing address be changed from Wadesville, Indiana to Evansville, Indiana.

I am writing today to advise you that the Vanderburgh County Commissioners are in full support of this request. All of these individuals are citizens of Vanderburgh County and their address should reflect their association with the City of Evansville.

Thank you for your consideration of their request.

Sincerely,

The Board of Commissioners of
the County of Vanderburgh


Carolyn McClintock, President

HARRY P. DEES
ARTHUR R. DONOVAN
ALAN N. SHOVERS
THOMAS O. MAGAN
LARRY R. DOWNS
WM. MICHAEL SCHIFF
ROBERT H. BROWN
JON D. GOLDMAN
MARILYN R. RATLIFF
BRIAN P. WILLIAMS
G. MICHAEL SCHOPMEYER
DAVID L. CLARK
JEFFREY A. WILHITE
JOHN E. HEGEMAN
JEFFREY K. HELFRICH
JEFFREY W. AHLERS
MARY LEE FRANKE
D. BRYAN WEESE

LAW OFFICES

KAHN, DEES, DONOVAN & KAHN

305 UNION FEDERAL BUILDING

P. O. BOX 3646

EVANSVILLE, INDIANA 47735-3646

TELEPHONE (812) 423-3183

TELECOPIER (812) 423-3641

ISIDOR KAHN
(1887-1963)

ROBERT KAHN
(RETIRED FROM
PRACTICE 1965)

OF COUNSEL

DIANE L. BENDER
GAYLON L. CLARK

May 20, 1991

Ms. Carol McClintock
President, Vanderburgh County
Commissioners
Civic Center Complex, Room 305
Evansville, IN 47708

Re: County Attorney Report

Dear Ms. McClintock:

Please let me report on the status of various legal matters
as County Attorney:

1. We were asked by the County Auditor's office whether the County was obligated to pay certain tuition costs of children referred to private out-of-state institutions by the Department of Welfare. My opinion letter is attached.
2. We have negotiated and prepared a lease with Lee Hensley for the property located at 4701 Green River Court. It will be submitted for your signature at tonight's meeting.
3. The Parking Lot Agreement and accompanying Resolution have been completed and will be submitted for your signature at tonight's meeting.
4. The Service Contract language with Corroon & Black has been negotiated and a final contract will be presented for your signature at tonight's meeting.
5. We have received the funds to close the Weber condemnation settlement and should be closing that matter later this week.

Ms. Carol McClintock
May 20, 1991
Page 2

6. We have prepared two Complaints for Condemnation for your approval tonight.

Very truly yours,

KAHN, DEES, DONOVAN & KAHN



Jeffrey A. White

JAW/jes

Enclosure

cc: Don Hunter
Richard Borries

HARRY P. DEES
ARTHUR R. DONOVAN
ALAN N. SHOEVERS
THOMAS O. MAGAN
LARRY R. DOWNS
WM. MICHAEL SCHIFF
ROBERT H. BROWN
JON D. GOLDMAN
MARILYN R. RATLIFF
BRIAN P. WILLIAMS
G. MICHAEL SCHOPMEYER
DAVID L. CLARK
JEFFREY A. WILHITE
JOHN E. HEGEMAN
JEFFREY K. HELFRICH
JEFFREY W. AHLERS
MARY LEE FRANKS
D. BRYAN WEESE

KAHN, DEES, DONOVAN & KAHN

305 UNION FEDERAL BUILDING

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EVANSVILLE, INDIANA 47735-3646

TELEPHONE (812) 423-3183

TELECOPIER (812) 423-3841

ISIDOR KAHN

(1887-1963)

ROBERT KAHN

(RETIRED FROM

PRACTICE 1965)

OF COUNSEL

DIANE L. BENDER

GAYLON L. CLARK

May 20, 1991

Mr. Terry Woodward
County Auditor's Office
1 N.W. Martin Luther King Blvd.
Civic Center Complex, Room 208
Evansville, Indiana 47708

Re: Private School Tuition Payments from County General Fund

Dear Terry:

Enclosed herein please find a copy of the Indiana statutes applicable to the question of whether the County must pay private tuitions out of the general fund for students transferred by the Department of Welfare. I.C. 20-8.1-6.1 et seq. governs transfer and transfer tuition among school corporations in this state.

Section 5 applies only to placement in private or public care facilities, and does not provide for tuition payments. The statute expressly provides that a student placed in a private care facility must attend school in the "school corporation in which the home or facility is located". Since the students in this case are also attending classes at the private institution, Section 5(d) providing for County payment out of the general fund is not applicable.

Section 6.1 of this subchapter applies where emotionally disturbed children have been placed by the school corporation under agreements with not-for-profit corporations where the private care facility educates children who are found to be emotionally disturbed, have been placed with the not-for-profit corporation by court order, or have been referred by a local health department to provide the student with an individualized education program most suitable to the child's needs. I.C. 20-8.1-6.1-6.1(2)(D). Under this section, the school corporation entering such an agreement would pay the transfer tuition to the not-for-profit corporation. In this case, the corporation did not enter such an agreement, and the school corporation therefore refuses to pay. Conversations with Steve Fritz at the Evansville-Vanderburgh School Corporation confirmed this.

Finally, Section 7 of this chapter applies to a transfer to a public school corporation in another state. However, this section only applies where transfer request is made by the parents

Mr. Terry Woodward
May 20, 1991
Page Two

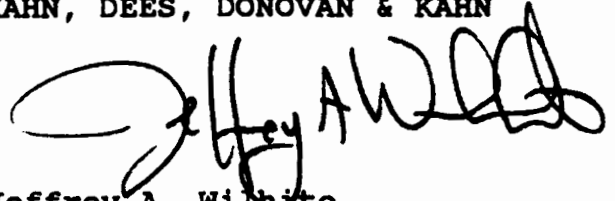
of the student or the student himself, and is therefore not applicable here.

Based upon the foregoing statutes, since the transfer was not to a public school corporation, and does not fit the requirements for transfers to not-for-profit corporations which would obligate the County to pay, the County is not required to pay private school tuition payments for students transferred to those institutions by the Department of Welfare.

If you have any further questions or comments regarding this issue, please call.

Very truly yours,

KAHN, DEES, DONOVAN & KAHN

A handwritten signature in black ink, appearing to read "Jeffrey A. Wilhite". The signature is stylized with a large, sweeping initial "J" and "W".

Jeffrey A. Wilhite,
Vanderburgh County Attorney

JAW/tlm
Enclosures
cc: Carolyn McClintock

**MINUTES
COMMISSIONERS MEETING
JUNE 3, 1991**

The Vanderburgh County Board of Commissioners met in session at 4:30 p.m. on Monday, June 3, 1991, in the Commissioners hearing Room, with President Carolyn McClintock presiding.

RE: INTRODUCTION OF STAFF & PLEDGE OF ALLEGIANCE

Ms. McClintock called the meeting to order, welcomed the attendees, introduced members of the County Staff, and asked the meeting participants to stand for the Pledge of Allegiance.

Commissioner McClintock then asked if there were any individuals or groups present who wished to address the Commission but did not find themselves listed on today's agenda. There was no response.

RE: SALE OF COUNTY-OWNED SURPLUS REAL ESTATE

Ms. McClintock entertained bids on the County-Owned Surplus Real Estate which had been advertised for sale. There were no bids.

RE: G.I.S. PRESENTATION

Messrs. Jeff Terp and Jerry Williams of Digitech Systems, Inc. (a Division of R. W. Armstrong & Co. in Indianapolis) were recognized and gave a lengthy presentation concerning the Geographic Information Survey process.

RE: DISCUSSION RE PROPERTY LOCATED AT 4701 GREEN RIVER COURT

A lengthy discussion took place concerning the property at 4701 Green River Court, which is within the right-of-way for the proposed Lynch Road Extension project. Ms. McClintock said she had provided the Commissioners with copies of background information. She then cited a portion of same, listing options the County has, etc., as well as outlining factors to be considered in determining fair market rental value for the subject property.

Commissioner Borries emphatically stated that he does not believe the County should be in the rental business period. He then said that Mr. Hensley's being contacted by the County with regard to rental of the property was not the proper step to take in the first place.

Presentations were given by Dr. Roy Kixmiller and Mr. John F. W. Koch (copies attached hereto as part of formal minutes).

Following further lengthy discussion, Ms. McClintock entertained a motion to follow Option #1, that being that the County Engineer, working with the County Attorneys, begin the process immediately. In the meantime, she would support a motion to find someone to rent the property from now through the end of this process (which looks to be approximately around September 30th) so these neighbors can be assured the property will be properly cared for, there will be somebody there, and that the County will have a decreased liability.

Mr. John Koch raised questions as to why anyone in their right mind would rent the property for just two months and then asked how the County is going to screen rental bids?

Subsequent to further lengthy discussion, Ms. McClintock entertained a motion to begin the process of either selling or razing the property and requested that the County Engineer and the County Attorney begin to prepare that paperwork immediately so we can begin the proper procedure to get that done. In the meantime, in order to protect the investment of the taxpayers of Vanderburgh County and the neighbors residing in that area, she would further like included in the motion that we do attempt to rent this property through this process -- that we send those individuals who are interested in renting the property and who have contacted us a copy of the lease already prepared by the County Attorney -- along with a letter telling them how they can bid on this property.

Motion as outlined by Commissioner McClintock was made by Commissioner Hunter, with a second from Commissioner McClintock.

Commissioner Borries asked if Ms. McClintock would have a roll call vote, and she asked for same: Commissioner Borries, no; Commissioner Hunter, yes; and Commissioner McClintock, yes. So ordered.

Motion was then made by Commissioner Hunter that the aforementioned letter be mailed by noon tomorrow to interested property owners and that we request any proposals be delivered to the County Commissioners' Office no later than 5:00 p.m. on Friday, June 7, 1991, with a second from Commissioner Borries. So ordered.

For the media, Ms. McClintock said if there is anyone interested after they have heard the rest of the story about this house and they haven't called the Commissioners' Office, and they think they might be interested in renting this property, they should contact Lou Wittmer at 426-5241.

During the course of the discussion, Commissioner Borries again said he does not believe the County should be in the rental business or have that kind of lingering liability as to who is going to fix what, what is going to happen here, etc. He thinks we owe it to the neighbors to secure the property and maintain it in the least costly way. He would opt for Option #1; he thinks we need to move forward immediately to raze the house and take those kinds of bids and again make certain this property is secured.

Following further discussion and at the suggestion of Ms. McClintock, motion was made by Commissioner Hunter and seconded by Commissioner Borries to allow the Nances to stay in the house at 4701 Green River Court through next Monday's Commission Meeting, at which time we will have the bids back and they may well be the successful bidder -- since they have done work out there and we do have a check in the amount of \$100 from them. So ordered.

RE: SETTLEMENT STATEMENT/COUNTY GARAGE AUCTION

Upon motion made by Commissioner Hunter and seconded by Commissioner Borries, a check from Kurtz Auction in the amount of \$7,991.25 from sale of goods at the surplus item auction held at the County Garage on May 18th was accepted, endorsed, and given to Joanne Matthews for deposit into the County General Fund. So ordered.

RE: YOUTH RESOURCES - REQUEST FOR 1992 FUNDING

Mrs. Phyllis Kincaid, Executive Director of Youth Resources, provided the Board with a report on the activities of Youth Resources during the past year. She said the Commissioners had recommended to County Council an appropriation of \$30,000 in 1991

Undersized
documents

T A P E (Portrait)

5/28/91
NO orig
NO copy

(Landscape)

T
A
P
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to support this group and she is here today to ask for a similar appropriation in 1992. She then presented an information packet to each of the Commissioners.

Ms. McClintock advised that County Council has indicated they want to be able to evaluate all proposals of this type together, rather than on a piecemeal basis. She and Lou Wittmer will be meeting with Betty Lou Jerrel tomorrow afternoon at 4:15 p.m., at which time they will discuss the type of information each group will be asked to submit and the deadline for submitting same. All requests will be submitted to County Council, with copies to the Commissioners.

RE: REQUEST TO GO ON COUNCIL CALL/Y.M.C.A. DUES

Motion to approve request to go on Council Call in the amount of \$10,000 for Y.M.C.A. dues was made by Commissioner Borries, with a second from Commissioner Hunter. So ordered.

RE: COUNTY HIGHWAY - CLETUS MUENSTERMAN

Upon motion made by Commissioner Borries, with a second from Commissioner Hunter, Mr. Muensterman was authorized to proceed with the paving program, with Old Henderson Rd. being the first road to receive attention. Mr. Muensterman said he will get with County Engineer Greg Curtis to determine what roads they will start on and finish on.

RE: COUNTY ENGINEER - GREG CURTIS

Lynch Rd. Project: Upon motion made by Commissioner Borries, with a second from Commissioner Hunter, Mr. Curtis was authorized to forward letter over Commission's signature to the Indiana Department of Environmental Management indicating that the Vanderburgh County Commission remains committed to the mitigation plan approved by the U. S. Fish & Wildlife Service and the Indiana Department of Natural Resources on March 6, 1987. (Copy attached hereto as part of formal minutes. So ordered.

Old Orchard Rd. Bridge #158: Following lengthy comments by Mr. Curtis, motion was made by Commissioner Hunter and seconded by Commissioner Borries to approve the offer of \$525.00 to property owner for right-of-way parcel and to do the Construction Engineering in house. So ordered.

Federal Funding/USI Overpass: Subsequent to lengthy discussion concerning this matter, motion was made by Commissioner Hunter and seconded by Commissioner Borries to approve the \$13,870 cost for adding the Environmental Statement (which we will have to do whether or not we pursue Federal funding). So ordered.

If we pursue Federal Aid, the additional work to be done by Bernardin, Lochmueller & Associates will be \$12,996.00. This is to be addressed at a later date.

At the urging of Commissioner Borries and following further lengthy discussion, Commissioner McClintock asked that Mr. Curtis attempt to obtain something in writing from the Federal Highway Administration stating that this project is now eligible for Federal Funds.

Ms. McClintock then also requested that Mr. Curtis obtain a written recommendation from Bernardin, Lochmueller & Associates, because they told her they would recommend that we go for Federal funding.

L.P.A. Claim/Boonville-New Harmony Rd. Extension: Mr. Curtis submitted an L.P.A. Claim with regard to the Boonville-New Harmony Rd. Extension, which needs to go to the State to claim the remainder of funds due us from the Construction Engineering Services on this project. The amount we are claiming due us is \$11,836.02.

Upon motion made by Commissioner Hunter and seconded by Commissioner Borries, the claim was approved and signed for forwarding to the State. So ordered.

Authorization to Lease Vehicle/Union Township Access Project: Following presentation of quotes by County Engineer Curtis and lengthy discussion re funding for same, upon motion made by Commissioner Borries and seconded by Commissioner Hunter, authorization was given to lease subject vehicle. So ordered.

Change Orders/Heritage Remediation Engineering, Inc.: Following information submitted by Mr. Curtis, upon motion made by Commissioner Hunter and seconded by Commissioner Borries, Change Orders in the amounts of \$4,350.00 and \$2,200.00, with regard to diesel problem and chemical problem at the County Highway Garage, respectively, were approved. So ordered.

Hunter's Ridge Subdivision/Section "A"/Street Plan/Construction Approval: Upon motion made by Commissioner Hunter and seconded by Commissioner Borries, plans were approved as submitted. So ordered.

Claims Docket: Mr. Curtis had a number of claims to be approved (see County Engineer Agenda attached hereto) and upon motion made by Commissioner Hunter and seconded by Commissioner Borries the claims were approved for payment. So ordered.

RE: BURDETTE PARK - MARK TULEY

Incentive Program/Day Camp Counselors: Mr. Tuley stated he had discussed this matter With County Attorney Wilhite and they will be getting together this week to make sure we are in compliance with Federal Law, as well as iron out a few other things prior to submitting to the Board next week for formal approval. In response to query, Mr. Tuley said it is anticipated the maximum cost of the Incentive Program will be \$2,052.00.

Day Camp Registration Fees: In response to query from President McClintock concerning Day Camp Registration Fees, Mr. Tuley said the fee for the two-week session for County Employees is \$90.00. The agreement with Deaconess is a little different, because they do not share in the revenues. They also provide some staffing and share in other expenses -- so they use the Day Camp as a benefit to their employees.

Orientation Sessions: Mr. Tuley and Mrs. Moers extended an invitation to the Commissioners to attend either the Orientation Session for New Counselors only to be held this Friday from 9:00 a.m. - 3:00 p.m. or the joint session for new counselors and returning counselors on Friday between 9:00 - 11:00 a.m. Mrs. Moers said that she will provide the Commissioners with copies of the Orientation Packets.

Memorial Day Weekend: It was reported by Mr. Tuley that Memorial Day weekend was the best they've had in the history of Burette Park. Memorial Day, itself, was second only to July 4th, 1990, at which time they opened the new slide.

Authorization to Go on Council Call for Transfer of Funds for Purchase of New Tractor: Upon motion made by Commissioner Hunter and seconded by Commissioner Borries, permission was given to go on Council Call for transfer of funds in the amount of \$5,500 for purchase of new tractor. The Commission will decide on solicitation of bids after funding is in place.

RE: COUNTY ATTORNEY - JEFF WILHITE

Addendum to Agreement/Lady Day, Inc.: Upon motion made by Commissioner Borries and seconded by Commissioner Hunter, the Board approved an Addendum to the agreement changing the term of the agreement from May 1, 1990 to April 30, 1993 (a three year term). The addendum also gives Lady Day the option to extend for an additional five (5) years, which will take us to 1998. Payment provides for paying the County 21% of gross receipts from sale of goods at Burette Park less sales tax and County tax. So ordered.

RE: AUTHORIZATION TO UTILIZE KAHN, DEES, DONOVAN & KAHN RE TAX APPEAL

Upon motion made by Commissioner Hunter and seconded by Commissioner Borries, the Board authorized Kahn, Dees, Donovan & Kahn to represent the County in tax appeals concerning Burette Park and Vanderburgh Auditorium sales tax protests. So ordered.

RE: CONSENT AGENDA

Upon motion made by Commissioner Hunter and seconded by Commissioner Borries, the Consent Agenda was approved. So ordered.

RE: OLD BUSINESS

Appointment of Committees/Solid Waste Study: Ms. McClintock set June 17, 1991 as the absolute deadline to appoint members to the following Committees for the Solid Waste Study: Facilities, Demographics, Waste Stream, and Problems. She requested that the other Commissioners have their nominees to these committees ready by this date.

RE: NEW BUSINESS

Discrepancies re County Highway & Local Roads & Streets Funds: Auditor Sam Humphrey advised that while he was in Indianapolis he went to the State Tax Board in an attempt to solve problems we've had with funding in these two areas. The State Tax Board had cut \$405,000 from the Highway Fund and \$400,000 in Local Roads & Streets budget. We were able to recover \$300,000 in the Highway Fund and he was trying to find some money for Local Roads & Streets. The State Tax Board gave him a printout and they reflect we have received some \$647,000 in Local Roads & Streets. Based on those figures, this would allow us to recover \$202,000. They requested he come back and check our records to see if the records of the two offices agree. When he checked our records we showed \$560,000 under this particular account. He checked with the State Auditor and their records only reflected \$510,000. In any event, until our records and those of the State Tax Board agree, we cannot recover any monies. He will continue to work to resolve this problem.

Authorization to Attend IRS Session: Upon motion made by Commissioner Borries and seconded by Commissioner Hunter, permission was given for Janet Watson of the Auditor's Office to attend the 2-day IRS session in Indianapolis with regard to the new 1099 form (June 12 and 13) if she can arrange for a babysitter, etc. So ordered.

Ms. McClintock asked Mr. Humphrey to bring the formal Travel Request to next week's meeting.

Investigation of Activities at Vanderburgh Auditorium: Upon motion made by Commissioner Borries and seconded by Commissioner Hunter, permission was given for the Evansville Police Department to set up a Field Office at Vanderburgh Auditorium beginning tomorrow (June 4, 1991) until early or mid-August for purposes of continuing their investigation into activities at Vanderburgh Auditorium prior to January 1, 1991, subject to confirmation by the Auditorium Advisory Board at their scheduled meeting tomorrow. So ordered.

Executive Session: Ms. McClintock advised the Commission needs to schedule an Executive Session to hear a grievance filed by Teamsters Local #215.

Following brief discussion as to whether the meeting could be held on Friday, it was determined Monday, June 10, 1991 at 3:00 p.m. would allow for proper legal notice.

Motion to so schedule the Executive Session was made by Commissioner Borries, with a second from Commissioner Hunter. So ordered. (Joanne Matthews will advertise the meeting.)

Commission Office Reassignments: President McClintock submitted a proposal concerning Commission Office space reassignments, as follows:

305-A	Carolyn McClintock
305-B	Don Hunter
305-C	Lou Wittmer
305-D	Rick Borries
305-E	Sandi Deig
Outer Office	Margie Meeks

Commissioner Borries voiced strong objections, noting that the Superintendent of County Buildings has not occupied the designated office for years, allowing all of the Commissioners to occupy an office of similar size.

Following further discussion between Commissioners McClintock and Borries, motion was made by Commissioner Hunter and seconded by Commissioner McClintock to approve the proposal presented by Commissioner McClintock.

Commissioner Borries asked Commissioner McClintock for a roll call vote and she complied: Commissioner Borries, no; Commissioner Hunter, yes; and Commissioner McClintock, yes. So ordered.

Mr. Borries requested that he be permitted to remove his own personal property from his desk and the wall when he is able to do so.

Commission Meeting Scheduled at Burdette Park: President McClintock advised she has spoken to Mr. Tuley with regard to holding a Commission Meeting in the newly renovated Shelter House at Burdette Park, which would allow the news media an excellent opportunity to view the facility. If the other Commissioners are interested, she would suggest the June 24th meeting.

Following brief comments, upon motion made by Commissioner Borries and seconded by Commissioner Hunter, the June 24th Commission Meeting was scheduled to be held in the newly renovated Shelter House at Burdette Park at 4:30 p.m. So ordered. (Meeting to be advertised due to change in location.)

Wellman, Inc.: Commissioner Hunter advised that Wellman, Inc. will be in town late in the afternoon on June 18th and a Public Forum will be held in Council Chambers at 7:00 p.m. The President of CRinc, Inc. (New Jersey) -- the firm that makes the recycling equipment -- will also be present. He would like to see the news media be an intricate part of what we're trying to do.

Mr. Borries asked if we're also going to invite the City Officials so they, too, might be an intricate part, as well?

Mr. Hunter said he knows there was a failure to invite some people the last time and if Mr. Borries will provide him with a list of those who should be invited, he would appreciate it.

President McClintock entertained further matters of business to come before the Board. There being none, she declared the meeting recessed at 7:05 p.m.

PRESENT:

Carolyn McClintock, President
Don Hunter, Vice President
Rick Borries, Member
Sam Humphrey, County Auditor
Jeff Wilhite, County Attorney
Cletus Muensterman, County Highway Supt.
Greg Curtis, County Engineer
Gary Kercher, County Engineer's Office
Mark Tuley, Burette Park
Lou Wittmer, Supt./County Bldgs.
Margie Meeks, Commission Office
Jeff Terp
James Williams
Dr. Roy Kixmiller
Pat Kixmiller
John F. W. Koch
Mrs. John Koch
Lee Hensley
Phyllis Kincaid
Ruth Duvall, Lady Day, Inc.
Marlin Goebel, Lady Day, Inc.
Susan Sauls, Chamber of Commerce
Others (Unidentified)
News Media

SECRETARY: Joanne A. Matthews


Carolyn McClintock, President


Don Hunter, Vice President


Richard J. Borries, Member

MINUTES
COUNTY COMMISSIONERS MEETING
JUNE 10, 1991

I N D E X

<u>Subject</u>	<u>Page No.</u>
Meeting Opened at 5:10 p.m.	1
Sale of County-Owned Surplus Real Estate	1
Transition Team Report (Copy attached) (Final Summary Report due mid-August)	1
Proposals Submitted for Rental Property at 4701 Green River Court & Reading of Bids (Firm lease agreement to be brought back to next week's meeting)	1 & 2
Pigeon Creek Greenbelt Committee (Meeting scheduled at 2:30 p.m. on June 24th in Room 307)	1
Interlocal Governmental Agreement Between Vanderburgh County & The City of Evansville Concerning Joint Utilization of Department of Metropolitan Development For Grant Writing & Administration	2
Appointment of Veterans Service Officer for Vanderburgh County (Mike Robbins)	3
Employee Screening for Tax Payments	3
Burdette Park - Mark Tuley Day Camp/Incentive Program (Contract approved) Bids on Tractors & Authorization to Purchase Tractor from Stephan's (\$5,500 w/trade-in)	3
County Engineer's Office - Scott Davis Right-of-Way Parcels/Orchard Rd. Bridge	4
Petition to Vacate Portion of Laubscher Rd. (Public Hearing scheduled June 24th @ 4:30 p.m.)	4
County Attorney - Jeff Wilhite Green River Rd. Condemnations	4
County Highway (Weekly Report)	4
Consent Agenda (Approved)	4
Vanderburgh Auditorium Revenues (1st Qtr. 1991)	5
Letter from Commissioner Borries Requesting Official Reprimand re Failure to Follow the Law re Payment of Property Taxes.....(Copy attached hereto)	5
Determination re Union Grievances/Darryl Chamberlain and Richard Sebree	6
Alexander Ambulance, Inc. Agreement	6
Protest by Media re Tax Payment Story/Ella Johnson of The Evansville Courier	6
Meeting Recessed at 6:15 p.m.	6

MINUTES
COUNTY COMMISSIONERS MEETING
JUNE 10, 1991

The Vanderburgh County Board of Commissioners met in session at 5:10 p.m. on Monday, June 10, 1991 in the Commissioners Hearing Room, with President Carolyn McClintock presiding. Commissioners Borries was absent. The meeting was delayed because the Commissioners were previously in Executive Session.

President McClintock called the meeting to order and said the Board will dispense with regular formalities and get right to business. She asked if there are any individuals or groups who wish to address the Commission who do not find themselves on today's agenda. There was no response.

RE: SALE OF COUNTY-OWNED SURPLUS REAL ESTATE

Ms. McClintock entertained bids on County-Owned Surplus Real estate which has been advertised for sale. There were no bids.

RE: TRANSITION TEAM REPORT

Mrs. Sharon McCarthy, Co-Chairman of the Transition Team, gave a Summary as of June 10, 1991. (Copy attached hereto as part of official record.)

In conclusion, Mrs. McCarthy said they are waiting to hear from the Commissioners as to how they would like the Final Summary Report to be submitted. They would be glad to present same in an open meeting to all three of the Commissioners, with the media present and answer any questions at that time, but would request the Commission allow them time to finish Personnel/Human Resources which, again, is targeted for August 15th.

Ms. McClintock said she doesn't know yet whether the Commission is going to want to set up a separate public meeting or perhaps have a Special Commission Meeting, where they can assure all these volunteers that would be the business we would have at the beginning of the meeting and provide an opportune time to discuss the recommendations. Ms. McClintock requested that Mrs. Meeks include this on next week's agenda so the Commissioners can determine exactly how they want that handled.

RE: PROPOSALS SUBMITTED FOR RENTAL PROPERTY AT 4701 GREEN RIVER COURT

President McClintock handed the bid envelopes to Attorney Wilhite and entertained a motion to authorize Attorney Wilhite to open same.

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

RE: PIGEON CREEK GREENBELT COMMITTEE

Ms. McClintock said we need to set up the Pigeon Creek Greenbelt Committee. She went to the Mayor's Office this afternoon and his Secretary indicated she felt June 24, 1991 at 2:30 p.m. would be an appropriate time to set up that meeting. That would give the Mayor another two weeks to finalize his appointments to that committee. It was determined that the meeting will be held at 2:30 p.m. in Room 307. Further, the Commission Meeting that had been

scheduled at Shelter #18 in Burdette Park on that date will now be held in the Commissioners Hearing Room. Mr. Tuley said the Shelter has already been rented for that date and he will provide the Commissioners with alternate dates so they can re-schedule the meeting at Burdette.

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

RE: INTERLOCAL GOVERNMENTAL AGREEMENT BETWEEN VANDERBURGH COUNTY & THE CITY OF EVANSVILLE CONCERNING JOINT UTILIZATION OF DEPARTMENT OF METROPOLITAN DEVELOPMENT FOR GRANT WRITING & ADMINISTRATION

Upon motion made by Commissioner Hunter and seconded by Commissioner McClintock, the subject agreement was approved. So ordered.

RE: READING OF BIDS ON RENTAL PROPERTY AT 4701 GREEN RIVER COURT

Attorney Wilhite reported four (4) bids were received as follows:

Lee Hensley	\$100 per month
Debbie Nance	\$150.00 per month
Wayne & Kelly Seavers	\$300.00 per month
Myra Loveless	\$320.00 per month*

*If stove, refrigerator and HVAC is included.
If not, \$255.00 per month on the condition that it be inspected and approved following inspection.

Ms. McClintock said she received a telephone call from Mr. Seavers this afternoon and he has indicated he may withdraw his bid and was concerned that he did not want it awarded today. Ms. McClintock said she thinks the Commission's original plan was to see what bids were received, give the County Attorney an opportunity to review same, and give Lou Wittmer an opportunity this week to talk with - actually, Jeff needs to talk to the high bidder. Attorney Wilhite said he needs to make sure they would agree to the lease terms.

Ms. McClintock continued, "Go through the lease terms and then come back to the next meeting and say, 'Yes, we want to do this'.

Mrs. Myra Loveless was in the audience and identified herself. She said she currently resides at 624 B. S. Harlan Avenue. She said she did not get a chance to see the property before she submitted the bid. She did not know if it had central heating, air conditioning, or whether that was functional. How many bedrooms does it have? What kind of floor plan does it have?

Ms. McClintock said the Commission voted at last week's meeting to go ahead and first try to sell the property and then raze it. This means this property will only be available for occupancy for a maximum time of to approximately September 30, 1991. We're looking then at maybe 2-1/2 to 3 months maximum. The swimming pool is not operable and cannot be fixed to be operable. The kitchen counter tops have been removed. Virtually all the light fixtures are gone. The central vacuum main unit has been removed. The wooden decks around the pool on the upper level are considered unsafe. There are no appliances included in the house. She then asked Mr. Wittmer if this is correct, but he responded he is not sure about that. Ms. McClintock said that can be checked out.

Following further discussion, Ms. Loveless said she was not aware the pool could not be fixed until after she had submitted her bid. Ms. Loveless said she would like to withdraw her bid. The Commissioners said this does not present a problem.

Ms. McClintock said that since Mr. Seavers is not here and the Commission has nothing in writing from him, she would ask that Attorney Wilhite contact him and determine whether he is or is not still interested in renting this home. If so, follow up on the terms of the lease, etc. and then come back to next Monday's meeting with a firm lease agreement. If he is not interested, then Attorney Wilhite will go to the next highest bidder, which is Debbie Nance, to make sure they agree on terms.

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

RE: APPOINTMENT OF VETERANS SERVICE OFFICER FOR
VANDERBURGH COUNTY

President McClintock said that she and Commissioner Hunter interviewed four (4) candidates on Friday, June 7th, in the Commission Office. They were very pleased with the quality of individuals interested in this position and also with the ideas put forward regarding what improvements could be made to the Veterans Service Office. She would entertain an appointment to that position.

Commissioner Hunter moved that Mr. Mike Robbins (currently the Assistant Veterans Service Officer) be appointed, with a second from Commissioner McClintock. So ordered.

Commissioner McClintock said Mr. Robbins submitted a list of improvements he would like to pursue over the next several months and years. (Copies are available for anyone who would like to review same.)

RE: EMPLOYEE SCREENING FOR TAX PAYMENTS

President McClintock said that she spoke with Messrs. Sam Humphrey and Pat Tuley on Friday to discuss the situation and they are recommending that when County employees are hired that as part of their orientation, once they have been to the Auditor's Office that we would automatically check their property tax record in the Treasurer's Office as part of that ongoing orientation. At the same time the employees are checked to see if they have paid their property taxes, the employees will be provided with a copy of the law (to be explained) so we will not encounter this kind of problem in the future. Pat also submitted a letter,, which she will give to Joanne Matthews for the record). He also wanted her to indicate that he has spoken with the Mayor and he is looking at implementing the same program for the City of Evansville employees. He has also spoken with the School Corporation and what they are looking at doing is having a representative of the Treasurer's Office go to the School Corporation orientation and go through this as a group, rather than on an individual employee basis -- because they thought it would be too cumbersome. She would entertain a motion to approve this as policy. We (the Commission) can require County employees who report to the Commission to go through this process. We can only recommend to other County officeholders that this is available for their employees.

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

RE: BURDETTE PARK - MARK TULEY

Day Camp/Incentive Program: At the recommendation of legal counsel, upon motion made by Commissioner Hunter and seconded by Commissioner McClintock, the revised contract with regard to the end of season bonus for Day Camp Counselors was approved. So ordered.

Mr. Tuley reiterated that even if every employee qualified for the bonus the total maximum cost would be \$2,052 -- and not all the employees will qualify.

Attorney Wilhite emphasized that if there is any overtime there will be some mechanical nightmares in computing same. Therefore the understanding was to make sure you avoid these people having overtime and Mr. Tuley assured him this is no problem. There is enough staffing there that this should never happen but he will continue to monitor same to be certain it does not become a problem.

Bids on Tractors/Authorization to Purchase Tractor: Upon motion made by Commissioner Hunter and seconded by Commissioner McClintock, authorization was given for purchase of a new tractor with a trade-in at a cost of \$5,500 from Stephan's at 1806 W. Franklin, Evansville, IN. The other bid from Junker Bros. Sales & Service (Mt. Vernon, IN) was \$5,700 with trade-in. So ordered.

RE: COUNTY ENGINEER'S OFFICE - SCOTT DAVIS

Right-of-Way/Orchard Rd. Bridge: Mr. Scott Davis said he has four (4) permanent right-of-ways he needs the Commissioners to execute and two yet in the negotiation process.

Upon motion made by Commissioner Hunter and seconded by Commissioner Borries the four (4) right-of-ways were approved and executed. So ordered.

RE: PETITION TO VACATE PORTION OF LAUBSCHER ROAD

Ms. McClintock said that Attorney Gerald Evans, representing BFI, has filed a Petition to Vacate Portion of Laubscher Rd. and requested a Hearing Date be set at 4:30 p.m. on Monday, June 24, 1991.

Upon motion made by Commissioner Hunter and seconded by Commissioner McClintock the hearing date was so scheduled. (Mr. Evans arrived before the meeting was recessed and was so advised.)

RE: COUNTY ATTORNEY - JEFF WILHITE

Green River Rd. Condemnations: Attorney Wilhite said two Green River Rd. condemnations have been filed in Court. Les Shively has entered an appearance for those landowners and filed objections on various technical legal grounds. Mr. Wilhite said he anticipates a hearing being set within the next month or so as to our legal right to condemn those properties and he will keep the Board advised. We are still negotiating with Evansville Day School. He also noted that once in a while there is a State-wide seminar for City and County Attorneys presented by the Indiana Continuing Education Foundation. One or two people from Kahn, Dees, Donovan & Kahn and Attorney Ziemer will be attending one of these seminars next week, with their firms bearing the cost.

RE: COUNTY HIGHWAY

Ms. McClintock presented the Weekly Report which had been submitted.....report received and filed.

RE: CONSENT AGENDA

Ms. McClintock entertained questions concerning the Consent Agenda. There being none, a motion was entertained.

Motion to approve the Consent Agenda was made by Commissioner Hunter, with a second from Commissioner McClintock. So ordered.

RE: VANDEBURGH AUDITORIUM REVENUES - FIRST QUARTER 1991

President McClintock said she had asked Jack Kirwer to provide revenue information for Vanderburgh Auditorium for the 1st Quarter of 1991.

January - April 1990	\$ 67,129.00
January - April 1991	\$ 73,186.25

Ms. McClintock said the increase of some \$6,000 in revenues during the first quarter is significant and she wanted to report same to the Commission.

RE: LETTER FROM COMMISSIONER BORRIES REQUESTING
OFFICIAL REPRIMAND RE FAILURE TO FOLLOW THE LAW
RE PAYMENT OF PROPERTY TAXES

Commissioner McClintock noted that Commissioner Borries was not able to attend today's meeting and requested that she read his memorandum of June 7, 1990 concerning the subject matter into the record. (Copy of memo attached hereto as part of formal minutes.)

Commissioner Hunter said he does not agree and if anyone is to be reprimanded, he supposes he assumes total responsibility, because he sat in the interviews of the three people in question and did not ask if they had paid their property taxes. He said he is sorry Commissioner Borries is not here tonight, because he also sat in those three interviews (or two of the three interviews).

Secondly, these three people have been publicly embarrassed and he feels responsible for their embarrassment. He talked to Legal Counsel and, had these three people not been hired by him (Hunter), their names would not have appeared in the paper for two (2) years -- because under State Law it is two years before these names would appear.

Third, and most important, he is not sure how the payment of property taxes would relate to job performance -- he sees no connection between this and their ability to perform their job (maybe this is the reason he forgot to ask them). He thinks this is political Mickey Mouse and he apologizes to the three individuals involved.

Ms. McClintock said she could not agree more. She feels these people have already been reprimanded and the payment of taxes is not related in any way, shape or form to the performance of one's job. She then pointed out that in at least one media outlet (Ella Johnson) it was incorrectly reported that these people (as soon as this was brought to their attention) either went down within the hour and paid their property taxes and/or made arrangements to get that taken care of. She has in her possession a copy of both receipts. She thinks all three of these individuals took this problem very seriously. They were publicly reprimanded in the newspaper and other media and she sees no reason to reprimand them further.

Ms. Carole Davis, Asst. County Highway Supt. and one of the individuals involved, then offered lengthy comments, including that when she was hired she did not know the property taxes needed to be current and didn't even think about it while she was working. As soon as it was brought to her attention she paid them immediately. She said she has worn three hats since being hired as a new employee the first of the year and has saved the County thousands and thousands of dollars and has not received any extra pay. In general, she has done one hell of a job. If the news media wants to do some investigative reporting, she would like for them to investigate how many dollars we've spent on consultants in

this City. She would like for them to add that up so, as a taxpayer, she can see where that money is going, also. She hopes nobody is late on a Visa bill or it will be on the front page.

RE: DETERMINATION RE UNION GRIEVANCES/DARRYL CHAMBERLAIN
AND RICHARD SEBREE

President McClintock advised that the Board held an Executive Session at approximately 3:15 p.m. today regarding two grievances filed at the County Garage. The first grievance involves employee (Darryl Chamberlain) who had been given a three day suspension for misconduct. The Commissioners spoke with Teamsters' representatives as well as several employees from the County Garage; Carole Davis and the Union Steward were also present. It is Ms. McClintock's belief that there was an admission of guilt; that this was a serious offense; that safety needs to be something we are very concerned about and respect -- not only at the County Garage, but at Burdette Park and our other facilities. Immediately following the Executive Session, the Assistant Superintendent of the County Garage recommended that the three day suspension be reduced to a one day suspension and that we give Darryl Chamberlain back pay for two of those days. Ms. McClintock said she would entertain a motion to that effect.

Motion so made by Commissioner Hunter, with a second from Commissioner McClintock. So ordered.

The second grievance concerned Richard Sebree, who was injured on the job and whose employment was terminated, and who is seeking reinstatement to the Seniority List, Ms. McClintock said the Commission is concerned that because we have no idea regarding his health, we would have no idea as to the number of years he might be off work. It could be as many as five years. He could never return to work. They do not believe it would be fair to another County employee to hire them as a full time employee and then six months, three years, five years, or whenever later, we would have to lay that employee off because Mr. Sebree was released to come back to work. She would entertain a motion that we let the termination of Richard Sebree stand as initially voted on in this Commission.

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

RE: ALEXANDER AMBULANCE SERVICE - 1991 CONTRACT

Upon motion made by Commissioner Hunter and seconded by Commissioner McClintock, the 1991 contract with Alexander Ambulance Service, Inc. was approved. So ordered.

RE: PROTEST BY MEDIA RE TAX PAYMENT STORY - ELLA JOHNSON

Ms. Ella Johnson of the Evansville Courier took issue to comments made by Commissioner McClintock that her story on the subject matter was in error.

Ms. McClintock said she did not say "Evansville Courier" -- it wasn't the Evansville Courier -- it was, indeed, the Evansville Press.

Ms. Johnson said she wanted this clarified so the minutes would be correct when they were typed, since her name was the only name mentioned previously in connection with the story re the tax payments.

There being no further business to come before the Board at this time, Commissioner McClintock declared the meeting recessed at 6:15 p.m.

PRESENT:

Carolyn McClintock, President
Don Hunter, Vice President
(Absent: Richard J. Borries)
Jeff Wilhite, County Attorney
Cindy Mayo, Chief Deputy Auditor
Scott Davis, County Engineer's Office
Gerald Evans, Attorney
Myra Loveless
Mark Tuley, Burdette Park
Chuck Whobrey, Teamsters Union
Lou Wittmer, Commission Office
Margie Meeks, Commission Office
Carole Davis, Asst. County Hwy. Supt.
Others (Unidentified)
News Media

SECRETARY: Joanne A. Matthews



Carolyn McClintock, President



Don Hunter, Vice President

Richard J. Borries, Member

Board of Commissioners

of the
County of Vanderburgh
305 ADMINISTRATION BUILDING
CMC CENTER COMPLEX
EVANSVILLE, INDIANA 47708



CAROLYN MCCLINTOCK
DON L. HUNTER
RICHARD J. "RICK" BORRIS



TEL. (812) 426-5241

AGENDA

VANDERBURGH COUNTY COMMISSIONERS
JUNE 10, 1991
4:30 P.M.

FINAL

1. Call to order
2. Introduction of staff
3. Pledge of Allegiance
4. Any groups/individuals wishing to address the Commission
5. Action Items:
 - a. Sale of County owned surplus real estate
 - b. Transition Team report
 - c. Proposals submitted for rental property located at 4701 Green River Court
 - d. Pigeon Creek Greenbelt Committee
 - e. Interlocal Agreement with City of Evansville - Re: Metropolitan Development
 - f. Agreement - Alexander Ambulance Service
 - g. Appointment of Veterans Service Officer
 - h. Gerald Evans - Petition to vacate a portion of Laubscher Road
 - i. Policy - Re: Employee screening for tax payments
6. Department Head Reports:
 - a. Mark Tuley.....Burdette Park Manager
 - b. Scott Davis.....County Highway Engineer
Report -(Orchard Road Right-of Ways)
 - c. Jeff Wilhite.....County Attorney

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Sarah West/P.T. Guard	\$4.35 per hr.
Angela Scholz/P.T. Guard	\$4.35 per hr.
Lori Kostbade/Slide Guard	\$4.25 per hr.
Lisa Austill/F.T. Guard	\$4.50 per hr.
Erwin Rames/Slide Guard	\$4.25 per hr.
Michael Hunter/E.M.T.	\$5.00 per hr.
Scot Whitfield/E.M.T.	\$5.00 per hr.
Kelly Ungethein/Slide Guard	\$4.25 per hr.
Holly Harl/Slide Guard	\$4.25 per hr.
Susan Borries/F.T. Guard	\$4.50 per hr.
Effective Hiring Date for above	
05/25/91	
Heather Black/P.T. Guard	\$4.35 per hr.
06/01/91	
Chastity Spindler/P .T. Guard	\$4.35 per hr.
06/01/92	
Jason Kellams/P.T. Guard	\$4.35 per hr.
06/01/91	
Catherine Fitzsimmons/E.M.T.	\$5.00 per hr.
05/26/91	
Edward Haury/E.M.T.	\$5.00 per hr.
05/27/91	
Kurt Crowley/F.T. Guard	\$4.75 per hr.
05/31/91	
Amy Conrey/P.T. Guard	\$4.35 per hr.
06/01/91	
Amy Corressell/Cashier	\$4.25 per hr.
05/26/91	
Kelly Fritz/Slide Guard	\$4.25 per hr.
06/01/91	
Amy Becker/P.T. Guard	\$4.35 per hr.
05/26/91	
Brian Willett/P.T. Guard	\$4.35 per hr.
05/25/91	
Amy Whicker/P.T. Guard	\$4.35 per hr.
05/26/91	
Casey Kastrzebski/Slide Guard	\$4.25 per hr.
05/25/91	
Andrea Arrick/Slide Guard	\$4.25 per hr.
05/25/91	
Jennifer Bender/P.T. Ground Crew	\$4.50 per hr.
05/27/91	
Jason Emerson/Float Stand	\$4.25 per hr.
06/01/91	
Charlie Pace/Float Stand	\$4.50 per hr.
05/22/91	
Lori Logan/Slide Guard	\$4.25 per hr.
06/01/91	
Karen Schmitt/Slide Guard	\$4.25 per hr.
05/27/91	
Mindy Sturgeon/F.T. Guard	\$4.50 per hr.
06/01/91	
Stephanie Helfrich/Slide Guard	\$4.25 per hr.
05/26/91	
Quany Bui/Slide Guard	\$4.25 per hr.
05/25/91	

Daniel Townsend/Part Time/Ground Crew	\$4.25 per hr.
Shawn Helmer/Part Time/Ground Crew	\$4.25 per hr.
Jeremy Kieffner/Part Time/Ground Crew	\$4.25 per hr.
James Gerard/Part Time/Ground Crew	\$4.25 per hr.
Kyle Kassel/Part Time/Ground Crew	\$4.25 per hr.
Matt Caton/Part Time/Ground Crew	\$4.25 per hr.
Tiffany McClure/Part Time/Ground Crew	\$4.25 per hr.
Brooke Ranes/Part Time/Ground Crew	\$4.25 per hr.
Matt Singer/Part Time/Ground Crew	\$4.25 per hr.
Albert Umbach/Part Time/Ground Crew	\$4.25 per hr.
Angela Burmeiser/Part Time/Ground Crew	\$4.25 per hr.
Nick Jankowsk/Part Time/Ground Crew	\$4.25 per hr.
Effective Hiring Date for above	
05/22/91	

Andrea Askins/Slide Guard	\$4.25 per hr.
Ryan Wargel/P.T. Guard	\$4.35 per hr.
Kevin Reis/P.T. Guard	\$4.50 per hr.
Chris Rowe/P.T. Guard	\$4.50 per hr.
James Townsend/P.T. Guard	\$4.50 per hr.
Daniel Townsend/P.T. Guard	\$4.50 per hr.
Shawn Helmer/P.T. Guard	\$4.50 per hr.
Jeremy Kieffner/P.T. Guard	\$4.50 per hr.
Julie Singer/Slide Guard	\$4.50 per hr.
Benjamin McCarthy/P.T. Guard	\$4.60 per hr.
Susan Bernhardt/F.T. Guard	\$4.50 per hr.
Robert Kieffner/P.T. Guard	\$4.35 per hr.
James Gerard/F.T. Guard	\$4.75 per hr.
Kyle Kassel/P.T. Guard	\$4.35 per hr.
Effective Hiring Date for above	
05/22/91	

Christopher Peak/E.M.T.	\$5.00 per hr.
06/01/91	
Gordon S. Thomas/Mgr. Float Stand	\$6.00 per hr.
05/22/91	
Janell Floyd /F.T. Guard	\$4.50 per hr.
06/01/91	
April Schmuck/F.T. Guard	\$4.50 per hr.
05/25/91	
Larry Ziliak/Bus Driver	\$6.25 per hr.
06/02/91	
Rebekah Bailey/Bus Driver	\$6.25 per hr.
06/01/91	
Daniel Gelarden/Slide Guard	\$4.25 per hr.
06/02/91	
Mary Wangerin/P.T. Guard	\$4.35 per hr.
05/25/92	
Tracy Bagby/P.T. Guard	\$4.35 per hr.
06/01/91	

Melanie Emge/Slide Guard	\$4.25 per hr.
Jeffrey Yan/P.T. Guard	\$4.35 per hr.
Andra Muth/P.T. Guard	\$4.35 per hr.
Kenneth Haynie III/Float Stand	\$4.25 per hr.

Tricia Wiggins/P.T. Guard	\$4.35 per hr.
05/26/91	
Wayne Kirk/P.T. Guard	\$4.35 per hr.
05/25/91	
Jennifer Schiff/Slide Guard	\$4.25 per hr.
05/25/91	
Maria Ritchell/Cashier	\$4.50 per hr.
05/25/91	
Brandi Rocca/P.T. Guard	\$4.35 per hr.
05/25/91	
Krista Elpers/P.T. Guard	\$4.35 per hr.
05/25/91	
Ricky Conner/P.T. Ground Crew	\$4.50 per hr.
05/29/91	
Jeff Sapp/Slide Guard	\$4.50 per hr.
05/25/91	
Kailyn Droeger/Slide Guard	\$4.50 per hr.
05/29/91	
Thomas Hillenbrand/Slide Guard	\$4.25 per hr.
05/23/91	
Sara Bernhardt/F.t. Guard	\$4.50 per hr.
05/22/91	
Lauryssa Humm/Slide Guard	\$4.50 per hr.
05/27/91	
Joshua Kinsler/F.T. Guard	\$4.50 per hr.
05/25/91	

Center Township Assessor- Appointments made:

Dava J. Roth/Part Time Deputy	\$5.00 per hr.
06/10/91	
Martha J. Childers/Office Deputy	\$14,362.00
06/10/91	

Center Township Assessor - Releases:

Andrea Gray/Part Time Deputy	\$5.00 per hr.
06/06/91	
Martha Childers/Office Deputy	\$13,679.00
06/07/91	

Clerk of the Circuit Court - Appointments made:

Terri Pace/Asst. Chief Dep. Clerk	\$20,725.00
06/03/91	

Clerk of the Circuit Court - Releases:

Terri Pace/Asst. Chief Dep. Clerk	\$20,275.00
06/03/91	

Circuit Court - Appointments made:

Alan Henson/Chief Probation Officer	\$ 5,418.00 AN
06/03/91	
Robert Saunders/Probation Officer	\$ 2,254.00 AN
06/03/91	
Larry McDowell/Probation Officer	\$ 2,254.00 AN
06/03/91	

Kimberly Ritz/Slide Guard	\$4.25 per hr.
05/26/91	
Christine Clayton/Slide Guard	\$4.25 per hr.
06/02/91	
Jana Staley/F.T. Guard	\$4.50 per hr.
05/25/91	
Melissa Muensterman/P.T. Guard	\$4.35 per hr.
05/26/91	
Jamie Stanley/P.T. Guard	\$4.35 per hr.
06/01/91	
Cindi Newman/Cashier	\$4.25 per hr.
05/25/91	
Bryan Sherlock/F.T. Guard	\$4.50 per hr.
05/23/91	
Amanda Stroud/Slide Guard	\$4.25 per hr.
06/01/91	
Erica Seidehamel/Cashier	\$4.25 per hr.
05/25/91	
Jeremy Stewart/P.T. Guard	\$4.35 per hr.
05/25/91	
Wade Helmer/P.T. Ground Crew	\$4.50 per hr.
05/30/91	
Tammy Waters/P.T. Ground Crew	\$4.50 per hr.
05/30/91	
Mike Nantz/E.M.T.	\$5.00 per hr.
06/01/91	
Heather Lehr/F.T. Guard	\$4.50 per hr.
05/25/91	
Matthew Bishop/F.T. Guard	\$4.50 per hr.
05/25/91	
Larry Paul/F.T. Guard	\$4.50 per hr.
05/25/91	
Kari Haley/Cashier	\$4.25 per hr.
05/26/91	
Dan Kolb/F.T. Guard	\$4.50 per hr.
06/01/91	
Mellisa Bates/Slide Guard	\$4.25 per hr.
05/25/91	
Amy Waniger/P.T. Guard	\$4.35 per hr.
05/26/91	
Tan Bui/Slide Guard	\$4.25 per hr.
05/25/91	
Alan Scheu/Slide Guard	\$4.25 per hr.
05/25/91	
Caroline Pugh/Slide Guard	\$4.25 per hr.
06/01/91	
Shanna McCune/Head Cashier	\$4.35 per hr.
05/25/91	
Beau Shumake/P.T. Guard	\$4.35 per hr.
05/26/91	
Ben Moran/Slide Guard	\$4.35 per hr.
05/26/91	
Staci Sparks/Slide Guard	\$4.25 per hr.
05/27/91	
Andrea Jett/Cashier	\$4.25 per hr.
05/25/91	

.DOC

withhold S.S. & PERF - Full time County
employee.)

Prosecutor - Releases:

Verdeliski V. Miller/Dep. Pros.	\$31,028.00
06/07/91	
Patricia Goetz/ParaLegal Sec.	\$16,451.00
06/17/91	

Vanderburgh County Cooperative Extension Service
Appointments made:

Jennifer Knight/Part time	\$4.25 per hr.
05/28/91	
Angela D. Kuester/Part time	\$4.60 per hr.
05/28/91	
Kymberly L. McIntosh/Part time	\$4.25 per hr.
05/28/91	
Jennifer L. Reininga/Part time	\$5.00 per hr.
05/28/91	
James L. Weisman/Part time	\$4.25 per hr.
05/28/91	

Circuit Court - Appointments made:

William Frank/Intern	\$5.00 per hr.
05/30/91	
Ann Michel/Intern	\$4.25 per hr.
05/30/91	
Keith Haas/Part time/bailiff	\$7.00 per hr.
05/17/91	

Circuit Court - Releases:

Dennis Howard/Part time/Guard	\$7.00 per hr.
05/17/91	
Boyd Toler/Part time/Bailiff	\$5.00 per hr.
05/17/91	
Gary Hester/Intern	\$4.25 per hr.
05/17/91	
Keith Haas/Part-time/Bailiff	\$4.30 per hr.

Vanderburgh County Sheriff - Appointments made:

Edna Kasper/Executive Secretary	\$20,074.00
06/05/91	
Thomas Ossenberg/Merit Board	\$ 1,000.00
01/01/91	
John H. Habermel/Merit Board	\$ 1,000.00
01/01/91	
J. Robert Duvall/Merit Board	\$ 1,000.00
01/91/91	
Hubert Rasure/QMA	\$15,064.00
05/06/91	

John Mueller/Probation Officer	\$ 2,090.00	AN
06/03/91		
Leslie Freeman/Adm. Aid	\$ 1,958.00	AN
06/03/91		
Connie Nally/Receptionist	\$ 294.00	AN
06/03/91		
Amanda Busan/Secretary	\$ 7,000.00	AN
06/03/91		
Janice Wade/Probation Officer	\$23,785.00	
05/17/91		

Circuit Court - Releases:

Alan Henson/Chief Probation Officer	\$ 2,160.00	AN
06/02/91		
Janice Wade/Probation Officer	\$22,652.00	AN
05/18/91		

County Commissioners - Appointment made:

Sandie Deig/Joint Position/Secy.	\$8,719.00
05/01/91	

County Commissioner - Releases:

Sandie Deig/Joint Position/Sec'y.	\$7,532.00
04/30/91	

County Council - Appointment made:

Sandie Deig/Joint Position/Secy	\$8,719.00
05/01/91	

County Council - Releases:

Sandie Deig/Joint Position/Secy	\$7,532.00
04/30/91	

Health Department - Appointment made:

Dwayne S. Caldwell/Environmental Health Special.	\$19,249.00
06/12/91	

Prosecutor - Appointments made:

Patricia Goetz/ParaLegal Sec.	\$17,275.00
06/17/91	

(Step 1 increase after 6 months)

Debbie Settle/Sup. Ct. Reporter *

Karen Destache/Cir.Ct. Reporter *

*(Have always paid bills from Acct.108-136

Witness Fees - Auditor states must do same account but put on payroll in order to

Hubert Rasure/EMT \$17,649.00
06/05/91

Vanderburgh County Sheriff - Releases:

Ermon Hoover/Merit Board \$ 1,000.00
12/31/90

Jim Embry/Merit Board \$ 1,000.00
12/31/90

Billie Goff/Merit Board \$ 1,000.00
12/31/90

Edna Kasper/Executive Secretary \$18,208.00
06/04/91

Hubert Rasure/QMA \$15,064.00
06/04/91

Treasurer - Appointment made:

Ann E. Michel/Part Time \$ 5.00 per hr.
06/03/91

Veterans Service:

Carl M. Wallace/Service Officer \$22,586.00
06/21/91

d. Clerk of the Circuit Court - Monthly Report

e. Scheduled meetings:

Tuesday, June 11	Data Processing Board - 8:00 A.M.
Room 303	
Tuesday, June 11	Design Review Committee 8:30 A.M.
Room 307	
Tuesday, June 11	Subdivision Review Board - 9:30 A.M.
Room 303	
Thursday, June 13	E.U.T.S. Technical Committee
10:00 A.M. - Room 303	
Thursday, June 13	Central Dispatch - 1:30 P.M.
Room 301	
Thursday, June 13	E.U.T.S. Policy Committee
4:00 P.M. - Room 307	
Monday, June 17	County Commissioner's Meeting
6:00 P.M. - Room 307	
Monday, June 17	Rezoning Petitions - 7:30 P.M.
Room 307	

8. Old business

9. New Business

10. Meeting recessed

TRANSITION TEAM SUMMARY AS OF JUNE 10, 1991

The transition team has been diligently pursuing its goal since early January 1991. Approximately fifty four volunteers representing various areas of interest and expertise have willingly offered their time and talents in an effort to update, educate and evaluate six specific areas of concern in the general operation of County Government for the County Commissioners.

The transition team members fully recognize the strains and limitations placed on our County Commissioners in their elected positions that are part time. The team is grateful for the time and efforts that these part time officials have offered during the time of the Team's existence. As the Team committee chairmen and their Team members have moved forward in reviewing their area of assigned study it has become even more obvious that the responsibilities placed upon the Commissioners are not unlike those of the chief operating officers of private businesses. Unfortunately, the Commissioners are expected to respond as a COO without the resources that a COO would expect to have in place. The Transition Team's recommendations as stated previously in public meetings, are based on a business perspective that would provide for greater efficiency and responsiveness on the part of the County Commissioners. The Team did not review its recommendations in light of what may or may not be statutorily feasible. That perspective is the responsibility of the Commissioners.

The Transition Team Committees:

- ° Insurance -- complete
- ° Property Management - complete
- ° Contractor Relations - complete
- ° Finance - complete
- ° Law Enforcement/Corrections/Court System - part one of two parts complete. Law Enforcement and Adult Corrections is complete. Juvenile Corrections and the Courts will be completed by June 30, 1991.
- ° Personnel/Human Resources - completion targeted for August 1991.

The Transition team is in the process of preparing a final summary report and stands ready to present that final report to the Commissioners. The Team would like to take this opportunity to thank those County employees and representatives who assisted the Team in answering inquiries for information and advice.

Vanderburgh County Transition Team

General Chairmen: Jerry A. Lamb, Sr. (American Sheet Extrusion)
 #464-2466 Sharon R. McCarthy (community volunteer)

Committee Members and Committees:

#423-6613 * Rolland Eckels (retired Bristol Myers Squibb)
 Chairman, Finance committee

#464-3215 * Rey Mazzocco (Citizens Bank)
 Chairman, Insurance committee

#479-4770 * Jim Brookhart (St. Mary's Medical Center)
 Chairman, Personnel/Human Resources committee

#426-5908 * Gary Staley (Evansville School Corporation)
 Chairman, Property Management committee

#464-9508 * Brent Weil (Attorney) Chairman,
 Law Enforcement/Corrections Review committee

#867-3284 * Jeff Hatfield (Contractor)
 Chairman, Contractor Relations committee

#477-0165 * Betty Hermann (County Council representative)
 At Large Member

#428-8500 * Brenda Murray (Evansville Housing Authority)
 At Large Member

#425-3411 * Mark Owen (The Hulman Company & Democrat Party Chairmar
 At Large Member

Mission: To study assigned areas from a business perspective and to make recommendations to the Commission regarding improvements to local government services that would provide for greater efficiency and responsiveness.

Plan: Each chairman will form their own committee to study their assigned area. Committees will be given specific reporting dates so that the overall study will be completed in an orderly and timely fashion. Committees will be asked to assess the existing strengths and weaknesses in each area, to develop recommendations for each area, and to propose priorities for those recommendations which are to include a realistic timeframe of implementation.

#423-2973 Carol McClintock
 #867-6505 Don Hunter
 #426-5269 Commissioners' office

Joanne

PIGEON CREEK GREENBELT COMMITTEE

Dr. R. L. Kixmiller *no*
3900 N. Green River Road
Evansville, In. 47715

Mr. John Koch
4000 N. Green River Road
Evansville, In. 47715

Mr. Dave Ellison
2040 W. Baseline Road
Evansville, In. 47711

Mr. Darrell Rice
Soil Conservation Service
12445 Highway 41 North
Evansville, In. 47711

Mrs. Shirley James
6521 Middle Mt. Vernon Road
Evansville, In. 47712

Mr. Mike Biggerstaff
2717 North Garvin Street
Evansville, In. 47711

Dr. Charles Price
University of Southern Indiana
8600 University Blvd.
Evansville, In. 47712

Mr. Bob Rothchild
3701 Stratford Road
Evansville, In. 47710

Mrs. Becky Embry
821 Brookshire Drive
Evansville, In. 47715

Mr. Jim Morley
Morley and Associates
605 S.E. M.L. King Blvd.
Evansville, In. 47713

Ms. Pam Martin
Chamber of Commerce
100 N.W. Second Street
Evansville, In. 47708

Mr. Bob Brenner
Vanderburgh County Surveyor
325 Civic Center Complex
Evansville, In. 47708

STATE OF INDIANA



EVANSVILLE, INDIANA 47708

DEPARTMENT OF VETERANS' AFFAIRS

105 CIVIC CENTER COMPLEX
ONE NORTHWEST SEVENTH STREET

GERALD "DUTCH" BOLE

EVAN BAYH, GOVERNOR
~~XXXXXXXXXX~~, DIRECTOR,
INDIANA DEPARTMENT OF
VETERANS' AFFAIRS

SERVICE OFFICERS
CARL M. WALLACE
MICHAEL C. ROBBINS

June 7, 1991

The Board of Commissioners of
the County of Vanderburgh
305 Administration Building
Civic Center Complex
Evansville, IN 47708

Dear Commissioners:

I would like to give you a brief outline on how I plan to better service our veterans' community.

- (1) To work with employers to help secure future employment for veterans and also letting their current employees know that this office exists and what help we can lend them.
- (2) Set up daily logs of activity and response to ensure the swift response of veterans' request.
- (3) More time will be devoted to helping the disabled vets get to their appointment at the VA Clinic to help speed the development of their planning. To do this, we are asking to make available the use of the County car.
- (4) Hold public meetings for all veterans, updating them on current legislation affecting veterans' benefits.
- (5) To unite the veterans to force legislators to amend certain laws that affect veterans' benefits. One such federal law demands that records from the VA be used to verify one's case. Many times these records have been destroyed while in the possession of the federal government. Therefore, there is no file. Therefore, the claim is disallowed.
- (6) Set up a regular schedule of visits to the nursing homes in the County to provide pertinent information for their staff and to help in the speed of their claim filing.
- (7) We are already working with new organizations to help veterans get food and financial assistance while they wait for their claims to be settled. I plan to work closer and harder with these agencies, and to find more agencies to ensure the well being of the veteran until which time his or her claim may be settled.

TREASURER
VANDERBURGH COUNTY
ROOM 210 CIVIC CENTER
1 NW ML KING BLVD
EVANSVILLE, INDIANA 47708-1882

June 10, 1991

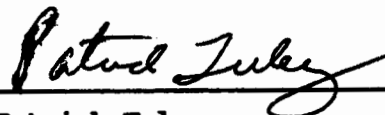
TO: County Commissioners

REF: Newly Appointed/Outgoing County Employees

Dear Commissioners:

This is a request to initiate a program to require all new county employees that as part of in processing and out processing, they be required to stop by the County Treasurer's office and identify themselves as new employees or as employees who will no longer be working for the county. It will make the treasurer's job of identifying employees who may or may not be delinquent easier, but will at the same time, give the employee a copy of the law that requires all government employees in the State of Indiana to stay current in the payment of the property taxes.

This request is also being made in writing to the Mayor of Evansville and to the Superintendent of the School Corporation.



Patrick Tuley
Vanderburgh County Treasurer

PT/bak

PLEASE PRINT:

NAME: _____
LAST FIRST (INITIAL)

DEPARTMENT: _____ JOB TITLE: _____

BURDETTE PARK
DAY CAMP
1991 "END OF SEASON BONUS"
STATEMENT OF UNDERSTANDING

I HEREBY ACKNOWLEDGE THAT IF I AM HIRED BY BURDETTE PARK PRIOR TO JUNE 06, 1991, AND REMAIN ACTIVELY EMPLOYED UNTIL THE END OF BURDETTE PARK'S DAY CAMP OPERATING SEASON THROUGH AUGUST 23, 1991, I WILL THEN BECOME ELIGIBLE FOR AN "END OF SEASON BONUS." THE AMOUNT OF THIS BONUS WILL BE 25 CENTS FOR EVERY HOUR I WORK FROM JUNE 10, 1991.

I SPECIFICALLY UNDERSTAND THAT, IN ORDER TO BECOME ELIGIBLE FOR THIS BONUS, I MUST REMAIN ACTIVELY EMPLOYED AND WORK ALL HOURS THAT I AM SCHEDULED TO WORK BY MY DEPARTMENT UNTIL BURDETTE PARK CONCLUDES ITS 1991 DAY CAMP OPERATING SEASON.

SCHEDULED HOURS WILL EXCLUDE EXCUSED ABSENCES WHERE EMPLOYEE HAS GIVEN NO LESS THAN 10 DAYS NOTICE AND A SUBSTITUTE HAS BEEN ARRANGED, AND FOR SICK DAYS WHEREBY THE EMPLOYEE HAS REPORTED IN NO LATER THAN 7:00 A.M. AND HAS NO MORE THAN 2 CONSECUTIVE DAYS OFF. IF SICK TIME IS QUESTIONED, A DOCTORS EXCUSE MAY BE REQUESTED.

THIS PROGRAM IS NOT TO BE CONSTRUED AS AN EMPLOYMENT CONTRACT; RATHER, MY EMPLOYMENT REMAINS TERMINABLE AT WILL.

I HAVE READ AND UNDERSTAND THE ABOVE CONDITIONS OF ELIGIBILITY FOR THE 1991 BURDETTE PARK DAY CAMP "END OF SEASON BONUS".

SIGNED _____

DATE _____

AUTHORIZED BY _____

RECORD OF ATTENDANCE/ABSENCES:

DATES OF EXCUSED ABSENCES _____

DATES OF UNEXCUSED ABSENCES _____

**Supplement to An Interlocal Governmental Agreement
Between Vanderburgh County and the City of Evansville
Concerning Joint Utilization of Department of
Metropolitan Development for Grant Writing and Administration**

Whereas, on the 14th day of March, 1988, Vanderburgh County and the City of Evansville entered into an Interlocal Governmental Agreement pursuant to I.C. 36-1-7, which provides for the Department of Metropolitan Development of the City of Evansville to provide administrative services to Vanderburgh County for preparing "grant applications, conducting negotiations concerning proposed grants and for administering such grants as may be awarded to the County;" and

Whereas, Vanderburgh County is the recipient of a Community Focus Fund Small Cities Community Development Block Grant from the Indiana Department of Commerce for an Emergency Home Repair Program; and

Whereas, the Indiana Department of Commerce, is requiring that the agreement between the County and the City include certain language required by the Small Cities Community Development Block Grant regulations;

Now, Therefore, Vanderburgh County and the City of Evansville, Hereby Agree to Supplement the March 14, 1988 Interlocal Governmental Agreement by agreement as follows:

1. Scope of Services:

With regard to the implementation and administration of grant CF#89-220, the City of Evansville, acting by and through its Department of Metropolitan Development shall carry out the activities discussed in the County's application to the Indiana Department of Commerce under the "planning and technical assistance phase" and the "implementation phase" of the Emergency Home Repair Project. The following information is excerpted from page 22 of the CFF application:

In the planning and technical assistance phase of this project, the Department of Metropolitan Development would carry out the following activities:

1. Develop marketing and outreach programs and materials to make low income residents of the unincorporated areas of Vanderburgh County aware of the availability of this program. This would probably include working with the various township trustees, Cooperative Extension Agent, Community Action Program of Evansville and various social service agencies.
2. Develop accounting procedures in conjunction with the County Commissioners and County Auditor to adequately drawdown and disburse grant funds.

In the implementation phase of this project, the Department of Metropolitan Development would carry out the following activities:

1. Solicit and accept applications.
2. Review the applications and determine the income eligibility of the applicants and verify ownership of the property.
3. Inspect houses to determine the need for and eligibility of repairs and to prepare a cost estimate.
4. Prepare plans and specifications for the emergency repairs which need to be done.
5. Solicit informal bids from qualified contractors. (DMD already has in place a system for qualifying contractors and written procedures for bidding.)
6. Prepare loan documents (promissory note and mortgage), and construction contract documents, including, "short-form no-lien contracts" for recording purposes.
7. Award contracts, inspect work in progress and approve payment for satisfactorily completed work.

8. Upon completion of "forgiveable" period, verify that property owner still owns and resides in the property for which the emergency home repairs were completed, and release mortgage. In the event that property owner no longer owns and/or resides in the property, turn case over to an Attorney to seek collection of the forgiveable loan. The proceeds from collection of any of these forgiveable loans of which would be returned to the Indiana Department of Commerce as program income, less a \$50.00 servicing fee which would be paid to the Department of Metropolitan Development and less attorney's fees and court costs related to the collection.

Section 2. Compensation for Services

For the services rendered on behalf of Vanderburgh County in the planning, technical assistance and implementation phases of the Emergency Home Repair Program, the City of Evansville Department of Metropolitan Development shall be compensated, up to the limits provided for in the budget for CFF grant #89-220, as it may be amended from time to time by Vanderburgh County and the Indiana Department of Commerce, as follows:

- a. Staff salaries and fringe benefits. Upon submission of properly documented time records, and within the constraints contained in the approved CFF application and Grant Agreement and within the constraints contained in the approved CFF application and Grant Agreement, DMD shall be reimbursed at actual cost for staff salaries based on the number of hours worked on the CFF grant. The employers share of social security and Public Employees Retirement shall be reimbursed to DMD based on the appropriate rate applied to the total salary dollars charged to the CFF grant.

- b. Other Direct Costs. Upon submission of properly documented records, and within the constraints contained in the approved CFF application and Grant Agreement and within the constraints contained in the approved CFF application and Grant Agreement, the County will reimburse the City based on documentation of actual direct costs incurred on behalf of the CFF grant program.

- c. Post Grant Close-Out Costs. As discussed in Item #8 in the Scope of Services, above, after the grant is completed and has been closed out, DMD shall be responsible for determining that the property owner has complied with the one year tenancy requirement of the program. In the event that foreclosure action must be taken against a loan recipient, Metropolitan Development shall be entitled to retain \$50.00 servicing fee before the recaptured loan funds are returned to the Indiana Department of Commerce.

Section 3. Third Party Language.

As a Community Development Block Grant Entitlement Community, the City of Evansville, as certified by its Mayor, complies with Federal Laws, Executive Orders and Federal Regulations, as will carry out the administration of the Vanderburgh County Community Focus Fund Grant #89-220 in compliance with such:

- Executive Order 11246
- Section 3 of the Housing and Community Development Act of 1968
- OMB Circular A-102
- Title VI of the Civil Rights Act of 1968
- Section 504 of the Rehabilitation Act of 1973
- Age Discrimination Act of 1975
- Conflict of Interest Clause
- Executive Order 12138
- Retention and Custodial Requirements for Records Clause

Section 4. Termination Provisions.

Vanderburgh County may terminate this Supplement to the Interlocal Governmental Agreement for cause in the event that the Department of Metropolitan Development fails to carry out the Scope of Services in a timely and professional manner. In the event of such termination, the Department of Metropolitan Development shall be reimbursed for any and all costs incurred by DMD in the implementation of CFF grant #89-220, up to and including the date of termination, less any previous reimbursements. This termination provision shall apply only to the provision of services to Vanderburgh County in conjunction with CFF grant #89-220 and shall not be construed to affect the termination provisions of the March 14, 1988 Interlocal Governmental Agreement between Vanderburgh County and the City of Evansville.

This Supplement to An Intergovernmental Governmental Agreement between Vanderburgh County and the City of Evansville Concerning Joint Utilization of Department of Metropolitan Development for Grant Writing and Administration, dated March 14, 1988 is hereby approved as of the 10th day of June, 1991.

Vanderburgh County, Indiana

By: Carolyn McClintock
Carolyn McClintock, President
Board of County Commissioners

City of Evansville, Indiana

By: Frank F. McDonald II
Frank F. McDonald II, Mayor

June 7, 1991

Carol McClintock
Commissioner of Vanderburgh County
Civic Center, Room 305
Evansville, IN 47708

Dear Commissioner McClintock:

Although I cannot attend the June 10, 1991 meeting of the Vanderburgh County Commission, I request that you issue an official reprimand to your three Vanderburgh County Supervisors who failed to follow the law regarding their payment of property taxes.

I am particularly offended by the remarks of Ms. Carol Davis, Assistant Vanderburgh County Highway Superintendent, who said she refused to pay her taxes because of "principle. They should not waste my taxes... etc." If Ms. Davis wants to lead a tax revolt and vote against the officials who "waste" her taxes, she has the right to do so. But I don't believe that she has the "right to bite the hand that feeds her." She should remove herself from any government position supported by tax dollars - the same kind of dollars that support her! And, the same kind of tax dollars she refuses to pay!

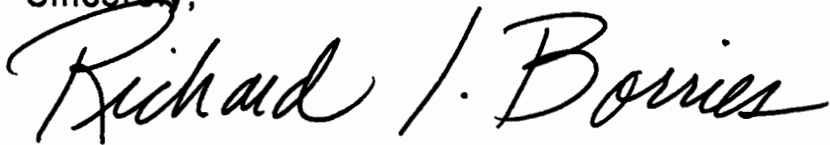
Further, I believe that her negative, paranoid statements represent the very worst kind of leadership. We need leaders in local governmental supervisory positions who are role models with positive attitudes. They should be ~~dedicated~~ ^{dedicated} to serve the taxpayers of this community. Ms. Davis's "the rules don't apply to me" approach is definitely not the kind of professional attitude required to lead others.

At a time when taxpayers are deeply suspicious of how government spends their tax dollars, we who are in government must accept full responsibility to follow all laws so we may retain public confidence in

what we do. Ms. Davis should clearly understand this mission of public employment.

I request that my concerns be made a part of the official public meeting of the Vanderburgh County Commission on June 10, 1991.

Sincerely,

A handwritten signature in cursive script that reads "Richard J. Borries". The signature is written in dark ink and is positioned below the word "Sincerely,".

Richard J. Borries
Commissioner of Vanderburgh County

AGREEMENT TO PROVIDE SERVICES

THIS AGREEMENT is made and entered into effective the 1st day of January, 1991, notwithstanding the date actually executed by and between the Board of Commissioners of Vanderburgh County, Indiana (the "Board"), and Alexander Ambulance Service, Inc., and Indiana corporation with its principal place of business located at 522 Northwest First Street, Evansville, Indiana (the "Provider").

RECITATIONS

1. The Board finds it to be in the best interest of the citizens of those areas of Vanderburgh County lying outside the corporate limits of the City of Evansville (the "Service Area") to encourage the availability of Emergency Medical Service ("EMS") as defined by I.C. 16-1-39-2 to residents in the Service Area.

2. The Board believes that the availability of EMS should include Advanced Life Support ("ALS") capabilities as that term (ALS) is defined by the Indiana State Emergency Medical Service Commission and the Advanced Life Support Consortium established by the General Hospitals of Vanderburgh County, Indiana.

3. The Provider has agreed, subject to the commitments of the Board contained herein, to continue to render Basic Life Support ("BLS") ~~services and~~ Advanced Life Support ("ALS") services to Vanderburgh County residents in the Service Area according to the terms and conditions hereof.

AGREEMENTS

NOW, THEREFORE, in consideration of the foregoing, and in consideration of the mutual promises and covenants hereinafter contained, the parties agree as follows:

1. The term of the agreement shall be from 12:01 a.m. on January 1, 1991, until 11:59 p.m. on December 31, 1991, provided that the Board shall have the right, if just cause exists, to terminate this agreement by written notification to the Provider, which termination shall be effective ninety (90) days after the date of such written notification. For purposes of the agreement, "just cause" shall exist in favor of the Board if the Provider fails or refuses to perform the services which are the subject of this agreement with reasonable speed or professionalism or in the event the Provider breaches any term or provision of the agreement. Just cause shall also exist in favor of the County if the Provider, or any employees of the Provider, in the course of providing the services contemplated herein, violates any of the laws of the State of Indiana or any political subdivision thereof, or in the event the Provider, or any employee thereof, commits any deceitful, fraudulent or otherwise unlawful act. Just cause shall exist in favor of the Provider ~~in the event~~ the Board fails to meet its monetary commitments herein made and in the event that the Provider has notified the Board of such failure and given thirty (30) days written notice to the Board, during which thirty (30) days the Board shall have the right to cure any such failure or default.

2. The Provider agrees that during the term of this agreement, the Provider will:

A. Maintain sufficient equipment and qualified personnel to outfit and provide three (3) certified ALS units on a twenty-four (24) hours per day, seven (7) days per week, basis. One unit shall be stationed at Provider's East side facility located at 3700 Washington Avenue, Evansville, Indiana, at all times. One unit shall be stationed at Provider's North side facility located at 4200 Stringtown Road, Evansville, Indiana, at all times. One unit shall be stationed at Provider's West side facility located at 2100 West Illinois, Evansville, Indiana, at all times. Provider shall have Paramedic and Emergency Medical Technician ("EMT") personnel stationed with the equipment and units at all times.

B. Maintain equipment and personnel as required for certification by both the Indiana State Emergency Medical Service Commission and the Advanced Life Support Consortium of Vanderburgh County, Indiana.

C. Have in effect at all times a binding agreement, a copy of which will be provided to the Board, with the Advanced Life Support Consortium of Vanderburgh County, Indiana.

D. Use said equipment and personnel for the sole purpose of responding to calls for Emergency Medical Service by any person then located in the Service Area through any of the following sources:

- (1) The Indiana State Police;
- (2) The Sheriff Department of Vanderburgh County, Indiana;

- (3) The Police Department of the City of Evansville,
Indiana;
- (4) The Fire Department of the City of Evansville,
Indiana; or
- (5) Any Volunteer Fire Department for any Township in
Vanderburgh County, Indiana.

E. Maintain in effect and in full force during the term of this agreement or any extension or renewal hereof, insurance coverage in the types and amounts required by the laws of the State of Indiana and/or the rules and regulations of the Emergency Medical Services Commission of the State of Indiana. Provider shall, within thirty (30) days of this agreement, and thereafter upon the reasonable request of the Auditor of Vanderburgh County, provide documentation which establishes its compliance with this paragraph. In addition, Provider shall hold the County of Vanderburgh, the Board and all elected and appointed officials and employees of Vanderburgh County, and all of their agents, officers, attorneys, designees, heirs and assigns, harmless from, and indemnify them for, any and all losses or damages recovered by judgment or compromise with respect to any person or property due to accidents, injuries or damages suffered by such persons or properties due to the negligence, willful or wanton misconduct or lack of due care of the Provider or any of the Provider's employees in the course of providing the services which are the subject of this agreement.

3. It is understood and agreed that the Provider enters into this agreement as an independent contractor of the Board and shall

in no way or manner represent or cause others to believe that the Provider is an agent of the Board or an officer, employee or official of Vanderburgh County, Indiana.

4. At any time when Provider is rendering the services contemplated by this agreement, Provider shall be subject to the jurisdiction and direction of the Sheriff of Vanderburgh County, Indiana, and his duly appointed deputies if the Provider arrives at a site where said Sheriff or his duly appointed deputies are acting in an official capacity; provided, however, that Provider shall have the unrestricted discretion and authority in caring for sick or injured persons and the unrestricted discretion in determining the order of removal of such sick or injured persons from the scene.

5. For services so rendered, the Provider agrees to make minimum charges for services to be rendered to persons in the Service Area as follows, which shall be cumulative:

Basic Convalescent Run	\$ <u>125.00</u>
Basic Life Support Run	\$ <u>125.00</u>
Advanced Life Support Run	\$ <u>300.00</u>
Telemetry Use	\$ <u>75.00</u>
Mileage charge per loaded mile of transportation to a medical facility	\$ <u>3.00</u>

~~Any increases~~ permitted during the term of the contract by regulatory or insurance bodies will be incorporated as early as possible.

Supply charges for all of the following supplies shall be charges to the person receiving the service of the Provider at a

minimum rate equal to one hundred sixty percent (160%) of the

Provider's cost of the said following items:

1. AMINOPHYLLIN 500 mg/10ml
2. ATROPHINE SULFATE 1mg
3. BRETYLOL 50mg/10ml
4. CALCIUM CHLORIDE 1gm/10ml
5. DEXAMETHASONE (Decadron) 4mg/1ml
6. DEXTROSE 25mg/50ml
7. DIAZEPAM (Valium) 10mg/2ml
8. DIPHENHYDRAMINE (Benadryl) 50mg/ml
9. DOPAMINE 400mg/5ml
10. EPINEPHRINE 1:1000/ml
11. EPINEPHRINE 1:10000/10ml
12. FUROSEMIDE (Lasix) 40ma/4ml
13. HYDROCORTISONE NA SUCC 500mg/4ml
14. IPECAC 30ml
15. ISOPROTERENOL 1mg/5ml
16. LEVARTERNOL 4cc
17. LIDOCAINE 2% 100mg/5ml
18. LIDOCAINE 2mg/10ml 20%
19. MEPERIDINE 100mg/1ml
20. METARAMINOL (ARAMINE) 100mg/10ml
21. MORPHINE SULFATE 10mg/1ml
22. NALOXONE (Narcan) 0.4mg/1ml
23. NITROGLYCERINE TAB GR 1/150
24. NORMAL SALINE 30ml
25. SODIUM BICARBONATE 50meq/50ml
26. ADHESIVE TAPE
27. ALCOHOL
28. BETADINE
29. INTRATRACHEAL CATHETER
30. MICROPORE TAPE
31. OB KIT
32. VACUTAINERS
33. IV SOLUTIONS
34. DEXTROSE 5% IN WATER 500ML
35. LACTATED RINGERS SOL. 1000ML
36. NORMAL SALINE 1000ML
37. VASELINE GAUZE 2"
38. Y-BLOOD ADMINISTRATION SETS
39. MINI-DRIP ADMINISTRATION SETS
40. EXTENSION SET FOR IV
41. ANGIOCATHS GAUGE
42. BUTTERFLY NEEDLES
43. STRAIGHT NEEDLES
44. SYRINGES
45. IV ARMBOARDS
46. ASPIRATING SUCTION CATHETERS
47. SUCTION TUBING

48. IV SET PRIMARY
49. START PAK (IV)
50. CERVICAL COLLAR
51. KERLIX
52. KLING
53. 4 X 4'S
54. ABD PADS
55. EYE PADS
56. COTTON TIP APPLICATORS
57. ELECTRODE GEL
58. ENDOTRACHEAL TUBES
59. YANKAUER SUCTION TIP CATHETER
60. MONITOR ELECTRODES
61. DEFIBRILLATION PADS
62. NASAL AIRWAYS
63. ORAL PHARYNGEAL AIRWAYS
64. ICE PACKS
65. NASAL CANNULA
66. OXYGEN MASK (ADULT)
67. OXYGEN MASK (PED)
68. OXYGEN VENTURI
69. OXYGEN CONNECTING TUBING
70. OXYGEN
71. Other required drugs, supplies or procedures used.

The charge to a person receiving the service of the Provider for the use of MAST TROUSERS shall be \$25.00 per application.

The employees of the Provider shall prepare and maintain a complete record of all services rendered during a particular run in the Service Area and shall provide to the billing service engaged by the Board a detailed list of all such services and the charges therefor in order to facilitate proper billing and collection thereof.

6. All billings for services so rendered by the Provider shall be processed and sent by and through the Provider as a part of this contract for no additional consideration. Provider shall have the obligation to send statements for such services to the party or parties responsible therefor for a continuous period of ninety (90)

days, one (1) statement being sent each thirty (30) days. In the event that the party or parties responsible for the services so rendered by Provider have not paid the subject obligation before the third billing, Provider agrees to include a letter prepared and provided by the Board's attorney in the form attached as Exhibit A addressed to the responsible party or parties, with its mailing of the third statement. At the conclusion of one hundred twenty (120) days following the date of the first billing, if the account has not been paid for, no agreement for periodic payments is in effect and if no active insurance claim is pending, the unpaid account shall be assigned by the Provider to Vanderburgh County, Indiana, for collection by written letter to the County. Any funds collected by the Board after the assignment of such unpaid accounts shall be retained by Vanderburgh County. The Provider agrees to cooperate in the prosecution of such accounts by allowing its employees to present themselves for testimony in the legal proceedings with respect to such collection matter without charge to the Board.

7. Provider shall accept Medicare/Medicaid assignments in respect of Emergency Medical Service which it provides under this contract.

8. ~~Within fifteen~~ (15) days of the close of each calendar month, ~~the Provider~~ shall furnish to the Board a statement of income and expenses in the form set forth in Exhibit B with respect to the maintenance and operation of the Emergency Medical Service unit which is the subject of this agreement for the last preceding month, and within thirty (30) days of the close of each calendar quarter.

the Provider shall furnish to the Board a consolidated verified statement of all income and expenses of the Provider with respect to said unit for said calendar quarter. The said consolidated verified statement shall be in the form set forth in Exhibit C and shall provide details in order to disclose:

(1) total income of Provider during the applicable period from all operations of equipment and personnel under this contract,

(2) total operating expenses attributable to all operations of the equipment and personnel designated to be employed by Provider under this contract including expenses incurred as a result of Provider's private employment of said equipment and personnel;

(3) operating expenses attributable solely to the operations of the equipment and personnel experienced by Provider under this contract, shall then be determined according to generally accepted accounting principles, consistently applied and acceptable to the Indiana State Board of Accounts so as to show an apportionment of the total expenses to the operations of Provider under this contract based upon a ratio comparison of Provider's operation of the subject equipment and personnel under this contract ("County runs") to Provider's operation of the same equipment and personnel for its private, for-profit purposes ("Private runs").

The county or its duly appointed representatives shall then have a period of thirty (30) days within which to examine into the accuracy of said report. In the course of examining said report, the Board shall have access to all of the financial records and journals of the Provider at all reasonable times. In the event such

quarterly statement reveals an operating loss by the Provider with respect to the unit which is the subject of this agreement, and in the event said statement of operating loss is accepted by the Board, the Board shall thereupon reimburse the Provider for said operating loss; provided, however, that the Board's obligation to reimburse the Provider for such operating losses shall be limited to a total reimbursement during the calendar year 1991 in the sum of One Hundred Eighty-Eight Thousand Five Hundred Fifty Dollars and thirty-eight cents. (\$188,550.38). It is further agreed that in the event a operating profit is experienced by Provider during the term of the agreement, the Provider shall, within forty-five (45) days after the expiration of the term of this agreement, pay over such profit to the Board to the extent, and only to the extent, that the Board has previously reimbursed the Provider for operating losses during the term of this agreement. Any excess profit shall then be applied to offset operating losses in any subsequent calendar quarters prior to any request from the Provider for reimbursement for operating losses in such subsequent calendar quarters.

9. The parties understand and agree that the Provider will use all ~~Emergency Medical~~ Service vehicles at Provider's disposal as a backup to the Emergency medical System of the City of Evansville, and for responding to private calls for Emergency Medical Service which are not covered by this contract. It shall not constitute a breach of the agreement by Provider if the units which are the subject of this agreement are unavailable to the residents in the Service Area during periods of time when they are engaged in use as

a backup to the City of Evansville Emergency Medical units, or when they are engaged in use in response to such private calls for assistance.

10. In the event Provider fails to perform the covenants and conditions of this agreement, the Board shall have the right to give written notice of such default. If Provider does not cure the default within thirty (30) days after the written notice, the Board shall be entitled to cancel this agreement and shall have all other rights and remedies available to it at law or in equity.

In the event this agreement is referred to attorneys for enforcement, the prevailing party in any litigation, by judgment, settlement or otherwise, shall be entitled to recover its attorneys fees and costs. Any dispute which arises under or by virtue of this agreement shall be determined according to the laws of the State of Indiana. The Vanderburgh Circuit and Superior Courts shall have sole jurisdiction to hear and determine any such dispute.

11. This agreement may be executed in multiple counterparts, each of which when so executed shall be deemed to be an original, and all such counterparts together shall constitute one and the same instrument notwithstanding the actual date of the execution thereof.

12. If any provision of this agreement or of any schedule hereto, or the application of such provision to any person or circumstance is held invalid, the remainder of the agreement or of any such schedule, in the application of such provision to persons or circumstances other than those as to which the same has been held invalid, shall not be affected adversely thereby.

13. This agreement may be modified only by an agreement in writing executed by all of the parties hereto. This agreement shall be binding upon and shall inure to the benefit of the parties hereto and their respective heirs, legal representatives, personal representatives, successors and assigns, subject, however, to the restrictions against assignment as provided for hereinabove. The waiver by either party of a breach of the provisions hereof shall not operate or be construed as a waiver of any subsequent breach hereof.

14. All necessary notices, demands and requests required or permitted to be given under the provisions hereof shall be deemed duly given if mailed by certified mail, postage fully prepaid, in an envelope properly addressed as follows:

IF TO BOARD: Board of Commissioners of
Vanderburgh County, Indiana
City-County Building
Evansville, IN 47708

IF TO PROVIDER: Alexander Ambulance Service, Inc.
522 Northwest First Street
Evansville, IN 47708

or to such other addresses as the parties may, by like notice, from time to time designate.

15. This agreement constitutes the entire understanding and agreement between the parties, and supercedes all prior oral or written understandings, agreements or contracts formal or informal, between the parties hereto.

16. The effectiveness of this contract is expressly conditioned upon the enactment of a valid ordinance by the

Board in substance establishing the rates set forth for service and materials as more fully set forth and agreed to in paragraph 5 of this agreement.

BOARD OF COMMISSIONERS OF
VANDERBURGH COUNTY, INDIANA

Date June 10 1991

BY: Carolyn S. McClintock

ALEXANDER AMBULANCE SERVICE, INC.

Date 12-24 1990

BY: Thomas A. Alexander

THIS INSTRUMENT WAS PREPARED BY DAVID V. MILLER, ATTORNEY AT LAW, BOWERS, HARRISON, KENT AND MILLER, FOURTH FLOOR, PERMANENT SAVINGS BUILDING, P.O. BOX 1287, EVANSVILLE, INDIANA, 47706-1287

MINUTES
COUNTY COMMISSIONERS MEETING
JUNE 17, 1991

I N D E X

<u>Subject</u>	<u>Page No.</u>
Meeting Opened at 6:00 p.m.	1
Call to Order & Pledge of Allegiance	1
Sale of County-Owned Surplus Real Estate ..(No Bids)....	1
Computer Maintenance Contracts/Roger Elliott	1
Petition to Vacate Portion of Public Easement in Ridge Subdivision	1
(Hearing scheduled 7/1/91 at 4:30 p.m.)	
Rental of Property at 7401 Green River Court	1
(Rented to Ms. Debbie Nance for \$150.00/mo.)	
Transition Team Report	2
Authorization to Pay Medical Bills/Greg Baggett	2
Deletions & Appointments to Local Emergency Planning Committee	2
Appointment to Board of Review	3
(Deferred to 6/24/91)	
Appointment of Assistant Veterans Service Officer	3
(Ronald R. Brown)	
Reassignment of Office Space Formerly Occupied by County Coroner	3
(Commission to contact County Officeholders, etc., re interest and make decision on 6/24/91)	
Decision Regarding Property at 9301 Old State Rd.	3
(Deferred to 6/24/91)	
Appointments to Solid Waste Management District Committees	3
Acceptance of Resignation from Joe O'Daniel from Auditorium Advisory Board	4
Appointments to be made June 24, 1991	4
(Board of Review, Auditorium Advisory Board, and Airport Authority)	
County Engineer - Greg Curtis	4
Green River Rd./Section A/Right-of-Way Certification Letter	
Sanibel Hills Subdivision/Design Approval for Streets	
Waiver of Sidewalks in Sanibel Hills Sub approved	
Claim/Blankenberger Bros. re Morgue (\$167,818.72)	
Orchard Rd. Bridge R/W (Authorization to offer \$1,000)	
Green River Rd. South Project/Construction Estimate	
Bridge #34/Outer Darmstadt Rd. (No decision will be made until after letter from Big Creek Drainage is received.)	

County Highway - Cletus Muensterman	5
Curve @ Woods Rd. & Pruitt	
Fiesta Drive Drainage Problem	
Green River Rd. South (Pavement breaking)	
County Attorney - Ted Ziemer	6
Consent Agenda (approved)	6
Rezoning Petitions	6
VC-4-91 & VC-5-91 continued to July 15, 1991	
VC-6-91/Petitioner, Hillary Nalley (approved	
by 2-1 vote on 3rd Reading	
Old Business (none)	7
New Business (none)	8
Meeting Recessed at 7:55 p.m.	8

**MINUTES
COUNTY COMMISSIONERS MEETING
JUNE 17, 1991**

The Vanderburgh County Board of Commissioners met in session at 6:00 p.m. on Monday, June 17, 1991 in the Commissioners Hearing Room, with President Carolyn McClintock presiding.

RE: CALL TO ORDER & PLEDGE OF ALLEGIANCE

Commissioner McClintock called the meeting to order, welcomed the attendees, and asked that they stand for the Pledge of Allegiance.

Continuing, Ms. McClintock asked if there are any groups or individuals who wish to address the Commission but do not find themselves listed on today's agenda. There was no response.

RE: SALE OF COUNTY-OWNED SURPLUS REAL ESTATE

Commissioner McClintock entertained bids on County-owned Surplus Real Estate which had been advertised for sale. There were no bids.

RE: COMPUTER MAINTENANCE CONTRACTS - ROGER ELLIOTT

Mr. Elliott presented three (3) agreements, as follows: One for the purchase of a C.D. Reader, its software and maintenance; the second, for a Multi-Year contract as far as computer hardware and software maintenance is concerned (which will last to 1995); and the third, for a product called "Recover All", which is basically an insurance policy. The total cost over the five year time span is \$601,429.56. Estimated cost distribution is as follows:

City	\$ 93,297.57
County	\$336,645.11
Dispatch Center	\$171,810.88

These documents have been reviewed by the City and County Attorneys. It is the recommendation of the Data Board that the contracts be executed.

Following questions and comments, upon motion made by Commissioner Hunter and seconded by Commissioner Borries, the contracts were approved, as presented. So ordered.

**RE: PETITION TO VACATE PORTION OF PUBLIC EASEMENT IN
RIDGE SUBDIVISION**

President McClintock said the Petitioners have requested a Hearing Date of Monday, July 1, 1991 at 4:30 p.m., which will allow sufficient time to publish the legal ad.

Upon motion made by Commissioner Hunter and seconded by Commissioner Borries, the request was approved and the Hearing so scheduled. So ordered.

RE: RENTAL OF PROPERTY AT 7401 GREEN RIVER COURT

Mr. Lou Wittmer advised that Mr. Seaver withdrew his bid this morning. The only high bidder left is Debbie Nance. Attorney Ziemer has a lease for Mrs. Debbie Nance at the rate of \$150.00 per month. In response to query from Ms. McClintock, he confirmed that we do have a Certificate of their insurance.

Motion was made by Commissioner Hunter and seconded by Commissioner Borries to rent the property to Mrs. Nance for \$150.00 per month, effective through September 30th, unless we sell the property or raze that home at an earlier date, in which case we get out of that lease agreement with a 30 day notice.

Ms. McClintock asked for a roll call vote: Commissioner Borries, no; Commissioner Hunter, yes; and Commissioner McClintock, yes. So ordered.

RE: TRANSITION TEAM REPORT

Commissioner McClintock said Mr. Borries was not present last week and the other Commissioners did not want to make a decision with regard to the Transition Team Report until all three Commissioners were present. They had suggested they would be happy to come as a group to a regular Commission Meeting to hold a discussion on questions or comments which might be coming forth regarding the individual reports. Or, they would be happy to attend a Special Meeting held by the Commission.

Mr. Borries asked when he might be able to see those reports, rather than the summaries.

Ms. McClintock advised the reports we have to date are on top of the cabinets in the Commission Office. We don't as yet have reports on Personnel and the Court System.

Following brief questions, it was the consensus of the Commission that the Final Reports are to be given in a regular Commission Meeting, but the date will not be determined until after the Personnel portion is completed around mid-August.

RE: AUTHORIZATION TO PAY MEDICAL BILLS/COUNTY HIGHWAY EMPLOYEE

Commissioner McClintock read a letter from Mike Robbins, Veterans Service Officer, regarding County Highway employee Greg Baggett, copy of which is attached hereto as part of the formal minutes. Following brief discussion, upon motion made by Commissioner Borries and seconded by Commissioner Hunter, the County will pay the approximate \$600.00 medical bills out of the Loss Insurance Fund once we have a signed agreement with Mr. Baggett that if the insurance company does not pay or whatever amount they do not pay, that he will repay the County. So ordered.

RE: DELETIONS & APPOINTMENTS TO LOCAL EMERGENCY PLANNING COMMITTEE

At the recommendation of the Local Emergency Planning Committee, upon motion made by Commissioner Hunter and seconded by Commissioner Borries, the following deletions and appointments were made:

Deletions:

John Blair
Larry Lutz
Christine Sallee
John Walker
Randy Wheeler
Ted Ziemer

Appointments:

Jeff Wilhite
Kevin Kahre, Chairman
Jim Daniels
Dr. Dan Scavone
Rod Spaw
Greg Main
Greg Server

Joan Shelton, who has served as Chairman has asked that she take another step toward retirement. She would like to remain on the Committee, but does not wish to continue to serve as Chairman. So ordered.

RE: APPOINTMENT TO BOARD OF REVIEW

Ms. McClintock said the Board is not yet ready to make their appointment to the Board of Review and this appointment will be deferred to the June 24th meeting. Paul Batts has resigned.

RE: APPOINTMENT OF ASSISTANT VETERANS SERVICE OFFICER

President McClintock stated that at the request of the Commission, Mike Robbins interviewed four or five applicants last week and is recommending the appointment of Ronald R. Brown to this position.

Upon motion made by Commissioner Hunter and seconded by Commissioner Borries the appointment was approved, effective June 24, 1991, at the completion of Mr. Wallace's vacation. So ordered.

RE: REASSIGNMENT OF OFFICE SPACE FORMERLY OCCUPIED BY COUNTY CORONER

Ms. McClintock noted that Mr. Robbins, Veterans Service Officer, has requested that the Commission give them permission to move into the space formerly occupied by the Coroner's Office.

Similar requests have also been received from the Prosecutor, the Pigeon Township Assessor and the County Assessor.

Ms. McClintock said the space is not appropriate for either of the Assessors. Prosecutor Levco has displayed interest in utilizing the space for his new Bad Check Division or Bunko Division).

Following brief discussion, it was determined that Ms. McClintock will notify other County offices regarding the available space to determine interest and the Commission will make a decision next week.

RE: DECISION REGARDING PROPERTY AT 9301 OLD STATE ROAD

Ms. McClintock noted this matter has been continued until June 24, 1991, because the property owner was not notified by the Building Commission until this past Saturday that this was going to be on the agenda and thus he did not have sufficient time to prepare the information he needed to bring to the meeting.

RE: APPOINTMENTS TO SOLID WASTE MANAGEMENT DISTRICT COMMITTEES

Upon motion made by Commissioner Hunter and seconded by Commissioner Borries, the following appointments were made:

FACILITIES

Barbara Cunningham, Area Plan Commission
Roger Herrin, Member/Area Plan Commission
Gene Hahn, Hahn Oil Company
Tammy Ryan, C.O.L.E.
Harold Post, Browning Ferris Industries

WASTE STREAM

Jim Daniels, City of Evle. Recycling Coordinator
Chris Berniking, Deaconess Hospital
Tom Shaw, Big Rivers Electric
Dr. Frank Stanonis, University of Southern Indiana
John Blair, Valley Watch
Jerry Gries, Gries Disposal
Eric Nicholson, City Council

DEMOGRAPHICS

Richard Kuhn, Pro-Tex-All
Keith Lochmueller, Bernardin. Lochmueller & Assoc.
Susan Sauls, Chamber of Commerce
Sonny Laughlin, City Council

PROBLEMS

Tom Bryan, Environmental Attorney
Christine Terry, Environmental Protection Agency
Greg Server, Indiana Senator
Dennis Avery, Indiana House of Representatives

It was noted by Ms. McClintock that this is only a partial listing. She has about eight (8) people she has not been able to reach to date (for instance, SIGECO). Commissioner Borries indicated he also has others to contact.

Ms. McClintock said the Commission also needs to send a letter this week to the Mayor, the City Council, the County Council and the Darmstadt Board requesting their appointments to the Board of Directors. (The Mayor and the Commissioners are already on the Board.

RE: ACCEPTANCE OF RESIGNATION FROM JOE O'DANIEL FROM AUDITORIUM ADVISORY BOARD

Upon motion made by Commissioner Hunter and seconded by Commissioner Borries, the subject resignation was accepted. So ordered.

Mr. Borries asked that a letter of appreciation be sent to Mr. O'Daniel. So ordered.

RE: APPOINTMENTS TO BE MADE JUNE 24, 1991

Ms. McClintock said appointments will be made next week, as follows:

Board of Review
Auditorium Advisory Board
Airport Authority

RE: COUNTY ENGINEER - GREG CURTIS

Green River Rd./Section A/Right-of-Way Certification Letter: Mr. Curtis said he needs the Commission's signature on three (3) copies of letter to the State certifying status of R/W on Green River Rd., that status being that all parcels are cleared with the exception of Parcels #13 and #24, which are the two parcels in condemnation.

Sanibel Hills Subdivision/Design Approval for Streets: Upon motion made by Commissioner Hunter and seconded by Commissioner Borries, design approval was given. So ordered.

Request for Waiver of Sidewalks/Sanibel Hills Subdivision: At the recommendation of Mr. Curtis, motion was made by Commissioner Hunter and seconded by Commissioner Borries that the request for waiver of sidewalks be approved. Ms. McClintock then asked for a roll call vote: Commissioner Borries, yes; Commissioner Hunter, yes; and Commissioner McClintock, no. So ordered.

Claim/Blankenberger Bros.: A claim to Blankenberger Bros. in the amount of \$167,818.72 in conjunction with Union Township Access project was submitted.

At the recommendation of Mr. Curtis, motion was made by Commissioner Hunter and seconded by Commissioner Borries that the claim be approved for payment, with the retainage being retained by the County at this time. So ordered.

Orchard Rd. Bridge/Right-of-Way: Mr. Curtis said we had a market estimate prepared by our appraiser in the amount of \$525.00. The property owners are wanting significantly more -- they want approximately \$1,400. He would like to offer an administrative settlement of \$1,000 and is requesting authorization to do so. Motion to this effect was made by Commissioner Hunter, with a second from Commissioner Borries. So ordered.

Green River Rd. South Project/Construction Estimate: Mr. Curtis said the City Engineer forwarded to his office last week a cost estimate on the Green River Rd. South Project in the amount of \$1,201,595.15. He wants the Commission to be aware of this, because that will result in a significantly greater cost to be borne by the County since it is a 50% project. With budget time approaching, we will be looking at whether it needs to be budgeted or how it needs to be handled.

Bridge #34/Outer Darmstadt Rd.: Mr. Curtis said his office has the plans prepared and a gentleman from Big Creek Drainage Association was in to talk with them about wanting the bridge to be a longer span. A 69 ft. span bridge was proposed, considering the width of the channel at that location. Their long term plans are to flatten the slopes on that ditch to 3:1 slopes, which would require about a 95 ft. span bridge plus or minus 5 ft. Before we put in a bridge of that length on a stream that requires a structure of 69 ft. -- or, before they go back and redraw the plans, he is seeking the Commission's decision on this. He will have a letter from Big Creek sometime this week supporting the longer span and 3:1 slopes, similar to the construction of the bridge on Woods Rd. The cost will be somewhat greater for the 95 ft. span bridge (around \$15,000 to \$20,000 additional). The original estimate was under \$200,000. It looks as though the 69 ft. span bridge will cost around \$175,000 -- so we could do the 95 ft. span for under the \$200,000 estimated cost.

It was the consensus of the Commission that no action will be taken with regard to this matter until after the letter from Big Creek Drainage Association is received.

RE: COUNTY HIGHWAY - CLETUS MUENSTERMAN

Curve at Woods Rd. & Pruitt: Mr. Muensterman noted that Mr. Curtis was on vacation last week and he had received several calls concerning the curve at Woods Rd. & Pruitt. At one time it was on the drawing board that we would straighten that curve out. There is about a 6 ft. ditch there. Those roads are on the paving list this year. Therefore, we should make a decision now as to what we are going to do about that curve -- it is dangerous. There are no signs saying "No Tractors/Trailers, and you can't hardly do that -- because you have your farmers who use them for grain.

Mr. Borries said he recalls some discussion on this, but he does not believe any action was ever taken.

Mr. Curtis said he has received a letter on this, so we can start to look at it.

Fiesta Drive/Drainage Problems: Mr. Muensterman asked if Gary got a letter written concerning Fiesta Drive, just off Sils Drive. Mr. Don Williams says that had been accepted by the County and we can find no record of this. They gave him the right-of-way to go back and build that road and use it himself. Mr. Witherspoon

called him tonight just before he left and confirmed this. Mr. Williams wants the road to be fixed, but we have nothing on it and Gary Kercher is going to send him a letter to this effect.

Green River Rd. Last year they put a base down on Outer Green River Rd. (which runs into Lenn Rd.) and it is breaking up. He talked to Ron Smith of Koester yesterday and today about this and they are going to look into this. We're getting a lot of calls from people who live in that area, as well as from boaters, who come off the Interstate to go to the river and say the road is tipping their boats over. Koester said a base coat was all that was in the contract at the time. Mr. Curtis confirmed that this is correct -- we were going to put the additional coat on either this year or next year. In response to query from Commissioner McClintock as to why this was not included on this year's paving list, Messrs. Muensterman and Curtis said they did not know -- but will report back next week.

Mr. Borries noted that Lenn Rd. is actually the closest road to use to go to the boat ramp and that road was repaired last year.

RE: COUNTY ATTORNEY - TED ZIEMER

Mr. Ziemer said he has nothing requiring action today, but will submit a brief report on activities..... report received and filed.

RE: CONSENT AGENDA

Ms. McClintock entertained questions concerning the Consent Agenda. There being none, a motion was entertained.

Upon motion made by Commissioner Hunter and seconded by Commissioner Borries the Consent Agenda was approved. So ordered. (Copy attached hereto as part of the formal minutes.)

President McClintock recessed the meeting at 7:00 p.m. until hearing of Rezoning Petitions at 7:30 p.m.

* * * * *

The meeting was reconvened at 7:30 p.m. and Commissioner McClintock announced there are no Rezoning Petitions to be heard on First Reading tonight.

VC-4-91 and VC-5-91, which were scheduled for Third Reading, have been continued until July 15, 1991.

VC-6-91/Petitioner, Hillary Nalley: Attorney Mike Fine was present to represent the Petitioner. Petitioner is seeking rezoning from Agricultural to C-4. Property is currently being used for maintenance and repair of a scales facility for industrial scales and has been used for that purpose in excess of eight years. Mr. Ed Ross (a tenant of the Nalleys) does business under assumed business name of Evansville Scales. Petitioner wants to be in compliance for usage of the property (commercial usage) as compared to the current agricultural use. Facility driveway is currently 13 ft. and commercial standards require improvements to be 24 ft. They are willing to comply with same. Petitioners are not in a position at this time to provide any right-of-way with regard to the east boundary for extension of Virginia Street or the turn lane. However, they are willing to cooperate with the Commission or any other governing body in the future should Virginia Street come in that direction.

Following lengthy discussion and question from Commissioner Borries

as to whether there is any reason Mr. Nalley would not be willing to participate in dedication of 30 ft. right-of-way, Attorney Fine said the position of the Nalleys is that it is just too great a financial burden to bear. The land constitutes in excess of 14% of Mr. Nalley's total acreage and the property, at \$75,000 per acre (which he understands some adjacent property has sold for) would cost Mr. Nalley almost \$34,000. From recent pending land transactions, it is his understanding that at \$2.50 per sq. ft. (currently being considered) would cost the Nalleys almost \$50,000. He is willing to cooperate, but that is too great a price for a man who doesn't consider himself to be a developer to pay.

Mr. Borries did point out that last year when the Petition was submitted Mr. Nalley had a Use Commitment and this year the lid is blown off, and we could have some heavy uses under Use Group 11 - this year there is no Use Commitment at all. There is no way he would expect Mr. Nalley to assume responsibility or financial burden to build the road, but when we have worked with persons in the past who have developed areas we've always been pleased to have the cooperation of those people who can work with us in order to assure a sound, good traffic flow for the future.

Ms. McClintock said in re-reading the APC minutes, she notes a great deal of time was spent discussing whether or not we would extract from Mr. Nalley the right-of-way that the County currently wants or will need, if Virginia Street ever gets built.

Following further comments and discussion, in response to query from President McClintock, Attorney Ziemer offered legal opinion that the Commissioners have to review the zoning based on its merits and that whether or not the owner of the property is willing or not willing to donate or dedicate right-of-way is not an appropriate matter to be taken into consideration. It may be a public-spirited thing to do and an evidence of good citizenship, but it cannot, in his opinion, be a legal requirement to be met as a condition to granting the rezoning. Obviously, if the Commission has other concerns about the rezoning, they would vote on it as they see it. But the dedication of right-of-way cannot be one of those concerns.

Following further questions from Commissioner Borries, Attorney Ziemer said a zoning can be granted or denied based on the merits of the rezoning and compliance with applicable plans and the Zoning Code. What he is saying is that a condition precedent to granting a zoning cannot be the dedication of right-of-way, because, in his opinion, that would be the taking of property without just compensation.

Attorney Fine commented that the general feeling he received from the APC meeting was that the entire conclusions of the APC were based upon the unwillingness of his client to contribute any property to the County for right-of-way extensions and he doesn't believe they made any inquiry into the usage or deny the appropriateness of the property as a C-4 usage.

Commissioner McClintock entertained a motion.

Motion was made by Commissioner Hunter and seconded by Commissioner Borries to approve the rezoning.

Ms. McClintock then asked for a roll call vote: Commissioner Borries, no; Commissioner Hunter, yes; and Commissioner McClintock, yes. Petition approved by 2-1 vote. So ordered.

RE: OLD BUSINESS

Ms. McClintock said there are no matters of Old Business to come

before the Board today.

RE: NEW BUSINESS

Ms. McClintock entertained matters of New Business to come before the Board. There were none.

There being no further business to come before the Board at this time, President McClintock declared the meeting recessed at 7:55 p.m.

PRESENT:

Carolyn McClintock, President
Don Hunter, Vice President
Richard J. Borries, Member
Ted Ziemer, County Attorney
Cindy Mayo, Chief Deputy Auditor
Cletus Muensterman, County Highway
Greg Curtis, County Engineer
Lou Wittmer, Commission Office
Mark Fine, Attorney
Hillery Nalley
Barbara Cunningham APC
Bev Behme, APC
Roger Elliott/Data Processing
Carole Davis, County Highway
Margie Meeks, Commission Office
Others (Unidentified)
News Media

SECRETARY: Joanne A. Matthews


Carolyn McClintock, President


Don Hunter, Vice President


Richard J. Borries, Member

Board of Commissioners

of the
County of Vanderburgh

305 ADMINISTRATION BUILDING
CMC CENTER COMPLEX
EVANSVILLE, INDIANA 47708



CAROLYN MCCLINTOCK
DON L. HUNTER
RICHARD J. "RICK" BORRIES



TEL. (812) 426-5241

AGENDA

VANDERBURGH COUNTY COMMISSION

JUNE 17, 1991

County Commission Meeting - 6:00 P.M.

Rezoning Petition - 7:30 P.M.

FINAL

1. Call to order
2. Introduction of staff
3. Pledge of Allegiance
4. Any groups/individuals wishing to address the Commission
5. Action Items:
 - a. Sale of County owned surplus real estate
 - b. Computer Maintenance Contracts submitted for approval - Roger Elliott
 - c. Petition to vacate a portion of a Public Easement in Ridge Subdivision
 - d. Recommendation to be made on rental of property at 7401 Green River Court
 - e. Decision to be made on how to handle Transition Team reports
 - f. Letter from Mike Robbins of the Veteran's Service Office regarding a County Highway employee
 - g. Appointments to be made to the Local Emergency Planning Committee (LEPC)
 - h. Appointment to be made to the Board of Review
 - i. Appointment to be made - Assistant Veteran's Service Officer
 - j. Decision to be made on property located at 9301 Old State Road - Continued until June 24, 1991
 - k. Appointment of Committees/Solid Waste Study: Facilities, Demographics, Waste Stream and Problems

1. Resignation of Joe O'Daniel from the Auditorium Advisory Committee
6. Department Head Reports
 - a. Greg Curtis.....County Highway Engineer
 - b. Cletus Muensterman.....County Highway Superintendent
 - c. Ted Ziemer.....County Attorney

7. Consent Items:

- a. Monthly Report.....Vanderburgh County Treasurer
- b. Approval of minutes
- c. Approval of claims
- d. Employment changes

CIRCUIT COURT - Appointment made:
 Amanda Busan/Secretary \$14,000.00
 06/03/91

CIRCUIT COURT - Releases:
 Amanda Busan/Secretary \$ 7,000.00
 06/03/91

PROSECUTOR - Appointment made:
 Anthony D. Wiley/Clerical \$3.50 per hr.
 06/12/91
 (This employee is w/PIC - pays difference
 between listed rate and minimum wage)

SHERIFF - Appointments made:
 Stephen Gray Woodall/Lieutenant \$33,441.00
 06/10/91

SHERIFF - Releases:
 Stephen Gray Woodall/Sergeant \$31,091.00
 06/07/91

TREASURER - Appointment made:
 Julie A. Bethel/Part time \$5.00 per hr.
 06/12/91

VANDERBURGH COUNTY HIGHWAY DEPARTMENT - Appointments made:
 Chad E. Jordan/Part time/Summer crew \$5.00 per hr.
 06/12/91

Brent A. Miles/Part time/Summer crew	\$5.00 per hr.
06/12/91	
Brian Bethel/Part time/Summer crew	\$5.00 per hr.
06/12/91	
Lloyd C. Crowe/Part time/Summer crew	\$5.00 per hr.
06/12/91	

VETERANS SERVICE OFFICE - Appointments made:
 Michael C. Robbins/Veterans Service Officer \$19,738.00
 06/24/91

e. Scheduled Meetings

Tuesday, June 18 - Recycle Meeting - 7:00 P.M. - Room 301
 Thursday, June 20 - Board of Zoning Appeals - 4:00 P.M.
 Room 301
 Monday, June 24 - Pigeon Creek Greenbelt Committee Meeting -
 2:30 P.M. - Room 307
 Monday, June 24 - Department Head Meeting - 3:30 P.M. -
 Room 303
 Monday, June 24 - County Commissioners Meeting - 4:30 P.M.-
 Room 307

8. Rezoning Petitions:

No First Readings

9. Rezoning Petitions:

Third Readings
 VC-4-91 - Petitioner, D.P.F., Inc - Continued until July 15,
 1991

VC-5-91 - Petitioner, Landel Enterprises - Continued until
 July 15, 1991

VC-6-91 - Petitioner, Hillery Nalley - Ag to C-4

10. Old business

11. New business

12. Meeting recessed

Board of Commissioners

OF THE
COUNTY OF VANDERBURGH
305 ADMINISTRATION BUILDING
CIVIC CENTER COMPLEX
EVANSVILLE, INDIANA 47706

TEL. (812) 422-8341

June 17, 1991

John Terwilliger
Chief, Division of Land Acquisition
Indiana Department of Transportation
State Office Building
Indianapolis, Indiana 46204-2249

Project: ME-340(006)
Description: 85870
Road: North Green River Road
City, County, Town: Evansville, Vanderburgh County, Indiana

Dear Mr. Terwilliger:

The subject project has been programmed for federal participation in Construction Costs.

Relocation of individuals, families, business, farm operations, etc. was not involved.

Some or all of the parcels have been acquired by donation and waiver of appraisal rights.

Structures are not located in the right-of-way.

We have completed with the requirements of Public Law 91-646, Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, and 49 CFR, Part 24 dated March 2, 1989.

We certify that all additional right-of-way for this project has been cleared, except for the conditions as listed below:

<u>Parcel No.</u>	<u>Owner</u>	<u>Location</u>	<u>Clear Date</u>
13	Interprop Fund III	166+25 to 123+25 "A"	9-01-91
24	American Wholesalers	150+00 to 152+55 "A" 46+55 to 49+80 "5-1-A"	9-01-91

Parcel No. 25 is clear for construction per a right-of-entry. The parcel should be secured, paid and recorded within 90 days.

Vanderburgh Board of Commissioners

Date: _____

Carolyn S. McClintock
John J. Hunt
Richard J. Barnes

ZIEMER, STAYMAN, WEITZEL & SHOULDERS
ATTORNEYS AT LAW

P. O. BOX 916 - 1807 OLD NATIONAL BANK BLDG.

EVANSVILLE, INDIANA 47706-0916

TELEPHONE (812) 424-7875
TELECOPIER (812) 421-8088

JOHN E. EARLY
(1912-1983)

TED C. ZIEMER, JR.
ROBERT F. STAYMAN
STEPHAN E. WEITZEL
PATRICK A. SHOULDERS
MARCO L. DELUCIO
GREGORY G. MEYER
REBECCA T. KASHA
GARY K. PRICE

June 17, 1991

Ms. Carol McClintock
President
Vanderburgh County Commissioners
Civic Center Complex
Room 305
Evansville, IN 47708

Re: Report of County Attorney to Regular Meeting of
Commissioners (June 17, 1991); Status of Various
Legal Matters

Dear Ms. McClintock:

Herewith I submit to the Vanderburgh County Commissioners my report as Vanderburgh County Attorney on the status of various legal matters as of the regular meeting of the Vanderburgh County Commissioners held June 17, 1991:

1. At the request of the Vanderburgh County Department of Health, we have reviewed the most recent amendments to the subdivision code regarding permits for sewage disposal systems, and have prepared an opinion on the same.

2. At the request of the County Treasurer, we have responded to the request of J. Jochim in connection with his tax question regarding the filing of a business schedule.

Sincerely,

Ziemer, Stayman, Weitzel & Shoulders


Ted C. Ziemer, Jr.

TCZ/srm



VANDERBURGH COUNTY ENGINEERING DEPARTMENT

Vanderburgh County Auditorium 715A Locust Street, Evansville, Indiana 47708

Phone: (812) 424-9603

Gregory W. Curtis P.E. County Engineer

June 4, 1991

To: Barbara Cunningham, Executive Director
Area Plan Commission

From: Gregory W. Curtis, P.E. *GWC*
Vanderburgh County Engineer

RE: Rezoning Petition VC-6-91 on Burkhardt Road

As you are aware this property is in the proposed path of the much needed extension of Virginia Street. This results in a need for a thirty foot strip of right-of-way off the south boundary of this parcel.

Also there is a need for an additional ten feet of right-of-way along the east boundary of this parcel. This results from the need for a turn lane along Burkhardt Road to turn onto Virginia Street.

If you have any questions contact me at your convenience. Thank you.

RECEIVED

JUN 05 1991

AREA PLAN COMMISSION

Joseph E. O'Daniel
850 So. MEADOW ROAD
EVANSVILLE, INDIANA 47715

Margi -
Put on
agenda -

6-10-91. CME

Mrs Carolyn McClintock Pres
Vanderburgh County Commissioners.

The Commissioners letter dated January 17, 1991
advising me of my appointment to the
auditorium advisory committee was forwarded
to me in Florida where we live from to April
each year. Due to a conflict in meeting schedules
and a heavy schedule at the university and other
activities I have not been attending the meetings.
It is unfair to other members on the committee
for me to continue. Please accept my apology and
resignation.

Sincerely,
Joseph E. O'Daniel

CME

STATE OF INDIANA

TELEPHONE (812) 426-5239

June 17



EVANSVILLE, INDIANA 47708

DEPARTMENT OF VETERANS' AFFAIRS

105 CIVIC CENTER COMPLEX
ONE NORTHWEST SEVENTH STREET

GERALD "DUTCH" BOLE

EVAN BAYH, GOVERNOR
~~JOHN BOLE~~ DIRECTOR,
INDIANA DEPARTMENT OF
VETERANS' AFFAIRS

SERVICE OFFICERS
CARL M. WALLACE
MICHAEL C. ROBBINS

June 6, 1991

The Board of Commissioners of
the County of Vanderburgh
305 Administration Building
Civic Center Complex
Evansville, IN 47708

Dear Commissioners:

Mr. Greg Bagget, a County Highway Department employee, was called to active duty from his Reserve status. Mr. Bagget was then sent to Saudi Arabia to defend his country as a United States Marine.

Mr. Bagget has a son out of wedlock for whom he is responsible. During his absence, his son suffered an injury requiring medical attention. The CHAMPUS Insurance, by which his son should have been covered, will pay a good portion of this debt. At this time, there is some confusion about this matter, due to the swift departure of Mr. Bagget's Marine Unit to Saudi Arabia.

Mr. Bagget has not been paid his entire pay from the Marines to this date.

I am asking that the County in good faith pay these bills while the Veterans Service Office of Vanderburgh County helps Mr. Bagget receive his proper compensation and benefit from the United States Government. Mr. Bagget will gladly pay the difference owed after CHAMPUS Pays their part. In the unlikely event that CHAMPUS fails to pay, Mr. Bagget will be more than happy to sign a repayment agreement with the County to ensure that the debt is paid.

Your cooperation and consideration in this matter will be greatly appreciated.

Best regards,

Michael C. Robbins
Vanderburgh County Assistant
Veterans Service Officer

MCR:jaa

cc: Carolyn McClintock
Donald Hunter
Richard Borries

*approved subject
to signed agreement
6/17/91
ted 3 times is
preparing agreement
pay from Ins
loss fun*

SUPERINTENDENT OF COUNTY BUILDINGS
305 CIVIC CENTER COMPLEX
EVANSVILLE, IN. 47708

REPORT TO THE COUNTY COMMISSIONERS

WORKS IN PROGRESS:

- (1) In process of putting together updated county personnel policy incorporating amendments and some new language.
- (2) Setting up system for issuing county employees I.D. cards. Cards will carry pertinent data and color photos of employee. We will use police department camera and city's laminator. Sherman Greer, Emergency Management Director, and his staff, have agreed to handle the logistical end of this project.



Lou Wittmer

RECEIVED

JUN 17 1991

VANDERBURGH COUNTY
COMMISSIONER'S OFFICE

MINUTES
COUNTY COMMISSIONERS MEETING
JUNE 24, 1991

I N D E X

<u>Subject</u>	<u>Page No.</u>
Meeting opened at 4:30 p.m.	1
Introduction of Staff & Pledge of Allegiance	1
Request for Funding/Southern Indiana Highway Coalition (Approved \$20,000 each year for 2 yr. period)	1
Petition to Vacate Portion of Laubscher Rd.1 & 3 (to be placed on next week's agenda; deferred per the Courts)	
Sale of County-Owned Surplus Real Estate (no bids)	1
Deletion of Travel from Consent Agenda/Auditorium	1
Contamination Problems at County Highway Garage and Progress Report/Jeff Dodson & Linda Ellis	2
Authorization to Open Proposals re Management of Vanderburgh Auditorium	2
Resolution re Establishment of Department of Parks & Recreation & Repeal of All Ordinances in Conflict therewith	2
Breakdown of Activities May/June - Glenn Deig	3
Acceptance of Check (\$382.56)	
Claim (to be held until after Council meets)	
County Attorney - Jeff Wilhite	3
Laubscher Rd. Vacation	
Appointments	4
Auditorium Advisory Board/Connie Kain	
Airport Authority Board/Robert D. Ossenberg	
Reassignment of Office Space	4
Old Coroner's Office to Veterans Services	
Old Veterans Services to Prosecutor	
Property at 9301 Old State Rd.	4
To be completed by August 30, 1991	
Weekly Progress Reports to be provided to Commission	
M. Short to work with County Engineer to resolve drainage problems	
County Engineer - Greg Curtis	5
USI & Federal Funding (Engineer hopes to make recommendation in a couple of weeks	
Union Township Access Project/Escrow Acct. for Blankenberger Bros. (Atty. Craig to contact Bond Counsel and work w/County Attorney and get back to the Board; copy of specs and contract to be provided to Ms. McClintock & S. Humphrey.	
Vanderburgh Auditorium - Jack Kirwer	6
Increase of 5% across-the-board for rental rates approved	
Payroll Deduction/Parking Lot: Auditor will probably physically collect until computer set up for automatic payroll deduction. He will discuss w/J. Kirwer.	

County Attorney - Jeff Wilhite	7
Bids re Auditorium Management; meeting to be set up with Advisory Board and possibly subsequent joint meeting with Commissioners & Advisory Board for purposes of interviewing firms.	
Green River Rd. Condemnations	
Parking Lot Agreement Between City/County	
Rittenhouse Lawsuit	
Consent Agenda (approved)	7
Confirmation of Solid Waste Appointment	8
Boldizar Darnay (Facilities Sub-Committee)	
Pigeon Creek Greenbelt Committee	8
Steve McAlister & Christine Terry appointed to serve on the Committee.	
New Business	8
Interviews scheduled July 3rd at 5 p.m. for purpose of interviewing applicants for position of Executive Assistant to County Council.	
Sheriff's Insurance Ordinance: County Attorney to research to see what Commission has to do to rescind December, 1990 Ordinance. Also, to look at 1986 Insurance Ordinance for Retiring County Employees.	
Request for Loan from Pigeon Township forthcoming.	
Meeting Recessed at 6:15 p.m.....	9

COUNTY COMMISSIONERS
JUNE 24, 1991

MINUTES
COUNTY COMMISSIONERS MEETING
JUNE 24, 1991

The Vanderburgh County Board of Commissioners met in session at 4:30 p.m. on Monday, June 24, 1991 in the Commissioners Hearing Room, with President Carolyn McClintock presiding.

RE: INTRODUCTION OF STAFF & PLEDGE OF ALLEGIANCE

President McClintock called the meeting to order, introduced members of the County Staff, and asked the meeting participants to stand for the Pledge of Allegiance.

RE: REQUEST FOR FUNDING/SOUTHERN INDIANA HIGHWAY COALITION

In response to query from Commissioner McClintock as to whether there are any individuals or groups present who wish to address the Commission and do not find themselves on the agenda, Mr. Robert Leich, Co-Chairman of the Southwestern Regional Indiana Highway Coalition, said he wished to address the Commission with regard to a funding request. He is seeking \$20,000 allocation for each of two years from the County, and anticipates City Council will approve a similar request this evening for another \$25,000 for each of the two years. The Coalition has received support from numerous cities along the proposed route of this highway from Evansville to Indianapolis. He said he believes this highway will be the single most important economic development opportunity that we'll have in Southwestern Indiana during the remainder of his lifetime. A very competent Executive Director (Mr. Jim Newland) has already been hired for the organization, who is going to work on nearly a full time basis. He has vast experience at both the State and Federal levels, as well as numerous contacts, and has already helped the organization immeasurably during the past 30 days.

We're going to examine all the avenues open -- not just the highway from Indianapolis to Evansville, but we're actively pursuing the extension of I-69 (a Federal project) which would run from Indianapolis to the Gulf of Mexico, thus linking Canada through Lake Huron all the way to the Gulf of Mexico and to Mexico. There is quite a bit of interest in that because one is already a Free Trade area (Canada) and Mexico is about to become one. Following the presentation, upon motion made by Commissioner Borries and seconded by Commissioner Hunter, the request was approved, as submitted. So ordered.

RE: PETITION TO VACATE A PORTION OF LAUBSCHER ROAD

President McClintock advised the County Attorney is still in Court concerning the Laubscher Rd. Vacation. The C.O.L.E. group has enjoined into the lawsuit or asked the Judge to allow them to enjoin in the lawsuit currently pending. The County Attorney has requested the Commissioners to not take any action on this matter unless something final happens before 5:00 p.m. today.

RE: SALE OF COUNTY-OWNED SURPLUS REAL ESTATE

Ms. McClintock entertained bids on the County-Owned Surplus Real Estate which had been advertised for sale. There were no bids.

RE: DELETION OF TRAVEL FROM CONSENT AGENDA/AUDITORIUM

Ms. McClintock said she would like to delete the travel request

from Jack Kirwer, Manager/Vanderburgh Auditorium. We're opening bids today regarding Professional Management for the Auditorium and she does not feel it appropriate to discuss travel for any of those employees at this point.

RE: CONTAMINATION PROBLEMS AT COUNTY HIGHWAY GARAGE

Mr. Jeff Dodson of Bowers, Harrison, Kent & Miller was recognized and proceeded to give the Board an update with regard to the project at the County Highway Garage. Information has been provided to him and to Heritage Remediation Engineering and some events have taken place, which prompts this item being included on today's agenda. There is currently an Amended Agreed Order before the Indiana Department of Environmental Management and the Attorney General's Office. This Amendment "A" provides the deadlines in terms whereby Vanderburgh County will proceed pursuant to the sampling analysis plan which was formulated by Heritage Remediation at the direction of IDEM after a December, 1990 meeting with IDEM, the Attorney General, Linda Ellis of Heritage Remediation Engineering, and himself. This Amendment "A" covers the testing procedures which had been discussed and approved previously by the Board. To date, the Amended Agreed Order has not yet been returned by IDEM or the Attorney General's Office. However, based on representations made by IDEM and Vanderburgh County, Heritage has proceeded under the terms as if they were approved. He believes the Commissioners have been given a copy of the results of the survey. Linda Ellis will direct her comments to that report, as well as what the County can look forward to on this project in the future. IDEM filed suit against Vanderburgh County in 1990 and since that time the County has done nothing but go forward with trying to meet the problems specified at the County Highway Garage. To the best of his knowledge, IDEM, as well as the Indiana Attorney General's Office, are more than pleased with the efforts of the County. Mr. Dodson then noted there were two Change Orders pertaining to this project approved and he would request copies of same.

He concluded by saying that the next phase of the survey is scheduled for July 8, 1991.

Ms. Linda Ellis of Heritage Remediation Engineering then offered brief comments to the Board. The results of the survey were technically very good. There were no unknowns, no anomalies. Everything was very straightforward. The analysts even identified old diesel fuel as opposed to new diesel fuel. The good news is that there were no other significant volatile organic compounds found at the site, which is a very positive result.

The Commissioners expressed appreciation to Mr. Dodson and Ms. Ellis for their efforts in behalf of the County and their reports.

RE: AUTHORIZATION TO OPEN PROPOSALS RE MANAGEMENT OF VANDERBURGH AUDITORIUM

Ms. McClintock said three (3) proposals were received and need to be opened by the Attorney. She entertained a motion to authorize the Attorney to open same when he arrives.

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

RE: RESOLUTION RE ESTABLISHMENT OF DEPARTMENT OF PARKS & RECREATION & REPEAL OF ALL ORDINANCES IN CONFLICT THEREWITH

Ms. McClintock said this matter came up about six weeks ago and there was lengthy discussion regarding the Resolution. Since then, the Westside Improvement Association had requested that the Commissioners attend their meeting on June 19th, at which time

information was presented to them concerning the Ordinance. WIA had an opportunity to ask questions concerning the Ordinance.

Following that session, WIA unanimously voted to support the establishment of an Ordinance creating a Department of Parks & Recreation for Vanderburgh County.

County Auditor Humphrey asked if they were apprized of the fact that it has the authority to raise taxes or pose levies, sell bonds and all the other things?

Ms. McClintock said they were. Their budget is still approved by County Council and any matters of fiscal impact still have to be discussed at a public hearing and voted upon.

Mr. Borries asked if anyone has spoken with the City of Evansville re a duplication of services?

Following further discussion and lengthy comments by Commissioner McClintock a motion was entertained.

Motion was made by Commissioner Hunter to approve the Resolution requesting that County Council establish a Department of Parks & Recreation and Repeal all ordinances in conflict therewith. Commissioner Borries said that, again, he is opposed to any Board that shall cause to be issued in the name of the unit various bonds and taxing powers in an appointed way, but he would second for purposes of asking for a roll call vote.

Ms. McClintock asked for a roll call vote: Commissioner Borries, no; Commissioner Hunter, yes; and Commissioner McClintock, yes. Motion approved by 2-1 vote. So ordered. Ms. McClintock said the Resolution will be prepared to forward to County Council.

RE: BREAKDOWN OF ACTIVITIES MAY-JUNE - GLENN DEIG

The meeting continued with Ms. McClintock reading a letter from Glenn Deig (copy attached hereto as part of formal minutes).

Upon motion made by Commissioner Hunter and seconded by Commissioner Borries, a check in the amount of \$382.56 from Mr. Deig was accepted, endorsed, and given to Joanne Matthews for deposit into the County General Fund. So ordered.

Ms. McClintock said a claim in the amount of \$1,062.98 is also enclosed. However, it needs to be held until after the County Council meeting.

RE: COUNTY ATTORNEY - JEFF WILHITE

Laubscher Rd. Vacation: Attorney Wilhite entered the meeting, having just gotten out of Court with regard to the BFI Petition to Vacate. Les Shively filed on behalf of C.O.L.E. a Motion to Intervene as a party in their lawsuit against the County. The Judge has granted his Motion to Intervene. He then filed a Request for Temporary Restraining Order and an Injunction against the Commissioners taking action at all on BFI's second petition. The Judge has compromised in this fashion. Three minutes ago the Judge issued a Temporary Restraining Order lasting only for seven days, which orders the Commissioners not to take any action on the BFI petition. As of tonight the Commissioners are ordered not to take any action on it. It is contemplated that within the next seven days, however, that BFI and the Intervenor in that litigation will negotiate to settle their disputes privately and all parties hope that before next Monday's Commissioners Meeting that said litigation will be resolved. But no action is to be taken prior to Monday's meeting.

After checking with Attorney Evans and confirming we're still

within the time frame, Commissioner McClintock instructed Ms. Meeks to place this matter on next week's agenda (Monday, July 1, 1991).

RE: APPOINTMENTS

Auditorium Advisory Board: Upon motion made by Commissioner Hunter and seconded by Commissioner Borries, Ms. Connie Kain was appointed to fill the unexpired term of Mr. Joe O'Daniel (who resigned). This would be from June 24, 1991 thru December 31, 1991. So ordered.

Airport Authority Board: Upon motion made by Commissioner Hunter and seconded by Commissioner Borries, Mr. Robert D. Ossenberrg was reappointed to the Airport Authority Board for a three year term. (His current term expires June 30, 1991.)

RE: REASSIGNMENT OF OFFICE SPACE

President McClintock said that last week the Commission reassigned the space formally occupied by the County Coroner to Veterans Service.

The Commission has not heard from any other offices indicating an interest in the old Veterans Services space and the Prosecutor's Office had indicated a need for that area. A motion was entertained.

Upon motion made by Commissioner Borries and seconded by Commissioner Hunter the request of the Prosecutor was approved. So ordered.

RE: PROPERTY AT 9301 OLD STATE RD.

Present with regard to this matter were Mr. & Mrs. Matthew Short (property owners); Roger Lehman, Building Commissioner; and Mr. & Mrs. Dwayne Schultz (adjoining property owners). There was lengthy discussion concerning previous promises by Mr. Short to resolve a number of problems with regard to his property at this location. Mr. Short came before the Commissioners in October 1990 and planned to have the house completed by the end of May 1991. He has made some improvements but the work is not complete.

Mr. Short advised the Board concerning his problems with funding, rainy weather, etc. He has made arrangements to sublet some of the work (plumbing, electric, drywall) to other contractors since bank funding is now in place (which also took over eight weeks). He and his wife also had a baby three weeks ago and he had to stay home three weeks prior to that, which also kept him from working on the house. He feels there are very few code violations and that he has done a great deal to date. In conclusion, after much discussion, he asked for an extension of time to August 30, 1991 to complete the work.

Mrs. Dwayne Schultz again offered her complaints.

After reviewing the list of work to be done and much lengthy discussion, at the recommendation of Mr. Lehman and upon motion made by Commissioner Borries and seconded by Commissioner Hunter, Mr. Short will be given an extension of time to complete the work (until August 30, 1991), with weekly inspections to be made by Mr. Short or one of his employees with regard to the culvert.

A weekly progress report is also to be provided to the Board of Commissioners. Ms.

McClintock did emphasize that the Board expects Mr. Short to accomplish the work by the established deadline to bring the property up to code.

With regard to the culvert problems, Mr. Short said he is going to

get with Mr. Curtis in an effort to determine what needs to be done to resolve same on a long term basis.

RE: COUNTY HIGHWAY ENGINEER - GREG CURTIS

USI & Federal Aid Funding: Mr. Curtis said he'd hoped to have a recommendation concerning this, but would like to investigate financial information as to what we anticipate our income in the Local Road & Street account will be over the next few years and hopefully will have that recommendation in a couple of weeks.

Union Township Access Project: Mr. Curtis said Blankenberger Bros. has been discussed previously. They'd requested an escrow account be set up for the retainage to be placed in during the contract. Steve Blankenberger is here today with their attorney, Randy Craig, and they will explain their situation and concerns.

Attorney Craig said this matter was brought to the Commissioners in April for their consideration and placed on hold as there was some question as to just what the escrow requirements were. Attorney Craig said that from the beginning of the project it was anticipated that, in fact, the retainage would be escrowed during the pendency of the contract. Several conversations took place between Messrs. Curtis and Kercher and Steve Blankenberger. So from a purely non-legalistic point of view in terms of fairness, he thinks it is fair to say that there was an understanding from the very word go that an escrow arrangement would be set up. To be more technical, the bid documents and specifications for the Union Township Access Project do, in fact, refer to and incorporate, by reference, the specs for the Indiana Department of Transportation. And the specs for the IDOT do give the contractor the right to require an escrow of retainage. Unfortunately, the applicable procedures require that the election form be submitted at the time that the bid is submitted. On the other hand, the procedures also require the IDOT to include the form in the bid documents, which was not the case. So there appears to be a bit of a problem on both sides of the contract. Just on the basis of what he has said, Attorney Craig said he would like for the Board to consider authorizing an escrow agreement to the extent that it is deemed to be an amendment of the existing Union Township Access Project documents. To facilitate and expedite he will be happy to prepare the documentation, run things around in order to get it done, and work with the County Attorneys in any reasonable way.

Auditor Humphrey said he can assure the Board and Attorney Craig that if it isn't in the bond contract it won't be done -- regardless of who asks to do it. We're bound by that commitment and this is the first time to his knowledge since he's been Auditor that this has even come up. He's heard some suggestion of this -- but nothing proposed formally to him until right now. But if it isn't included in our ability to do this under law -- under the agreement we have with the Bond Companies, it doesn't make any difference who did or didn't do it -- it won't be done.

Attorney Craig said he is not aware of any such restrictions. But to address the issue of why this is the first time this has come up, it is really a new procedure involving the Indiana Department of Transportation. He thinks this occurred back in 1988 and, in fact, he believes the escrow provision specifications were incorporated into the standard supplemental specifications in 1988. The County drew up the bid documents; the bid documents refer to the specifications; the specifications contemplate an escrow; and it was discussed for a long time that it would be accommodated. He has not seen the bond documents.

Auditor Humphrey said the IDOT may have this in their specs; but the County Board issued the bonds. IDOT had nothing to do with it to his knowledge. They did not prepare any of the estimates; they

to his knowledge. They did not prepare any of the estimates; they didn't pay Council; they didn't do anything. It was Vanderburgh County that did it all.

Following further brief discussion, Attorney Wilhite said he doubts there is anything in the bond document that prohibits this, but he can check same. He would think that if the Commissioners wish to allow it, he'd prefer a modification of the contract and would accept Randy's willingness to draft same.

Auditor Humphrey said that regardless of what the Commission did, he would check with the Bond Companies before he'd do anything. These are monies at this point where interest accumulates into bond interest and goes toward alleviating arbitrage problems and there is a whole series of things here. It's not just a simple thing like putting it in escrow for some particular contractor. If it wasn't in the bid, how can a contractor even request it? And it wasn't. And if you bought it on that deal and wanted to modify it, we'd have to let every contractor who bid on that have the same opportunity. You're opening another can of worms there that he doesn't want to open up.

Attorney Craig again said the specifications specifically refer to the escrow election. The specifications are referred to in the contract documents. But, again, going back to the very word go, all the parties contemplated that there would be an escrow. He does not believe we'd be opening a can of worms by modifying a contract, particularly in an issue where there is an inconsistency or an ambiguity -- and there clearly is in this case.

Attorney Wilhite said he agrees with Auditor Humphrey that we need to ask Bond Counsel's opinion. He suggested Ms. McClintock entertain a motion to modify the contract, pending approval of Bond Counsel.

Attorney Craig said he will contact Bond Counsel and work with the County Attorneys to do whatever.

Attorney Wilhite said if Bond Counsel gives the green light, then he and Attorney Craig can proceed with preparing the paperwork and hope they have the Commissioners' positive vote, if they receive the recommendation of Bond Counsel and the County Attorney.

Ms. McClintock said she would also like to see a copy of the specs that refers to it and a copy of the contract that refers to the specs, as would Auditor Humphrey.

RE: VANDERBURGH AUDITORIUM - JACK KIRWER

Advisory Board Report: Mr. Kirwer said the Commissioners have a copy of the report. We need to increase the rental rates for 1992, as they're writing contracts now for 1992 and even have some for 1993. He needs to advise these people when they're making the contracts whether we are going to have an increase. The Board felt an increase in rental rates was necessary to cover anticipated increased expenses (electrical, Teamster's contract, etc.).

Upon motion made by Commissioner Hunter and seconded by Commissioner Borries the 5% across-the-board increase in rental rates at Vanderburgh Auditorium was approved. So ordered.

The no charge arrangement with the Philharmonic for August 29 and September 13 or 14 recommended by the Advisory Board was approved upon motion made by Commissioner Hunter and seconded by Commissioner Borries. So ordered.

Ms. McClintock instructed Mr. Kirwer to be sure a contract is filled out for the Philharmonic, even if it is "no charge" and that he has a copy of the page from the Commission Minutes to attach to

Payroll Deduction/Parking Lot: In response to query from Mr. Kirwer concerning computerized payroll deduction by August 1st for Auditorium Parking Lot, Mr. Humphrey said his office is not yet ready. He will follow up and advise at a later date.

In response to query from Commissioner McClintock, Auditor Humphrey said arrangements can be made to physically collect the parking lot fees for the first month or so from those individuals who work in the Civic Center, Mr. Humphrey said he believes his office could do this on a temporary basis, He and Mr. Kirwer will get together concerning this.

RE: COUNTY ATTORNEY - JEFF WILHITE

Bids re Auditorium Management: Attorney Wilhite read the following proposals into the record:

- 1) Reis Food Service (Evansville) -- No financial proposal
- 2) Given & Spindler (in conjunction w/Aiken Management)
(Evansville,) \$4,000/mo. plus
split in rentals
- 3) Ogden Entertainment Services (Rosemont, IL) \$100,000/yr.
base management fee; \$55,000/yr. of they get the
Auditorium & Roberts Stadium.

Ms. McClintock suggested setting up a meeting with the Auditorium Advisory Board so they can thoroughly review the proposals and, if necessary, set up a joint meeting with the Commissioners and the Advisory Board to actually interview those firms in which they are interested.

Green River Rd. Condemnations: Attorney Wilhite said he is proceeding with a couple of the Green River Rd. condemnation cases and a hearing date will be set sometime in late July.

Tax Matter Trial: It was also noted that the trial concerning tax matter for Burdette Park and Vanderburgh Auditorium with the Indiana Department of Revenue is also scheduled in July.

Parking Lot Agreement: The City basically, in concept, approved the agreement between the City and the County regarding the Auditorium Parking Lot -- but wanted a 30 day notice for either side to withdraw from the agreement, if so desired. The City Attorney is adding it in his draft and will have City Council pass same and it will then come back to the Commissioners for their approval.

Rittenhouse Lawsuit: Attorney Wilhite said the Commissioners may have read in the newspaper that the Rittenhouses are suing the County re the denial of a rezoning.

RE: CONSENT AGENDA

Ms. McClintock entertained questions concerning the Consent Agenda. She directed the Board's attention to the Travel Request for the County Auditor and the County Treasurer to the Tax Sale Seminar on July 10, 1991. Notice was just received this morning, and Mr. Tuley is on vacation. Mr. Humphrey said there have been numerous tax sale changes and since we're almost ready to start the process we need to be up to date on that matter. He is requesting permission to send two (2) people from the Auditor's office and two (2) from the Treasurer's Office.

With regard to the County Highway Department, Ms. McClintock said Mr. Muensterman did not have any action items today, but had submitted Weekly Reports for the County Garage.

Upon motion made by Commissioner Hunter and seconded by

Commissioner Borries the Consent Agenda was approved. So ordered.

RE: OLD BUSINESS

Confirmation of Solid Waste Appointment: Ms. McClintock said she received a call back from one of the appointees to the Facilities Sub-Committee. She is pleased to report that Boldizar Darnay (who was in charge of Black Beauty's Landfill Development when they were in that business) has indicated he would be more than willing to serve on that committee. She would entertain motion to entertain his appointment.

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

Pigeon Creek Greenbelt Committee: Ms. McClintock noted that Steve McAlister (a citizen interested in Pigeon Creek) attended today's meeting of that Committee and indicated he would like to serve on the Enforcement Committee. It also came up that Christine Terry from the Environmental Protection Agency should probably be included on that Committee. She would entertain a motion at this time.

Motion to approve both appointments was made by Commissioner Hunter, with a second from Commissioner Borries. So ordered.

RE: NEW BUSINESS

Appointment of Executive Assistant to County Council: Ms. McClintock said it is her understanding that Council is going to propose and make an appointment to the position of Executive Assistant to the County Council. They would like to interview four (4) individuals on July 3, 1991 at 5:00 p.m., with the Commission giving some input. It is her understanding from the Attorney's office (and she talked to Joanne before the meeting) that for interviewing and the purpose of receiving information that as long as everyone (Commissioners and Councilmen) is invited that those do not have to be an advertised Executive Session and have Joanne sitting there taking all the minutes. No decision can be made - it has to be done in a public meeting.

Sheriff's Insurance Ordinance: Ms. McClintock said that there was some discussion several months ago concerning this item and the Board needs to take action. An Ordinance was approved in December, 1990; then there was discussion in January, but the initial Ordinance is in effect. She would request that the County Attorneys prepare whatever the Board needs to do to repeal the initial Ordinance, so the Commissioners can begin to work with the Sheriff and prepare a new plan. We do not know what we're going to do yet. She has talked to the Sheriff and the County Attorney. We cannot afford to do an open blanket re health insurance for retired deputies forever -- so we know we need to alter it. Right now we have an open Ordinance.

We also have on the books a 1986 Ordinance that refers to employees retiring from Vanderburgh County that provides for some health insurance coverage. In light of the research just completed on what the potential costs might be, she thinks we need to also bring that back to the Commission for further another review. Both items should be included on next week's agenda, if possible.

Request for Loan/Pigeon Township Trustee: Auditor Humphrey advised the Board that the Pigeon Township Trustee is going to request a loan of \$300,000 to pay poor relief bills. They will be about \$200,000 in at the end of this year and they estimate \$100,000 for next year. The State Tax Board suggested we include an additional deficit amount for next year in the original loan. This will be paid back out of a levy established for Pigeon Township and we can deliver it out of any fund. They had a \$90,000 deficit last year

and notified him too late. The notice has to be in and given to the Commissioners by August 1st, so it didn't happen last year. We did advance them money, but it wasn't a formal deal. We need to formalize this so it can be paid out of Pigeon Township's tax revenues. The Commissioners should have the request within the week.

There being no further business to come before the Board at this time, President McClintock declared the meeting recessed at 6:15 p.m.

PRESENT:

Carolyn McClintock, President
Don Hunter, Vice President
Richard J. Borries, Member
Sam Humphrey, County Auditor
Jeff Wilhite, County Attorney
Roger Lehman, Building Commissioner
Robert Leich, Southwestern Indiana Highway Coalition
Jack Kirwer/Vanderburgh Auditorium
Jeff Dodson, Bowers, Harrison, Kent & Miller
Linda Ellis, Heritage Remediation Engineering
Jerry Evans, Attorney for BFI
Mr. & Mrs. Matthew Short
Mr. & Mrs. Dwayne Schultz
Greg Curtis, County Highway Engineer
Gary Kercher, County Engineer's Office
Carole Davis, Asst. County Hwy. Superintendent
Lou Wittmer, Supt. County Buildings
Margie Meeks, Commission Office
Steve Blankenberger
Randy Craig, Attorney
Susan Sauls/Chamber of Commerce
Pam Martin/Chamber of Commerce
Rolland Eckels/Southwestern Indiana Highway Coalition
John Lancaster
Others (Unidentified)
News Media

SECRETARY: Joanne A. Matthew


Carolyn McClintock, President


Don Hunter, Vice President


Richard J. Borries, Member

MINUTES
COUNTY COMMISSIONERS MEETING
JULY 1, 1991

I N D E X

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Request from Redevelopment Commission to Purchase Parcel of Real Estate in Walnut Center	1
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Petition to Vacate Public Easement in Ridge Subdivision..	1
Petition For Vacation of Portion of Laubscher Rd.	1
(Continued to July 8th))	
Contract with State Board of Animal Health re Bovine Brucellosis & Tuberculosis Eradication	5
(Approved and forwarded to State 7/2/91)	
Weekly Progress Report re Property at 9301 Old State Road	5
(R. Lehman to draft letter for County Attorney to sign and forward to Mr. Short)	
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Requests for Funding/Miscellaneous Organizations	6
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Bridge #34 Over Pond Flat Ditch (Board authorized 3-Span Bridge @ cost of \$171,000)	
Request for Standards Committee/Subdivision Construction/Streets (Appointments to be made July 8th)	
Union Township Project/Removal of Structures on Old Henderson Rd. & Red Bank Rd.	
Proposed Temporary Road Closure/Temporary Township Request to Advertise for Demolition/Removal of House @ 4701 Green River Court approved/Bid Opening date is July 29th)	
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MINUTES
COUNTY COMMISSIONERS MEETING
JULY 1, 1991

The Vanderburgh County Board of Commissioners met in session at 4:30 p.m. on Monday, July 1, 1991 in the Commissioners Hearing Room with President McClintock presiding.

RE: INTRODUCTION OF STAFF & PLEDGE OF ALLEGIANCE

Commissioner McClintock introduced members of the County Staff and asked the meeting participants to stand for the Pledge of Allegiance.

RE: REQUEST TO GO ON COUNCIL CALL/PIGEON TRUSTEE

Upon motion made by Commissioner Borries and seconded by Commissioner Hunter the request to go on Council Call for \$300,000 for a loan to the Pigeon Township Trustee was approved. So ordered.

In response to query from Auditor Humphrey, it was suggested the funds be taken from the Cumulative Bridge Fund. Mr. Humphrey concurred..

RE: SALE OF COUNTY-OWNED SURPLUS REAL ESTATE

Ms. McClintock entertained bids (90% of appraised value) on the parcels of County-Owned Surplus Real Estate which were advertised. There were no bids and upon motion made by Commissioner Hunter and seconded by Commissioner Borries, the Secretary was authorized to re-advertise for the same real estate to be sold to the highest bidder, as previously approved by Attorney Ziemer. So ordered.

RE: REQUEST FROM REDEVELOPMENT COMMISSION TO PURCHASE PARCEL IN WALNUT CENTER (701 E. OLIVE STREET)

Ms. McClintock said she has a request from Mary Arnold in the Redevelopment Commission to purchase subject parcel of property for the sum of \$1.00. Ms. McClintock said it is her understanding the Board will have to wait until this surplus property is readvertised in order to sell it to them.

RE: PETITION TO VACATE PUBLIC EASEMENT IN RIDGE SUBDIVISION

Attorney Les Shively was recognized and said he represents the Petitioners. Following brief comments and questions, a motion was entertained.

Upon motion made by Commissioner Borries and seconded by Commissioner Hunter the request for vacation of easement was approved. So ordered.

RE: PETITION FOR VACATION OF LAUBSCHER ROAD

Attorney Gerald Evans was recognized and said he represents the Petitioner, BFI Industries of Indiana, Inc. BFI owns property both on the north end and south side of Laubscher Rd. and the area sought by the petition before the Board. The Petition was originally filed June 7th and set for hearing before the Board of Commissioners on June 24th. Because of a Temporary Restraining Order, the matter was continued until today. Said restraining order has now been lifted and we are free to proceed with the public hearing. BFI has received written consent from all utility companies, and copies of same were submitted to the Secretary for

that decision. Then she came to understand that BFI had filed suit against the Commissioners. They were allowed to repetition and she became concerned. The point is, however, that her name was placed on the lawsuit without her knowledge and she was made a part of the proceedings and she has had to deal with that. In fact, it was her understanding that four of the five intervenors were not contacted beforehand, did not sign anything to have their names put on there. For some reason, they were put on that suit by some person and they were all left to deal with the fact that they are now considered intervenors in a case. At the end of the proceedings on Friday, Judge Young suggested that the parties interested sit down, reach some kind of a compromise situation whereby both sides could live with what was agreed to. As far as she knows, something was submitted to BFI on their behalf as sort of a compromise proposal. She was not contacted as to what this exactly entailed -- so she doesn't know who was contacted. But it is her understanding that four of the five had no knowledge of what was in there before it was submitted. After they found out what was submitted on their behalf, it was determined that some of those of the five did not agree with everything they were supposed to have agreed with. It was then determined those five individuals would sit down and come to an agreement of their own as to what those five parties could live with. They did this in a meeting on Thursday evening. On Friday, she was told that the scheduled 2:00 p.m. Court proceedings had been moved up to 11:00 a.m. and they had to be in Court at that time. They then went to their Attorney, only to learn that what they were willing to live with had already been presented to him and his opinion was that he evidently had a better idea.

Mrs. Wagner was interrupted by Attorney Shively, who said he must advise her that this is a public forum and she is in the process of waiving attorney-client privileges. He'd like the record to reflect that he does not represent Mrs. Wagner individually, but does represent C.O.L.E. He would advise that by going forward she not only waives her rights but the rights of other parties that were present at a meeting in his office. He must do this to protect himself professionally.

Mrs. Wagner said if Attorney Shively has a problem with that, she does not know how she became a client of his in the first place. As stated previously, she wasn't even aware her name was on the suit until after the proceedings had already begun. Is it a given that if you remonstrate at a County Commissioners meeting that without your knowledge your name can be placed on a Court proceeding?

Commissioner McClintock said the Board doesn't know what happened, but assured Ms. Wagner the Board did not put her name on any lawsuit.

In conclusion, Ms. Wagner said she basically can't agree with what Attorney Shively wants to submit in her behalf. Evidently it was done anyway -- however it occurred -- and now the Commissioners are being told there is an agreement between these five people that were intervenors, BFI, and whoever else. As far as she knows, of the five intervenors, only one (1) person was in agreement with what was to be submitted. The other four (4) said they did not agree with this. She would like the record to show that she does not agree. She intended to remonstrate at this meeting -- but does not know if she can do that now. She doesn't know if she says anything against this petition if she will be held in contempt of Court or what will happen to her and feels that this whole thing has been taken out of her control because her name was placed on a suit and there she was, right in the middle of it.

Commissioner McClintock said she cannot answer Mrs. Wagner's questions and asked Attorney Shively if he wants to address same.

the two year period."

Ms. McClintock asked Mr. Shively if he is of the opinion his clients could better be served by a week's extension.

Mr. Shively responded affirmatively, and Ms. McClintock said the Commission will not vote on this matter until next Monday, asking if that is agreeable with the other two Commissioners. Commissioner Hunter said he believes the Commission needs some time.

Mr. John Blair again approached the podium and said, "Admittedly, I'm not an attorney. But neither am I the brother of a guy who has a very vested interest in the expansion of this landfill. And I think that is a real fundamental thing in here, because Mr. Ziemer's opinion on this will affect his brother a great deal (who is a senior officer of BFI). Not just that, but in my business law classes about twenty years ago one of the things about the legal system was not whenever you start picking at this thing it is different. Yes, it is different -- but the effect is the same. The effect is what you're going to look for. The effect of vacating a smaller portion of Laubscher Road is the same, in this particular instance, as vacating the whole thing."

Ms. McClintock interrupted Mr. Blair by stating the Board is going to hear this matter again next week.

Attorney Ziemer said, "I just want to tell Mr. Blair that I personally resent the insinuation that I would offer a legal opinion which would be colored by any relationship that I might have to any party involved. I know that doesn't make you any difference, but I do want to point out that Mr. Wilhite, who is also a County Attorney, was here at the meeting when this petition was filed and it is also his opinion that this meets the requirements for allowing it to be filed within two years. He has no relative involved in this. Had you not pointed it out to me, I would not have known that I had."

Ms. McClintock entertained a motion to continue the hearing on Laubscher Rd. until Monday, July 8, 1991.

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

RE: CONTRACT WITH STATE BOARD OF ANIMAL HEALTH RE BOVINE BRUCELLOSIS & TUBERCULOSIS ERADICATION PROGRAMS

Ms. McClintock presented the subject contract and upon motion made by Commissioner Borries and seconded by Commissioner Hunter the contract was approved. So ordered.

RE: WEEKLY PROGRESS REPORT RE PROPERTY AT 9301 OLD STATE RD.

In response to query from Ms. McClintock, Lou Wittmer reported he talked with Roger Lehman and he was going to send someone by the property and provide the Board with a report, but he has not heard anything yet.

Ms. McClintock asked that Mr. Wittmer contact Roger Lehman and asked him to provide members of the Board with a written progress report concerning this matter.

RE: ADDITIONAL APPOINTMENTS TO THE SOLID WASTE COMMITTEE

Upon motion made by Commissioner Hunter and seconded by Commissioner Borries, the following additional appointments were made upon recommendation of Commissioner McClintock:

Commissioner McClintock recognized Mr. John Hodge of Torian, Hoffman & Dillow, who noted that effective January 1, 1991, the County took responsibility for the Health Department, which was formerly the responsibility of the City. At that time it was necessary that action be taken regarding the insurance of the Medical Professionals in the Health Department because the County's All-Lines Aggregate Program which has been in effect for many years and working well does not cover the Medical Profession. A Medical Professional policy was purchased in December 1990 to cover the Health Department. When Hoffman took over as insurance agents for the County they reviewed many things and one was this program. Their agency management team has established with the Department of Insurance and the Indiana Patients Compensation Fund. According to the Patients Compensation Act of 1976, the Health Department in the County of Vanderburgh is a qualified provider. Having them qualified as a provider allows us to participate in the Patients Compensation Fund, which limits the liability for any malpractice judgment in the State of Indiana to \$750,000.00, of which the Patients Compensation Fund provides all that money except the first \$100,000 per claim or \$300,000 aggregate for each provider. They subsequently searched for the best program for the County to provide the \$100,000/\$300,000 professional liability coverage. They got St. Paul (the largest medical profession insurance company in the United States to agree to provide this coverage for the County for a premium of \$4,086 per year. The Patients Compensation Fund according to the laws of the State require that we deposit 25% of this premium in the fund to cover up to the \$750,000 limit. This means the County can have \$750,000 limit and be subject to the maximum according to law of \$750,000 in the State of Indiana for a premium of \$9,193.50 per year. This amounts to an annual savings to the County of \$16,467.50 over the present coverage.

Mr. Hodge said he is seeking approval from the Commission to stop our present coverage effective July 1, 1991 and establish this policy with St. Paul effective July 1, 1991, use the return premium from the other policy to pay the next 12 months of this policy, plus we'd have excess money available which would be returned to the County.

A motion was entertained.

Upon motion made by Commissioner Hunter and seconded by Commissioner Borries approval was given. So ordered.

RE: REQUEST FOR CONTINUING EDUCATION

Ms. McClintock said she has a request from Janet Stucki of the Center Assessor's office to take a real estate appraising course at Ivy-Tech for total tuition of \$100.60. Class begins July 9, 1991, with registration deadline of July 3, 1991.

Following comments by Ms. Stucki, a motion was entertained.

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

RE: COUNTY HIGHWAY - CLETUS MUENSTERMAN

Mr. Muensterman said he has submitted his Weekly Reports and has nothing further to report.

RE: COUNTY ENGINEER - GREG CURTIS

Bridge #34 Over Pond Flat Ditch: Mr. Curtis said he received the awaited letter from the Big Creek Drainage Association requesting that the County place a bridge sufficient to span an expanded creek

Mr. Curtis said they wanted the Commissioners to be aware of this before they proceed in case they have a problem with it. The Commissioners said they have no problem with it.

Temporary Road Closure/Union Township: Mr. Curtis said that with regard to the Union Township Project we have a need for a temporary road closure on a daily basis.

Mr. Kercher said in the contract that was bid on, we had a provision for a 30 day complete road closure of Old Henderson Road. The problem is we have a lot of dirt that has to cross Old Henderson Road from the river side to the railroad tracks. We'll conflict with the local road traffic and also tear up Old Henderson Road with some of the big equipment. They've discussed this with the contractors and what we'd like to do is close Old Henderson Road down to traffic between the hours of 8:00 a.m. - 5:00 p.m. Monday thru Friday. This will allow the weekend boat traffic to get through on Friday nights and Saturdays. He has talked with Ms. Carr, who was involved in the access project. She doesn't have too much of a problem with it as long as we advertise it obviously and get some barricades up. Emergency traffic would still be allowed to go through. Local traffic would have to utilize Red Bank Rd. to go around and come down to the area. They feel this process will make the project much safer. When we get the road to the point where we can construct the tie-ins, etc., the road will be shut down completely for the 30 days on top of that.

The main traffic is on Fridays and Saturdays -- boating traffic and people going to Dogtown Tavern to eat.

In response to query from Commissioner Borries as to whether they've talked with any other businesses in the area, Mr. Kercher said he wanted to be sure it was okay with the Commissioners before he talked with too many people. Mrs. Carr, who was responsible for helping get this project going has talked it over with some of the other neighbors and they don't seem to have a problem with it.

Ms. McClintock asked that Mr. Kercher try to get something in writing from Mrs. Carr and the Commission can vote on this next week.

Commissioner Borries said that while we're discussing Union Township, we've previously discussed and delayed any kind of action on bridge structures along Red Bank Road and also along the railroad near Hamilton's Golf Course. Are we proceeding in a timely fashion on those two so we can make some decisions for the fall?

Mr. Curtis said we've not yet received the plans back from American Timber Bridge, but he had hoped to have a Notice to Bidders today for that project. In talking with the Golf Course people, it was their concerns that they would like the bridge construction not to start before October 1st and he doesn't anticipate that being a problem. On Red Bank Rd., we're working on that project and have a similar situation to that on Old Henderson Rd. in that we're dealing with the Department of Natural Resources in an area where we're dealing with flood water -- so it is difficult for the County and the DNR to agree upon a size for that structure. It is his understanding from Valerie, however, that we're getting close to a final response from them.

Mr. Borries asked that Mr. Curtis keep the Board updated on this. This could have some effect in terms of the construction along Red Bank. If we're going to close Old Henderson Road, then we're not going to close Red Bank Road at the same time.

Motion to approve the Consent Agenda was made by Commissioner Hunter, with a second from Commissioner Borries. So ordered.

RE: OLD BUSINESS

Mrs. McClintock then entertained matters of old business to come before the Board. There were none.

RE: NEW BUSINESS

Naming of New County Morgue: Ms. McClintock entertained a motion to name the new County Morgue the "Charles R. Althaus Forensic Science Building".

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

Ms. McClintock noted the sign on the building will not be replaced -- it still is the Vanderburgh County Morgue.

Cancellation of July 22nd Commission Meeting: Commissioner McClintock said she is going to be on vacation on July 22, 1991. In reviewing the workload for July, it seems most of it is up front this month and she wondered if the other two Commissioners might want to take that Monday off as well and cancel the 22nd meeting.

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

RE: ORDINANCE RE GROUP HEALTH INSURANCE/SHERIFF'S DEPARTMENT EMPLOYEES, ETC. & ORDINANCE RE GROUP INSURANCE FOR RETIRED COUNTY EMPLOYEES

In response to query from Sheriff's Deputy, discussion took place on the subject Ordinances. This matter will be placed on next week's agenda. (A transcript of this portion of the meeting is attached herewith for the record.)

There being no further business to come before the Board at this time, Commissioner McClintock declared the meeting recessed at 6:10 p.m.

PRESENT:

Carolyn McClintock, President
Don Hunter, Vice President
Richard J. Borries, Member
Sam Humphrey, County Auditor
Ted Ziemer, County Attorney
Greg Curtis, County Engineer
Cletus Muensterman, County Hwy. Superintendent
John Hodge
Lesley Wallender
Pam Martin/Chamber of Commerce
Alan Julian/Evansville Courier
Walter J. Weis
John Lancaster, Sheriff's Dept. Retiree
Dixie Wagner
Kathryne Parks
Rose Parks
Robert Dillow
The Rev. Ed Sandford
Bobby Ogburn
Sam Elder, Health Department



Board of Commissioners

of the
County of Vanderburgh
305 ADMINISTRATION BUILDING
CMC CENTER COMPLEX
EVANSVILLE, INDIANA 47708



TEL. 812/426-5241

AGENDA

VANDERBURGH COUNTY COMMISSION
JULY 1, 1991

4:30 P.M.

FINAL

1. Call to order
2. Introduction of staff
3. Pledge of Allegiance
4. Any groups/individuals wishing to address the Commission
5. Action Items:
 - a. Sale of County owned surplus real estate, also new listings of same
 - b. Letter from Mary Arnold of Redevelopment Commission pertaining to parcel of surplus real estate
 - c. Public Hearing - Petition for vacation of a public easement - Ridge Subdivision
 - d. Public Hearing - Petition for vacation of Laubscher Road
 - e. Contract submitted for approval - Bovine Brucellosis
 - f. Weekly report of progress made on property at 9301 Old State Road
 - g. Appointments to Solid Waste Management Committee
Stacey Stephens
Charles Luecke
Bob Water
Erv Leidolf (Replacing Harold Post)
 - h. Recommendation to County Council
 - i. John Hodge - Medical Professional Liability Insurance for Health Department
 - j. Letter from Janet Stucki, Chief Deputy, Center Township Assessor - Re: Request concerning Continuing Education Program

COMMISSION MEETING
July 1, 1991

12

Mark Barron
James M. Gist, Jr.
Gary Kercher, County Engineer's Office
Les Shively, Attorney for C.O.L.E.
Gerald Evans, Attorney for BFI
John Blair, Valley Watch
Vickie McBride, C.O.L.E.
Lou Wittmer, Commission Office
Margie Meeks, Commission Office
Janet Stucki, Center Assessor's Office
Dorothea MacGregor, Pigeon Township Trustee
Others (Unidentified)
News Media


Carolyn McClintock, President


Don Hunter, Vice President


Richard J. Borries, Member

06/15/91	
Lisa Froelich/Bus Driver	\$6.25 per hr.
06/17/91	
Sandy Flack/Bus Driver	\$6.25 per hr.
06/15/91	
Brenda Mull/Bus Driver	\$6.25 per hr.
06/10/91	
Susan Smith/Bus Driver	\$6.25 per hr.
06/10/91	
Melissa Blessing/Day Camp Counselor	\$4.45 per hr.
06/07/91	
Melinda Matthews/Day Camp Counselor	\$4.45 per hr.
Courtney McGovern/Day Camp Counselor	\$4.45 per hr.
Bradley Steele/Day Camp Counselor	\$4.45 per hr.
Gilbert Rhoades/Day Camp Counselor	\$4.70 per hr.
Michael Stultz/Day Camp Counselor	\$4.45 per hr.
Valerie Langen/Day Camp Counselor	\$4.45 per hr.
Robin Hodge/Day Camp Counselor	\$4.45 per hr.
Jason Adams/Day Camp Counselor	\$4.45 per hr.
Michelle Roedel/Day Camp Counselor	\$4.45 per hr.
Michael Bergwitz/Day Camp Counselor	\$4.70 per hr.
Above Effective 06/06/91	
Laura Langen/Part Time Day Camp Crafts	\$4.25 per hr.
06/05/91	
Thomas Goodman/Assistant Manager	\$24,012.00
06/17/91	
Allen Witham/P.T. Grounds Crew	\$6.00 per hr.

BURDETTE PARK - Releases:

Todd Halbrook/Rink Guard	\$4.25 per hr.
Kenneth Goodman/P.T. Ground Crew	\$5.00 per hr.
Allen Witham/P.T. Ground Crew	\$5.00 per hr.
Matt Caton/F.T. Guard	\$4.25 per hr.
Matthew Singer/F.T. Guard	\$4.75 per hr.
Jeffrey Ludwig/F.T. Guard	\$4.50 per hr.
Mindy Sturgeon/Slide Guard	\$4.50 per hr.
Missy Muensterman/P.T. Guard	\$4.35 per hr.
April Schmuck/F.T. Guard	\$4.50 per hr.
Ricky Conner/P.T. Guard	\$4.50 per hr.
Sara Bernhardt/P.T. Guard	\$4.50 per hr.
Above Effective 06/05/91	
Thomas Goodman/Assistant Manager	\$23,302.00
06/17/91	

COUNTY COMMISSIONERS - Appointment made:

Michelle Pile/Intern	\$5.00 per hr.
07/01/91	

DRUG AND ALCOHOL DEFERRAL SERVICES - Release:

Shela Marie Graves/Secretary	\$15,834.00
07/01/91	
Leave of absence with Insurance - Maternity Leave	

SHERIFF - Releases:

PIGEON TOWNSHIP
VANDERBURGH COUNTY
ROOM 111
CIVIC CENTER ADMINISTRATIVE BUILDING
PHONE 426-5388
EVANSVILLE, INDIANA 47708
® I

Dorathia M. MacGregor, Trustee

VANDERBURGH COUNTY

FILED

JUN 28 1991

June 24, 1991

Mr. Sam Humphrey
Vanderburgh County Auditor
Room 208, Civic Center Complex
Evansville, Indiana 47708

Sam Humphrey
AUDITOR

Dear Mr. Humphrey:

Please be advised that the Pigeon Township Poor Relief account will be exhausted before the end of the fiscal year, 1991.

This above situation is due to the fact that the State Tax Commissioners cut our 1991 advertised budget and also because of our additional case load this year.

We are asking for \$300,000.00 in advance of exhausting all of our monies for 1991.

Sincerely,

Dorathia M. MacGregor

Dorathia M. MacGregor
Pigeon Township Trustee

Mary D. Williamson
Mary D. Williamson, Chairman
Township Board

Callie M. Rogers
Callie M. Rogers, Secretary

Warren Kixmiller
Warren Kixmiller, Member

7/2/91 Both Copies Mailed to the State
for attention & 1 Copy to be ret'd.
Jm.

STATE



INDIANA

BOARD OF ANIMAL HEALTH
700 NORTH HIGH SCHOOL ROAD, SUITE 200
INDIANAPOLIS, INDIANA 46214

TELEPHONE: 317-232-1344
FAX: 317-248-4063

OFFICE OF
STATE VETERINARIAN
TELEPHONE: 317-232-1346

June 19, 1991

Dear County Auditor:

Please find enclosed the contracts for Bovine Brucellosis and Tuberculosis Eradication Programs in your county.

The contracts are in the amount of \$1,000.00, which includes the Brucellosis and Tuberculosis Programs. In the event all or any part of the appropriation is not used in the year for which it is allocated, such appropriation or any part thereof shall be available for use in the following year.

The contracts are to be signed by at least two members of the Board of County Commissioners and County Auditor and returned to this office immediately after the Board of County Commissioners meet for their first session in July, after which the Secretary of the State Board of Animal Health will sign the contracts. One copy of the contract will be returned for your file. (INDIANA CODE, Title 15, Article 2.1, (ANIMAL HEALTH) Chapters 7 and 8).

If any questions should arise in regard to this matter or if this office can be of assistance to you, please feel free to contact us.

Sincerely,

Dr. T. F. Conner, Director
Cattle Division

Thru:

Dr. T. W. Freas,
State Veterinarian

TFC:ers
Encs:2 copies of Cont.

ALVIN E. STUCKI

CENTER ASSESSOR

VANDERBURGH COUNTY

ROOM 223, CITY-COUNTY ADMINISTRATION BUILDING

EVANSVILLE, INDIANA 47708

PHONE 426-5274

VANDERBURGH

COUNTY COMMISSIONERS:

CAROLYN McCLINTOCK

DON HUNTER

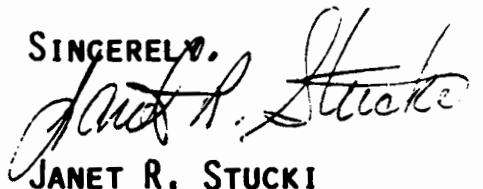
RICHARD BORRIES

JUNE 28, 1991

COMMISSIONERS:

I AM SUBMITTING THIS REQUEST TO YOU IN THE HOPES THAT YOU MIGHT CONSIDER THIS PROGRAM WORTHY OF THE CONTINUING EDUCATION PROGRAM. IT HAS COME TO MY ATTENTION THE INDIANA VOCATIONAL TECHNICAL SCHOOL IN COOPERATION WITH A LOCAL APPRAISAL ORGANIZATION HAS DESIGNED A SET OF COURSES FOR CONTINUING EDUCATION IN THE APPRAISAL FIELD. IT IS MY BELIEF THAT THIS EDUCATION WOULD BE OF BENEFIT TO AID IN ACCOMPLISHING MY JOB DUTIES BETTER AND EVEN MORE SO IN THE FUTURE TO A BIGGER DEGREE. ATTACHED TO THIS LETTER YOU WILL FIND SEVERAL OPINIONS ON THE EFFECTIVENESS AND FAIRNESS OF THE ASSESSMENT SYSTEM CURRENTLY USED BY ALL OF THE STATE OF INDIANA IN VALUING REAL PROPERTY, AND THE PUSH TO CHANGE TO A BETTER SYSTEM. AS IS ALSO THE CASE WITH THE FEDERAL GOVERNMENT WHO HAVE PASSED LAWS TO PROVIDE A SYSTEM OF EDUCATION AND EXPERIENCE REQUIREMENTS IN ORDER TO TRY TO ESTABLISH UNIFORMITY IN THE APPRAISAL FIELD. THIS PROGRAM OF IVY TECH'S MEETS THOSE REQUIREMENTS. I AM UNDERTAKING THE OPPORTUNITY TO GAIN THIS EDUCATION AND ADDITIONAL EXPERIENCE AND HOPE TO ACCOMPLISH THIS GOAL OVER THE NEXT TWO YEARS. I WOULD BE DULY GRATEFUL TO VANDERBURGH COUNTY IF YOU COULD POSSIBLY HELP ME ACHIEVE THIS GOAL.

SINCERELY,



JANET R. STUCKI

CHIEF DEPUTY CENTER TOWN

Goff v. Billy R. Harper, in Vanderburgh Superior Court as Cause No. 82D03-9104-CP-746. The County Treasurer's records indicate that personal property taxes in the amount of \$4,920.99, and real estate taxes in the amount of \$673.58, plus interest thereon, are due and owing to Vanderburgh County by virtue of the subject matter of the cause of action. An Answer was filed on behalf of the County Treasurer.

4. The Vanderburgh County Treasurer has been named a defendant in a mortgage foreclosure action filed by Aetna Finance Company v. Joseph G. Agee in the Vanderburgh Superior Court as Cause No. 82D03-9105-CP-622. The County Treasurer's records indicate that real estate taxes in the amount of \$705.27, plus interest thereon, is due and owing to Vanderburgh County by virtue of the subject matter of this cause of action. An Answer was filed on behalf of the County Treasurer.

5. The Vanderburgh County Treasurer has been named a defendant in a mortgage foreclosure action filed by Waterfield Mortgage Company, Inc., v. Marion Carter, Jr., in the Vanderburgh Superior Court as Cause No. 82D03-9105-CP-940. The County Treasurer's records indicate that personal property taxes in the amount of \$358.15, plus interest thereon, is due and owing to Vanderburgh County by virtue of the subject matter of this cause of action. An Answer was filed on behalf of the County Treasurer.

6. At the request of Sam Elder, an opinion letter was prepared in regards to the Health Department's current weekend and holiday standby policy regarding rabies control relief duty.

7. Vanderburgh County was named a defendant in an action filed by Wedeking Investments v. Rabley Properties, Inc., in the Posey Circuit Court as Cause No. 65C01-9102-CP-00031. After reviewing this matter, it was determined that Vanderburgh County does not have an interest in this matter.

8. At the request of the Commissioner's Office, we have prepared an opinion letter regarding the transfer of County owned real estate, and the procedures which must be followed by the County in purchasing real estate. Also included in the letter, are the procedures to be followed in purchasing materials and equipment.

Sincerely,

Ziemer, Stayman, Weitzel & Shoulders



Ted C. Ziemer, Jr.

TCZ/srm

has taken that much time --"but it has been to your benefit, because the Ordinance has been in effect all this time. And, secondly, that they wanted an Ordinance with some restrictions, that was not open ended forever. It doesn't mean the benefits will change. It means that the proposed Ordinance will probably be for a certain period of time -- for the next three (3) years; or the next five (5) years. That doesn't mean it couldn't be extended down the road. But it doesn't bind the Commissioners forever. It is something that at some future point the County may not be able to afford." And there were several people there. She wasn't the one who initiated the discussions, although she thinks there is a great deal of merit in knowing the financial impact of something passed in the Commission.

Patterson: Will this, in any way, affect those who retire under the current Ordinance?

McClintock: No. You're under the Ordinance as it is -- I mean, as far as I'm concerned. I don't think either of these gentlemen would vote to take something away from you that you retired in good faith and the Ordinance was in effect and it certainly does apply to you. Thank you for coming. Why don't you call and make sure this got on the agenda?

There being no further business to come before the Board, Commissioner McClintock declared the meeting recessed at 6:10 p.m.

TORIAN, HOFMANN & DILLOW

insurance

July 1, 1991

Carolyn McClintock, President
Board of Commissioners
County of Vanderburgh
305 Administration Building
Civic Center Complex
Evansville, IN 47708

Dear Carolyn;

When Torian, Hofmann & Dillow was appointed as agency of record to provide insurance services and coverages for Vanderburgh County, we immediately began to work to be sure that the County had the best available coverage at the lowest available price.

One of our concerns was the Medical Professional Liability Insurance for the Health Department. The existing policy effective 12/31/91 includes coverage limits of \$1,000,000 and an annual premium of \$26,859.00.

Indiana has for many years, had a medical malpractice statute that authorizes a Patients Compensation Fund to provide Medical Malpractice Liability protection for all claims in excess of \$100,000 per person and \$300,000 aggregate for all "qualified providers" who choose to participate in the fund. The law also provides a cap of \$750,000 for all malpractice cases in Indiana.

We felt that the Health Department should qualify as a "provider" according to the law, so we contacted the Department of Insurance and developed all necessary information to qualify as a "provider" and thus be protected by the Patients Compensation Fund and the \$750,000 malpractice maximum.

The Health Department is now required to provide professional liability limits of \$100,000/\$300,000 in order to have access to the fund. St. Paul Insurance Company is willing to provide this coverage for \$4086.00 per year. The surcharge for the fund is \$5,107.50 making the total cost to the County of \$9,193.50. This amounts to annual savings of \$16,467.50 over the present coverage.

P.O. Box 3647 • 800 Sunset Avenue • Evansville, IN 47735 • (812) 424-5503 • FAX (812) 424-9016
Insurance advisors since 1923



MINUTES
COUNTY COMMISSIONERS MEETING
JULY 8, 1991

I N D E X

<u>Subject</u>	<u>Page No.</u>
Meeting Opened @ 4:30 p.m.	1
Introduction of Staff & Pledge of Allegiance	1
Ordinance Providing Group Health Insurance Benefits for Qualified Retired Sheriff's Department Employees ...	1
Progress Report on Property at 9301 Old State Rd.	1
Petition for Vacation of Portion of Laubscher Rd.	1
Recommendation to County Council re Grant Applications	8
Request for Legal Aid Society To Be Included in Agreement We Currently Have with the Courts & Observe 8:00 a.m. - 4:00 p.m. Work Schedule	8
Interviewing of Applicants for Joint Secretary/County Council & Commissioners	9
Change Order/New County Morgue (\$8,568.00)	10
Appointment to Local Emergency Planning Committee	10
Vanderburgh Auditorium	10
Telephone Ads for 1992	
Approved fee waiver for Evansville Philharmonic September 19-20	
County Highway	10
County Highway Engineer - Greg Curtis	10
County Attorney - Jeff Wilhite	10
E.A.R.C. Lease (deferred to next week)	
Workmen's Comp Injury/Ron Martin	
Escrow Agreement/Blankenberger Bros. (To obtain written opinion from State Board of Accounts)	
Consent Agenda (approved)	12
Old Business	13
Update on Pigeon Creek Project	
New Business	13
Wave-Tech Pool/Burdette Park (M. Tuley & L. Wittmer to draft Request for Proposals and M. Tuley to request information from Consultant	
Memorial/Jonathon Gugin/Letter to be sent to Building Authority	
Meeting Recessed at 8:35 p.m.	15

MINUTES
COUNTY COMMISSION MEETING
JULY 8, 1991

The Vanderburgh County Board of Commissioners met in session at 4:30 p.m. on Monday, July 8, 1991 in the Commissioners Hearing Room, with President McClintock presiding.

RE: INTRODUCTION OF STAFF & PLEDGE OF ALLEGIANCE

Commissioner McClintock called the meeting to order, introduced members of the County Staff, and asked the meeting participants to stand for the Pledge of Allegiance.

Ms. McClintock then asked if there are any individuals or groups who wish to address the Commission who do not find themselves on the agenda. There were none.

RE: ORDINANCE PROVIDING GROUP HEALTH INSURANCE BENEFITS FOR QUALIFIED RETIRED SHERIFF'S DEPARTMENT EMPLOYEES

A separate transcript of this portion of the meeting is attached hereto as a part of the formal minutes.

RE: PROGRESS REPORT ON PROPERTY AT 9301 OLD STATE ROAD

Commissioner McClintock said that each of the Commissioners should have a copy of Mr. Lehman's written report indicating that an inspection on July 8, 1991 at 11:30 a.m. no repairs had been initiated since our last meeting. The house and garage are currently secure. If the repairs are not initiated within the next week, it is the opinion of the Building Commissioner that it will not be physically possible to complete the repairs within the given time frame. He recommends that the County Attorney send Mr. Short a letter outlining our position on this matter and our authority which basically says we can authorize that the home be razed. She has asked to draw up that letter for the County Attorney to sign prior to sending to Mr. Short's attorney, Mr. Sheets -- so they will be notified in advance that they need to begin to work immediately or we are going to have to raze the home. She has also asked Roger to attach copies of the Commission Meeting that indicated pretty firmly that the Commission was not in a mood to further negotiate with Mr. Short.

RE: PETITION FOR VACATION OF PORTION OF LAUBSCHER ROAD

Attorney Jerry Evans was present to represent BFI Industries, Inc., in this matter. In bringing the Board up to date on the matter pending before Judge Young, since our last meeting Les Shively did advise them and did, in fact, file a petition with the Court to withdraw his appearance and he believes Mr. Shively also indicated he is withdrawing his appearance for the protesters in this hearing, as well. The Judge has formally entered the Entry that we discussed in that matter and, as part of the withdrawal, has vacated that Order.

Mr. Evans then asked Erv Leidolf, the District Manager of Landfill Operations, to make comments to the Board.

Following Mr. Leidolf's comments, Mr. Evans said the Petition pending at this time is stated to be subject to the following conditions:

- 1) Until such time as the scales and gate used in the operation of the current sanitary landfill are being moved, BFI will continue to allow general public access at all times to all portions of vacated Laubscher Rd.

so long as the persons using such access do not obstruct or otherwise interfere with access to the operation of the landfill.

- 2) In the event the scales and gate used in the operation of the landfill are relocated, then so long as the persons using such access do not obstruct or otherwise interfere with access to or the operation of the landfill, BFI will continue to permit public access at all times to all portions of vacated Laubscher Rd. or relocated Laubscher Rd. between St. Joseph Avenue and the gate.
- 3) Access to the general public pursuant to these conditions shall terminate upon the issuance to BFI of a permit for the construction of a sanitary landfill or for the construction of an expanded landfill issued by the Indiana Department of Environmental Management.
- 4) In the event a permit for the construction of a sanitary landfill or a permit for the construction of an expanded landfill is not issued to the Applicant or BFI by IDEM, the Applicant or BFI shall re-dedicate the right-of-way for vacated Laubscher Rd. to Vanderburgh County at such time as the vacated Laubscher Rd. is no longer needed or used for the operation in the closing of the current landfill.

Attorney Evans said delays are putting BFI in a rather critical condition. They need to be able to move the scales east of the creek -- more than likely -- that is the better place to put it so they can operate the current landfill site to its maximum capacity and be able then to design and operate the expanded landfill in an orderly fashion.

As previously stated, in 1980, the Vanderburgh County Commissioners permanently closed Laubscher Rd. at the CSX tracks, leaving this portion of Laubscher Rd. as a dead-end street from thenceforth. Since that time it has served for the farm community on the north and south and it has served as access to the landfill. He thinks that the passage of time has shown that the closing of that road has not hindered public access. It has not denied access to schools or public buildings. It has not hindered the growth and development of the community and the neighborhood. The vacation of it at this point, they believe, will have the same effect. It will not deny access to schools. It won't hinder the development of the area as contemplated by the vacation statutes. Mr. Evans then submitted an aerial photograph of the area to the Board for their review, pointing out what has, in fact, happened in the neighborhood. All of the property along the north line of Laubscher Rd. is now owned and controlled by BFI. Wimberg Rd. runs along the south of that line and Laubscher Rd. runs across the north. BFI now owns all the property to the north of Laubscher Rd. The Board of Zoning Appeals has approved of the expansion of the landfill. Therefore, it would follow that clearly the vacation of this road is not going to hinder the development of this property. In fact, it really will enhance the ability to develop this property in a proper manner. The landfill began operation in the spring of 1979. Since the landfill opened and Laubscher Rd. was closed, a mobile home park has developed and expanded south of Wimberg. Just across the CSX railroad tracks a substantial and very attractive single family subdivision has been developed. A number of beautiful homes have been developed along St. Joe Avenue. The closing of Laubscher Rd. has not impeded development in this neighborhood. Last week he submitted to the Commissioners a Petition signed by people who live and work in the neighborhood and who do not want to see Laubscher Rd. extended or reopened. Mr. Evans concluded by saying BFI thinks their Petition for the Vacation is very, very reasonable and that it is necessary to move forward if they are to be able to deal with the solid waste needs

of our community. They hope the Commission will vote in favor of their Petition, with the conditions that they have stated.

A number of meeting participants raised questions and objections and offered comments concerning the petition, including Tammye Ryan, Dixie Wagner, Norman Ray, Rose Parks, Vickie McBride and Jim Gist, among others, during the nearly two hour hearing.

In response to query from Ms. McClintock, Mr. Evans said they are seeking to vacate 68 ft. east of the West line of St. Joe Avenue, with the wheel wash and gate being somewhere approximately 400 ft. to the east of that point.

When again recognized, Ms. Wagner said the Commission voted "no" just a few weeks ago to the vacation of Laubscher Rd. The fact that BFI was allowed to re-petition so soon is very questionable in itself. I.C. 36-7-3-15 states "After the termination of a vacation proceeding under this Chapter, a subsequent vacation proceeding affecting the same property and asking for the same relief may not be initiated for two years." Ms. Wagner said the Petition before the Board today does affect the same property (less a few feet), does ask for the same relief and, if granted, has the same effect the Petition already denied would have had. In a recent Court proceeding, Judge Young asked if this petition was substantially the same as the other one and BFI attorney Don Wright answered "yes". She feels the vacation of Laubscher Rd. would hinder the area, as people bought homes and property in this area with the understanding the current landfill would operate only until 1994. To vacate the road at this time would indicate a strong possibility that BFI's proposed expansion will take place. People will be less likely to purchase property in this area and current property owners will tend to invest less in their land and may even leave the area completely with the threat of the future 25 year facility hanging over their heads.

Following further brief comments, in conclusion Ms. Wagner urged the Commissioners to stand by their previous decision and vote "no".

Mr. Norman Ray again approached the podium and said he doesn't understand why we would want to give the road away if no permits have been given to BFI for the landfill. Also, Mr. Evans mentioned the Petition signed by residents east of Laubscher Rd. indicating they do not want Laubscher Rd. opened back up. He can understand that; they do not want trash trucks going by their houses. He doesn't either, but he has them anyway. If the Commissioners had this going on in their back yard, would their vote be "yes"? He would hope it would be "no". They wouldn't want this going in their back yards and he doesn't either. This has been going on for 15 years. It is time to move it. Let somebody else have some of it. They've had enough of it. And the smell is there -- all you have to do is drive by.

In rebuttal to remonstrators, Attorney Evans said he believes the statute states grounds for objections. Again, he thinks BFI has shown that the statutory grounds for objections do not apply. That this road has been closed for eleven (11) years; that the grounds for objections have been proven not to exist by the things that have gone on during those eleven years. He thinks the action taken by the BZA indicating approval of the landfill expansion is also a factor and BFI is a vital facility for this community. He believes BFI has shown they fulfill all the requirements that an objector could make statutorily. Further, he thinks they have shown a need for the public interest to preserve the life of the existing landfill -- as they're on a critical time frame to preserve the life of the existing landfill, as well as the need to vacate this road so they can design the landfill expansion and get on the time line to avoid a landfill crisis in this community.

They do not believe there are any statutory grounds to object to the Petition before the Board and that the Board can properly act on the Petition with the conditions as stated by BFI. They would also welcome the additional condition added by the Board -- that the Solid Waste Committee having the access discussed earlier, which they agreed to provide.

Ms. McClintock said that when BFI originally petitioned the Commission (without any conditions -- just a plain vacation) for vacation of this road back in May, two primary concerns were raised by the neighbors as stated in the May minutes. She didn't have that information concerning the background and story itself concerning the bridge and did not feel it would be fair to grant a vacation at that point without knowing whether the bridge was ever supposed to be rebuilt. The other major concern of the neighbors has been concern as to where these scales are to be located, that there is no Site Plan, and if the Commission would vote today to vacate Laubscher Road with no conditions, that the taxpayers, neighbors or public officials would have no control over where those scales would go and indeed they could be located at St. Joe Avenue. She does not know that when the BFI landfill was originally constructed that BFI did not place their scales and their gate outside of the area of the land they have that is currently available for more landfill -- but that is what was done at that time and to say that they should have planned ahead and the County shouldn't allow them the opportunity to move that at this point is not very forward thinking, because the Board of Commissioners then, not only to the neighbors but to other taxpayers of this County, take away some opportunity for them to use that space so that our Solid Waste Management Committee - and, as someone has said, they are to look to provide for the future of landfills in this community -- not BFI -- and the Commissioners have that responsibility. And to take that three or six months away in available landfill space simple does not make good sense to her. She had drawn up some conditions and would ask at this time if BFI would be willing to abide by these conditions and then perhaps the Commission can take a vote on the road vacation. The conditions would be:

- 1) That the road from a point 500 ft. west of Locust Creek Bridge consisting of approximately 1,181 ft. shall be immediately vacated for the use by BFI in any manner needed by them, except for use as an extended dumping ground from their existing landfill operation currently in operation south of the current Laubscher Rd. unless all required permits are obtained for expansion of the landfill, in which case any use allowed by those permits is acceptable.
- 2) That the area of road extending from St. Joseph Ave. to a distance of 700 ft. east of Locust Creek Bridge be vacated upon the condition of BFI's obtaining all permits and meeting all requirements of governmental agencies that have a concern over the use of adjoining land as a solid waste sanitary landfill.
- 3) If BFI does not receive all the required permits nor meet the requirements as may be imposed by any governmental agency within the time period allotted (approximately 4-1/2 years) and if the Board of Commissioners determines that the road is needed as a thoroughfare and requests that BFI make a rededication, then BFI must restore this section of Laubscher Rd. to its original condition and rededicate it to Vanderburgh County.
- 4) Until such time as the conditions in Paragraph #2 are met or until BFI no longer pursues expansion, whichever occurs first, BFI must provide access to all portions

of the landfill site upon four (4) hour's notice to the members of the Citizen's Advisory Committee of the Solid Waste Management District Board of Directors. Citizen members will be accompanied on the site at all times by a representative of BFI and BFI will make this available up to eight (8) hours per month free of charge. Subsequent visits will be charged at \$10.00 per hour.

Ms. McClintock said the intent is to provide the minimum amount of space (approximately 667 ft.) is vacated legally, but you can't do anything on that property until you have all the permits. etc., that you need for landfill extension. She then entertained other questions.

Mr. Evans said that Mr. Leidolf was reviewing with the Commissioners the distances to take for the entrance of the gate, the scale and the car wash. What he didn't give them was the reasonable distance to move those facilities off the creek and off the bridge so that we have some buffer area between where the creek sits and where these facilities start being constructed. As he tried to explain before, the requested vacation does not start at St. Joseph Avenue -- it starts some feet off St. Joseph Avenue. If both of them keyed off the center point of that bridge as shown on the plat drawing attached to the Petition, he thinks the record would be clear and we wouldn't create a gap and the Commission could control how much buffer they wanted.

Discussion continued, much of which was inaudible because the individuals were speaking from various locations and not at the podium.

Attorney Wilhite explained there are two factors: First is to move the scales so BFI can increase the life of the existing site. The other is that there is a high probability that the first phase of any expansion will be in that area to the north of the current site. If they move the tire wash and all that there, then it just has to get moved again.

Mrs. Wagner again approached the podium and said Mr. Evans talks about the high probability of the expansion site. She thinks the Commissioners need to understand that in some people's minds there is a high probability that there will not be a 150 acre expansion. To base a decision on the fact that this 150 acres will some day be a landfill cannot be done because that has not yet been determined. Further, insofar as rededicating the road to the County, if the road has been used as landfill land, that means it will be covered with trash -- however high --

Ms. McClintock interrupted by saying, "They can't put trash on any part of this vacation, because they are not permitted to put trash on there. If they do not receive their permits and there is no expansion, nor meet the requirements as may be imposed by any governmental agency within the time frame within approximately 4-1/2 years, and if the Board of Commissioners determines that the road is needed as a thoroughfare and requests that BFI make a rededication, then BFI must restore this section of Laubscher Road to its original condition and rededicate it to Vanderburgh County."

Ms. Wagner said the neighbors never saw a detailed Site Plan. She also said she has a problem with the access and the warning before you show up. How do neighbors seek relief through the Citizens Advisory Committee. If the neighbors in the area see something that worries them that they want to find out what is going on, how can they contact the Citizens Advisory Committee and get their questions answered? Is this Citizens Advisory Committee already in place? Is it going to include residents from that neighborhood? Because that is the whole point of the access -- that these people want to be able to protect themselves by being able to go on that road and see what is going on. She is sure the Citizens Advisory

Committee will report to the Commissioners or the Solid Waste Management Committee or whomever -- but how do the neighbors seek relief from a problem they may see?

Ms. McClintock said that all they need to do is call Lou Wittmer in the Commission Office and he will make arrangements with BFI to provide access.

Ms. Wagner asked if that would be with Citizens Advisory Committee members only, or if a resident of the area had a problem and wanted to see something, would the Citizens Advisory Committee allow that person to go along?

Ms. McClintock said she thinks that would be fine.

Commissioner Hunter asked Ms. Wagner if currently she can see all of BFI's operation from Laubscher Road?

Ms. Wagner responded that she cannot. In the past year,, the people who have gone out there have been able to be successful by using that road to monitor and the State has said that by people using that road and pointing out violations that have been occurring, the inspector is only there once a month. If the neighbors feel like something is going on they can perhaps alert the State to specifically look for that. They also look through Inspection Reports and everything else. She guesses the only way to see their entire operation would be via airplane. But she thinks it gives people -- no matter how small -- a measure of comfort. At least they can use that road to see what is going in there. For instance, if they can use that road and see BFI actually accepting an untarped load, whatever small measure of comfort that is to that person at least they can take a picture of that, it can be recorded, and someone can be notified other than them just going down and saying that BFI is accepting untarped loads. At least they have some way to document that activity taking place. Taking the photo from St. Joseph Avenue entrance would not give the same proof to an enforcement official as the untarped truck actually going into the landfill.

Commissioner Hunter said that assuming that Citizens Advisory Board and a concerned neighbor can enter on four hour's notice, it would seem that being able to get on site would be much better than having to look at it from behind a fence.

Ms. Wagner said she thinks eight hour's notice or four hour's notice is too long. It would be like her telling her mother-in-law, "Come over and check out my house and you'll see I keep a clean house, but let me know four hours ahead of time so I can clean it up first." To her, that is the same thing.

In conclusion, Ms. Wagner asked, "And any person with the Citizens Advisory Committee or the Advisory Committee could request to go on any section of the landfill and not be restricted in any manner?"

Ms. McClintock confirmed that this is correct, but Ms. Wagner said she still has a problem with the required advance notice.

Mr. Robert Boar of 3606 Kuebler Rd. expressed concerns about his property value and the drinking water. He has studied landfills in other areas and there is a five (5) mi. perimeter wherein drinking water is affected by the landfill and he has a family. He is concerned about the health of his family. As he sees it, BFI is a special interest group. It's like asking the fox to watch the chickens.

In response to a query from another individual, it was noted the scale is being located on property not yet permitted as a sanitary landfill. Question was then asked how BFI can use that portion of

their property for daily landfill operations when the land has not yet been permitted for landfill use?

At the request of Commissioner McClintock, Attorney Evans responded to the question. He said what is causing the confusion is that there are different kinds of permits. The permit the gentleman is referencing is the permit from IDEM that relates to where you can dispose of the refuse. The area in which they are proposing to place the scale is not in an area where they have a permit from IDEM to bury and dispose of refuse. It is properly permitted for accessory use, such as the scale, or the gate or other things of that type. But it is not permitted for the burial or final disposal of refuse.

In response to further inquiries, Attorney Evans said the action of the BZA was appealed to Circuit Court; Circuit Court held extensive hearings and determined that the zoning was appropriate and affirmed the rezoning. At one point in the proceedings a Stay of Action was issued. The Stay has been vacated and Appeal is pending. There was no Stay. That means the Courts have currently ruled that everything is legal. The opponents have said it isn't and they have filed an Appeal, but according to law (the Courts) it has been validly approved and the Commissioners can act on the zoning if they care to do so.

Ms. McClintock asked Mr. Evans that said since there is some question as to whether BFI will be permitted for landfill expansion, would it not be best to wait until they got the permits before constructing the wheel wash?

Attorney Evans responded that is one of the matters wherein the BZA had expressed concern and BFI does not want to move the scale or take any activity that would change or utilize the current expansion area without dealing with that condition.

Ms. McClintock asked Attorney Evans if it is his understanding that BFI must comply with the conditions as outlined by the BZA before they can do anything?

Attorney Evans responded, "Not all of them. There are some of them that, by their nature, cannot be complied with until BFI is permitted. There are some time frames implied in the conditions. Attorney Evans said that he doesn't want BFI doing things and he doesn't believe they want to do things that are going to call that into question -- whether they are legally required to do it or not is not really the issue. They don't want to do it as a matter of policy for a question to be raised. In addition, the area for the natural cleaning is short -- so there is a realistic need to add this at this time. Following further comments and questions and an opinion from Attorney Wilhite that according to statute the Commissioners may vacate the road, Commissioner McClintock entertained a motion.

Motion was made by Commissioner Borries and seconded by Commissioner Hunter to approve the request for vacation of portion of Laubscher Rd. east of St. Joseph Avenue and west of the CSX Railroad tracks, with the four (4) conditions read into the record and agreed to by Browning-Ferris Industries as conditions of this vacation.

Ms. McClintock asked for a roll call vote: Commissioner Borries, yes; Commissioner Hunter, yes; and Commissioner McClintock, yes. Ms. McClintock declared the petition for vacation approved and so ordered.

Commissioner McClintock requested that Attorney Wilhite draft the conditions. She would like to have those signed and made a part of the record at next week's meeting, with a representative of BFI

signing the conditions, as well.

RE: RECOMMENDATION TO COUNTY COUNCIL RE GRANT APPLICATIONS

Ms. McClintock said this was brought up at last week's meeting. Groups funded in 1990 included Youth Resources, Vision 2000, the Coliseum, Community FOCUS, E.A.R.C., Southwestern Indiana Mental Health, Willard Library, and Alexander Ambulance. Lou Wittmer has prepared a proposed Grant Application Form.

Mr. Borries noted dates and deadlines have to be set in, because budgets have to be submitted in writing to the Auditor by July 1st.

Ms. McClintock said what is proposed is sending information out to the groups around April 1, 1992 indicating that they should fill out these forms and provide the Commission and the Council with requested information so they can make decision based upon same. Information should be forward to the governmental bodies four (4) weeks in advance of budget preparation so a special meeting can be set up with groups requesting funding and requests can be considered on an individual basis, but also keeping in mind the total dollars to made available for those kinds of requests, based upon estimated funds available to be provided by Council and the Auditor.

In response to comment from Commissioner McClintock that Council makes final decision regarding fiscal matters, Commissioner Borries said the Commission "proposes" and the Council "disposes", very clearly. So this would stay in the Commission budget.

In response to query from Commissioner Borries as to what is going to happen to these groups in 1992, Ms. McClintock said Council will listen to these groups as they have in the past when they listen to the Commissioners' budget, and they will request these groups to appear before Council and provide information at that time.

Mr. Borries noted SWIRCA was not mentioned in the Commission budget, nor was Vision 2000 or Willard Library.

Further discussion between Commissioners McClintock and Borries ensued and Ms. McClintock said when she gave instructions on preparation of the budget she asked Margie to go back and research every contract the County had entered into and every agreement that we had and include in the budget and she indicated that is the work she had done. So if it is not accurate she guesses we'll have to ask Margie to go back and do it again.

Ms. Meeks then produced a copy of the budget figures (contractual services), which included Vision 2000.

In response to query from Commissioner Hunter, Commissioner Borries said he is concerned that there are funding responsibilities that have been incurred for quite some time -- some which he thinks would have some legal basis, particularly with the Old Courthouse and Coliseum. Those have not been addressed in this so-called proposal. Secondly, we're talking about some things where there is no time frame. Previously this has been done in a public meeting on a case-by-case basis.

Ms. McClintock called for the question and Commissioner Hunter moved to approve the proposed procedure, with a second from Commissioner McClintock. So ordered.

RE: REQUEST FOR LEGAL AID SOCIETY TO BE INCLUDED IN
AGREEMENT WE CURRENTLY HAVE WITH THE COUNTY COURTS
& OBSERVE 8:00 A.M. - 4:00 P.M. WORK HOURS

Ms. Hartig said Legal Aid currently has two secretaries and two attorneys. That makes it virtually impossible to use Flex Time as

the larger offices do, especially when both secretaries and attorneys have advance seniority and a large amount of vacation time. The tunnel to the Courts Building closes at 4:00 p.m. In Legal Aid's opinion there are safety and security problems with their being on site and available when the Courts are closed and there is a limited amount of work they can do for their clients. Legal Aid has discussed this with their Board of Directors and she has written consent from all Board Members. They will do this with a 30 minute lunch hour in lieu of breaks.

Mr. Borries said he appreciates Ms. Hartig's comments. He also knows the 8:00 a.m. - 5:00 p.m. work hours were set to meet various standards that apply to this County, not the least of which had to do with a Job Study and personnel matters that had come before this Board. He is not sure he can agree with all her interpretation at this time.

Ms. Hartig said they have kept track of individuals who call them after 4:00 p.m. and did so call-by-call for a period of three weeks. Very, very few people call them after 4:00 p.m. and virtually no one comes in. It is her understanding that the last bus transfer leaves the transfer station at 5:15 p.m., so an individual would have to be out of their office before 5:00 p.m. to get to the bus. They are not turning away clients by not being open the last hour.

Auditor Humphrey said the hours were set in the Salary Ordinance by County Council and broken down into an hourly rate, so he thinks that has to go to Council.

Ms. McClintock said she believes the Salary Ordinance says, "Must work 40 hrs. per week."

Ms. Hartig said that evidently an agreement was made with the Courts and they were hoping to follow that same agreement. Court starts at 8:00 a.m. and they have Court every morning. They are here early to get their files ready for Court -- so they get their 40 hr. work week in.

Following further discussion regarding the Personnel Policy, etc., Mr. Humphrey said that Joanne Matthews just advised him that subsequent to the Salary Ordinance and Personnel Policy, there was a Memorandum of Understanding between the County and the Courts, which was approved in 1990.

Ms. McClintock said the Commissioners will review the foregoing and Ms. Hartig can come back to next week's meeting.

RE: INTERVIEWING OF APPLICANTS FOR JOINT SECRETARY/COUNTY COUNCIL & COMMISSIONERS

Commissioner McClintock advised that on Wednesday afternoon they interviewed applicants for the position of Joint Secretary for the Council and Commission. There were two (2) applicants. Both were tested and a typing test is scheduled today. She would recommend the hiring of Jennifer Coin.

Motion to this effect was made by Commissioner Hunter, with a second from Commissioner Borries. Commissioner Borries stated that he appreciates Ms. McClintock's willingness to comply with the law, etc., but he noticed on at least a couple of occasions that Ms. McClintock has stated Commissioner Borries attended these sessions. However, he would note that he was never asked after the meetings who his choice would be in relation to any of the people interviewed. Frankly, he doesn't know whether it makes any sense for him to attend these meetings. He is sure this person will be qualified. If not, we will find out.

RE: CHANGE ORDER - NEW COUNTY MORGUE

Messrs. Charles Althaus and Andy Easley were present and submitted Change Order #3 in connection with the new County Morgue construction project in the amount of \$8,568.00. The Coroner and his Assistant, together with his assistance, have negotiated during the last couple of months of construction some substitutions and minor changes that went into the building. The items are outlined on the sheet attached to the Change Order. Mr. Easley reviewed same with the Board. He then stated the total contract now totals \$512,787.20. We're still \$18,000 under the original contract amount. This is the Final Change Order and they recommend approval of same.

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

Mr. Althaus expressed appreciation to the Commissioners for their assistance and said he wants to express special thanks to Benny Gosser, who moved the Morgue from this building to the new facility. He saved them about \$1,600 in moving a safe and Benny and one of the attendants in the Jail moved everything for them in one (1) day. He noted that Benny is quite an asset to the County.

RE: APPOINTMENT TO LOCAL EMERGENCY PLANNING COMMITTEE

Ms. McClintock noted that Jim Daniels had to resign from the Local Emergency Planning Committee and Lou Wittmer contacted Gil Dieckmann. He has suggested that Charmaine Schultheis be appointed to replace Jim Daniels.

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

RE: VANDEBURGH AUDITORIUM

Ms. McClintock noted we've changed the telephone ads for 1992 to give us more visibility in the telephone book which, in addition to the increased visibility, will save us over \$2,000 in 1992.

The Auditorium Advisory Board has approved a fee waiver for the Evansville Philharmonic Orchestra on September 19-20. They'd like to use the stage for their annual fund kick-off meetings. Those meetings are held at 7:30 a.m. and 4:00 p.m. each day.

Motion to ratify the fee waiver was made by Commissioner Hunter and seconded by Commissioner Borries. So ordered.

RE: COUNTY HIGHWAY

Commissioner McClintock said Mr. Muensterman has submitted his weekly reports and indicated he has nothing additional to report this evening.

RE: COUNTY HIGHWAY ENGINEER - GREG CURTIS

Mr. Curtis indicated he has nothing to report this evening.

RE: COUNTY ATTORNEY - JEFF WILHITE

E.A.R.C. LEASE

Mr. Wilhite submitted a draft of a proposed twenty (20) year lease with E.A.R.C. to the Commissioners for their perusal prior to action at next week's meeting.

Workmen's Comp Injury/Ron Martin

Mr. Wilhite said that after an injury the County continued to pay Mr. Ron Martin. Mr. Martin's attorney is preparing to settle a suit against a third party and needs the County to confirm the amount of our interest. Unless instructed otherwise by the Commissioners, Mr. Wilhite plans to assert the County's interest in the amount of 2/3 of the wages paid.

Escrow Agreement w/Blankenberger Bros.

Mr. Wilhite said it is his understanding that at the last meeting County Auditor Humphrey quoted a statute I.C. 36-1-12-14 with regard to retainage. He has reviewed that statute and sees no problem at all with the escrow account.

Ms. McClintock asked questions concerning the original bid specs. She asked if every contractor who bid should have been aware that they could have gotten this money?

Mr. Wilhite confirmed that this is correct.

Auditor Humphrey said the standards Mr. Wilhite is quoting are, so he is told by the State Board of Accounts, the legislative rules for the State operation. That is not the same as local government. In the first place, he did not express a legal opinion. He did refer to the statute, as suggested by the State Board of Accounts, reflecting the local government legislation. He questioned entering into a subsequent agreement not in the original request for bids -- as an influence on competitive bids. According to the State Board of Accounts, the only place retainage is mentioned under the local government legislation is I.C. 36-1-11-14 and the bond payment entered into by a County or subject to local legislation is subordinate to it. The State Board of Accounts stated that I.C. 36-1-11-14 specifically excludes roads, bridges, etc., from retainage. And that is the only place in the Code that it is mentioned. However, if it is allowed by local government legislation as a condition of bid, and unless it is included in the original request for bids, it is not advisable and not admissible. He does not know whether it was included.

Attorney Wilhite said it was included, by inference.

Auditor Humphrey said, "That is not what they tell me. When I brought up that point with the State Board -- and it is my understanding they are the authority in the State to regulate local government legislation (and if you find out different, you tell me that) -- but I brought up this question. We have never done it in Vanderburgh County -- do other Counties do it? The answer was "no". The reason it was "no" is because that has always been viewed as a part of local income in form of interest -- and one thing we've always included in our interest allocations. Secondly, it was a guarantee which, even if it was escrowed, would be there -- that the contract would, in fact, be completed. But the primary objection was the interest accrual that would go into the County coffers as against the coffers of others. The other thing was that if it wasn't in the original request for bids it wasn't allowable anyway -- by inference or otherwise is immaterial, according to them.

Attorney Wilhite said he respectfully disagrees with the State Board of Accounts in proclaiming themselves to be an authority on such legislative matters. In his discussions with Bond Counsel on the bond issue, he (inaudible).

Mr. Humphrey said it is his understanding from Buddy Downs that he was asked if it permissible under the bond? It may well be -- it is not addressed there. But, according to the State Board of

Accounts, the bond is subordinate to local government rules period.

Ms. McClintock requested a written opinion from the State Board of Accounts on this issue. She said we also need a written opinion on Frank Hassell's employment contract, which is the next item for discussion. Auditor Humphrey disagrees with Mr. Wilite's opinion re this matter.

Auditor Humphrey cited Mr. Wilhite's letter to him of July 8th concerning Frank Hassell's Employment Agreement, saying that he has refused to acknowledge the legality of the Employment Agreement. Mr. Humphrey said, "That is true, I have." Mr. Humphrey said he had not seen Mr. Wilhite's letter until he arrived at today's meeting. But, according to State law, an "agreement" is not a "contract". It has to have a couple of elements. It has to be an auditable contract for him to administer. It has to have a close on it and an amount and it has to conform to whatever the County Council authorized.

Secondly, a County employee is a County employee -- not a contractual employee. A County employee is put on the County payroll by the County Council, not under any circumstances by the Commissioners. If he is not a County employee and he does, in fact, work on a project, then he must become a "contract" employee. Is this correct? And a "contract" employee, by any standard, pays his own employment taxes. We do not pay P.E.R.F. on a contract employee -- it is explicitly excluded. If it is not payable by P.E.R.F. it is not a liability of the County and under a contract it can't be. The only person that can put anybody on the County payroll is the County Council -- and it wasn't done. An amount was set aside for contractual services for inspection, he believes, on the Union Township Access Project. A contract employee is not, by any interpretation a County employee. He is self employed, under contract to the County. Whether that contract includes one person for the entire \$52,000 is a moot point to him -- he doesn't care. But it has to follow the outlines and guidelines set down by the Council and unless it does, Attorney Wilhite is right -- he is not going to pay it.

Attorney Wilhite said he respectfully disagrees with Auditor Humphrey's opinion. Mr. Hassell is a County employee -- he is simply being paid from Bond Funds rather than the other General Revenue Funds.

Commissioner McClintock noted that according to her discussions with Mr. Humphrey prior to coming into the meeting, Mr. Humphrey is hanging his hat on the State Board of Accounts. She thinks the Commission needs to ask them for a written opinion and leave Frank Hassell where he is.

Attorney Wilhite responded, "Fine, as long as the Commission realizes we are liable if Mr. Humphrey is wrong -- not only for taxes, but for penalties."

Ms. McClintock said that right now Mr. Hassell is being paid out of the County Highway Garage.

Mr. Humphrey said if he is on the County Garage payroll he is on the payroll period.

Ms. McClintock said we're not running any penalty risk at this point because it's not happening at this point.

RE: CONSENT AGENDA

There being no questions on the Consent Agenda, Ms. McClintock entertained a motion for approval.

Motion to this effect was made by Commissioner Hunter.

Commissioner Borries raised a question re legal fees. He asked if we're going back to Council for additional money. He may have comments at a later date on this. For example, where there are items being hand delivered to Sam Humphrey, is the County being billed on that type of thing?

Mr. Wilhite responded that the County is not billed for that. If Mr. Borries has comments, he'd appreciate his talking to him about it or bringing it up in an open meeting, rather than commenting to the news media.

Mr. Borries said he would certainly bring them up in an open meeting as soon as he can examine the contracts to determine the differences with what he thought was going to be a savings and now seems to be otherwise. He would appreciate some documentation from Attorney Wilhite as to how these savings are occurring and also what is within the scope of billing here that was not within the scope before. Apparently there are some changes that he does not understand.

Attorney Wilhite said he would refer Commissioner Borries to copies of Council Minutes wherein members of his party asked those questions and those concerns were addressed.

Ms. McClintock said there is a motion on the floor to approve the Consent Agenda.

Mr. Borries seconded. So ordered.

RE: OLD BUSINESS

Update on Pigeon Creek Project: Ms. McClintock advised that an arrangement has been worked out with the Evansville Parks Foundation and we're trying to raise \$75,000 in the next five weeks for purposes of matching \$50,000 provided by the City of Evansville to match a grant of \$375,000 from Land & Water that will be applied for by the City Parks & Recreation Department. Basically, in Phase I it provides for development of the Parkway or Greenbelt along the property already owned by either the Levee Authority or the City Parks Department and the first letters asking for the lead gifts from three major companies have been sent out and as soon as she secures one or two major gifts we will be going with that information in hand to other businesses in the community. There seems to be a lot of support from the public.

Commissioner Hunter commented that the Corps of Engineers is going to send somebody here and the DNR has advised that the Governor declared the month of June the "Clean Streams Month in Indiana" and it continues through the whole summer. The DNR will send representatives from four or five agencies to meet with us and answer a number of legal questions that came up during the first meeting.

RE: NEW BUSINESS

Wave-Tech Pool/Burdette Park: Ms. McClintock said she met with a group of investors who are interested in constructing at no cost to the County a wave-tech pool for Burdette Park. They met last week and she indicated to the group that to enter into any kind of an agreement the Commission would first have to prepare a Request for Proposals, so that anyone interested in such a public/private partnership would have an opportunity to submit such a proposal to the Commission for review, discussion and a decision in a public meeting. These particular individuals are interested in trying to get this done for the 1992 swimming season and that does put some time constraints on what we might want to do. With the Board's permission, she would suggest Lou Wittmer and Mark Tuley work together this week to prepare a Request for Proposal to be reviewed

by our Legal Counsel so the Board will have something to look at in the next meeting and determine if they would want to solicit proposals.

Mr. Mark Tuley commented that we've done several private/public partnerships at Burdette, including the batting cages and the miniature golf course. Right now there seems to be more demand than we have supply, so he thinks it is time to look at expansion and determine what would be the next thing to add. More water and more deck space would seem to be the answer, to allow more people. Right now we're a medium-sized waterpark. With the addition of the wave-tech pool and a couple of other attractions we'd become a large scale waterpark. He thinks the public would respond very well to an attraction like that.

Mr. Borries said he thinks we're entering a new phase and he would like more time and information. There have apparently been discussions of which he was not aware and when we're discussing a big expense item such as this he thinks we have to be very careful. He would want that thoroughly studied and a determination made as to whether the County Council would support that type of thing before we rule it out and go into a private situation, again because of the impact and the future of Burdette Park and the way that the whole configuration about park revenue and where the park is headed and that type of thing is being discussed. He thinks we need to take some time on this and he doesn't want any decisions made unless they are discussed and made at a Commission Meeting.

Mr. Tuley said the group he met with did not discuss any specifics as to how the revenue might be divided or anything of that nature. They just asked him if the County would be willing to entertain a proposal and that was as far as the discussion went. He told them he assumed the County would be willing to look at a proposal.

Commissioner McClintock suggested we get with Haralson and obtain information as to how he would view a wave-tech pool fitting into our current aquatic facility and what projected revenues he feels we would be looking at and the kinds of groups and individuals we might be attracting to the park. In response to query from Mr. Tuley, Ms. McClintock said she would like a response in writing.

Mr. Tuley said he will request information from Haralson.

Ms. McClintock again urged Mr. Tuley to get with Mr. Wittmer in the interim and draft a Request for Proposals well in advance of the Commission Meeting for their perusal.

Commissioner Hunter said he would like to compliment the news media (written and television) on some of the fine positive articles that have come out in the last few weeks on Burdette Park. The County appreciates it -- the numbers at Burdette Park are up dramatically this year.

Memorial/Jonathon Gugin: Mr. Hunter said that a few weeks ago Jonathan Gugin passed away as the result of cancer. He was a young man who worked in EUTS, was well educated and well liked and put up a terrific battle against cancer and lost. The EUTS people would like to plant a tree, with a plaque, somewhere around the Civic Center Complex in memory of Jonathan Gugin. He would like for the Board of Commissioners to go on record as requesting the Building Authority to give EUTS permission to carry out their task.

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

Ms. McClintock asked Mr. Wittmer to prepare the letter of support to the Building Authority.

There being no further business to come before the Board at this time, President McClintock declared the meeting recessed at 8:40 p.m.

PRESENT:

Carolyn McClintock, President
Don Hunter, Vice President
Richard J. Borries, Member
Sam Humphrey, County Auditor
Jeff Wilhite, County Attorney
Jerry Evans, Attorney for BFI
Erv Leidolf, BFI
Dixie Wagner
Normay Ray
Robert Boar
Rose Parks
Vickie McBride
Tammye Ryan
Jim Gist
Sue Hartig, Legal Aid
Mark Tuley, Manager/Burdette Park
Charles Althaus, County Coroner
Andy Easley, Asst. County Engineer
Greg Curtis, County Engineer
Gary Kercher, County Engineer's Office
Cletus Muensterman, County Highway Supt.
Sam Elder, Health Department
Lou Wittmer, Commission Office
Margie Meeks, Commission Office
Others (Unidentified)
News Media

SECRETARY: Joanne A. Matthews


Carolyn McClintock, President


Don Hunter, Vice President

Richard J. Borries, Member

Board of Commissioners

of the
County of Vanderburgh
305 ADMINISTRATION BUILDING
CMC CENTER COMPLEX
EVANSVILLE, INDIANA 47708



CAROLYN McCLINTOCK
DON L. HUNTER
RICHARD J. 'RICK' BORRIES



TEL. (812) 426-5241

AGENDA

VANDERBURGH COUNTY COMMISSIONERS

JULY 8, 1991

4:30 P.M.

FINAL

- ✓ 1. Call to order
- ✓ 2. Introduction of staff
- ✓ 3. Pledge of Allegiance
4. Any groups/individuals wishing to address the Commission - *None*
5. Action Items:
 - ✓ a. Ordinance providing Group Health Insurance benefits for qualified Retired Sheriff's Department employees
 - ✓ b. Petition for vacation on portion of Laubscher Road
 - ✓ c. Weekly report of progress made on property at 9301 Old State Road
 - ✓ d. Recommendation to County Council on Grant application
 - ✓ e. Letter from Sue Ann Hartig of Legal Aid Society on Personnel Policy — *Not Used*
 - ✓ f. Any appointments to be made
 - ✓ g. County Morgue - Charles Althaus and Andy Easley
 - ✓ h. Resignation of Jim Daniels from Emergency Planning Committee
6. Department Head Reports:
 - ✓ a. Jack Kirwer.....Vanderburgh County Auditorium
 - ✓ b. Cletus Muensterman.....County Highway Superintendent
 - ✓ c. Greg Curtis.....County Highway Engineer - *Nothing*
 - ✓ d. Jeff Wilhite.....County Attorney

7. Consent Items:

- a. Travel Request - Health Department
County Assessor
- b. Request to go on Council Call - County Commissioners
- c. Approval of claims
- d. Employment changes:

AUDITOR - Appointment made:
Joanna Morphew/Second Deputy \$19,118.00
07/07/91
AUDITOR - Release:
Joanna Morphew/Second Deputy

BURDETTE PARK - Appointments made:
Sarah West/P.T. Guard \$ 4.60 per hr.
06-19-91
Donald Wink/Bus Driver \$ 6.25 per hr.
06/29/91
Julie Bittner/Day Camp Counselor \$ 4.45 per hr.
06/24/91
Brian Bailey/P.T. Ground Crew \$ 4.50 per hr.
06/22/91
Amy Schuler/Day Camp Counselor \$ 4.45 per hr.
06/25/91
James Born/P.T. Ground Crew \$ 4.50 per hr.
06/27/91
Stephanie Helfrich/P.T. Guard \$ 4.35 per hr.
06/20/91
Robin Bertuca/P.T. Guard \$ 4.35 per hr.
06/19/91

BURDETTE PARK - Releases:

Sarah West/P.T. Guard \$ 4.35 per hr.
06/19/91
Robert Bohrer III \$ 5.00 per hr.
06/19/91
Kyle Kassel/P.T. Guard \$ 4.35 per hr.
06/19/91

COUNTY COMMISSIONERS - Release:
Sandie Deig/Joint Sec'y. \$ 8,719.00
07/03/91

CIRCUIT COURT - Appointments made:
Rebecca Springer/Typist \$ 5.25 per hr.
06/17/91
Melisa Howell/Office Assistant \$ 7.00 per hr.
06/17/91
Brent Wortman/P.T. Corrections Officer \$ 5.00 per hr.
06/17/91

NOTICE OF PUBLIC HEARINGS
ORDINANCE REPEALING GROUP HEALTH INSURANCE
BENEFITS FOR QUALIFIED RETIRED SHERIFF'S DEPARTMENT
EMPLOYEES AND BENEFITS FOR CERTAIN OFFICIALS
4:30 P.M. - MONDAY - JULY 29, 1991
4:30 P.M. - MONDAY - AUGUST 5, 1991

NOTICE IS HEREBY GIVEN that the Board of Commissioners
of Vanderburgh County, Indiana has scheduled Public Hearings
as follows with regard to the following Ordinance:

First Reading	4:30 p.m.	July 29, 1991
Final Reading	4:30 p.m.	August 5, 1991

(Insert attached ordinance here)

FAX LEGAL AD TRANSMISSION

ATTN: Paula Nance

FROM Joanne A. Matthews - County Auditor's Office, Room 208, Civic Center Complex,
Evansville, IN 47708

NUMBER OF PAGES SENT INCLUDING COVER 3

BILL LEGAL TO Same as above

LEGAL AD
RUN SCHEDULE The Courier & The Press - Friday, July 12, 1991

EXTRA PROOFS OF
PUBLICATION NEEDED
AND WHO TO -

SPECIAL REQUESTS FOR SETTING STYLE Per attached

COPY OF LAST TIME LEGAL RAN ATTACHED -

VANDERBURGH COUNTY AUDITOR.....FAX NUMBER: 426-5344

TRANSMISSION REPORT

THIS DOCUMENT (REDUCED SAMPLE ABOVE)
WAS SENT

**** COUNT ****
3

*** SEND ***

NO	REMOTE STATION I. D.	START TIME	DURATION	#PAGES	COMMENT
1	8124249091	7-10-91 14:14	2'05"	3	

TOTAL 0:02'05" 3

XEROX TELECOPIER 7020

CIRCUIT COURT - Releases:
Rebecca Springer/Typist \$ 4.25 per hr.
06/16/91
Melisa Howell/Office Assistant \$ 5.00 per hr.
06/16/91

PROSECUTOR - Appointments made:
Susan G. Mattingly/ Investigator \$23,302.00
07/16/91
Steven Jett, Jr./Dep. Pros. \$28,174.00
07/01/91

PROSECUTOR - Releases:
Susan D. Johnson/Investigator \$23,302.00
07/15/91
Susan G. Mattingly/Sr. Paralegal Secretary \$21,076.00
07/15/91

VANDEBURGH COUNTY COUNCIL - Appointment made:
Sandie Deig/Executive Assistant \$24,975.00
07/03/91

VANDEBURGH COUNTY COUNCIL - Releases:
John Harl, Jr./Executive Assistant \$28,056.00
06/28/91
Sandie Deig/Joint Sec'y. Position \$ 8,719.00
07/03/91

VANDEBURGH COUNTY HIGHWAY DEPARTMENT - Release:
Gary R. Page/Truck Driver \$10.21 per hr.
(Leave of absence 6/21/91 thru 7/26/91
due to motorcycle accident injuries)

VETERANS SERVICE - Releases:
Michael C. Robbins/Asst. Serv. Officer \$19,736.00
06/21/91

- e. Letter of Resignation from Data Board - Bob Stephenson
- f. Yearly Report for 1990 from Southwest Indiana Mental Health Foundation Inc. on Hillcrest - Washington Home
- g. Check received for rent on property located at 7401 Green River Court

h. Scheduled Meetings:

Tuesday, July 9 - Data Processing Board - 8:00 A.M. - Room 303
Tuesday, July 9 - Design Review Committee - 8:30 A.M. -
Room 307
Tuesday, July 9 - Subdivision Review Committee - 9:30 A.M. -
Room 303
Wednesday, July 10 - Solid Waste Meeting - 6:00 P.M. -
Room 307
Thursday, July 11 - Central Dispatch Meeting - 1:30 P.M. -
Room 301

Monday, July 15 - County Commissioners Meeting - 6:00 P.M. -
Room 307

Monday, July 15 - Rezoning Petitions - 7:30 P.M. - Room 307

8. Old business
9. New business
10. Meeting recessed - 8:30 P.M.

COUNTY OF VANDERBURGH

APPLICATION FOR RETENTION OF INSURANCE CONVERSION PRIVILEGE

VANDERBURGH COUNTY SHERIFF DEPARTMENT
(SWORN DEPUTY/SHERIFF)

In compliance with County Ordinance providing group health insurance benefits to qualified retired Sheriff's Department employees and benefits for certain officials, I hereby apply to reserve the option to receive coverage under the Plan in the event that I become eligible according to current guidelines.

I understand that, in order to exercise this option, I cannot be enrolled in any other employer sponsored plan as an employee or a dependent. I further understand that I will be expected to pay the County the appropriate rate for coverage provided.

I agree to abide by all provisions of the Plan and to furnish Vanderburgh County with any medical information requested.

Retirement Date: _____

Date of Application: _____

Signature: _____

Witness: _____

Attach current enrollment card to this form.

A new enrollment card will be required upon re-entry.

FAX LEGAL AD TRANSMISSION

ATTN: Paula Nance

FROM Joanne A. Matthews - County Auditor's Office, Room 208, Civic Center Complex,
Evansville, IN 47708

NUMBER OF PAGES SENT INCLUDING COVER 3

BILL LEGAL TO Same as above

LEGAL AD

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EXTRA PROOFS OF
PUBLICATION NEEDED
AND WHO TO -

SPECIAL REQUESTS FOR SETTING STYLE Per attached

COPY OF LAST TIME LEGAL RAN ATTACHED -

VANDERBURGH COUNTY AUDITOR.....FAX NUMBER: 426-5344

NOTICE OF PUBLIC HEARINGS
ORDINANCE REPEALING GROUP HEALTH INSURANCE
COVERAGES FOR QUALIFIED RETIRED EMPLOYEES
4:30 P.M. - MONDAY - JULY 29, 1991
4:30 P.M. - MONDAY - AUGUST 5, 1991

NOTICE IS HEREBY GIVEN that the Board of Commissioners
of Vanderburgh Count, Indiana has scheduled Public Hearings
as follows with regard to the following Ordinance:

First Reading	4:30 p.m.	July 29, 1991
Final Reading	4:30 p.m.	August 5, 1991

(Insert attached ordinance here)

**ORDINANCE REPEALING GROUP HEALTH INSURANCE
COVERAGES FOR QUALIFIED RETIRED EMPLOYEES**

BE IT ORDAINED by the Board of Commissioners of Vanderburgh County, Indiana that the ordinance passed by this body, Ordinance No. 86-32104, received for record in the Vanderburgh County Recorder's Office on December 18, 1986, filed at Misc. Drawer 2, Card 4878, a copy of which is attached hereto as Exhibit "A", is hereby repealed, and of no further force or effect.

This Ordinance shall become final, binding and in full force and effect immediately upon its passage and upon the execution hereof by the members of the Board of Commissioners of Vanderburgh County, or a majority of them.

VANDERBURGH COUNTY COMMISSIONERS

BY:

Carolyn McClintock, President

Don Hunter, Vice-President

Richard J. Borries, Member

PASSED BY THE BOARD OF COMMISSIONERS OF VANDERBURGH COUNTY ON THE
DAY OF _____, 1991, AND ON SAID DAY SIGNED BY THE
MEMBERS OF SAID COMMISSION AND ~~ATTESTED~~ BY THE UNDERSIGNED AUDITOR
OF VANDERBURGH COUNTY, INDIANA. *ATTESTED*

Sam Humphrey, Auditor
Vanderburgh County, Indiana

APPROVED AS TO FORM:

Jeffrey A. Wilhite, County Attorney

ORDINANCE PROVIDING GROUP HEALTH INSURANCE
for QUALIFIED RETIRED EMPLOYEES

BE IT ORDAINED by the Board of Commissioners of Vanderburgh County, Indiana that henceforth certain retired county employees shall be eligible to continue to participate in the county group health insurance program by paying an amount equal to one half of the cost of the program's monthly premium. The remaining one half of the premium shall be paid by the Board of County Commissioners or another unit of county government. Participation by the qualified retired employee may continue until such retired employee becomes eligible for Medicare.

To qualify, the retired employee must satisfy the following conditions:

- (1.) have retired after June 30, 1986; and,
- (2.) have reached fifty-five (55) years of age on or before the employee's retirement date but who will not be eligible on that date for Medicare coverage as prescribed by 42 U.S.C. 1395 et seq; and,
- (3.) have completed twenty (20) years of creditable employment on or before the employee's retirement date, ten (10) years of which must have been completed immediately preceding the retirement date; and,
- (4.) have completed at least fifteen (15) years of participation in the retirement plan of which the employee is a member on or before the employee's retirement date.

The qualified retired employee may elect to have the employee's spouse covered under the health insurance program at the time the employee retires. If a retired employee's spouse pays the amount the retired employee would have been required to pay for coverage selected by the spouse, the spouse's subsequent eligibility to continue insurance is not affected by the death of the retired employee. The surviving spouse's eligibility ends on the earliest of the following:

- (1.) when the spouse becomes eligible for Medicare coverage as prescribed by 42 U.S.C. 1395 et seq.
- (2.) when the employer terminates the health insurance program.
- (3.) two (2) years after the date of the employee's death.
- (4.) the date of the spouse's remarriage.

This Ordinance shall become final, binding and in full force and effect immediately upon its passage and upon the execution hereof by the members of the Board of Commissioners of Vanderburgh County, or a majority of them.

VANDERBURGH COUNTY COMMISSIONERS

RECEIVED
FOR RECORD

Dec 18 10 09 AM '86

BY: Robert L. Wilner
Robert L. Wilner, President

RECORDED
VANDERBURGH COUNTY

Richard J. Borries, Vice President

Shirley Jean Cox
Shirley Jean Cox, Member

EXHIBIT "A"

PASSED BY THE BOARD OF COMMISSIONERS OF VANDERBURGH COUNTY ON
THE 2ND DAY OF DECEMBER, 1986 AND ON SAID DAY SIGNED BY THE
MEMBERS OF SAID COMMISSION AND ATTESTED BY THE UNDERSIGNED AUDITOR
OF VANDERBURGH COUNTY, INDIANA.

Alice McBride, Auditor
Vanderburgh County, Indiana

APPROVED AS TO FORM:

Curt John
Curt John
County Attorney

EXCERPT RE SHERIFF'S INSURANCE ORDINANCE
JULY 8, 1991 COMMISSION MEETING

McClintock:

Under Action Items, the first item on the agenda is the Ordinance providing Group Health Insurance Benefits for Qualified Retired Sheriff's Department Employees.

Back in 1990, the Commission approved an Ordinance providing Group Health Insurance benefits for Qualified Retired Sheriff's Department Employees. After the first of the year, County Council raised questions regarding the amount of money that this was going to cost the taxpayers and a question as to whether there should be additional constraints or perimeters put around this, rather than leaving an open ended Ordinance that would go on for perpetuity. At that time we indicated to the Council that we would do a Fiscal Impact Study regarding this Ordinance, which has now been completed. We are having a meeting tomorrow afternoon at 4:00 with a representative from the Sheriff's Dept., a representative from County Council, Lou Wittmer and myself -- and we will sit down and look at this financial information and bring back to the Commission an Ordinance to replace the Ordinance that is currently in effect. So that is where we are at this point. We need to repeal the current existing Ordinance covering the Sheriff's Department Employees and also an Ordinance that was passed back in December of 1986, which gave full benefits to other employees retired from Vanderburgh County. In both cases, we feel that with the cost of Health Insurance that we need to set some perimeters within these Ordinances that would provide some assurances that future Commissions and Councils and, ultimately, the taxpayers, would not be burdened with something that they could not afford in future years. So that is where we are today on both of these particular Ordinances.

Wilhite:

So I have two Ordinances -- one that would repeal the December, 1986 Ordinance for Qualified County Employees and another

Ordinance that would repeal the one passed in December, 1990 concerning the Sheriff's Deputies.

McClintock: So what we are voting on today, Jeff, is simply whether we want to advertise these for public hearing?

Wilhite: Right.

McClintock: Okay. Does everyone who is here on this issue understand that this is an Ordinance, so it has to be advertised for First Reading and then Third and Final Reading, at which time a public hearing will be held? Hopefully, at that time we will have a proposed Ordinance ready so you can look at what we are going to be proposing at that point and make comments on both the Ordinance we are repealing and the new Ordinance that would provide for benefits.

Deputy: What if your're already a retiree under the Ordinance that is in effect?

McClintock: Those that have retired since January 1, 1990 who were eligible are eligible and will receive the benefit. There have been five (5) people retire. They would retire under the Ordinance as it was January 1, 1990 -- exactly.

Matthews: I believe you mean January 1, 1991...

McClintock: 1991. I'm sorry.

Borries: Now this Ordinance marked 'Old' in this folder is the one then that you are indicating would be revised or repealed?

McClintock: We have to repeal that and then come back with a new Ordinance.

Borries: Well, wouldn't it make more sense to have that in hand so we can see what changes we are going to make and then advertise, rather than advertising for repeal and then come up with something that hasn't even been drafted yet? Aren't you going to have your meeting tomorrow?

McClintock: We are going to have our meeting tomorrow, Rick. But the further we delay this, the more liability the County has.

Borries: Well, what is one week?

McClintock: Well, you have to advertise it and we will have ready for discussion at the public hearing the new Ordinance -- so you will be able to look it at prior to voting on this repeal the old Ordinance and the new Ordinance. We will have that ready.

Borries: Well, what's the rush? Why can't you wait one week -- to get the input from this meeting that you're having tomorrow -- and then have a proposed Ordinance, so you can have a public hearing where you can compare and people would be able to see this in advance?

McClintock: Rick, uh, as you know, the original Ordinance was something that was put through at the end of the year in 1990. There was not an opportunity, nor was any Fiscal Impact Study done by the former Commission or former Council.

Borries: Were you on that Board at that time?

McClintock: That is correct.

Borries: Did you vote for it?

McClintock: I was not in the majority, Rick.

Borries: Did you vote for it?

McClintock: Yes, I did vote for it, Rick.

Borries: All right -- Okay.

McClintock: But the longer we delay this -- I cannot continue -- after looking at the financial information -- to support an Ordinance that leaves wide open and continues the liability for the taxpayers of this County open ended.

Borries: Well, we can talk about the rhetoric and the taxpayers -- and that is certainly a concern that we all have. That is why we run for these offices and go through this. But I also have equal concern for the employees of this County and also if you were on the Board and you voted for it, it would surely seem to me that you would have had every bit of the opportunity to study this and to at that

point raise your concerns and reservations. Now, all of a sudden we're going to vote to repeal something and replace it with something we haven't seen -- and that is not good planning in my book.

McClintock: Rick, we're not voting to repeal this. All we're doing today is voting to set the hearing dates and advertising dates. That's all we're doing. You know we're not voting to repeal it. That's rhetoric.

Borries: Wait a minute. We originally talked about advertising this to repeal the current Ordinance.

McClintock: That is what we're voting on. We're not voting on repealing it; we're voting on whether we are going to advertise it and set public hearings for First and Third Readings -- that's all we're voting on. Joanne, when can you get this Ordinance advertised?

Matthews: Friday, July 12. There is no Commission Meeting on July 22nd, so the First Reading would have to be July 29th and Final Reading on August 5th.

McClintock: I would entertain a motion to advertise the Ordinance repealing Group Health Insurance Benefits for Qualified Retired Sheriff's Department Employees and Benefits for Certain Officials and also the Ordinance repealing Group Health Insurance Coverages for Qualified Retired Employees to be advertised on July 12th for First Reading on July 29th and Second, Third and Final Reading on August 5th.

Hunter: So moved.

Borries: I will second and ask for a roll call vote at this time.

McClintock: Commissioner Borries - No
Commissioner Hunter - Yes
Commissioner McClintock -Yes.

McClintock: So ordered.

Key Construction Company, Inc.
General Contractors



TEL. (812) 423-0488 FAX (812) 422-3775
2316 GLENVIEW AVE.
P.O. BOX 8313-STATION 8
EVANSVILLE, INDIANA 47712

June 25, 1991

Vanderburgh County Commissioners
Civic Center Complex
Evansville, Indiana

Gentlemen:

Re: Change Order No. 3
New Vanderburgh County Morgue

Following are various items of extra work selected by the owners representative from previous written proposals. This work has not been covered by any previous changes orders and will change the scope of work of the contract to date. The revised scope of work of the contract to be altered by this change order is as follows:

- A. Change type of surgical sink as per item No. 1 of 4-18-91 proposal:
Amount of extra.....\$ 1,286.00 ✓
- B. Install mail slot as per item No. 2 of 4-18-91 proposal:
Amount of extra.....\$ 75.00 ✓
- C. Furnish laminated glass in (5) windows as per item No. 3 of 4-18-91:
Amount of extra.....\$ 875.00 ✓
- D. Furnish humidifiers as per item No. 4 of 4-18-91 proposal:
Amount of extra.....\$ 1,200.00 ✓
- E. Install additional landscaping as per 6-3-91 proposal:
Amount of extra.....\$ 1,375.00 ✓
- F. Rework night lights as per item No. 1 of 6-5-91 proposal:
Amount of extra.....\$ 654.00 ✓
- G. Floor work as per item No. 2 of 6-5-91 proposal:
Amount of extra.....\$ 590.00 ✓
- H. Floor work as per 6-17-91 proposal:
Amount of extra.....\$ 1,868.00 ✓
- I. Floor work as per item No. 1 of 6-19-91 proposal:
Amount of extra.....\$ 85.00 .

(continued)

Key Construction Company, Inc.
General Contractors



TEL. (812) 423-0498 · FAX (812) 422-3775
2316 GLENVIEW AVE.
P O BOX 8313-STATION B
EVANSVILLE, INDIANA 47712

(2)

J. Install shelving as per item No. 2 of 6-19-91 proposal:
Amount of extra.....\$ 360.00

K. Install coat rack in Doctor's rest room as per item
No. 3 of 6-19-91 proposal:
Amount of extra.....\$ 110.00

L. Electrical power to owners furnished partitons as
per item No. 4 of 6-19-91 proposal:
Amount of extra.....\$ 90.00

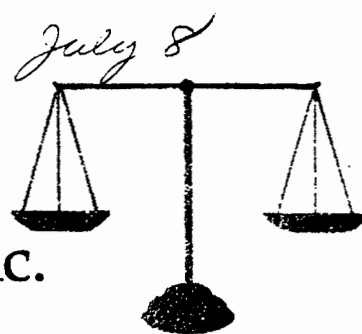
Total amount of above extras resulting in an Addition of
\$ 8,568.00 for Change Order No. 3.

Respectfully submitted,

Key Construction Co. Inc.


Don Loehrlein

Legal Aid Society of Evansville, Inc.



ROOM 200, CIVIC CENTER COMPLEX • 1 N.W. SEVENTH STREET • EVANSVILLE, INDIANA 47708 (812) 426-5173

June 27, 1991

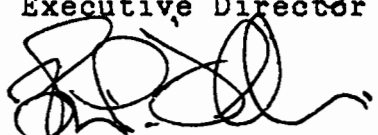
Carol McClintock, President
County Commissioners
Administration Building, Room 305
1 NW Martin Luther King, Jr. Blvd.
Evansville, IN 47708

Dear Ms. McClintock:

Pursuant to our recent conversations, we are writing to inform you that the staff of the Legal Aid Society of Evansville, Inc. intends to follow all of the terms and conditions spelled out in the Vanderburgh County Personnel Policy and Ordinance with one (1) exception. We wish to observe the 8:00 a.m. to 4:00 p.m. office hours observed by most of the County Courts. This action has been approved and authorized by the Board of Directors of the Legal Aid Society. We would like the new office hours to take effect July 15, 1991. Thank you.

Sincerely,

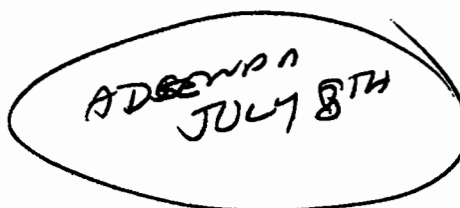

Sue Ann Hartig, Attorney at Law
Executive Director


Brian Williams, Attorney at Law
Kahn Dees Donovan & Kahn
President of the Board of Directors

SAH:kar

cc: Don Hunter
Rick Borries

hours.doc



CHANGE
ORDER

AIA DOCUMENT G701

Distribution to:

OWNER ☐
ARCHITECT ☐
CONTRACTOR ☐
FIELD ☐
OTHER ☐

PROJECT: Vanderburgh County Morgue
(name, address) 201 S. Morton
Evansville, Indiana
TO (Contractor):

Key Construction Co. Inc.
2316 Glenview Ave.
Evansville, In. 47720

CHANGE ORDER NUMBER: 3
INITIATION DATE: June 25, 1991
ARCHITECT'S PROJECT NO:
CONTRACT FOR: New Morgue Building
CONTRACT DATE: January 7, 1991

You are directed to make the following changes in this Contract:

Items of work as set forth in Change Order No.3 form letter dated June 25, 1991. A copy of which is attached.

Amount of Change Order No. 3.....\$ 8568.00

Not valid until signed by both the Owner and Architect.

Signature of the Contractor indicates his agreement herewith, including any adjustment in the Contract Sum or Contract Time.

The original (Contract Sum) (Guaranteed Maximum Cost) was \$ 528,243.20 ✓
Net change by previously authorized Change Orders \$ -24,024.00 ✓
The (Contract Sum) (Guaranteed Maximum Cost) prior to this Change Order was \$ 504,219.20 ✓
The (Contract Sum) (Guaranteed Maximum Cost) will be (increased) (decreased) (unchanged)
by this Change Order \$ 8,568.00
The new (Contract Sum) (Guaranteed Maximum Cost) including this Change Order will be ... \$ 512,787.20
The Contract Time will be (increased) (decreased) (unchanged) by () Days.
The Date of Substantial Completion as of the date of this Change Order therefore is

RALPH A. EASLEY, JR. Key Const. Co. Inc.
ARCHITECT CONTRACTOR
Address 2316 Glenview Ave.
Evansville, In. 47720

Authorized:
County Commissioners
OWNER
305 Civic Center
Address
Evansville, In. 47708

BY Ralph A. Easley, Jr. BY Jim Lohr
DATE JUNE 28/1991 DATE 6-25-91

BY Cassidy S.M. Wood
DATE 7/8/91

Project Description: (describe project and how funds would be used)

Projected Accomplishments: _____

Past Project Accomplishments (if applicable)

Date project will start _____

Date project will end _____

Would your group like to appear before the council or commissioners? yes _____ no _____

Funding for all projects is budgeted for the next fiscal year in August,
the prior year.

All applications for funding should be sent to:

President, County Commissioners

Finance Chairman, County Council

Vanderburgh County
Grant Request
Application Form

Submit original plus 12 copies along with one copy of your most recent report of Indiana Non-Profit Corporation.
(State form #2423)

Organization Name: _____

Address _____

City _____ State _____ Zip _____

Phone () _____

Organization Representative:

Name _____

Address _____

City _____ State _____ Zip _____

Phone () _____

Person responsible for the administration and supervision of this project:

Name _____

Address _____

City _____ State _____ Zip _____

Phone () _____

Financial Officer (person to whom checks are mailed)

Name _____

Address _____

City _____ State _____ Zip _____

Phone () _____

Project Benefits (describe briefly) _____

Funding

Are you seeking operating funds? yes ____ no ____

If yes, what percent of operating funds is represented by your request ____%

Are you seeking other sources of funding in addition to ours? yes ____ no ____

Have you received other funding for this project in prior years? yes ____ no ____

If yes, list sources and amounts received, including donations and/or dues.

_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____

Please state the entire budget for this project \$ _____

Please state the organizations entire budget \$ _____

Please list all paid employees for this project

Title	Perm	Temp	Annual Salary	Salary Paid w/Grant Funds
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

EVANSVILLE-VANDERBURGH COUNTY
B U I L D I N G C O M M I S S I O N
1 Northwest Martin Luther King, Jr. Blvd.
Room 310 Civic Center Complex
Evansville, Indiana 47708-1874
(812) 426-5463

Frank F. McDonald II
Mayor

Roger L. Lehman
Building Commissioner

To: Board of County Commissioners
From: Building Commissioner, Roger Lehman
Re: 9301 Old State Rd, Matthew Short

An inspection July 8, 1991 at 11:30 AM indicates that no repairs have been initiated. The house and garage are currently secure. If repairs are not initiated within the next week, in my opinion, it will not be physically possible to complete the repairs within the given time frame.

I would recommend that the Board's attorney send Mr. Short a letter outlining your position on this matter and your authority granted by Sec.150.053 of Vanderburgh County Municiple Code of Ordinances.

Mr. Shorts Attorney is Mr. Sheets who should receive a copy of all correspondence on this matter.

Recommendation to County Council:

Community agencies or organizations experiencing a shortfall in funding frequently approach the Council or the Commission seeking funding. For example, funding requests this year have been received from these organizations:

Youth Resources	Willard Library
The Old Courthouse	The Coliseum
SWIRCA	VISION 2000
ABC Development (incubator program)	CASA
Southwest Indiana Highway Coalition	

All outside the traditional governmental services operation but frequently are a very important aspect of the community's development.

Groups funded in 1990 include:

- Youth Resources
- VISION 2000
- The Coliseum
- Community Focus
- Retarded Citizens (EARC)
- Southwest Indiana Mental Health
- Willard Library
- Alexander Ambulance

Instead of a piecemeal approach by the Commission and Council, I would like to recommend a more formalized grant process. A grant application could be prepared along with supplemental materials that would provide the Council and Commission with the same basic information. As a joint venture the two bodies would determine the amount of funding that can be reasonably committed by the county and then the interested organizations would be invited to submit an application for consideration. A public hearing would be held and at budget time this process would be completed.

Key Construction Company, Inc.
General Contractors



TEL (812) 423-0498 - FAX (812) 422-3775
2316 GLENVIEW AVE.
P.O. BOX 8313-STATION B
EVANSVILLE, INDIANA 47712

June 25, 1991

Vanderburgh County Coroner
201 S. Morton Ave.
Evansville, In. 47713

Att: Mr. Charles Althaus:

Dear Sir:

Re: New County Morgue Building

Enclosed please find (2) copies of change order No. 3 for the above project. After review, if you agree with the items, please have the Commissioners sign where indicated on the Change Order From and return one copy for our files.

Respectfully submitted,

Key Construction Co. Inc.


Don Loehrlein

VANDEBURGH COUNTY

REQUEST FOR ACTION

To: Vanderburgh County Commissioners Date: July 8, 1991

Department: _____

From: Jack Kirwer

Department: Vanderburgh Auditorium Convention Center

Please do the following:

_____ Research and report back

_____ Call and discuss; report back

_____ Send correspondence

_____ Attend on behalf of the Commissioners; report back

_____ For your information

☒ Request For Action.

The Evansville Philharmonic Orchestra is requesting a fee waiver for
September 19 and September 20. They would use the Auditorium stage
for their Annual Fund Kickoff meetings. This fee waiver has been recom-
mended by the Auditorium Advisory Board.

Comments: _____

Completed by: _____

Date: _____

**ORDINANCE REPEALING GROUP HEALTH INSURANCE
BENEFITS FOR QUALIFIED RETIRED SHERIFF'S DEPARTMENT
EMPLOYEES AND BENEFITS FOR CERTAIN OFFICIALS**

BE IT ORDAINED by the Board of Commissioners of Vanderburgh County, Indiana that the ordinance passed by this body, Ordinance No. 90-25682, received for record in the Vanderburgh County Recorder's Office on December 27, 1989, filed at Misc. Drawer 3, Card 5039, a copy of which is attached hereto as Exhibit "A", is hereby repealed, and of no further force or effect.

This Ordinance shall become final, binding and in full force and effect immediately upon its passage and upon the execution hereof by the members of the Board of Commissioners of Vanderburgh County, or a majority of them.

VANDERBURGH COUNTY COMMISSIONERS

BY:

Carolyn McClintock, President

Don Hunter, Vice-President

Richard J. Borries, Member

PASSED BY THE BOARD OF COMMISSIONERS OF VANDERBURGH COUNTY ON THE _____ DAY OF _____, 1991, AND ON SAID DAY SIGNED BY THE MEMBERS OF SAID COMMISSION AND ATTESTED BY THE UNDERSIGNED AUDITOR OF VANDERBURGH COUNTY, INDIANA.

Sam Humphrey, Auditor
Vanderburgh County, Indiana

APPROVED AS TO FORM:

Jeffrey A. Wilhite, County Attorney

90-25682

ORDINANCE PROVIDING GROUP HEALTH
INSURANCE BENEFITS FOR QUALIFIED
RETIRED SHERIFF'S DEPARTMENT
EMPLOYEES AND BENEFITS FOR CERTAIN OFFICIALS

BE IT ORDAINED by the Board of Commissioners of Vanderburgh County, Indiana, as follows:

1. The Group Health Insurance program adopted by Vanderburgh County for its employees, as amended from time to time, shall be made available to qualified retired Sheriff's Department sworn deputies. In order to qualify, a retired deputy must meet the following eligibility requirements:

- (a) Have retired from the Vanderburgh County Sheriff's Department on or after January 1, 1991;
- (b) Be at least fifty (50) years of age and less than sixty-five (65) years of age;
- (c) Have twenty (20) years of service as a sworn officer or serve eight (8) consecutive years as Sheriff of the Vanderburgh County Sheriff's Department;
- (d) Meet any and all eligibility requirements of said plan; and
- (e) The retiree must apply for coverage;
- (f) Pay only the employee share of the premium called for under the plan;
- (g) Not be enrolled in any other health insurance program;
- (h) Be required to submit to a notarized statement that he/she is not eligible for nor receiving any other hospitalization insurance coverage;
- (i) In the event that a false statement is submitted, the responsible retiree shall be liable to the county in the form of a fine in the sum of One Hundred Twenty-Five percent (125%) of the County funds expended for the benefits received.

EXHIBIT "A"

Upon reaching the age of sixty-five (65) or upon eligibility to participate in the Medicare program, the County may convert retiree's health insurance plan to a Medicare Supplement Plan under the same terms and conditions.

The health insurance plan shall be made available to covered dependents under the same terms and conditions of said plan.

2. All employees and officials of the Vanderburgh County Sheriff's Department, including, but not limited to, Sworn Deputies, Correction Officers, Nurses, Merit Commissioners, shall be eligible to participate in the complete fringe benefit program offered to other county employees by paying the employee share of the fees and charges and complying with the terms and conditions placed on other county employees. Only sworn deputy sheriffs and the Sheriff (after serving eight consecutive years) shall be eligible for the extended retirement coverage as specified in this Ordinance after complying with the terms and conditions.

3. In the event that a retired member of the Sheriff's Department is ineligible to continue this coverage due to failure to meet the requirements of No. 1 above, the retired member may reserve the option to receive coverage under the Plan on the date in which the retired member is no longer enrolled in any other health insurance program and provides adequate documentation to the County which indicates the same. An application to reserve this option must be made within sixty (60) days after such Employee's retirement date. The retired member, at reentry to the Plan, will be subject to the following conditions:

- (a) the qualifications in No. 1 above must be met;
- (b) the pre-existing condition clause of the plan will apply to the members and any dependents returning to the plan as well as any other clause applicable to new employees;
- (c) payment will be the "full rate" which is the rate that is in effect at that time and will be subject to future increases after that time (the full rate is established based on employee cost which includes amounts paid by the active employee and amounts paid by the County).

This Ordinance shall become final, finding and in full force and effect immediately upon its passage and upon the execution hereof by the members of the Board of Commissioners of Vanderburgh County, or a majority of them.

VANDERBURGH COUNTY COMMISSIONERS

By:

Richard J. Borries
Richard J. Borries, President

Mark Owen
Mark Owen, Vice-President

Carol McClintock
Carol McClintock, Member

PASSED BY THE BOARD OF COMMISSIONERS OF VANDERBURGH COUNTY ON THE
17th DAY OF December, 1990, AND ON SAID DAY SIGNED BY THE
MEMBERS OF SAID COMMISSION AND ATTESTED BY THE UNDERSIGNED
AUDITOR OF VANDERBURGH COUNTY, INDIANA.

Sam Humphrey
Sam Humphrey, Auditor
Vanderburgh County, Indiana

APPROVED AS TO FORM:

Curt John
Curt John, County Attorney

HARRY P. DEES
ARTHUR R. DONOVAN
ALAN N. SHOYERS
THOMAS O. MAGAN
LARRY R. DOWNS
WM. MICHAEL SCHIFF
ROBERT H. BROWN
JON D. GOLDMAN
MARILYN R. RATLIFF
BRIAN P. WILLIAMS
G. MICHAEL SCHOPMEYER
DAVID L. CLARK
JEFFREY A. WILHITE
JOHN E. HEGEMAN
JEFFREY K. HELFRICH
JEFFREY W. AHLERS
MARY LEE FRANK
D. BRYAN WEESE
MARJORIE J. SCHARPF

LAW OFFICES

KAHN, DEES, DONOVAN & KAHN

305 UNION FEDERAL BUILDING

P. O. BOX 3646

EVANSVILLE, INDIANA 47735-3646

TELEPHONE (812) 423-3183

TELECOPIER (812) 423-3841

ISIDOR KAHN
(1897-1963)
ROBERT KAHN
(RETIRED FROM
PRACTICE 1968)

OF COUNSEL

DIANE L. BENDER
GAYLON L. CLARK

July 8, 1991

HAND DELIVERED

Mr. Sam Humphrey
Vanderburgh County Auditor
Civic Center Complex, Room 208
One Martin Luther King Boulevard
Evansville, IN 47708

Re: Frank Hassell's Employment Contract

Dear Sam:

It has been brought to my attention that you have refused to acknowledge the legality of the Employment Agreement between the Vanderburgh County Commissioners and Frank Hassell. This Employment Agreement is a binding legal contract and as County Auditor you have a duty to pay Frank Hassell.

The County, as employer, is also required to withhold taxes from an employee's pay check. To refuse to withhold these taxes could lead to the imposition of severe penalties. Under I.C. 6-3-4-8(f) you are personally liable for such withholding taxes and penalties for failing to withhold.

Sam, as the amount being spent on County legal fees is examined, my having to give advice to various County boards and officeholders to follow the law will likewise be examined. Taxpayers should not have to continue paying for advice to simply follow the law.

Please let me know if you have any additional questions, concerns, or legal opinions.

Very truly yours,

KAHN, DEES, DONOVAN & KAHN


Jeffrey A. Wilhite

JAW/jes

cc: County Commissioners

KAHN, DEES, DONOVAN & KAHN

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PRACTICE 1968)

OF COUNSEL

DIANE L. BENDER
GAYLON L. CLARK

July 8, 1991

Ms. Carol McClintock
President, Vanderburgh County
Commissioners
Civic Center Complex, Room 305
Evansville, IN 47708

Re: County Attorney Report

Dear Ms. McClintock:

Please let me report on the status of various legal matters as County Attorney:

1. The EARC Lease has been negotiated and is attached for your approval.
2. Koester Contracting has raised a question concerning the awarding of asphalt bids. Attached please find my legal opinion.
3. After an injury, the County continued to pay employee, Ron Martin. Martin's attorney is preparing to settle a suit against a third party and needs the County to confirm the amount of our interest. We are entitled to a lien in the amount of the wages we paid, less plaintiff's attorneys fees in the amount of 1/3. Unless you instruct me otherwise at tonight's meeting, I will assert the County's interest in the amount of 2/3 of the wages we paid.
4. Attached is a legal opinion we have prepared on drainage board inspections.
5. I instructed City Attorney Kevin Winterheimer to go ahead and redraft the Parking Lot Agreement with the City to provide for a 30-day termination clause by either party. He is to make that change, get the City's approval, then send it back to us for final approval.

Ms. Carol McClintock
July 8, 1991
Page 2

6. We have submitted our legal brief in the tax appeal involving the Auditorium and Burdette Park.
7. I was asked to prepare draft Ordinances repealing certain Ordinances concerning health benefits. Attached are those Ordinances.
8. Last week we presented an Escrow Agreement involving Blankenberger. As you may recall, the County Auditor had rendered his legal opinion that such a provision would violate the Bond documents. Confirming my opinion, Bond counsel disagreed with the Auditor. I understand that the Auditor expressed another legal opinion at last week's meeting that I.C.36-1-12-14 prohibits such an agreement. I have read that statute and do not see how such a legal interpretation could be given to the facts as I understand them.
9. The Bobbitt jail suit appeal has been dismissed for failure of Bobbitt to file certain fees.

Very truly yours,

KAHN, DEES, DONOVAN & KAHN


Jeffrey A. Wilhite

JAW/jes

Enclosures

cc: Don Hunter
Richard Borries

REQUEST FOR APPROPRIATION

DEPARTMENT County Commissioners DATE July 8, 1991

ACCOUNT	LINE ITEM	AMOUNT
130376	Occu-Med	\$2,500.00
130362	Duplicating Services	\$5,000.00

EXPLANATION OF NEED FOR REQUEST

We are holding a bill from St. Mary's Medical Center - Healthworks - for June, 1991 thru December, 1991, for 830 employees at \$5.00 per employee for 7 months programming. We only have a balance of \$1,700.00 so we need the extra money to pay this bill and there will be more bills coming in for the balance of this year. The amount of the claim is \$2,420.83. Thank you. We will need money in Duplicating Services to pay Lease Agreements, Maintenance charges, Meter Charges and supplies.

BALANCE OF ACCOUNTS

ACCOUNT NO.	BUDGET	DISBURSEMENTS	BALANCE	BALANCE AFTER APPROPRIATION
130376	\$5,000.00	\$3,261.00	\$1,736.00	\$4,239.00
130362	\$20,000.00	\$17,240.00	\$2,760.00	\$7,760.00

DEPARTMENT HEAD _____

REQUEST FOR APPROPRIATION

DEPARTMENT: County Commissioners DATE: July 8, 1991

ACCOUNT	LINE ITEM	AMOUNT
130361	Legal Services	\$50,000.00

EXPLANATION OF NEED FOR REQUEST

The \$50,000.00 that Council had approved will pay the claims now being held for legal services, but we will need more money in this account to pay future bills. Thank you.

BALANCE OF ACCOUNTS:

ACCOUNT NO.	BUDGET	DISBURSEMENTS	BALANCE	BALANCE AFTER APPROP

VCC-2 DEPARTMENT HEAD: Carol McClintock, President

REQUEST FOR TRANSFER OF FUNDS

DEPARTMENT _____ County Commissioners _____ DATE 7/8/91

	ACCOUNT	LINE ITEM	AMOUNT
FROM:	130311	Economic Development	\$2,000.00
TO:	130313	Travel	\$2,000.00

We are asking for an appropriation of \$5,000 but bills are being held to be paid now and it will be awhile before an appropriation will be approved .

BALANCE OF ACCOUNTS

ACCOUNT NO:	BUDGET	DISBURSEMENTS	BALANCE	BALANCE AFTER TRANSACTION
130313	\$15,000	\$15,000	0	\$2,000.00

YORK COUNTY
 REC'D
 JUL 09 1991
Sam Simpson
 AUDITOR

V CC-3

DEPARTMENT HEAD Carey M. O'Leary
President

MINUTES
COUNTY COMMISSION MEETING
JULY 15, 1991

I N D E X

<u>Subject</u>	<u>Page No.</u>
Meeting Opened at 6:00 p.m.	1
Introduction of Staff & Pledge of Allegiance	1
Appointments to Data Processing Board, Building Authority Board & Solid Waste Committee	1
CPI Increase/Art Gann & Roger Elliott	1
Lease Agreement with E.A.R.C.	1
Resolution re "Save Our River"	2
(Deferred to July 29th; Mr. Wittmer to contact Mr. Don Mottley re additional information)	
Progress Report re Property at 9301 Old State Rd.	3
Request for House Move Permit/1731 Apple Ridge to 23800 Mesker Park Drive	3
County Highway/Cletus Muensterman	3
Weekly Reports Claim/Old National Bank (\$23,651.00) Road Paving Program	
Burdette Park/Mark Tuley	3
Authorized hiring of Consultant at cost of \$2,000 to travel to Evansville to meet with the Commissioners on 8/2/91 Approved Request to go on Council Call Water Pressure Problems Invitation/World Waterpark Assn. Softball Team	
County Engineer/Greg Curtis	4
Orchard Rd. Bridge #158 - R/W Purchase Authorization (\$1,500) Street Standards Committee Appointed Construction Approval/Lincoln Point Subdivision Subdivision Cover Sheets USI Supplemental Agreement (deferred) Union Township Access Project/Temporary Closing of Old Henderson Rd. Claims (see County Engineer's Agenda attached hereto)	
County Attorney/Ted Ziemer, Jr.	5
Memorandum of Understanding of Conditions/BFI	
Sheriff's Department/Proposed Ordinance	6
(Copy attached hereto)	
Consent Agenda	6
Assigned Parking List	
Old Business	7
Travel Funds Legal Aid/Change in Work Hours (approved)	
New Business	7
Sheriff's Department/Merit Ordinance (First Reading scheduled 8/5/91 and Final Reading scheduled 8/12/91)	

Rezoning Petitions	8
VC-4-91/Petitioner D.P.F., Inc. (Denied)	
VC-5-91/Petitioner, Landel Enterprises (Approved)	
Meeting Recessed @ 8:10 p.m.	10

MINUTES
COUNTY COMMISSIONERS MEETING
JULY 15, 1991

The Vanderburgh County Board of Commissioners met in session at 6:00 p.m. on Monday, July 15, 1991 in the Commissioners Hearing Room with President McClintock presiding.

RE: INTRODUCTION OF STAFF & PLEDGE OF ALLEGIANCE

President McClintock called the meeting to order, welcomed the attendees, introduced members of the County Staff, and asked the meeting participants to stand for the Pledge of Allegiance.

Ms. McClintock asked if there are any outside individuals or groups who wish to address the Commission who do not find themselves listed on tonight's agenda. There was no response from the audience.

RE: APPOINTMENTS TO DATA PROCESSING BOARD, BUILDING AUTHORITY BOARD & SOLID WASTE COMMITTEE

Ms. McClintock said it has been recommended that Scott Anderson be appointed to the Data Processing Board to replace Bob Stephenson. Mr. Anderson is the owner of Anderson Computing.

It is also recommended that Michael Shoulders, an architect with Knapp, Given, Veazey & Shoulders, be appointed to the Building Authority Board to replace Don Kolb, whose term is expiring on that Board.

The appointment of Mr. Brett Townsend to the Facilities Sub-Committee (Solid Waste Management Committee). Mr. Townsend is with the Health Department and they requested he be appointed to that particular Sub-Committee.

Motion to appoint the foregoing individuals was made by Commissioner Hunter, with a second from Commissioner Borries. So ordered.

RE: CPI INCREASE - ART GANN & ROGER ELLIOTT

Mr. Gann said he is here this evening to obtain the signature of the Commission President on a letter stipulating that we will comply with the request of SCT for a Cost of Living increase based on our arrangement with SCT. Each year they can apply for this in the month of May and the figure is derived from the cost of living index provided by the Department of Labor. The invoices will increase for the next 12 month period a total of \$27,000 for the County and \$9,163.00 for the City. This is about a 4.3% increase.

Motion to approve was made by Commissioner Borries, with a second from Commissioner Hunter. So ordered.

RE: LEASE AGREEMENT WITH E.A.R.C.

Ms. McClintock noted that last week Attorney Wilhite submitted a draft of the newly proposed lease with E.A.R.C., reflecting changes Mr. Wilhite felt were beneficial to the County.

Following brief comments, upon motion made by Commissioner Hunter and seconded by Commissioner Borries the lease agreement was approved. So ordered.

RE: RESOLUTION RE "SAVE OUR RIVER"

Ms. McClintock noted Mr. Don Mottley submitted a Resolution to Petition the U. S. Corps of Engineers to "Save Our River". Mr. Mottley was not present and Ms. McClintock asked Attorney Ziemer if he wished to offer comments concerning this matter.

Commissioner Hunter said this came before the Commission in February. The Vigo Coal Company (a subsidiary of Koester Contracting) came before the Commission and the Commission approved the zoning, subject to approval by the U. S. Army Corps of Engineers and the Indiana Department of Natural Resources. He researched this last Friday when the Resolution arrived. It has gone beyond the Commission and is out of their hands. The next step is for the DNR and the Corps of Engineers to work with it. It already has the approval of the Commission and the Area Plan Commission.

Attorney Ziemer said he hasn't seen the proposed form of Resolution, but if the Commission can see fit to adopt it, it will require action.

Commissioner Borries said he believes Mr. Mottley understands clearly that there has been rezoning, but that the final decision is made by the U. S. Army Corps of Engineers. He was wanting some input on this and some support to express some concern.

Attorney Ziemer said this Board approved the zoning subject to the action by the U. S. Army Corps of Engineers and he questioned whether it would be appropriate for the Board to then try to suggest to the U. S. Army Corps of Engineers what they should do. He guesses the appropriate action would have been not to approve it in the first place, if that is what the Board felt. It does seem to him that it is really out of the Board's hands.

It was noted that the Board of Commissioners voted unanimously for the zoning. Following brief comments, Commissioner Borries noted there are a number of closed coal loading facilities along the Ohio River. If a number of these are inactive at this point, it would seem that the Corps of Engineers ought to look at other alternatives such as perhaps closing out or phasing out any kind of facilities not in use that could present an environmental hazard to the river. He thinks the Board might want to consider that type of Resolution to go along. There are some concerns that have been raised from the standpoint of boating and recreational grounds, as well as environmental grounds and, again, he understands there are a number of coal loading facilities which are not currently in use and perhaps some of the others could be phased out so this one could exist.

Attorney Ziemer said if the Commission is not suggesting the Corps of Engineers reject this, but suggesting the Corps study this and perhaps take other alternative action while approving it, then he thinks a Resolution suggesting that might be appropriate. The draft of the Resolution we have today says don't approve it. Perhaps Mr. Motley ought to suggest a form of Resolution along the line mentioned by Mr. Borries that would suggest some remedial things that ought to take place while this is going forward, which would seem to be more appropriate.

Following further brief discussion, Ms. McClintock said there was not testimony in the rezoning hearing to the effect that this proposed coal facility would have continued adverse effect on the air and water quality of the proposed site, for example, and she has not been provided with additional information that would lead her to believe that.

In conclusion it was determined that perhaps Mr. Mottley planned to be present on July 29th and the Board will take this under

Green Castle Drive will be 1" thicker in material that is placed for the road construction due to the traffic volumes. They are agreeable to that. They are wanting to leave open the option as to whether they use bituminous or whether they use concrete. He doesn't see any problem with that in this area. It is very flat and he doesn't think we're going to have any significant erosion problems underneath the pavement. He would recommend approval of the plans.

Upon motion made by Commissioner Borries and seconded by Commissioner Hunter the plans were approved and signed, as presented. So ordered.

Subdivision Cover Sheets: Mr. Curtis said he has the cover sheets of four different Subdivisions which have been approved at Commission meetings since the first of the year that, for some reason, have not been signed. He will leave those in the Commission office so possibly the Commissioners can sign same between the end of the Commission meeting and the rezoning hearings, so he can get them to the developers.

U.S.I. Supplemental Agreement: While this item is on his agenda, he would like to skip it for the time being, since he found a modification that needed to be made.

Union Township Access Project: In relation to this project, Mr. Curtis said a few weeks ago they suggested to the Commission that Old Henderson Rd. temporarily be closed during the daytime hours (emergency vehicles would be allowed access) for two reasons (public safety and to protect Old Henderson Rd. from the heavy construction traffic. They would like to get a decision from the Board today so the contractor can plan his work accordingly. Mrs. Carr from Dogtown Tavern (who is present today) and the Commissioners had indicated they would like some response from the citizens in the area. In the contract the contractor is allowed 30 days closure, which they will take at some point to make the connections between the old road and the new road. If we close the road from 8:00 a.m. - 5:00 p.m. during the week now, they may not require the full 30 day closure allowed.

Following comments by the owner of Dogtown Tavern (who said such temporary closure during the suggested hours would result in the layoff of five employees and a loss of business) and a lengthy discussion, a motion was entertained.

Upon motion made by Commissioner McClintock and seconded by Commissioner Borries, the Board approved temporary closing of Old Henderson Rd. from 8:00 a.m. - 11:00 a.m. and 1:00 p.m. - 5:00 p.m. So ordered. Ms. McClintock said this will be monitored and if this presents a problem, corrective action can be taken.

Claims: Mr. Curtis submitted twelve (12) claims for approval and recommended approval of same (see attached County Engineer's agenda for detail).

Upon motion made by Commissioner Borries and seconded by Commissioner Hunter the claims were approved for payment. So ordered.

RE: COUNTY ATTORNEY - TED ZIEMER

Memorandum of Understanding of Conditions/BFI: Attorney Ziemer said he has the foregoing for approval, which were set at last week's meeting, which was prepared by Jeff Wilhite's office. The Memorandum has already been signed by BFI and if the Commission agrees, is to be signed by the President of the Commission. These are the four conditions outlined at last week's meeting, which are a part of the Ordinance approving the vacation of a portion of Laubscher Rd.

Motion to approve the Memorandum of Understanding of Conditions was made by Commissioner Hunter, with a second from Commissioner Borries. So ordered.

Sheriff's Department/Proposed Ordinance: Mr. Borries raised questions concerning Item #6 on the Attorney's Report, asking how this revision taking place?

President McClintock said they had a meeting with Pete Swain, Pam West, and Jim Moers of the Sheriff's Department (the original group that brought the Ordinance approved in December, 1990 to the Commission's attention). They reviewed with them some proposals on changes, primarily to limit the window of opportunity for retirement so it wouldn't be in force and effect forever and ever. She thinks they agreed upon a three (3) year time period in which they would have to re-enact that Ordinance or else it would sunset -- so that it could not accidentally be allowed to sit out there forever. They made sure that everybody understood that retired deputies would not be locked in to whatever their contribution level was at the time of their retirement and the fact that they would be treated like any other County employee -- and there is language in there to that effect. If the County employee contribution went up to \$30 or \$50, then their contribution would go up likewise. It was also discussed -- and they agreed -- that if someone's status changed to the benefit of the County -- if an employee retired and they were single and they married after their retirement, that they could not move from the single to the family plan -- and they agreed to that, which is beneficial to the County. If vice versa occurred and someone was married and divorced or widowed, then they would go to a single plan which, again, would save the County money. Once they are eligible for Medicare, then they have to apply for that. They also discussed making a proposal (as does the Evansville-Vanderburgh School Corporation) that instead of the insurance, offering a cash buyout and they were going to make a proposal back to us. We got that information to Gary Price and Gary was to prepare the Ordinance. He apparently has done so and sent it to the Sheriff's Department. We've not yet seen it. However, copies will be obtained for the Commissioners and it will be on the Commission Agenda on July 29th for introduction and schedule the dates for First and Final Readings.

RE: CONSENT AGENDA

Ms. McClintock entertained questions concerning the Consent Agenda and announced there is a Pigeon Creek Committee Meeting on August 1st at 4:00 p.m. and the U. S. Army Corps of Engineers and the DNR will be on hand.

Mr. Borries mentioned Item "g" the County Parking Stickers and assigned parking spaces. He received a ticket today for parking in his usual parking place and questioned same.

Ms. McClintock said he should not have received a ticket. Parking Stickers were included with paychecks the last pay period.

Discussion took place concerning handicapped spaces, news media spaces, and public parking spaces. Ms. McClintock advised there has been no change with regard to the first two and she will check on the latter. The instructions to the Committee were not to take away any of those types of provisions.

Motion to approve the Assigned Parking List was made by Commissioner Hunter, with a second from Commissioner Borries. So ordered.

RE: OLD BUSINESS

Travel Funds: Ms. McClintock noted County Council's concern re the travel budget. It's one lump sum and it appears the people who get there first spend the money and none is left for the rest of the departments. Lou Wittmer has sent a questionnaire to all departments to determine what they anticipate they will need to spend for travel in 1992, so when Council prepares the 1992 budget there still will be one Commission travel budget, but within that budget there will be an agreement between the Commission and Council as to general allocation amounts by department -- which should allow fair allocation of the travel funds.

Ms. Sue Hartig of Legal Aid said they specify travel in their own budget, rather than using what is in the Commission budget so the County can bill the City back for half the cost.

Legal Aid/Change in Work Hours: Ms. McClintock said Sue Hartig of Legal Aid is here today with regard to their request to change office hours. The question was raised last week concerning the way the Ordinance was written and whether or not that would prevent the Commission from authorizing the office hours to be changed back to 4:00 p.m. as the Courts are. The Ordinance does not define the work day as 8:00 a.m. to 5:00 p.m.; it defines it as a 40 hour work week, so if the Commission wishes to approve the request they can do so.

Motion was made by Commissioner Hunter to approve the request, with a second from Commissioner Borries, who asked for a roll call vote. Commissioner Borries, no; Commissioner Hunter, yes; and Commissioner McClintock, yes. So ordered.

RE: NEW BUSINESS

Sheriff's Department/Merit Ordinance: The meeting continued with Sheriff Ray Hamner presenting a proposed County Ordinance which would establish and place the Vanderburgh County Sheriff's Department civilian Correction Officers under the jurisdiction of the Sheriff's Department Merit Commission and asked the Commissioners to consider adoption of same. (See attached memo and proposed Ordinance, which is self-explanatory.)

Ms. McClintock said the procedure would be that discussed on the phone this afternoon - to refer the proposed Ordinance to the County Attorney for review and then advertise for First and Final Readings. Prior to that referral, however, the Commission would need to agree that this is generally a good idea. They wouldn't want to refer something to the Attorney on which they had not made a policy decision. The Commission does not have a meeting on July 22nd and Sheriff Hamner indicated he will be out of town on July 29th. The earliest date the First Reading could be scheduled would be August 5, 1991.

Mr. Chuck Whobrey, Business Agent for Teamster's Union Local 215, was recognized. He stated that approximately a year ago the Commissioners recognized them as Bargaining Agent for the Correction Officers. They've had several meetings with the County and in their contract they certainly are attempting to address job security issues, grievance issues, and they certainly want to eliminate the patronage system. If he has his way he is going to do a good job of eliminating that in this County -- not just for the Correction Officers. Given the fact that they have a negotiating session scheduled for Friday, July 26th, that we have this emergency Ordinance introduced. He would just like to remind the Commissioners of that. They are certainly willing to work with the County to try and achieve all these goals and they think all of these goals can and will be achieved when the union contract is signed and these things can be put in the contract. Since they

have been recognized as the Bargaining Agent, he thinks that -- if nothing else except out of courtesy -- it would have been nice for the Sheriff to at least share this information with him.

Sheriff Hamner countered that this is not a union matter per se. It is a Merit Ordinance, dealing strictly with the merits of the hiring, dismissals, promotions and schooling and qualifications, in general, of the Correction Officers of the Vanderburgh County Sheriff's Department of which there are none at the present time. He is well aware that Mr. Whobrey was recognized by some Board well over a year ago before he took office. But at the same time this has nothing whatsoever to do with the union. It has nothing to do with negotiations of wages and benefits and things of that sort. This is merely an Ordinance in reference to the Merit System. The Evansville Police Department has a Merit System; the Vanderburgh County Sheriff's Department has a Merit System; the Evansville Fire Department has a Merit System; and Police Departments throughout this country have Merit Systems -- and they all have bargaining agents.

Mr. Whobrey said it certainly does have something to do with the union and their role in representing the employees there. They certainly do represent the employees in grievances; they certainly do deal with job security -- and there are many items mentioned in the Sheriff's presentation that have everything to do with their role as the Collective Bargaining Representative of those employees.

There being no further business to come before the Board prior to hearing the Rezoning Petitions, President McClintock declared the Board recessed at 7:20 p.m. and said the Board will reconvene at 7:30 p.m.

* * * * *

R E Z O N I N G P E T I T I O N S

The Board of Commissioners reconvened at 7:30 p.m. to hear Rezoning Petitions, with the meeting room packed to capacity and overflowing. Ms. McClintock said there are no petitions to be heard on First Reading this evening. Petitions being heard on Third and Final Reading were as follows:

VC-4-91/Petitioner, D.P.F., Inc.: Requested zoning is from R-1 to C-4, with a Use and Development Commitment. Attorney Don Wright was present to represent D.P.F., Inc., owned and operated by Jerry David, who also owns and operates the asphalt and concrete plant on the west side of town. The property in question is located on the northeast corner of Fuquay Rd. and Pollack Avenue. The initial Petition included two (2) parcels. They subsequently have deleted the parcel to the north of I-164 and are here tonight solely with respect to that parcel which lies at the northeast corner, excluding a lot that is on the northeast corner and the Flanary house and then wrapped around that. So they're talking about that portion on the south side of I-164. Attorney Wright then proceeded to give quite a lengthy presentation in behalf of the Petitioner.

Attorney Wright then introduced Mr. John VanHolland, who spoke regarding the effect the zoning, if granted, would have upon the workers of David Enterprises.

Mr. VanHolland stated they are a very seasonal industry and these little projects that Mr. David comes up with are what keeps them during the winter months and keeps them off the unemployment list. As a result, they've experienced minimal unemployment in the past. On behalf of the employees and their dependents he would ask that the Commission take this into consideration.

There were in excess of eighty (80) remonstrators opposed to the petition and among those voicing their concerns included Attorney Garland Cravens, who stated he represents the neighbors opposed to the petition. When the initial petition was filed it received eight (8) negative votes in the Area Plan Commission. Subsequently, the Amended Petition received nine (9) negative votes. The people opposing this petition are not employees of Mr. David, but rather people who live in the affected area. The neighbors are overwhelmingly opposed to this petition. They do not want mini-warehouses in their neighborhood as evidenced by the Petition submitted, as evidenced by the remonstrators here tonight, and as evidenced by the telephone calls and letters that he knows each of the Commissioners have received. Secondly, the Comprehensive Zoning Plan designates this area as Residential and discourages spot zoning. If that document means anything, this petition should not be approved. Angel Mounds is nearby and he believes a representative of Friends of Angel Mounds has also contacted the Commissioners and expressed their concerns re having a commercial venture so close to such an historic site. When commercial zoning gets a foothold in a residential area, it's just a matter of time before other commercial zoning pops up there. He thinks the only reason the Commission would consider rezoning the designated area is because of the borrow pits. But he thinks the Commission needs to keep in mind that this is not going to remedy the situation with the pits. Mr. David's petition is not a proposal for re-use of the area where the pits are located; it's for an adjacent area. He is not going to fill in the pits and build the mini-warehouses where the pits once were. When we leave here tonight, Mr. David will have no commitment whatsoever to fill those pits. The first slap in the face was the pits and the second slap in the face is these mini-warehouses. By approving this petition for rezoning the Commission would be adding insult to injury and making a bad situation worse. They might as well dig a hole in Johnson Place and put a McDonald's next to it. Mr. David's investment is nominal; he bought that property from Traylor Bros. for approximately \$750.00. Each person who has signed the Petition opposing the rezoning and each remonstrator here tonight has more than \$750.00 invested in the community and collectively they have hundreds of thousand of dollars invested. If this Board approves the rezoning petition they are, in fact, yielding to the interest of one man and being non-responsive to the express wants of the people in the community who are affected. Since the pits were constructed out there the neighbors have met with numerous government officials. The Commissioners have been out there; State officials have been out there; U. S. Congressmen have been out there. So far, no one has been able to do anything about the borrow pits and these people feel that their local government has been somewhat non-responsive. No one ever asked them if they wanted those pits -- they just got them. They are, however, being asked if they want those mini-warehouses and the answer is "no". Again, these people feel that their government has been non-responsive and the Commission has an opportunity to remedy that tonight by voting against this rezoning.

Ms. McClintock said she does want the citizens/neighbors to know that the borrow pits were constructed through a State Highway project -- and were not a project of the Vanderburgh County Commission. Commissioner Borries and this Commission have sent letters to the State expressing the same concerns that Mr. Cravens just voiced regarding the way that property was left following the completion of that project. The Commission is at a loss at this point as to what they can do to deal with that -- and now they are dealing with private property.

In response to query from Commissioner McClintock as to whether the neighbors have any suggestions or ideas re what they think should happen to that property, Attorney Cravens said he thinks they would prefer it to be just the way it is. They definitely do not want

commercial zoning in there -- they'd rather have the pits just the way they are.

Following further lengthy discussion and questions and comments from the Commissioners, a motion was entertained.

Motion was made by Commissioner Hunter and seconded by Commissioner Borries to approve the petition. Commissioner McClintock then asked for a roll call vote: Commissioner Borries, no; Commissioner Hunter, no; and Commissioner McClintock, no. Petition denied by unanimous negative vote, with a subsequent overwhelming round of applause from the audience. So ordered.

VC-5-91/ Petitioner, Landel Enterprises: Petitioner is requesting change from Agricultural to C-4 zoning with a Use and Development Commitment. Attorney Rod Clutter was representing the petitioner and said at the last meeting the Commission's primary concern was off premise advertising. They have taken care of that with a conditional use permit that has been executed by the landowner (Mrs. Banks, who is here tonight). They have tried to respond to both the requests of the Commission and the Area Plan Commission to restrict off premise advertising and it has been recorded. They were before the APC a couple of weeks ago and received a 12-0 affirmative vote re the Petition.

Commissioner Borries said Dennis Vowels spoke at the 7/3/91 APC meeting. Has Mr. Clutter made any settlement in behalf of the Board of Public Works?

Attorney Clutter said an agreement was reached today. Mr. Vowels was here earlier this evening, but is now at City Council Meeting. C. E. Oswald and Bob Becker are handling this on behalf of his firm and Mr. Vowels is handling this for the City. The agreement was hammer out today and should be executed within the next couple of weeks. He learned about this from Dennis Vowels earlier this evening and he knows he spoke earlier with Jeff Wilhite, thinking he would be here this evening.

There being no further questions or discussions, a motion was entertained.

Motion was made by Commissioner Hunter and seconded by Commissioner Borries to approve the petition.

Ms. McClintock then asked for a roll call vote: Commissioner Borries, yes; Commissioner Hunter, yes; and Commissioner McClintock, yes. Petition approved by unanimous roll call vote. So ordered.

There being no further business to come before the Board at this time, President McClintock declared the meeting recessed at 8:10 p.m.

PRESENT:

Carolyn McClintock, President
Don Hunter, Vice President
Richard J. Borries, Member
Cindy Mayo, Chief Deputy Auditor
Ted Ziemer, County Attorney
Art Gann, Police Chief
Roger Elliott, SCT
Cletus Muensterman, County Highway Supt.
Mark Tuley, Manger/Burdette Park
Greg Curtis, County Highway Engineer
Gary Kercher, County Engineer's Office
Sue Hartig, Legal Aid

COUNTY COMMISSIONERS
JULY 15, 1991

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Ray Hamner, Sheriff
Chuck Whobrey, Teamster's Union Local #215
Barbara Cunningham, APC
Bev Behme, APC
Don Wright, Attorney
Garland Cravens, Attorney
Jerry David
Rod Clutter
Lou Wittmer, Commission Office
Margie Meeks, Commission Office
Others (per attached list)
News Media

SECRETARY: Joanne A. Matthews


Carolyn McLintock, President


Don Hunter, Vice President

Richard J. Borries, Member

Board of Commissioners

of the
County of Vanderburgh
305 ADMINISTRATION BUILDING
CMC CENTER COMPLEX
EVANSVILLE INDIANA 47708



TEL (812) 426-5241

AGENDA

VANDERBURGH COUNTY COMMISSION

JULY 15, 1991

6:00 P.M. - COMMISSIONERS MEETING
7:30 P.M. - REZONING PETITIONS

FINAL

- ✓ 1. Call to order
- ✓ 2. Introduction of staff
- ✓ 3. Pledge of Allegiance
- ✓ 4. Any groups/individuals wishing to address the Commission - *None*
- ✓ 5. Action Items:
 - ✓ a. Appointments to be made: — *DA/RB*
 - Data Processing Board - Scott Anderson - 2 Year Term
Expires: 12/92
 - ✓ Building Authority Board - Mike Shoulders - 4 Year Term
Expires: 7/95
 - ✓ Solid Waste Management Committee - Sub-Committee: Facilities
Britt Townsend
 - ✓ b. Art Gann & Roger Elliott - Signatures needed on CPI increase *231*
 - ✓ c. Lease Agreement to be approved - Evansville Association for Retarded Citizens *DA/RB*
 - ✓ d. Don Mottley - Resolution on "Save our River". — *Determine to July 29, 1991*
 - ✓ e. Report from Roger Lehman on property at 9301 Old State Road also house moving permit application — *DA/RB*
6. Department Head Reports
 - ✓ a. Mark Tuley & Lou Wittmer - Proposal for Wave-Tec pool
 - ✓ b. Cletus Muensterman - County Highway Superintendent
 - ✓ c. Greg Curtis - County Highway Engineer
 - ✓ d. Ted Ziemer - County Attorney

7. Consent Items:

- a. Any minutes to be approved
- b. Request to go on Council Call - County Commissioners, also
Burdette Park
- c. Approval of claims - Simons Governmental Services:
 - Perry Twp. - Final payment of 1989
Reassessment - \$1,128.68
 - Knight Twp. - Final payment of
contractual services -
\$8,992.14
- d. Employment Changes -

CIRCUIT COURT - Appointment made:
John Harl/Counselor \$28,384
07/01/91

AREA PLAN COMMISSION - Appointment made:
Deron M. Drach/Technician \$17,275
06/10/91

AREA PLAN COMMISSION - Release:
Deron M. Drach/Technician \$15,668
06/10/91

COUNTY COMMISSIONERS - Appointment made:
Jennifer L. Coin/Secretary \$ 7,532
07/15/91

SHERIFF/JAIL - Release:
Mary Imel/Registered Nurse \$24,294
07/29/91

SHERIFF - Release:
Robert Miller/Deputy Sheriff \$28,025
07/09/91 (paid through 08/13/91)

PROSECUTOR - Appointment made:
Renee Smigel/Clerical \$5.00 per hr.
07/10/91

PROSECUTOR - Release:
Anthony D. Wiley/Clerical \$3.50 per hr.
07/01/91

VANDERBURGH COUNTY HIGHWAY DEPARTMENT - Release
Brian Bethel/Part-time Summer Crew \$5.00 per hr.
06/24/91

e. Travel Request - Health Department

f. Scheduled meetings:

Tuesday, July 16 - Emergency Management - 10:00 A.M. -
Room 303
Thursday, July 18 - E.U.T.S. Technical Committee -
10:00 A.M. - Room 303
Thursday, July 18 - E.U.T.S. Policy Committee - 4:00 P.M.
Room 301
Tuesday, July 23 - Data Processing Board - 8:00 A.M. -
Room 303
Tuesday, July 23 - Design Review Committee - 8:30 A.M. -
Room 307
Wednesday, July 24 - Solid Waste Meeting - 6:00 P.M. -
Room 303
Wednesday, July 24 - City-County Budget Hearing - 6:00 P.M.
Room 301
Thursday, July 25 - Central Dispatch Board - 1:30 P.M. -
Room 301
Monday, July 29 - Solid Waste Brd. of Directors - 3:00 P.M.
Room 303
Monday, July 29 - County Department Head Meeting -
3:30 P.M. - Room 303
Monday, July 29 - County Commissioners Meeting - 4:30 P.M.
Room 307

(There will be no Commissioners meeting on Monday, July
22nd and the Drainage Board meeting has been cancelled
for this month.)

✓ g. Approval of new county parking stickers and assigned spaces *Tr Be checker*

h. Checks received - from Glenn Deig for collections - \$104.79
from Mr. Nance on rent for residence at
4701 Green River Court

✓ 8. Old Business

✓ 9. New Business

10. Rezoning Petitions

No First Readings

Third Readings:

VC-4-91 - Petitioner, D.P.F., Inc. R-1 to C-4 with Use and
Development Commitment

VC-5-91 - Petitioner, Landel Enterprises - Ag to C-4 with Use
and Development Commitment

11. Meeting recessed

LEASE AGREEMENT

THIS INDENTURE OF LEASE, made and entered into, in duplicate, at Evansville, Indiana, this 15th day of July, 1991, by and between the Board of Commissioners of Vanderburgh County, Indiana (hereinafter "Lessor") and Evansville Association for Retarded Citizens, Inc., Evansville, Indiana (hereinafter "Lessee").

WITNESSETH

WHEREAS, the Lessee represents and declares for the purpose of inducing the Lessor to enter into this agreement, that the Lessee is a not for profit corporation, organized and existing under and by virtue of the laws of the State of Indiana, for civic and public purposes and specifically to promote the general welfare of mentally retarded persons;

WHEREAS, the Lessor is the owner of the hereinafter described real estate and improvements thereon, which has been built with State and County funds specifically for lease to, and use by, Lessee, and;

WHEREAS, the Lessee desires to lease the hereinafter described real estate and improvements to be used by the Lessee solely for the purposes hereinabove set out.

NOW, THEREFORE, Lessor, for and in consideration of the covenants and agreements hereinafter contained and set forth to be kept and performed by Lessee, does hereby let and lease unto Lessee, and Lessee does hereby take and hire from Lessor, the premises described in Exhibit "A", which is attached hereto and incorporated herein by reference.

TO HAVE AND TO HOLD the same unto Lessee for the term commencing on the 1st day of May, 1994, and expiring on the 30th day of April, 2014.

This Lease is made in consideration of and subject to the following covenants, conditions, and agreements:

1. RENTAL: Lessee promises and agrees to pay to Lessor rental for said term in the amount of One Dollar (\$1.00) per year.

2. USAGE: Said premises are leased and let to Lessee to be used solely for civic and public purposes to promote the general welfare of mentally retarded persons in the operation of programs by the Lessee. Lessee shall not sublet or assign the Lease. Lessee covenants and agrees that its operations shall be for lawful purposes, and that Lessee shall not violate any governmental statutes, rules, or regulations in its operations on the leased premises.

3. OBLIGATIONS: The Lessee agrees that it will, solely at the Lessee's cost and expense, keep and maintain the interior of said leased premises in good order and repair, and shall be completely responsible for all minor repairs during the tenancy herein created, and for any and all expenses connected with the operation and maintenance of the premises herein demised, including but not limited to, all costs and expenses of heat, power, light, water, custodial services and general maintenance. Lessor shall make any major capital improvements which Lessor determines in its sole judgment to be desirable and necessary on the leased premises, major capital improvements being defined for the purposes of this Lease as any repair or improvement the cost of which would exceed Five Thousand and 00/100 Dollars (\$5,000.00). Lessee will, upon the termination of this lease agreement, return said leased premises, and the improvements thereon situate, unto the Lessor in good order and repair, damage by fire, the elements, other unavoidable casualty, and ordinary wear and tear excepted. Lessee shall not suffer or commit any waste in and about said premises, but shall keep the said premises together with the fixtures therein and appurtenances thereto in a clean and sanitary condition and in good repair, all at Lessee's sole expense.

4. ALTERATIONS: No alterations or additions to said demised premises shall be made by Lessee without the written consent of the Lessor first obtained, and in the event of any such alterations or additions made with such consent the same shall become and remain the property of the Lessor.

5. UTILITIES: Lessee agrees to pay all costs of utilities

and to bear all other operational costs including routine maintenance.

6. INSPECTIONS: Lessor shall have the right at any time during the term of this lease or any extension or renewal thereof, to enter the leased premises during reasonable hours for inspection purposes, but it is agreed by the Lessor herein that all inspections made by the Lessor shall be made in the presence of an agent of the Lessee.

7. DESTRUCTION: In the event any portion of the leased premises, or any building located thereon is substantially destroyed from any cause, or if the cost of repair would exceed fifty percent (50%) of the appraised value of the improvements, or if available insurance proceeds would be insufficient to pay all costs of repair, Lessor may elect not to repair or restore same, in such event, and the Lessor shall give Lessee written notice of said election not to restore, and Lessee shall have fifteen (15) days from the date said notice is received to terminate this Lease by written notice to the Lessor. In the event Lessee does not give Lessor said written notice of termination, as aforesaid, within said fifteen (15) day period, this lease shall continue in full force and effect.

8. INSURANCE: Lessor will continue to carry insurance protecting the improvements upon said property against loss by fire and other hazards. Lessee will purchase and maintain liability insurance providing for property damage in the amount of \$100,000.00/\$300,000.00 and bodily injury or death in the amount of \$100,000.00/\$300,000.00, which said insurance policies shall name Lessor as an additional insured, said insurance to be subject to the approval of Lessor, with proper proof of such insurance furnished to Lessor.

Lessor does hereby expressly give and grant to Lessee the right to carry any additional insurance it may so desire, both with respect to contents, furnishings, material and equipment of all kinds and character that it may install on, in and upon the leased premises and also with respect to such portion of the building and

leased premises as it, the Lessee, may be occupying and using.

9. **POSSESSION:** Upon the termination of this lease for any cause, Lessee shall quietly surrender possession of said premises to Lessor, and deliver to Lessor all keys to any locks in the demised premises.

10. **TAXES AND LIENS:** Lessee promises and agrees to pay all taxes and assessments which may be levied upon or against the property herein leased or its contents, and further agrees that regardless of any rights herein granted unto Lessee, the Lessee shall have no right to allow any mechanic or materialmen's lien to be filed against said real estate or the improvements thereon, and if any such lien shall be filed, Lessee shall take prompt steps to have the same removed, cancelled, or to contest the same.

11. **NON-WAIVER:** The Lessor shall not be considered to have waived any of its rights, covenants or conditions under this lease unless evidenced by the Lessor's written waiver; provided, however, that a failure on the part of the Lessor to terminate this lease or demand to secure possession by reason of any breach or default on the part of the Lessee, shall not be deemed a waiver of, nor act as an estoppel of, the right of the Lessor to terminate this lease or demand to secure possession by reason of any further, future and/or continuing breach or default on the part of the Lessee.

12. **DEFAULT:** In the event the Lessee shall violate any of the other terms, conditions and/or covenants herein contained for thirty (30) days after the date written notice of said violation is mailed by the Lessor to the Lessee at Lessee's last known address, then the Lessor, without further notice or demand, shall have the right to enter and repossess said premises and dispossess the Lessee therefrom, and to remove any and all persons and property therefrom and store the same without liability for safekeeping, and for the purpose of such entry and possession, said Lessee hereby waives any other notice prescribed by law, or otherwise, except as contained in this paragraph, to vacate said premises, and thereupon Lessor shall be relieved of any liability under this lease and the Lessor shall have the further right to

re-lease or re-rent the premises to the best advantage.

The Lessor shall not be considered to have waived any of its rights, covenants, or conditions under this lease unless evidenced by the Lessor's written waiver; provided, however, that a failure on the part of the Lessor to terminate this lease, or demand to secure possession, by reason of any breach or default on the part of the Lessee, shall not be deemed a waiver of, nor act as an estoppel of, the right of the Lessor to terminate this lease or demand to secure possession by reason of any further, future, and/or continuing breach or default on the part of the Lessee. Lessor reserves the right to make insurance premium payments, and to pay taxes or maintenance costs required to be paid by Lessee where Lessee fails to make such payments. Lessee shall promptly reimburse Lessor for any such payments made on behalf of Lessee by Lessor.

13. **TERMINATION:** If at any time during the lease term Lessee fails to maintain its status as a tax-exempt entity, this Lease shall expire immediately without notice to Lessee.

14. **INDEMNIFICATION:** LESSEE HEREBY AGREES TO INDEMNIFY AND HOLD LESSOR SAFE AND HARMLESS FROM ANY AND ALL LIABILITY, LOSS OR EXPENSE (INCLUDING BUT NOT LIMITED TO ATTORNEY'S FEES AND COURT COSTS), WHICH MAY OCCUR ON THE LEASED PREMISES OR WHICH RESULTS FROM LESSEE'S ACTS OR OMISSIONS UPON THE LEASED PREMISES, INCLUDING BUT NOT LIMITED TO LIABILITY RESULTING FROM DEATH OR INJURY TO ANY OF LESSEE'S EMPLOYEES, AGENTS, INDEPENDENT CONTRACTORS, LICENSEES, INVITEES, AND ANY OTHER PERSON ON THE PREMISES DURING THE TERM OF THIS LEASE, AND LESSEE FURTHER AGREES TO INDEMNIFY LESSOR AGAINST ANY LOSS RESULTING FROM BREACH BY LESSEE OF ANY COVENANT CONTAINED IN THIS AGREEMENT.

15. **RENEWAL:** If upon termination of this lease, Lessor is willing to lease the above described property for an additional term, the Lessee is given the first right of refusal to enter into an additional lease of said property, upon such terms and conditions as may then be agreed upon.

16. **COVENANTS:** The covenants and agreements herein contained

and set forth shall be binding upon and inure to the benefit of the parties hereto and their respective successors and assigns and are subject to any and all laws or governmental regulations present and future affecting the parties hereto or the property hereinabove described.

IN WITNESS WHEREOF, the parties hereto have caused this lease to be executed by their respective duly authorized officers the day and year first above written.

BOARD OF COMMISSIONERS
OF VANDERBURGH COUNTY

By: Carolyn S. McEntail
President

By: [Signature]
Vice-President

By: Richard J. Boeris
Commissioner

ATTEST:

Sam Humphrey cm
AUDITOR

EVANSVILLE ASSOCIATION FOR
RETARDED CITIZENS, INC.

By: F. Wesley Bowers, President

ATTEST:

Secretary

*more information
for
July 29*

RESOLUTION

A resolution of the Vanderburgh County Commissioners on behalf of Vanderburgh County, Indiana, petitioning the United States Corps of Engineers to deny the permit application of Southern Indiana Dock Company to construct and operate a commercial barge loading/unloading facility on the Ohio River at mile point 783.3 in Evansville, Vanderburgh County, Indiana.

WHEREAS, the proposed coal facility will be located in close proximity to area residents and would interfere with and create additional safety hazards to recreational activities on the river;

WHEREAS, the proposed coal facility will have continued adverse effect on the air and water quality of the proposed site;

WHEREAS, the proposed facility will further add to the severe erosion problems along this section of the Ohio River;

WHEREAS, the proposed facility will have serious environmental effects on Indian artifacts and burial grounds found along the Ohio River basin in the proposed dock and borrow areas;

WHEREAS, the proposed facility will have serious impact on the endangered species of mussels found in the area;

WHEREAS, the proposed facility will further contaminate fish of the Ohio River which have recently been declared inedible due to river contaminants;

WHEREAS, the proposed facility will deteriorate the aesthetic values by creating additional pollutants such as noise, unsightliness, dust, etc. along a section of the river already laden with docks and commercial barge traffic.

WHEREAS, the proposed facility would be against the good and general best interest of the citizens of Vanderburgh, County;

NOW THEREFORE,

BE IT RESOLVED BY THE BELOW SIGNED MEMBERS OF THE VANDERBURGH COUNTY COMMISSIONERS, IN BEHALF OF THE CITIZENS OF VANDERBURGH COUNTY, INDIANA THAT WE PETITION THE UNITED STATES CORPS OF ENGINEERS TO DENY THE APPLICATION PERMIT OF SOUTHERN INDIANA DOCK COMPANY FOR A COAL LOADING FACILITY ON THE OHIO RIVER.

Duly signed and passed by the Vanderburgh County Commissioners, at Evansville, Indiana on the ____ day of July, 1991.

_____	_____
_____	_____
_____	_____
_____	_____



**EVANSVILLE - VANDERBURGH COUNTY
BUILDING COMMISSION**

ONE NORTHWEST SEVENTH STREET

310 CIVIC CENTER COMPLEX

EVANSVILLE, INDIANA 47708-1874

(812) 426-5463

FRANK F. McDONALD II
MAYOR

ROGER L. LEHMAN
BUILDING COMMISSIONER

To: Board of County Comm.
From: Bldg Comm Roger Lehman
Re: 9301 Old State Rd.

Inspection 7-15-91 indicates no progress on repairs. House is secure.



EVANSVILLE - VANDERBURGH COUNTY
BUILDING COMMISSION

ONE NORTHWEST SEVENTH STREET
310 CIVIC CENTER COMPLEX
EVANSVILLE, INDIANA 47708-1874
(812) 426-5483

JUL 12 1991

VANDERBURGH COUNTY
COMMISSIONER'S OFFICE

FRANK F. McDONALD II
MAYOR

ROGER L. LEHMAN
BUILDING COMMISSIONER

July 10, 1991

Ziemer Stayman Weitzel & Shoulders
Mr. Ted C. Ziemer, Attorney
1507 Old National Bank Building
Evansville, IN 47708

RE: 9301 Old State Road
County Ordinance Violation Citation Procedure

Dear Mr. Ziemer:

Enclosed is a draft of a letter to Mr. Matthew Short concerning our on-going problem with his house at the above referenced location. As you are aware, the Commissioners at their meeting on June 24, 1991 left little doubt of their intention to get this house torn down, if it is not fixed up. Sections 150.052 and 150.053 deal with vacant and unfit buildings.

Section 150.053 requires that repairs will cost in excess of 50% of the value of the building in order to initiate the razing of a building. Mr. Short stated that he had \$18,000 in the house, and I say the value of repairs will be in excess of \$20,000, a conservative estimate.

Mr. Short has been told by his attorney, Mr. Sheets, that all the Commissioners can do is require him to secure the premise. This he has done.

I will be available at your convenience to discuss this matter further.

Please copy me with any correspondence concerning Mr. Sheets/Mr. Short.

Also, enclosed are the forms we use in the City to process ordinance violations. Normally, we allow a pre-payment before actual filing of the case in Small Claims. However, we need to establish a method in the County to do the following:

- 1.) Allow pre-payment of fine.
- 2.) File the case in Small Claims.
- 3.) Establish a day of the month to hear cases.

4.) Process proper paperwork.

I will be available at your convenience to discuss this matter.

Sincerely,

A handwritten signature in cursive script, appearing to read "Roger".

Roger L. Lehman
Building Commissioner

RLL:kek

cc: Jeff Wilhite, Attorney

July 9, 1991

Mr. Matthew Short
400 Christ Rd.
Evansville, IN 47711

RE: 9301 OLD STATE ROAD

Dear Mr. Short:

A report presented at the meeting of July 8, 1991 by County Building Commissioner, Roger L. Lehman, indicated that no progress has been made toward the repairs as ordered by the Board of Commissioners of Vanderburgh County on June 24, 1991. Mr. Lehman further indicated that, in his opinion, if repairs were not initiated within one week, the repairs could not be completed by the September 1, 1991 deadline which was imposed by the Board.

Pursuant to Vanderburgh County Code of Ordinances Section 150.052 and Section 150.053, the Board of County Commissioners has previously found the vacant premises at the above referenced location to be unfit for human habitation and the cost of repairs, alteration, and improvements to be in excess of 50% of the value of the house as presented by Mr. Matthew Short at the meeting of June 24, 1991.

The Board has given an intention to order the building razed September 2, 1991, if the repairs are not completed. If the owner does not raze the house within a reasonable period of time, the county will raze the house and place the costs as a lien upon the property.

It is in the best interest of the county and yours to institute these repairs and complete them per our agreed-to schedule.

As you are aware, the items needed to make this structure habitable are the following:

- 1.) Window sashes and frames
- 2.) Complete electrical system
- 3.) Complete plumbing fixtures
- 4.) Complete Heat Ventilating and Air Conditioning System

- 5.) Replacement of fire damaged structural members and systems
- 6.) Insulation and drywall
- 7.) Interior doors

You have stated your intention to complete these items October 29, 1990 and again on June 26, 1991 on public record, but, to date, have failed to substantiate your words by performance.

Sincerely,

STATE OF INDIANA)
COUNTY OF VANDERBURGH)

VANDERBURGH SUPERIOR COURT
SMALL CLAIM DIVISION
COURT BUILDING, ROOM 223
CIVIC CENTER COMPLEX
EVANSVILLE, INDIANA 47708

CITY OF EVANSVILLE)

Plaintiff)

VS:)

CAUSE NO:)

STATEMENT OF CLAIM)

Defendant(s)

TO THE CLERK: PLEASE SUMMON THE DEFENDANT(S) TO APPEAR IN COURT TO ANSWER
THIS CLAIM ON: () ACCOUNT OR NOTE-ATTACHED () WAGES ()
PROPERTY DAMAGE () PERSONAL INJURY () OTHER.

PLAINTIFF(S) ASK(S) JUDGMENT AGAINST DEFENDANT(S) FOR \$~~TO BE DETERMINED~~
PLUS COURT COST, INTEREST FROM _____, 19____, AT THE
RATE OF 12% PER ANNUM PLUS COURT COSTS OF THIS PROCEEDING.

CITY OF EVANSVILLE
Plaintiff

ALLAN C. LOOSEMORE, JR.
Counsel for Plaintiff

AFFIDAVIT

PLAINTIFF(S) STATE(S) AWARENESS OF THE PENALTY FOR PERJURY AND THAT THE
DEFENDANT(S) IS/ARE NOT NOW SERVING IN THE ARMED FORCES OF THE UNITED
STATES.

City Clerk
Rm. 314 Civic Center Complex
Evansville, Indiana 47708
Phone (812) 426-5486

CITY OF EVANSVILLE
Plaintiff

ATTORNEY GENERAL

STATE OF INDIANA)
) §
COUNTY OF VANDERBURGH)

IN THE VANDERBURGH SUPERIOR COURT
SMALL CLAIM DIVISION

CITY OF EVANSVILLE)
)
VS:) CAUSE NO:
)
)
)

The City of Evansville complains of _____

_____, and says that on the following
day(s),

at the County and State aforesaid, and within the corporate limits
of the City of Evansville, the defendant(s) did then and there
violate Section _____ of an Ordinance of said City, which
Ordinance was duly passed by the Common Council of said City, and
duly published according to the law, by then and there unlawfully
committed to:

WHEREFORE, Plaintiff prays for fair judgment pursuant to the
provisions of the Ordinance.

ALLAN G. LOOSEMORE, JR.
Counsel for Plaintiff

_____ swears that the allegations of the
foregoing complaint are true as he/she verily believes.

Subscribed and sworn to before me this ____ day of _____
19 .

EVANSVILLE CITY CLERK

CITY OF EVANSVILLE
INTER-DEPARTMENTAL CORRESPONDENCE

DATE: July 12, 1991
TO: Board of County Commissioners
FROM: Roger L. Lehman, Building Commissioner
SUBJECT: HOUSE MOVING PERMIT APPLICATION

=====

From: 1731 Apple Ridge Tax Code: 2-038-69
To: 3800 Mesker Park Dr. Tax Code: 3-71-21

We have received the attached request from Girtten House Moving and Dozer Service to move a house to the above referenced location. I have checked the proposed route and found it satisfactory. Request approval for move.

Encl.

Girten House Moving & Dozer Service

Route 1 Box 194 • Waverly, KY 42462
(502) 389-2640

June 28, 1991

MOVING PERMIT APPLICATION

FROM: 1731 Apple Ridge

TAX CODE: P050203869

TO: 3800 Mesker Park Dr.

TAX CODE: 3-90-3-71-21

ROUTE: From 1731 Apple Ridge, go North to Old Farm Rd., go West to Dieffenbach Rd., go North to Koring Rd., go Northeast to New Harmony Rd., go East to Big Cynthiana Rd., go North to State Route 66. Go East to rear entrance of 3800 Mesker Park Dr.

Approximate date of move: July 25, 1991

I will notify all emergency services.

Thank You,
James M. Girten

advisement in the interim. Further, an attempt will be made to notify Mr. Mottley of the discussion held today and let him know that the Board will need facts regarding the truth of the statements in the Resolution. Motion to this effect was made by Commissioner Hunter, with a second from Commissioner Borries. So ordered.

RE: PROGRESS REPORT RE PROPERTY AT 9301 OLD STATE RD.

Ms. McClintock said the Board has a report from Roger Lehman, Building Commissioner, concerning this property indicating that absolutely no progress has been made on repairs and that the house is secure. Following last week's meeting Mr. Lehman forwarded to Attorney Ziemer a letter outlining what could happen to Mr. Short as a result of that. We have sent a letter to Mr. Short indicating the Board's concerns and outlining what needs to be done. Thus, Mr. Short has been informed in writing that we are making the inspections.

Ms. McClintock asked Mr. Wittmer to check with Jeff Wilhite to see if he also sent a copy to Mr. Short's attorney.

RE: REQUEST FOR HOUSE MOVING PERMIT APPLICATION - 1731 APPLE RIDGE TO 23800 MESKER PARK DRIVE

A request from Mr. Lehman concerning the above was submitted. Upon motion made by Commissioner Hunter and seconded by Commissioner Borries the request was approved. So ordered.

RE: COUNTY HIGHWAY - CLETUS MUENSTERMAN

Claim: Mr. Muensterman submitted a claim to Old National Bank in the amount of \$23,651.00 for payment on the Gradall lease.

Upon motion made by Commissioner Borries, with a second from Commissioner Hunter. So ordered.

Road Paving Program: It was also noted by Mr. Muensterman that he should have a more complete report on this item next week in an easier reading form.

RE: BURDETTE PARK - MARK TULEY

Mr. Tuley read a letter from William Haralson, the Consultant for Burdette Park, with regard to the waterpark. (Copy attached herewith).

Upon motion made by Commissioner Borries and seconded by Commissioner Hunter, the Board approved the hiring of the Consultant for a sum of \$2,000 to travel to Evansville to meet with the Commission on Friday, August 2nd, with regards to expansion of the waterpark.

Request To Go On Council Call: Mr. Tuley requested permission to go before Council with regard to additional appropriation (copy of request attached hereto).

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

Water Pressure Problems: Mr. Tuley said they are having water pressure difficulties at Burdette Park. Formerly we didn't have enough pressure. Now we have water pressure that they can't stand. They have brand new plumbing that is blown apart, etc. He is going to set up a meeting with the Utility Department in an effort to resolve same. We have some brand new pipe that should last 30 to 40 years that is being blown apart.

Invitation/World Waterpark Assn.: Mr. Tuley advised that this year he's been invited to participate on a panel at the 1991 Trade Show & Symposium in Daytona Beach, FL from October 1-6. (See attached letter.) Burdette is recognized around the country as one of the leaders in aquatic centers. He will advise the Board re costs as soon as he receives the information.

Softball Team: The Burdette Park-sponsored softball team participated in the White River Games in Indianapolis over the weekend and placed Third in the State.

RE: COUNTY HIGHWAY ENGINEER - GREG CURTIS

Orchard Rd. Bridge #158/Right-of-Way Purchase Authorization:

Mr. Curtis said we have all the R/W secured for this project, with the exception of one parcel. That individual has requested that their property be appraised and has indicated that if it appraises at anything less than that of their neighbor's, they are not going to accept it. It appraised at \$750.00 (at the same rate the neighbor's parcel was purchased, which was an administrative settlement). This would make her property be \$1,500. He wants to know if the Commission wants to authorize him to offer \$1,500 (which is what she said it is going to take) or whether we want to offer \$750.00, wait 25 days and then make a counter offer or condemn.

Mr. Curtis said we can't get on the letting before the end of the highway bill, which puts us on a November letting. We had hoped to be on the September or October letting, but we were informed last week that this won't be possible. His recommendation would be that we go ahead and offer the owner the \$1,500 so we only have to wait 25 days at most the first time.

Upon motion made by Commissioner Borries and seconded by Commissioner Hunter, Mr. Curtis was authorized to offer the \$1,500. So ordered.

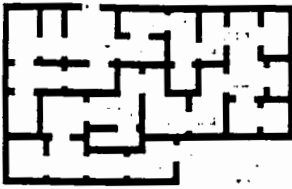
Street Standards Committee: Mr. Curtis said a few weeks ago the Board discussed the formation of this committee. He spoke with all the members who were discussed that evening but one, and they were all willing to participate. Mr. Darryl Harris of Concrete Pavers has participated in the past, but we weren't able to get an answer from him as of 5:00 p.m. today. Those who have agreed to serve include:

Jim Morley	-	Morley & Associates
Matt Lochmueller	-	Lochmueller & Associates
Jerry Schmitt	-	Koester Contracting Co.
Bud Farmer	-	Evansville Concrete
John Dunn	-	Dunn & Associates
Jeff Hatfield	-	Hatfield Construction

Upon motion made by Commissioner Hunter and seconded by Commissioner Borries the foregoing appointments were approved. So ordered.

Mr. Curtis said he also would like to discuss with the Water & Sewer Dept. and SIGECO coordinating with them to have the utilities put in prior to the road rather than having them cut the road after the fact, as well as he thinks it would be very beneficial to have the City Engineer or a representative from his office involved in that so that the standards are the same between the two agencies.

Construction Approval/Lincoln Point Subdivision: Mr. Curtis submitted a set of plans for construction approval in Lincoln Point Subdivision. This is a PUD (Planned Unit Development) subdivision and it has been approved by the Subdivision Review Committee and the Area Plan Commission. From the beginning of Lincoln Point Boulevard back to where it begins to stretch the cul-de-sacs and



July 11, 1991

Mr. Mark Tuley
Burdette Park
P.O. Box 7081
Evansville, Indiana 47712

Dear Mark:

In response to your telephone call regarding an evaluation of expansion plans for Burdette Park's aquatic center, let me suggest the following. First, you passed on a number of questions from your Commission that are not easy to address without further analysis. Moreover, some of them have potentially serious ramifications for the future of the park and should not be taken lightly. I think the first step is for me to come to Evansville to meet with the Commission and revisit the park. Based on that trip, I should then prepare a proposal for conducting further studies, culminating in recommendations for future park improvements.

I am available to come to Evansville after the first of August. I can make that trip for \$2,000, including travel expenses. The cost of any work that might come from the proposal will have to be determined at a later date.

I look forward to hearing from you.

Sincerely,

William L. Haralson
President

WLH:dwp

•Economics Consultants

13601 Preston Road, Suite 118 East, Dallas, Texas 75240 Telephone: (214) 385-9542 FAX: (214) 991-0376

REQUEST FOR APPROPRIATION

DEPARTMENT Burdette Park

DATE July 15, 1991

ACCOUNT	LINE ITEM	AMOUNT
145-118 Other Employees		\$ 50,000.00
145-190 Social Security		4,000.00
145-120 Swimming Pool Manager		406.00
145-121 Swimming Pool Asst. Manager		435.00
145-122 Swimming Pool Head Guard		447.00
145-123 Swimming Pool Asst. Head Guard		455.00
145-352 Repairs to Equipment		10,000.00
145-354 Repairs to Pool		10,000.00
145-412 Buildings & Structures		25,000.00

EXPLANATION OF NEED FOR REQUEST

See Attached

BALANCE OF ACCOUNTS

ACCOUNT NO.	BUDGET	DISBURSEMENTS	BALANCE	BALANCE AFTER APPROP
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Mark T. Tuley / Jm.

July 15, 1991

County Commissioners and County Council Members
Civic Center Complex
Evansville, IN 47708

Dear Commissioners and Council Members,

We are asking permission to be placed on the August Agenda for the following additional appropriations.

145-118 Other Employees \$ 50,000.00

We are requesting additional funds for part time help. We have had an exceptional summer with the heat and no rain days. We are requesting the additional funds to help us through the rest of the year.

145-190 Social Security \$ 4,000.00

We are requesting the social security necessary for the additional wages.

145-120 Swimming Pool Manager \$ 406.00

We are requesting additional funds to cover what was requested originally in our budget for 1991. We were not allowed our request and with the minimum wage increases some of our guards are making more than our Head Guard and Asst. Head Guard. The increases are necessary to make the office staff salary more than the full time guards wages.

145-121 Swimming Pool Asst. Manager \$ 435.00
145-122 Swimming Pool Head Guard 447.00
145-123 Swimming Pool Asst. Head Guard 455.00

Explanation for above same as Pool Manager.

145-352 Repairs to Equipment \$ 10,000.00

We have depleted our repairs to equipment account and we still have six months to go. This account enables us to make necessary repairs as needed.

145-354 Repairs to Pool \$ 10,000.00

This account has also been depleted and we have had to order additional wrist bands for the waterslides and we still have to maintain the pool pumps, etc.

145-412 Buildings and Structures \$25,000.00

This money is necessary to cover approximately \$15,000.00 due to Riverbend Mechanical for unexpected water line repairs etc. that were emergency jobs.

Thank you for your consideration.



July 11, 1991

Mr. Mark Tuley
Burdette Park
P.O. Box 7081
Evansville, Indiana 47712

Dear Mark:

On behalf of the World Waterpark Association, I wish to extend to you an invitation to participate in the 1991 Tradeshow and Symposium to be held in Daytona Beach, Florida from October 1 through October 6. Specifically, we would like for you to give a case history of Burdette Park's aquatic center, replete with attendance, income figures, and slides of the park.

Please verify that you can attend at your earliest possible convenience.

Sincerely,

William L. Haralson
President

WLH:dwp

MEMORANDUM OF UNDERSTANDING OF CONDITIONS

At a hearing held on July 8, 1991, the Board of Commissioners of Vanderburgh County granted Browning-Ferris Industries of Indiana, Inc.'s ("BFI") Amended Petition for Vacation of a Portion of Laubscher Road East of St. Joe Avenue and West of the CSX Railroad Tracks subject to the following conditions:

1. Laubscher Road from a point five hundred sixty feet west of the center point of the Locust Creek bridge to the eastern end of the petitioned road, consisting of approximately two thousand forty-four feet, shall be vacated for use by BFI when it locates a wheel wash and scales for its landfill operation, at which point any use shall be permitted by BFI, except for use as an extended dumping ground from their existing landfill operation, unless all required governmental permits are obtained for expansion of the landfill, in which case uses allowed by those permits is acceptable.
2. Laubscher Road from the western most point at St. Joe Avenue described in BFI's Amended Petition to Vacate to a point five hundred sixty feet west of the center point of the Locust Creek bridge, consisting of approximately seven hundred seven feet, is vacated upon the condition that all required governmental permits are obtained for expansion of the landfill.
3. If BFI does not receive all required governmental permits for the expansion of the landfill and no longer needs or uses Laubscher Road for the operation and closing of the current landfill and if the Board of Commissioners then determines that Laubscher Road is needed as a public thoroughfare, BFI must, upon request from the Board of Commissioners, rededicate Laubscher Road to Vanderburgh County and restore it to its original condition existing as of July 8, 1991.
4. Until such time as the conditions in paragraph 2 are met, or until BFI ceases to pursue expansion of its landfill, whichever occurs first, BFI, upon four hours notice, must provide access to all portions of its landfill site to the members of the Citizens Advisory Committee to the Solid Waste Management District Board. Citizen members will be accompanied on the site at all times by a representative of BFI. BFI will make allow this access for up to 8 hours per month free of charge, and allow subsequent visits at \$10 per hour.

BOARD OF COMMISSIONERS OF VANDERBURGH COUNTY

By: *Carolyn McClintock*
Carolyn McClintock, President

BFI agrees to abide by the above conditions and hereby further amends its Amended Petition accordingly.

BROWNING-FERRIS INDUSTRIES OF INDIANA, INC.

By: *Erv Leidolf* 7/12/91
Erv Leidolf, District Manager

ORDINANCE PROVIDING GROUP HEALTH
INSURANCE BENEFITS FOR QUALIFIED
RETIRED SHERIFF'S DEPARTMENT
SWORN DEPUTY SHERIFFS AND THE SHERIFF

BE IT ORDAINED by the Board of Commissioners of Vanderburgh County, Indiana, (the "Commissioners"), as follows:

1. The Group Health Insurance Program adopted by Vanderburgh County for its employees, as amended from time to time, shall be made available to qualified retired Sheriff's Department sworn deputies and Sheriffs. In order to qualify, a retired sworn deputy or Sheriff must meet the following eligibility requirements:
 - (a) Have retired from the Vanderburgh County Sheriff's Department on or after January 1, 1991;
 - (b) Be at least fifty (50) years of age and less than sixty-five (65) years of age;
 - (c) Have twenty (20) years of service as a sworn deputy or serve eight (8) consecutive years as Sheriff of the Vanderburgh County Sheriff's Department;
 - (d) Meet any and all eligibility requirements of said plan; and
 - (e) The retiree must apply for coverage;
 - (f) Pay only the employee share of the premium called for under the plan;
 - (g) Not be enrolled in any other health insurance program;
 - (h) Be required to submit to a notarized statement that he/she is not enrolled in or receiving any other hospitalization insurance coverage;
 - (i) In the event that a false statement is submitted, the responsible retiree shall be liable to the County in the form of a fine in the sum of One Hundred Twenty-Five percent (125%) of the County funds expended for the benefits received.
- The health insurance plan shall be made available to covered dependents under the same terms and conditions of said plan.
2. In the event that a retired sworn deputy or Sheriff is ineligible to continue this coverage due to failure to meet the requirements of paragraph one (1) above, the retired member may reserve the option to receive coverage under the Plan on the date in which the retired

member is no longer enrolled in any other health insurance program and provides adequate documentation to the County which indicates the same. An application to reserve this option must be made within sixty (60) days after such retired member's retirement date. The retired member, at re-entry to the Plan, will be subject to the following conditions:

- (a) the qualifications in paragraph one (1) above must be met;
 - (b) the pre-existing condition clause of the plan will apply to the members and any dependents returning to the plan as well as any other clause applicable to new employees;
 - (c) payment will be at the same rate as paid by active members of the department.
3. Upon the execution hereof by the Commissioners, or a majority of them, this Ordinance shall become final, binding, and in full force and effect beginning August 5, 1991.
4. The terms and conditions contained within this Ordinance, are subject to review and re-negotiation every three (3) years by the Commissioners, or a majority of them, beginning August 1, 1994.

PASSED by the Board of Commissioners of Vanderburgh County, Indiana on the ____ day of _____, 1991, and upon that day signed and executed by the members of the Board as appears by their respective signatures and all attested to by the Auditor of Vanderburgh County, Indiana.

BOARD OF COMMISSIONERS OF
VANDERBURGH COUNTY

Carolyn McClintock, President

Don Hunter, Vice-President

Richard J. Borries, Member

APPROVED AS TO FORM:

Ted C. Ziemer, Jr.,
County Attorney

Sam Humphrey, Auditor Vanderburgh
County, Indiana

PARKING LOT SPACE ASSIGNMENTS
JULY 15, 1991

SPACE	PMT #	OFFICE	NAME	VEHICLE YR & MDL	LICENSE
001	001	Coroner	Charles Althaus	Mauve Cad.	CAR 1
001	101	Coroner	Rick Woods	Wht. Chevy	55151
001	201	Coroner	Ann Groves	Wht. Pontiac	82F185
001	301	Hwy. Garage	Muensterman	Wht. Chevy Capr	55556
001	401	Hwy. Garage	Muensterman	Gry. Cheve Imp.	40179
001	402	Hwy. Garage	Muensterman	Org. Ford P.U.	14745
002	002	Comm. Correct.	H. Howerton	1991 Chevy Dr. Bl	82R1146
002	102	Comm. Correct.	Robert Hart	Blue Chevy	82B5151
003	003	Superior Ct.	Judge Miller	1978 Blk Chevy	
003	103	Superior Ct.	Judge Miller	1989 Grey Chrysler	
004	004	Co-op Ext.	Jack Wade	1985 Blue Chevy	82A8704
005	005	Supt Co Bldgs	Lou Wittmer	1988 Ford LTD Wht.	M051330
006	006	Health Officer	Dr. Heidingsfelder	67 Olds White	82A 89
006	106	Health Officer	" " " " " " " "	1983 Silv. Lincoln	4276561
006	206	Health Officer	" " " " " " " "	1981 Bl. Ford Van	T731801
006	306	Health Officer	" " " " " " " "	1978 Br./Wht. Merc	82A92
007	007	Voters Reg.	Susan Kirk	1981 White Subaru	82R11
007	107	Voters Reg.	Susan Kirk	1982 White Honda CRX	82R12
008	008	Voters Reg.	Jon Hill	1991 Chevy Van	82L4880
008	108	Voters Reg.	Jon Hill	1985 Blue Cutlass	82D4684
009	009	Vet. Ser. Ofc.	Mike Robbins	1964 White Cad.	82H8445
009	109	Vet. Ser. Ofc.	Mike Robbins	1984 Silver Merc.	82H8446
009	209	Vet. Ser. Ofc.	Mike Robbins		
010	010	Area Plan	B. Cunningham	1987 White Chevy	M048860
010	110	Area Plan	B. Cunningham	1990 Pont. White	M040183
011	011	Center Assess	A. Stucki	1977 Beige Dodge	82F4564
011	111	Center Assess	A. Stucki	1979 Brown Ford	P.H. 475
011	211	Center Assess	A. Stucki	1979 Brown Ford	P.H. 476
021	311	Center Assess	A. Stucki	1979 Gray Ford	82B7392
012	012	Knight Assess	Al Folz	1982 Green Buick	82B1
012	112	Knight Assess	Al Folz	1986 Red Buick	82F7
013	013	Pigeon Asses	David Fox	Silv. Mazda RX-7	82K3371
014	014	Co. Assessor	Chief Deputy	1986 Blue Olds	82G4577
015	015	Co. Assessor	J. Angermeier	1988 Grey Olds	82C5703
015	115	Co. Assessor	J. Angermeier		
016	016	Media Slot	TV 25		
017	017	Media Slot	TV 14		
018	018	Media Slot	TV 7		
019	019	Superior Ct.	Judge Brune	Toyota-Maroon	82A388
019	119	Superior Ct.	Judge Brune	Bl./Wh. Chevy Trk.	252415
019	219	Superior Ct.	Judge Brune	Beige Nissan	82B9707
020	020	Superior Ct.	Judge Dietsch	1986 Blue Buick	82F8526
020	120	Superior Ct.	Judge Dietsch	Burg. Honda	82F8527
021	021	Superior Ct.	Judge Lensing	1988 Red Nissan	82D7367
021	121	Superior Ct.	Judge Lensing	Silv. Lincoln	82D022
021	221	Superior Ct.	Judge Lensing	Intl. Pickup	KY7087
022	022	Mt. Ass't. Clk.	Mildred Morgan	1973 Red Olds	82G1191
023	023	Superior Ct.	Judge Knight	1987 Blue Mazda	1925450

023	123	Superior Ct.	Judge Knight	1986 Blue Mazda	79409A
023	223	Superior Ct.	Judge Knight	1987 Blue Dodge	82F597
024	024	Misd. Referee	Barb Williams	1987 Beige Toyota	82Y2649
024	124	Misd. Referee	Barb Williams	1989 Blue Dodge	82F3298
024	224	Misd. Referee	Barb Williams	1990 Ivory Nissan	82Y2650
024	324	Misd. Referee	Barb Williams	1981 Maroon Dodge	82F6902
025	225	Juvenile Ct.	Pub. Defender	Gry. Mazda	82K5558
025	325	Juvenile Ct.	Pub. Defender	89 Wht. Must.Conv.	82D9750
025	425	Juvenile Ct.	Pub. Defender	1988 Buick	
026	026	VSC Juv. Ct.	VSC Juvenile	1983 Brown Chevy	1978005
026	126	VSC Juv. Ct.	VSC Juvenile	1989 Blk Kawasaki	5169
026	226	VSC Juv. Ct.	VSC Juvenile	Chev. Brwn.Ovte	82H2
027	027	Superior Ct.	Judge Bowers	Gray 85 Mazda	
027	127	Superior Ct.	Judge Bowers	Wht. 88 Mazda	
028	028	Circuit Ct.	Master Comm.	1983 Blk Chrysler	82D7420
028	128	Circuit Ct.	Master Comm.	1980 Brwn Dodge	82D7421
029	029	Circuit Ct.	Judge Young	1986 Blue Toyota	82E9549
029	229	Circuit Ct.	Judge Young	1976 Red BMW	82E9550
030	030	Superior Ct.	Judge Lockyear	1986 Wht Pontiac	82B8281
030	130	Superior Ct.	Judge Lockyear	Br/Cr Camaro	82H4748
030	230	Superior Ct.	Judge Lockyear	1991 Pont. Gd.AM	82E7500
030	330	Superior Ct.	Judge Lockyear	1991 Red Rodeo	847255
031	031	Handicapped Space			
032	032	Handicapped Space			
033	033	Ch.Dpt.Procs.	Timothy Klingler	Blue Honda	82F85
034	034	Prosecutor	Stan Levco	1987 Grey Chevy	82D8985
035	035	County Clerk	Betty K. Smith	1979 Grey Buick	82B3737
036	036	Dpty Clerk	David Cosby	1987 Blue Isuzu	257625
037	037	Dpty Prob. Off	Allan Henson	Ford PU Trk.	180875
037	137	Dpty.Prob. Off	Allan Henson	Wht. Ford Esct.	
82G4896					
038	038	Court Adm.	Don Vowells	1988 Wht Honda	82E8237
038	138	Court Adm.	Don Vowells	1983 Brwn Buick	82E8236
038	238	Court Adm.	Don Vowells	1980 Brwn Pontiac	82K6219
039	039	E.A.Co.Cncl.	Sandie Deig	84 Wht.Dodge Convrt.	SAND
039	139	E.A.Co.Cncl.	Sandie Deig	87 Br/Wht. Blazer	82Y
039	239	E.A.Co.Cncl.	Sandie Deig	88 Burg/Wht. Olds	
040	040	Pub Defender	David M. Shaw	Volvo -Silver	82E8609
040	040	Pub Defender	David M. Shaw	Red Plymouth	82E8608
040	140	Pub Defender	Stephan Haas	89 Blue Buick	82D1607
040	240	Pub Defender	Allen Hamilton	Gry 84 Plym.	82G5283
040	240	Pub Defender	Allen Hamilton	Blue 77 Merced.	82G5284
040	340	Pub Defender	David Lamont	Red -85 Mark VII	82D8580
040	340	Pub Defender	David Lamont	Blk. Ford Van	82A5788
041	041	Pub Defender	Barry Stanley	1990 Gry. Mazda	82L8754
041	141	Pub Defender	Beverly Harris	1989 Wht. Pont.	BC 2
041	241	Pub Defender	Dennis Vowels	Red Ford Ranger	
041	341	Pub Defender	Michael Danks	1989 Wht.Toyota	82D482
041	341	Pub Defender	Michael Danks	1983 Gray Buick	82G1199
042	042	Superior Ct.	Cf Prob. Off	91 Tan Ford Esct.	82A8040
043	043	Co.Council	Betty Hermann	1987 Gray Merc	82N 3

044	044	Co. Attorney	Jeff Wilhite	1989 Silver Toyota	82E8424
044	144	Co. Attorney	Jeff Wilhite	1983 Pontiac Grey	82E8423
044	244	Co. Attorney	Ted Ziemer	1988 Beige Buick	82R2
044	344	Co. Attorney	Joe Harrison	1989 Ford Mustang	82S14
045	045	Commissioner	Rick Borries	90 Blue Chevy	82A1377
045	145	Commissioner	Rick Borries	87 Blue Pontiac	82C3524
045	245	Commissioner	Rick Borries	82 Tan Plymouth	82C3523
046	046	Commissioner	C. McClintock	1989 Wht Pontiac	82E2187
047	047	Commissioner	D. Hunter	1981 Red Corvette	82D6004
047	147	Commissioner	D. Hunter	1987 Lincoln	82D6001
047	247	Commissioner	D. Hunter	1989 Wht Ford	82D6003
047	347	ABC	D. Spindler	1989 Blue Cad.	82Y287
047	447	ABC	D. Spindler	1988 Wht. Pontiac	82Y288
048	048	Chf Dpty Surv.	D. Hartman	1975 Grn. Cheve	82D4922
048	148	Chf Dpty Surv.	D. Hartman	1978 Blue Buick	82D4921
049	049	Surveyor	Bob Brenner	1981 Chevy Van	82
049	149	Surveyor	Bob Brenner	79 W/B Blazer	82
049	249	Surveyor	Bob Brenner	86 Wht. Cont.	82
050	050	County Council	Lindenschmidt	1991 Olds 98	8D3402
050	150	County Council	Lindenschmidt	1970 Green Olds	82D3401
051	051	Dpty Auditor	Cindy Mayo	1991 Blue Toyota	82E3042
051	151	Dpty Auditor	Cindy Mayo	1986 Red Toyota	10431S
052	052	Co. Council	B. L. Jerrel		
052	152	Co. Council	Shirley Reeder	1980 Grey Dodson	82E5187
053	053	Auditor	S. Humphrey	1987 Grey Ford	82A8571
053	153	Auditor	S. Humphrey	Gray Cressida	82A8572
053	253**	Auditor	P. Powless	1978 Brn. Chevy	
054	054	Co. Council	James Raben	1990 Chevy Truck	25386S
054	154	Co. Council	James Raben	1990 Red Volvo	
054	254	Co. Council	James Raben		
054	354	Com. Corr.	John Harl, Jr.	85 Blue Chrysler	82G4166
055	055	Co. Treasurer	Pat Tuley	1986 Blk Blazer	94349A
055	155	Co. Treasurer	Pat Tuley	1990 Blk. Escort	82L3951
056	056	Co. Council	Wm. Taylor	85 Gray Cad.	82B7507
056	156	Co. Council	Wm. Taylor	1988 Red Olds	82L6040
056	256	Co. Council	Rev. Saunders	1986 Gry. Olds	82G9490
057	057	Dpty Treasurer	Jayne Bland	88 Mt. Brn. Cad.	82G8838
057	157	Dpty Treasurer	Jayne Bland	Chrysler	
058	058	Co. Council	C. Wortman	1986 Red/Tan Ford	22857S
058	158	Co. Council	C. Wortman	1985 Grey Crys.	82B9568
058	258	EUTS	Rose Zigenfus	Mazda RX-7	
058	258	EUTS	Rose Zigenfus	84 Wht. Chevy	
058	258	EUTS	Rose Zigenfus	86 Wht. GMC Vann	
059	059	Co. Recorder	Bob Steele	88 Claret Buick	82B4186
059	159	Co. Recorder	Bob Steele	1989 Blue Olds	82B4187
060	060	Superior Ct.	Judge O'Connor	1986 Be/Wh Blazer	82K6358
060	161	Superior Ct.	Judge O'Connor		
061	061	Dpty Recorder	Eliz. Bennett	91 Red Honda Acc.	82F7575
061	161	Dpty Recorder	Eliz. Bennett	91 Blk. Honda Prel.	82H5346
062	062	County Council	Jim Manning	1991 Gray Mercury	82C2009
062	162	Superior Ct.	R. Norbury	Brown Pontiac	82K6219
063	063	Pigeon Trustee	D. MacGregor	1991 Albst Mercury	82D8
063	163	Pigeon Trustee	D. MacGregor	1978 Grn. Dodge Trk.	

Board of Commissioners

of the
County of Vanderburgh
305 ADMINISTRATION BUILDING
CMC CENTER COMPLEX
EVANSVILLE, INDIANA 47708



CAROLYN MCCLINTOCK
DON L. HUNTER
RICHARD J. "RICK" BORRIES



TEL. (812) 426-5241

FROM: VANDERBURGH COUNTY COMMISSIONERS

TO: DOLORES GUGIN

RE: HOSPITALIZATION INSURANCE FOR SHERIFF'S RETIRING DEPUTIES

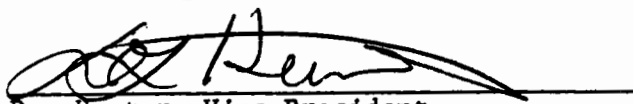
This is your authorization to keep in force the Hospitalization Insurance for the retired sheriff's deputies. Under the 1986 ordinance, they will pay only the employees share. You must get notarized statement, to the effect that they have no other insurance. (Ordinance attached)

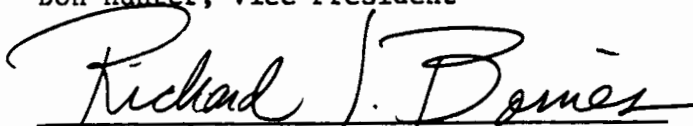
Upon reaching sixty-five (65) years of age or upon eligibility to participate in the Medicare Program, the County may convert to a Medical Supplement Plan under the same terms and conditions.

Only five retiring Sheriff's Deputies qualify under this plan. They are: Kenneth Patterson, Tom Brandsasse, Soney Banks, Kenneth Collins and John Lancaster.

The Board of Commissioners of
the County of Vanderburgh


Carolyn McClintock, President


Don Hunter, Vice President


Richard J. Borries, Member

TO: THE COUNTY COMMISSIONERS

RE: STATEMENT OF HOSPITALIZATION INSURANCE COVERAGE

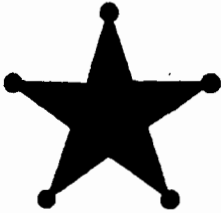
I hereby state that I am not eligible for, nor receiving
any other Hospitalization Insurance coverage.

Signed _____

Date _____

Notary _____

My Commission Expires _____



OFFICE OF
SHERIFF OF VANDERBURGH COUNTY

OFFICE PHONE 426-5303
JAIL PHONE 426-5317
EVANSVILLE, INDIANA 47708

RAY HAMNER
SHERIFF

JIM TUCKER
CHIEF DEPUTY SHERIFF

Dear Commissioner Borries,

I would like to propose a County Ordinance which would establish and place the Vanderburgh County Sheriff's Department civilian Correction Officers under the jurisdiction of the Sheriff's Department Merit Commission. The establishment of this ordinance would provide guidance, create standards, and qualifications in an effort to professionalize the Correction Officers.

The implementation of this Sheriff's Merit system for the Correction Officers would furthermore eliminate the past political patronage used to hire Correction Officers. By placing the Correction Officers under the jurisdiction of a Merit system, it would address the Correction Officers' concerns regarding "job security" since procedures establishing dismissal and grievances would have to be initiated. The Correction Officers currently are expected to adhere to the Department's Rules and Regulations without any form of redress, but this ordinance would eliminate this.

Indiana State law presently requires that a Correction Officer attend a forty (40) hour Correction Officer Academy within their first year of employment. There is no provision for any further training or certification. The Merit Ordinance shall address these needs and commitments for additional training, thus the Vanderburgh County Sheriff's Department and the County Commissioners have an opportunity to be innovative and further professionalize the field of Corrections within Vanderburgh County.

Sincerely,

Ray
Ray Hamner
Sheriff of Vanderburgh County

*Attorney for Review
advertised for 1st, 2nd reading
AUG. 5th*

AN ORDINANCE OF THE VANDERBURGH COUNTY
COMMISSIONERS REGARDING A MERIT SYSTEM
FOR CORRECTION OFFICERS OF THE
SHERIFF'S DEPARTMENT

WHEREAS, the Vanderburgh County Sheriff desires to implement a merit system to apply to Correction Officers of the Sheriff's Department in order to ensure the professionalism of the Sheriff's Department;

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of Vanderburgh County, Indiana, as follows:

Section 1. Sheriff's Department Correction Officers
Merit System

There is hereby created a Sheriff's Department Correction Officer's Merit System pursuant to the provisions of this Ordinance under authority of I.C. 36-1-4-14 and I.C. 36-1-3-1 et seq.

Section 2. Merit Board

The Merit System created by this Ordinance shall be under the jurisdiction of the Vanderburgh County Sheriff's Merit Board.

Section 3. Sheriff's Authority

The Sheriff shall have continuing authority to establish rules and regulations of the Sheriff's Department. The Sheriff shall also have continuing authority over supervision and management of personnel and operations of the Sheriff's Department.

Section 4. Discipline

(A) The Sheriff shall have continuing authority to issue the following discipline:

- (1) Verbal reprimand;
- (2) Written reprimand;
- (3) Suspension with or without pay; and
- (4) Dismissal.

(B) A Correction Officer may be disciplined by reprimand, suspension or dismissal for any of the following reasons:

- (1) Conviction in any Court of a crime
(a felony conviction shall necessitate
termination in all instances)
- (2) Neglect of duty;
- (3) A violation of Departmental Rules;
- (4) Neglect or disobedience of orders;
- (5) Incapacity;
- (6) Absence without leave;
- (7) Immoral conduct;
- (8) Conduct injurious to the public
peace or welfare;
- (9) Conduct unbecoming an officer; or
- (10) Another breach of discipline.

(C) A decision by the Sheriff to suspend in excess of fifteen (15) days or dismiss a Correction Officer shall be subject to appeal to the Merit Board. Such appeal shall be initiated by the appealing officer serving written notice upon the President of the Merit Board or the Sheriff of the officer's desire to appeal. Such written notice shall be served upon the Sheriff or President of the Merit Board within fifteen (15) days of the officer's receipt of notice of such suspension or dismissal.

(D) In the event an officer appeals the discipline imposed, a hearing shall be held within thirty (30) days. The Merit Board may continue the hearing at its discretion but a hearing shall be held within a reasonably prudent time.

In the computation of days under this Section, the methodology provided for in the Indiana Trial Rules shall be followed.

(E) The hearing shall be subject to the provisions of the Indiana Open Door Law.

(F) The Merit Board may compel the attendance of witnesses, examine them under oath, and require the production of books, papers and other evidence at a meeting of the Merit Board. The President of the Merit Board or any other member in the absence of the President, may issue subpoenas and have them executed and served.

Section 5. Rules and Regulations of Merit Board

(A) The Merit Board shall have authority to establish rules and regulations governing procedural matters concerning discipline under its jurisdiction.

(B) The Merit Board shall have authority to establish rules and regulations regarding the hiring of Corrections Officer subject to this Ordinance and funding.

(B) The Merit Board shall have the authority to amend its rules and regulations by making additions, changes, or deletions thereto. All rules and regulations shall be in writing with a copy furnished to each Correction Officer along with amendments thereto.

Section 6. Appointment of Correction Officers

(A) The Sheriff shall hire Correction Officers only from an eligibility list furnished by the Merit Board. Appointment shall be subject to this Ordinance, rules and regulations of the Merit Board, and appropriation.

(B) An eligibility list shall be based on merit and fitness of the applicants.

(C) All applicants shall file a written application on the forms prescribed by the Merit Board within the time limits fixed by the Merit Board. In order to file an application and in order to serve as a Correction Officer, an individual must:

- (1) Be at least twenty-one (21) years of age;
- (2) Be a United States citizens;
- (3) Be a high school graduate or possess a G.E.D. certificate;
- (4) Be of good moral character;
- (5) Not be convicted of a felony;
- (6) Possess a valid Indiana driver's license; and
- (7) Meet any and all other requirements established by the Merit Board.

(D) The Merit Board shall give public notice of the applicant process at least two (2) weeks in advance of the last date for filing applications.

(E) The examination process for obtaining a ranking on the eligibility list shall be based on merit and fitness and shall consist of the following:

- (1) Written test or tests; and
- (2) Any other relevant assessment method established by the Merit Board.

Before an examination process is begun, the Merit Board shall announce the relative weight of each part of the examination process.

(F) The order of names of passing applicants on the eligibility list shall be determined by their final examination scores (i.e. the combined weighted scores from all parts of the examination process) in descending order. The final examination score shall be carried out to four decimal places.

(G) Each applicant who competes in any part of the examination process shall be given written notice of the results of that part and the entire examination process. The notice shall include the applicant's score on each part, and if the applicant passes each part, the applicant's rank on the eligibility list. Such notice shall be given after the eligibility list is established but may be given earlier at the Merit Board's discretion.

(H) The Merit Board shall maintain an active eligibility list in order to fulfill the hiring needs of the Department. The eligibility list shall contain the names and addresses of the applicants who passed the examination process, their final examination score, and their rank on the eligibility list. The eligibility list shall be in effect for twenty-four (24) months from the date approved unless sooner exhausted or terminated by the Merit Board. The eligibility list may not be extended.

(I) When the Sheriff requests a vacancy be filled, the Merit Board shall certify the name and address of the person who holds the top position on the list so long as the applicant still meets the standards for appointment on the Department.

(J) The Merit Board may remove an applicant's name from the eligibility list at any time, without a hearing, when the Merit

Board receives information that the applicant no longer meets the eligibility requirements for appointment.

(K) Until such time as the Merit Board compiles an eligibility list, any vacancies filled shall be filled by utilizing current policies and procedures.

Section 7. Probationary Appointment

(A) All persons hereafter hired to serve as a Correction Officer shall serve a twelve (12) month probationary period. The probationary period shall be utilized for closely observing how well the new officer learns the responsibilities of the job and if the officer's performance meets required work standards.

(B) The Sheriff shall make periodic reports to the Merit Board concerning the progress of probationary officer's performance. The Sheriff shall certify, at least ten (10) days prior to the officer's completion of the twelve (12) month probationary period, whether the services of the probationary officer have been satisfactory and whether the probationary officer shall receive the status of Correction Officer.

(C) At any time during the Correction Officer's probationary period, the Merit Board may dismiss an officer, following a hearing, if the probationary officer's performance does not meet required work standards.

Section 8. Consideration of Political Affiliation Prohibited

The Sheriff and the Merit Board shall not consider the political affiliation of an individual in the hiring and discipline of Correction Officers.

This Ordinance shall become final, binding and in full force and effect immediately upon its passage and upon the execution hereof by the members of the Board of Commissioners of Vanderburgh County, Indiana, or a majority of them.

VANDERBURGH COUNTY COMMISSIONERS

Carol McClintock, President

Donald Hunter, Vice-President

Richard J. Borries, Member

PASSED BY THE BOARD OF COMMISSIONERS OF VANDERBURGH COUNTY ON THE
____ DAY OF _____, 1991, AND ON SAID DAY SIGNED BY THE
MEMBERS OF SAID COMMISSION AND ATTESTED BY THE UNDERSIGNED
AUDITOR OF VANDERBURGH COUNTY, INDIANA.

Sam Humphrey, Auditor
Vanderburgh County, Indiana

APPROVED AS TO FORM:

County Attorney

Sign-In Sheet

Vanderburgh County Board of Commissioners
Zoning Meeting
July 15 1991

<u>Name</u>	<u>Affiliation</u>
SAM FLANARY	AGAINST REZONING AT FUGATE RE
Garland Cravens	ally for homeowners
Larry W Norvell	Against Rezoning
JANICE McNEELY	AGAINST REZONING
JANET BRAZELTON	"
Robert R. Haughey	AGAINST REZONING!!
Eva Lightmyer	AGAINST REZONING!!
Hil Memmer	AGAINST REZONING!!
Charlotte Memmer	AGAINST REZONING
Aaron Thompson	Against rezoning
AB Thomas	Against rezoning
John R. Burns	Against rezoning
Madeline Burns	Against rezoning
Suzanne J. Colvin	Against rezoning
Richard A. Klein	Against rezoning
Barbara I Klein	Against rezoning
Sarah Nordhorn	Against rezoning
Boris Klein	Against rezoning
Laurie Klein	Against rezoning
Robert C. Colvin	"
Delta Nordhorn	"
Robert C. Colvin	"
Harold Memmer	"
Angela Memmer	"
Norma Jordan	For Rezoning
Kelly Jordan	"
Karen Hunter	Against
Anna Leake	"

Janet Larnby	against
Ella Louise Allen	against
Bill Moers	against
Marion Kahn	against
Langdon	against
Paul Putnam	against
Janice Putnam	against
Carol Pate	against
Marjorie Mudgett	against
Carlman Hawkin	against
Anna L. Hawkins	against
Tim Gehlhausen	against
Luanita Henderson	4 -
Wilbur Anderson	against
Joanne McShee	against
Frances McConnell	against
Debra J. Oliver	against
Virginia Larkford	against
Don R. R. R.	against
R. Mark O.	against
Evelyn Maffield	against
Betty Perna	against
Louise Summers	against
James D. Pitta	AGAINST
Roger D. Roth	against
Sam E. Hoon	against
Ann Summers	against
Tom Northman	against
Wally Johnson	against
Ray Steiman	against
Ronald M. J. J.	against
W. W. W.	against
Robt E. Massey	against

MINUTES
COUNTY COMMISSIONERS MEETING
JULY 29, 1991

I N D E X

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Proposed Ordinance re Insurance Benefits for Sheriff's Department Sworn Deputies	1 & 4
Introduction of Staff & Pledge of Allegiance	2
Ameritech Credit Corporation Contract	2
Authorization to Open Bids re Demolition or Removal of Structures at 4701 Green River Court	3
Request to Purchase Surplus Property at 701 E. Olive ...	3
Sale of County-Owned Surplus Property	3
Ordinance to Repeal Ordinance re Group Health Insurance for Qualified Retired County Employees (First Reading)	4
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Resolution re Commercial Barge Loading Facility	5
Loss Control Program with PENCO	7
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C. Muensterman out of the City	
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Request for Proposals/Three Bridges (Stringtown Rd., Oak Hill Rd., and Darmstadt Rd.)	
Standards Committee Meeting	
Bridge #158/Orchard Rd. Bridge	
Coliseum Parking Lot	
Westchester & Whitman Rds./Acceptance by County desired	
Consent Agenda	14
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Executive Session for purposes of discussing diesel fuel spill at County Highway Garage.	
Executive Session scheduled 8/2/91 at 10:00 a.m.	
Recommendations re County Highway Garage	

County Attorney/Gary Price
Reading of Bids re Demolition of structure at
4701 Green River Court
Attorney's Report
Lease Agreement/Burdette Park Campground
Petition to Vacate Laubscher Rd.
Burdette Park Deluxe Miniature Golf Course

16

Meeting Adjourned @ 6:40 p.m.

MINUTES
COUNTY COMMISSIONERS MEETING
JULY 29, 1991

The Vanderburgh County Board of Commissioners met in session at 4:30 p.m. on Monday, July 29, 1991 in the Commissioners Hearing Room, with President Carolyn McClintock presiding.

RE: INTRODUCTION OF GUEST

Commissioner McClintock called the meeting to order and said that Commissioner Borries has a very special guest today.

Commissioner Borries said since there is a quorum today he will not be staying for the entire meeting. He proceeded to introduce Mayor Mikio Ando of Mino, Japan. They had an opportunity to meet in March of this year when he visited Mino and he asked him if he visited the U. S. in the future if he would like to visit our fine community. His son Chio, a 20-year old college student, is with him. The interpreter (also a teacher in the Evansville-Vanderburgh Schools) is Maki Sawatchi, who is doing an excellent job.

Mayor Ando stated he was in Washington, D. C. prior to coming to Evansville and expressed his appreciation for the opportunity to visit Evansville.

Commissioner McClintock said that the other Commissioners join Commissioner Borries in welcoming him to Evansville and the Commission Meeting and hope he enjoys his day in Evansville.

RE: UNION TOWNSHIP SITUATION

Commissioner Borries said there are numerous people present today and the Commissioners have received many telephone calls regarding the Union Township situation. He hopes we can work through this with our Highway Department in an effort not to disrupt the local economy, particularly the farmers, who could be impacted if this road closes at an inopportune time. There have been suggestions that perhaps a flagman could be placed in this area and the Commissioners might want to consider this.

RE: PROPOSED ORDINANCE RE INSURANCE BENEFITS FOR SHERIFF'S DEPARTMENT SWORN DEPUTIES

Commissioner Borries said he has read through the subject Ordinance. What he does not understand is that under the old Ordinance Item 2(c) said payment will be "full rate", which is the rate that is in effect at the time and will be subject to future increases after that time.

The new Item says, "...pay only the employee share of the premium called for under the plan." The reason he calls this to the Board's attention is that if our stated purpose is to save money, he doesn't understand how we are going to save money on that. Therefore, he needs further explanation in regard to that particular item. He has no further specific comments or questions at this time.

Ms. McClintock said the Board will just be setting that for 1st and 3rd Readings. It is her understanding that the intention is exactly the same --- that when an employee retires, that the employee will pay in the same amount as any other employee paying into the plan and that was simply to simplify the language. However, the intention is the same and if Commissioner Borries is more comfortable with the other wording, she doesn't think there is a problem in changing the wording back.

Commissioner Borries said he would ask for some consideration on

that, because it is a bit confusing to him -- because he didn't know if that meant the full share of the plan or just the employee share of the plan and he did have concerns about that.

Ms. McClintock said the wording can be reworked prior to introduction.

RE: INTRODUCTION OF STAFF & PLEDGE OF ALLEGIANCE

The meeting continued with Commissioner McClintock introducing members of the County Staff and asking the participants to stand for the Pledge of Allegiance.

RE: UNION TOWNSHIP/ROAD CLOSING

Since there were quite a few people present with regard to this matter, Commissioner McClintock suggested the Board try to resolve this matter early so the many individuals would not have to sit through what appears to be a lengthy agenda.

She said she had spoken with Greg Curtis, County Engineer, earlier in the day and they are working toward resolving this problem.

Mr. Curtis said that shortly after the Commission meeting two weeks ago, at which time the Commission allowed the road to be closed between 9-11:00 a.m. and 1:00-5:00 p.m., we received numerous inquiries from the public, including many people who are here today. He and the contractor subsequently decided not to close the road at the designated times until they could come back before the Commission. It is his understanding from talking to each of the Commissioners that we should forego closing the road during the designated hours.

The other concern is the 30 day closure allowed in the contract. At the request of the Commission, we are presently investigating the cost of a Change Order for leaving the road open, whether it is a runaround or placing rock each day -- whatever the situation is -- the most cost effective way to change order the contract for leaving it open during the designated times. He hopes to have that information at next week's meeting.

President McClintock said the Board should then have information within a week upon which to base a decision -- so we can leave the road open, so the farmers, businesses, and residents in the Union Township area will not have to worry about the road being closed for that 30-day period. She said the individuals can call the Commission Office either on Friday or Monday morning to see what the recommendation of the County Engineer is so they won't have to come all the way down here for the Commission meeting.

A representative of the grain elevator noted they should pay more attention to County business (and will in the future) -- this kind of "snuck up" on all of them in taking place so quickly. They would appreciate whatever the Commissioners can do to insure that the road remains open.

RE: AMERITECH CREDIT CORPORATION CONTRACT

Chief Deputy Auditor Cindy Mayo said we have a credit contract with Ameritech wherein they were to pay for all service and installation charges for the Enhanced 911 Service. There was a Change Order that did come through from KLF (Model 59751CBX Telephone System that had not been included in the original contract. So there is a Change Order coming through for this for a total of \$17,716.00. What happened with this was that Ameritech Credit was to pay all these charges. KLF did bill the City of Evansville for these charges; they did pay it and turned around and billed us for our 50% portion and we paid the City. So we will be getting a reimbursement from Ameritech Credit for a total of \$147,000. (The City will be getting it and we will get our 50%

back, which can go back into the Central Dispatch line item.) She's been able to take care of most of the forms. She does have an Exhibit "A" and Schedule "B" that do need to be signed by the Commissioners for Mr. Berner to get tomorrow and get this taken care of so we can get our monies back.

Motion was made by Commissioner Hunter and seconded by Commissioner McClintock to approve and sign the Change Order. So ordered.

RE: AUTHORIZATION TO OPEN BIDS RE DEMOLITION OR REMOVAL OF STRUCTURES AT 4701 GREEN RIVER COURT

Upon motion made by Commissioner Hunter and seconded by Commissioner McClintock, authorization was given for the Attorney to open the subject bids and read them into the record later in the meeting. So ordered.

RE: REQUEST TO PURCHASE SURPLUS PROPERTY AT 701 E. OLIVE STREET

Ms. McClintock said she has a request from the Redevelopment Commission to purchase the property located at 701 E. Olive Street for \$1.00. She asked if anyone is present who wishes to purchase the subject property? There being no response, a motion was entertained.

Upon motion made by Commissioner Hunter and seconded by Commissioner McClintock, the offer from the Redevelopment Commission was accepted. So ordered.

RE: SALE OF COUNTY-OWNED SURPLUS PROPERTY

The meeting proceeded with Ms. McClintock stating the following bids were called in to the Commission office:

11-80-21-67-17 (787 Line Street) -- Bid from Walter P. Joseph of 736 Ridgeway (422-0481) for the Baptist Apostolic Mission in amount of \$100

11-80-21-60-58 (511 E. Gum) -- Bid from Rev. Francis P. Smith of 700 S. Kentucky (422-3249) in amount of \$1.00

11-430-26-34-13 (214 W. Indiana) -- Bid from Mike French of 3301 W. Maryland (423-9812) in amount of \$1.00

A bid was received in the mail from the Evansville Black Coalition in the amount of \$5.00 for the parcel of property located at 420 S. Morton Street (Tax Code #11-270-24-36-09).

Ms. McClintock asked if anyone present wishes to bid against any of the foregoing. There being no response, in four separate motions made by Commissioner Hunter and seconded and so ordered by Commissioner McClintock, the four (4) designated parcels of property were sold to the sole bidders on these parcels.

Bidding continued on remaining parcels, with Esther Moore bidding \$20.00 on property at 610 E. Blackford. There being no further bids on this parcel, upon motion made by Commissioner Hunter and seconded and so ordered by Commissioner McClintock, the designated parcel was sold to Ms. Moore.

Mr. Todd Luce, appearing on behalf of Habitat of Evansville, bid \$1.00 for the parcel located at 812 Judson. There being no further bids, upon motion made by Commissioner Hunter and seconded and so ordered by Commissioner McClintock, the designated parcel was sold to Habitat of Evansville, the sole bidder.

Mr. Earnest Lamb bid \$1.00 for the property located at 1019 W. Virginia Street. There being no further bids, upon motion made by Commissioner Hunter and seconded and so ordered by Commissioner McClintock, the designated parcel was sold to the sole bidder.

Mr. William Alexander bid \$1.00 for property located at 1614 Cumberland. There being no further bids, upon motion made by Commissioner Hunter and seconded and so ordered by Commissioner McClintock, the parcel was sold to Mr. Alexander.

Mr. William Alexander also bid \$1.00 for the property located at 718 Hillsdale. There being no further bids, upon motion made by Commissioner Hunter and seconded and so ordered by Commissioner McClintock, the parcel was sold to Mr. Alexander.

There being no further bids on any of the remaining parcels, Commissioner McClintock instructed today's successful bidders to go to the County Auditor's Office, Room 208, and see Vanessa Adams to finalize the transaction and provide needed information re the new deed to be prepared for the property purchased. She then stated the sale will continue at next week's Commission meeting.

RE: ORDINANCE TO REPEAL ORDINANCE RE GROUP HEALTH INSURANCE FOR QUALIFIED RETIRED COUNTY EMPLOYEES/FIRST READING

Ms. McClintock asked if anyone is present who wishes to speak concerning the above. There being no response, upon motion made by Commissioner Hunter and seconded and so ordered by Commissioner McClintock, the Ordinance was approved on First Reading. Second and Final Reading is scheduled for August 5, 1991.

RE: ORDINANCE TO REPEAL ORDINANCE RE GROUP HEALTH INSURANCE FOR QUALIFIED RETIRED SHERIFF'S DEPARTMENT EMPLOYEES

Ms. McClintock asked if anyone is present to speak to the above. She said it is her understanding that the Ordinance that has been worked out with a group representing Vanderburgh County Sheriff's Deputies, herself, and the County Attorneys, based upon Mr. Borries' comment, she feels we should expand upon the line that says "pay only the employee's share of the premium called for under the plan" so that it is clearly understood that if all Vanderburgh County employees' share increases at any time that someone is enrolled during the plan, that we would expect the retirees to pick up that additional cost, as well. Clearly, it wouldn't be fair to ask active employees to pay more for health insurance than we would retired employees -- and we want to make that clear. The primary change in this Ordinance is that this Ordinance sunsets beginning August 1, 1994. Basically, the benefits are the same as those provided for the employees. What that means to Vanderburgh County is that we will not have an Ordinance that is sitting out there for an indefinite period of time that would create a liability for Vanderburgh County and the taxpayers of this community that we cannot anticipate realistically at this time. Quite frankly, we just don't know what is going to happen with the cost of health insurance over the next several years. As we all know, that is a very volatile industry and it is very difficult to determine what those costs are going to be. Ms. McClintock then entertained comments re the Ordinance repealing the existing Ordinance or the proposed Ordinance to be advertised for First and Final Readings. There being none, upon motion made by Commissioner Hunter and seconded and so ordered by Commissioner Hunter, the Ordinance repealing the existing Ordinance was approved on First Reading, with Second and Final Reading to be heard August 5, 1991, and the secretary was ordered to advertise the proposed Ordinance, with First Reading on August 12th and Second and Final Reading on August 19th.

RE: REHABILITATION CENTER/SUPPORTIVE EMPLOYMENT - JOELLE BUTCHER

Ms. Joelle Butcher, Program Services Administrator for the Residential Program at the Rehabilitation Center, gave a presentation and said they offer Group Homes for multi-handicapped individuals, but most importantly are the community programs. One of the Community Programs she is involved with is the Support Employment Program, which is funded by the State. She thanked the County for employing one of their individuals for up to thirty (30) days. About five years ago they started their semi-independent program wherein they assisted adults with multiple-handicaps (mental or physical) into finding their own apartment, maintaining that apartment by themselves, and budgeting, grocery shopping, cooking, having social schools -- but the pervasive problem was work. These individuals have always been allowed a Social Security check or a Disability check -- some type of government funding to allow them to live meagerly. But as with anyone else, this country was established on the work ethic and it has just not been feasible for these individuals to be maintained by a check or by someone else paying their bills. The nicest thing has been that the government and the people in power have decided that it is time for these people to be employed. The young man aforementioned was hired by the County Highway Department and has been working for 30 days. There have been small problems, such as attendance. Two days he was late to work. They have determined the reasons and have taken care of it. There have been some questions on grooming and hygiene. That is not to say that this individual is the only one who ever experiences these problems, but that is to say that there is a group there to take care of these problems. They have a Job Coach for these individuals who sees that the job is matched for the individual and this individual is very well matched for this job. She was sitting on needles and pins for several months, hoping that Ms. Carol Davis would see fit to employ this individual and hoping the Commission would approve it. It was simply a matter of giving him the opportunity. The individual has worked in the past for Goodwill Industries, but there is a stigma that goes along with some of that and some of the higher functioning individuals don't want to do that anymore. It was very important that he get out. They now have three Job Coaches in a program of approximately 55 people in the community and working and they are very proud of their program. Most of the time when they have been fully trained they are employees who are going to give you a very good success rate and she thinks that is important. They have several individuals who would be very gifted in some of the other jobs and opportunities and she asked that the Commissioners give her a call.

Ms. McClintock thanked Ms. Butcher and Carol Davis, stating that Carol Davis, Asst. Superintendent of the County Highway Garage identified this program and worked with the agency to get us this individual employee. Not only has it been a good experience for the employee, it has been good for us, as well.

Commissioner Hunter commended Ms. Butcher on this excellent program.

RE: RESOLUTION RE COMMERCIAL BARGE LOADING FACILITY

Ms. McClintock introduced Mr. Don Mottley, who was the spokesperson for "Save Our Rivers". He said they submitted a Resolution to the Commissioners a week or so ago. Today he presented comments from the Army Corps of Engineers Inspector on the project, as well as the Division of Fish & Wild Life, DNR, and the Division of Historical Preservation Archeology of the DNR. (Copies attached hereto.) Mr. Mottley then commenced to make a lengthy presentation concerning the Resolution and supporting documents, citing numerous specific reasons for opposing the commercial barge loading facility.

There were a number of residents accompanying Mr. Mottley who also are opposed and stood to indicate their opposition to the new proposed facility, which is three times larger than the existing facility.

Ms. Jo Ellen Revlett of 5605 S. Old Green River Rd. approached the podium and said she is approximately one half mile upstream from where the new facility will be. Downstream there are approximately 50 camps and the people who live in these camps are residents of Kentucky. They have also sent a petition to the U. S. Army Corps of Engineers. The petition of the Indiana residents has 750 names on it -- the residents and boaters who use this area. The idea of any dredging here will be detrimental to any mussel bed for the simple reason that any dredging that is done -- all that silt will come down river and settle directly on this mussel bed. Whenever you have an endangered species, you cannot replace it. If all this silt that comes down river, one of the very things that will kill a mussel bed is pollution and this silt settling on top this mussel bed will completely wipe it out.

In response to query from Commissioner Hunter, who stated he is no river person and asked if channel dredging hasn't been going on, Ms. Revlett said there has been no dredging on the channel in this area during the 13 years she has been there. The river is deep enough in this area that there has been no need for dredging. In the last 20 years the fish and wildlife in this area has come back in abundance. It is just a beautiful recreational area and they hate to lose it. They know there are two endangered species there and the mussel man who fishes this mussel bed says there are three. However, they will have to have a mussel survey done by the Army Corps of Engineers to know and they say right now there is no money for a mussel survey. With the exception of the coal loading facility which opened last year, there are no other coal loading facilities in the area. This coal dock has been there for years but has only operated on perhaps a two or three months per year basis. They put a new blacktop road through a farm field, which 100 yards of it washed out this year into the fields and the river and they are not allowed to even blacktop their driveways. So, as residents, they are very upset about this matter. Primarily, however, she wanted to make the point that if dredging is done it will kill this mussel bed.

Ms. McClintock said this matter came before the Commission as a rezoning matter several months ago. It was approved by the Commission as a land use question and that is what the Commission rules upon when they are looking at property -- as to whether, in their determination, it is a proper use of land. There were no remonstrators -- no one here who opposed that petition -- and the petition did pass 3-0 in favor of the rezoning. In reading the Resolution, there are several items that she, as a Commissioner, does not feel qualified to vote upon. She is not a Fish & Wildlife expert; she is not a land and water expert. There things beyond -- despite the report -- her ability to look at it and vote on it with any knowledge that would be meaningful -- and a Resolution of this type, she does not believe, is going to be that helpful to their cause. What she would be willing to support -- and what she thinks is more important for their cause -- is either a letter or a Resolution sent to both the Army Corps of Engineers and the Department of Natural Resources, requesting that they do hold a public hearing on this matter in Vanderburgh County. Those are the people who are going to make the ultimate decision on this and they are the ones who need to hear the testimony of the residents regarding the endangered species, the dredging and the effect on the air and water quality along this river. Unlike Don (Hunter), she lives on the river, so she has an interest in what goes on down there and is a little bit closer to it. She would be more than willing to request that our County Attorney draw up a Resolution to be approved at next week's meeting that would request the Army Corps of Engineers and the Department of Natural Resources to hold

a joint hearing and thinks that is something the Board could easily agree upon next week.

Mr. Mottley said he appreciates that. They also had a public hearing with the Division of Water on July 23rd and there were approximately 25 people in attendance -- so this letter would need to go to the U. S. Army Corps of Engineers to the attention of Mr. Shelton in Louisville (Mr. Mottley provided Mr. Hunter with the specific mailing address information.)

Ms. McClintock thanked the residents for their attendance and said the Commission will have something drawn up and provide Mr. Mottley with a copy for his files and they will obtain approval at next week's meeting and then forward same to the U. S. Army Corps of Engineers.

RE: LOSS CONTROL PROGRAM WITH PENCO - JOHN HODGE

Mr. John Hodge said the Commissioners have a copy of the subject proposed contract before them. When the County accepted this program through Public Entities National Company, it was as the result of a lot of work by a lot of people in the County, including Jerry Schenk of Jerry Schenk & Associates, a local loss control firm. Jerry has done an excellent job over the last six years, but he does have some limited access for supportive services through Public Entities National Company. PENCO provides loss control services for all lines aggregate programs that they handle throughout the country with the exception of Vanderburgh County. They have agreed through this contract to provide loss control services for the County and Charles Peters, the Senior Loss Control Representative for Public Entities National Company, is with him today. He will be handling the County's account. If the County approves the contract, Chuck will be working with Jerry Schenk to provide not only the services that Jerry has been providing on a regular basis, but to have available all the supportive services of the large Public Entities National Company loss control facilities. They have met and he believes he two can work together very well. PENCO can provide these services at a very reduced rate because of their wide services and programs already in place. They do not have to develop new programs, they just have to adapt them to the County and it is his recommendation that the County does continue to consider services provided by Jerry Schenk and several of the County departments have expressed an interest to continue to use Jerry, at least partially (such as Burdette Park and the County Highway). Chuck Peters won't be here every week. Jerry Schenk lives here and can provide some instant services and local services that Chuck can't provide. Chuck will be here on a regular basis according to the contract. The services are outlined in the one year contract. It is a policy year contract, so the County is not committed beyond a year at a time, nor is PENCO. The bottom line is that the net cost to the County will be approximately \$15,000 to \$20,000 below what we have paid in the last couple of years, simply because of their economy as to how they can do things -- and still have the services of both the national company and the local firm.

Ms. McClintock asked, "And we're going to work out some kind of written agreement with Jerry regarding exactly what he is going to be doing and how he is going to be paid?"

Mr. Hodge responded, "That's right. In fact, Jerry will be visiting tomorrow and going around and reviewing some of the areas of the County and find out what PENCO has to offer and can supplement it to insure that we continue to get the loss control that we've been enjoying the past six years. That is real important."

Ms. McClintock asked if he is just looking for approval of the contract today and then he will bring the contract back for signatures?

Mr. Hodge said that is correct.

In response to query from Commissioner Hunter, Mr. Peters stated he resides in Davenport, Iowa. He will be making four visits to Vanderburgh County per year for two or three days at a time.

Upon motion made by Commissioner Hunter and seconded by Commissioner McClintock the contract was approved, to subsequently be signed. So ordered.

RE: DATA PROCESSING

Jim Tucker of the Sheriff's Department said Art Gann was in the meeting and planned to present this, but had to leave due to a prior commitment. In continuing, Mr. Tucker said we've reached a point with the computerization where we need to make the Warrant conversion from the Honeywell to the new DEC system. Initially the County encumbered \$19,000 to do this. As he understands it, the money is still there. Initially it was felt we would be able to plug one cable into the other when we dumped it over and it is not going to work that way. It is going to be very labor intensive. They have approached the Data Board and sought their approval to come before the Commissioners. What it boils down to is that they are going to have to manually enter some 3,600 warrants into this new system. It has to be done by the Clerk's employees. They have about ten (10) clerks who have been trained to do this. Their problem is a way to pay these people and how they are going to get this done. It has been proposed that they will do this for a couple of hours after their normal work hours and on Saturdays. It will take about a month to do this. Initially they thought about a slightly higher wage than they were being paid, but then they were afraid they would have to pay time and a half. So, basically, that is why they are here. Mr. Humphrey was at the Data Board and is familiar with what they are talking about. Mr. Tucker said he is not really a computer expert, but he does know we have a labor problem. They're asking for permission from the Commissioners to approach the Council to ask for this money to pay these clerks the overtime, in order to get these warrants converted over to the new DEC system.

Commissioner McClintock asked, "Why wouldn't we just hire new people and train them?"

Mr. Tucker responded, "Why wouldn't we just hire new people and train them to do this? It's a one time thing. Once we get these 3,600 warrants in then it will go right back to the Clerk's responsibility as to who enters these warrants on a daily basis anyway."

Ms. McClintock said, "I understand that. But wouldn't we have to pay these people overtime if they are regular employees? It would be cheaper for us to just hire ten people to do it."

Mr. Tucker said, "We may get into a problem with the Courts, because the Clerk's employees are officers of the Court. Now, Sam, you can help me here a little bit. I think they are the ones who have to actually enter these warrants -- because it being an employee of the Court System, itself. We're dealing with a whole lot of very confidential information on these warrants."

Mr. Hunter asked, "We're limited as to who we can hire to do this? Is that correct?"

Mr. Tucker said, "That is my understanding."

Commissioner McClintock said, "I think what I am going to need is a little more information -- like exactly how much it is going to cost; what we're going to pay these people; how long it is going to take."

Mr. Roger Elliott interrupted, "We're not asking for additional money. Rather, we are asking for the authority to use a portion of the \$19,000 for something other than professional services type activity."

Ms. McClintock asked, "Are you going to be back then asking for more money to put into this professional; services type activity?"

Mr. Elliott replied, "No, Ma'am; our intention is not to do so. Our intention is to be able to complete the conversion of the warrant package for under the \$19,000 figure."

Mr. Hunter asked what the \$19,000 figure was appropriated for in the first place?

Mr. Elliott said, "The \$19,000 figure was appropriated for the conversion of 14 computer programs from the Honeywell System to the VAX and the automated conversion of data. We've since found out that because of the large volume of warrants that we have on the system and the desire to insure the accuracy of the information as it goes across and also to protect the County, the City, the Sheriff's Department, and Lieberman & Associates from a lawsuit, that it is to the best interest of all to have humans involved in the data entry."

Auditor Humphrey asked, "Are these just in the Courts?"

Mr. Elliott responded, "I don't understand."

Mr. Humphrey said, "The conversion system."

Mr. Elliott said, "This particular system -- yes, Sam."

Ms. McClintock said, "I don't care whether the money is already there -- I'm not going to approve an open check to spend whatever. I want to know how much we're going to pay them; approximately how many hours they are going to work; and approximately how much it is going to cost the County."

Mr. Tucker said, "They've been talking approximately 720 hours."

Mr. Hunter said, "We're just talking here about the contract and getting around the overtime, which could be a problem."

In response to query concerning the \$19,000, Mr. Elliott said that would be the portion appropriated by County Council."

Mr. Humphrey stated "That's in the budget."

Mr. Tucker said, "That's a portion -- so the City also buys a portion."

Mr. Elliott said, "The City provided a portion of the conversion cost, but not for this particular package -- because it was totally a County package."

Ms. McClintock said, "The 710 hours is going to cost \$8,000 -- what is that based upon? Paying them overtime?"

Mr. Tucker said, "That is to pay them overtime -- time and a half."

Ms. McClintock asked, "And what is their hourly rate?"

Mr. Tucker said it was based on an average rate of \$7.00 per hour and time and a half.

Ms. McClintock asked, "And you're estimating 720 hours and time and a half at approximately \$8,000? I don't have a problem approving it up to \$8,000."

Attorney Price said, "What I think they're talking about is, 'Is there anyway the City could contract with our County employees to do that work on Saturday? By doing that via a contract between the City and the County the time and a half wouldn't come into play."

Ms. McClintock said, "I don't know if they would do that."

Mr. Price said, "Well, they were a part of that -- the agreement."

Ms. McClintock said, "Yes, but this portion being the County -- this is strictly County."

Mr. Elliott interjected, "I can't quote the Statute, but there is a Statute that says the warrants will be entered by the Clerk of the Court -- and I don't know what bearing that would have on your suggestion -- but I suspicion it would make the waters a little muddier."

Mr. Humphrey asked, "Is this in the Clerk's budget?"

Mr. Elliott responded, "No Sir, this is not in the Clerk's budget."

Ms. McClintock said, "So we'd have to transfer that money from you to her part time salary account?"

Mr. Elliott responded, "Yes, Ma'am."

Ms. McClintock asked, "So you're going to bring that transfer back?"

Mr. Elliott said, "We'd be going to Council if you approve of this -- for just a transfer for \$8,000 -- not new money."

Ms. McClintock said, "A transfer from the Computer account to the Clerk's office -- to pay for that?"

Mr. Humphrey said, "No, you can't transfer from account to account. The computer account in the General Fund?"

Mr. Elliott said, "Yes, Sam; from the Commissioners' 386 account to the Clerk's account."

Mr. Humphrey said, "You can't do that to start with."

Ms. McClintock commented, "It sounds like this is something we should have worked out before we came here."

Mr. Humphrey asked, "Does the Clerk have some IV-D money she could use for this? What I am talking about is a discretionary fund."

Ms. Terri Pace, who was seated in the audience responded, "Not to my knowledge. I don't know."

Ms. McClintock asked, "Did you want to get this money transferred before August 15th? Is that why you are here?"

Mr. Elliott replied, "We would like to be in a position where Data Entry could start by the 15th of August. If we cannot accomplish it by a transfer, I would like authority to pay people out of the 386 account, which would accomplish the same action."

Ms. McClintock asked, "Sam, could you and these people and maybe Gary Price see if you can work something out -- and I'll go ahead and take Rose Zigenfus (EUTS), who has a 6:00 p.m. appointment and has to leave? Let's see if we can't get something worked out so we can get these people started and moving in that direction -- so they don't have to come back."

RE: EUTS

Ms. McClintock noted that Mrs. Zigenfus had left. However, she was here with regard to two items: The Ohio Street Bridge and St. Joe & Allen's Lane. She reviewed this with Rose and EUTS is proposing a realignment 150 ft. inland from the current Ohio Street Bridge and indicates we have \$90,000 available for design of a new bridge structure and we probably need to get on it. It is in the budget for next year.

Mr. Curtis commented that is correct. The money that was in the budget for that this year was transferred due to an emergency. He said one of the problems we have with regard to the Ohio Street Bridge -- and it's also one of the reasons you can't argue with Rose re her thoughts on that matter -- is the Expressway Bridge over Pigeon Creek and the railroad on 9th or 11th Street. When that is done -- if they close that bridge -- Ohio Street Bridge won't hold up in its present state. The problem is the Department of Transportation indicates in Fiscal Year '93 (they said that number needs to be updated, it's likely Fiscal Year '94) that the bridge will be replaced. For a Federal Aid replacement project there is no way that we can get the work done prior to the Expressway Bridge being re-done. Therefore, one of the things that we're looking into (and he talked to Don Hunter about that) is what would it cost us to repair it such that it would hold up under that kind of traffic? -- because we won't be able to replace it during that time frame."

Ms. McClintock asked, "Why would Rose think we'd have time to do that?"

Mr. Curtis replied, "There are conflicting reports from the Department of Transportation as to when they think they will get the Expressway Bridge done and if you listen to them they say '94. If you go by their track record, it will probably be '95 or '96."

Ms. McClintock asked, "Well then, would we have time to replace it?"

Mr. Curtis said, "We would if it's '95. If it's '94, no."

Ms. McClintock said, "It sounds to me like what we need to do on Ohio Street is get together with Rose and some people from the State and get something in writing from these people. It's stupid to spend money repairing that thing."

Mr. Curtis said he has talked with them. The particular gentleman he needs to talk to is to return his call. We need to get that information from them and also find out from our bridge inspection (which has just been completed) just exactly what their recommendations would be to bring that bridge up to a standard that would carry that traffic (if it would only be \$10,000, then we'd want to spend that just in case). He will get with Rose Zigenfus on this.

With regard to St. Joe and Allen's Lane, the review of a traffic signal need -- he's in the process of looking into the design on that and they have it about 50% complete. At this point in time it wouldn't matter whether we would want to go with some sort of flashing signal or an actuated signal or an automated signal. We could go with either of the three.

Mr. Hunter asked if we need to get this into next year's budget?

Mr. Curtis said the approximate cost is \$33,000 for a pre-timed interconnected signal; \$48,000 for an actuated interconnected signal. He has not yet prepared a cost estimate as to what it would cost just to put a flashing red one way yellow the other way signal. If you read Rose's letter, there is some justification for delaying that decision until next year. At the same time, there

has been a fatality at that location this year. We might possibly be able to go ahead and do that this year, depending upon the priority of that and Covert & Fuquay and Green River & Boonville-New Harmony.

RE: COUNTY APPOINTMENTS

Pigeon Creek Greenbelt Committee: Upon motion made by Commissioner Hunter and seconded by Commissioner McClintock, Mr. Tim Henning was appointed to serve on this committee. So ordered.

Legal Aid Society: Upon motion made by Commissioner Hunter and seconded by Commissioner McClintock, Mr. Gerald Elliott was reappointed to a three-year term (expires 8/94) on this Board. So ordered.

Ms. McClintock requested that Mrs. Meeks prepare letters concerning said appointments for forwarding to the appointees.

RE: PROGRESS REPORT RE 9301 OLD STATE RD.

Ms. McClintock said she is happy to report that according to Mr. Roger Lehman, Building commissioner, significant progress has been made with regard to repairs on the subject property.

RE: COUNTY HIGHWAY - CLETUS MUENSTERMAN

Ms. McClintock said Mr. Muensterman is out of the City, but has submitted a report to be filed.

RE: COUNTY HIGHWAY ENGINEER - GREG CURTIS

Design Approval/Lynch Rd. Project: Mr. Curtis said he is happy to report that we have received Design Approval on the Lynch Rd. Project -- the first phase from Oak Hill Rd. to Burkhardt Rd. Very soon he will be coming back asking the Commission that a Review Appraiser and a Buyer be appointed for that portion of the project. We have two parcels, in particular, wherein the property owners are very interested in our purchasing their property. They need to get out of their situation. Obviously with the project slated to go there, no one wants to buy it other than the County.

Quotes for Repairs/Mann Rd. Bridge: Mr. Curtis said he has three quotes for repairs on this bridge. It is a steel pony side-truss bridge and the end posts need to be repaired -- it's a welding repair. Quotes are as follows:

- | | |
|--------------------------|------------|
| 1) Deig Bros. | \$3,395.00 |
| 2) Key Construction | \$5,720.00 |
| 3) Southwest Engineering | \$3,800.00 |

Mr. Curtis said he is requesting that the Commission approve the work being one by Deig Bros. at the \$3,395.00 cost.

Motion to so approve was made by Commissioner Hunter, with a second from Commissioner McClintock. So ordered.

Request for Proposals/Three Bridges: Mr. Curtis said he has a Request for Proposals. He does want to say this doesn't lock us into doing this, but he would like to go ahead and get the ball rolling so we can look at possibly doing a Federal Aid Rehab Project on each of these bridges. Bridge #72 on Stringtown Rd. is a large structure and there are some major problems with it and he feels that going with a Federal Aid Rehab we would be able to make a number of improvements, as well as repairs, and get 80% reimbursement for that. The second structure is Bridge #117 on Oak Hill Rd. over Pigeon Creek. There are some structural members that need slight modification and there is steel sticking up out of the bridge deck and it needs to be replaced. The third bridge is Bridge #214 on Darmstadt Rd. over C. & E.I. Railroad. This

structure has problems with the deck, as well as major erosion problems underneath. He would like to request that we receive proposals for the rehabilitation of each of these bridges as separate projects, with proposals being received September 3, 1991. Said proposals will be advertised in accordance with our procedure in selecting consultants which, if available, will allow the projects to be reimbursed during the construction engineering stage.

Motion to approve advertising for aforementioned proposals was made by Commissioner Hunter, with a second from Commissioner McClintock. So ordered.

Standards Committee Meeting: It was noted by Mr. Curtis that the recently formed Standards Committee will hold a meeting on Friday of this week at 1:30 p.m. in Room 303.

Bridge #158/Orchard Rd.: With regard to this structure, Mr. Curtis said he has a document that needs to be signed by the Commission which indicates to the State the construction engineering staffing for this project. That staffing is anticipated to be David Franklin, Highway Engineering Assistant. He has talked with the Indiana Department of Transportation and Mr. Franklin is acceptable to them as the Project Supervisor on that project. He needs the Commissioners' signature on the document to be forwarded to the State.

Motion to approve was made by Commissioner Hunter, with a second from Commissioner McClintock. So ordered.

Coliseum Parking Lot: Mr. Curtis said Mr. Kercher has done most of the work on this project and he would ask that he present information with regard to same. Mr. Kercher said they took the design re the Coliseum Parking Lot to Area Plan Commission today, and they approved everything but the green space. Barbara Cunningham wasn't there and she will have to make that decision tomorrow. The alternatives they had were 10 ft. on 4th & Market and 10 ft. on Ingle Street and 5 ft. on the other two streets. Everybody else was agreeable and they feel she will be agreeable. He talked with Mary Arnold in Redevelopment and they will take it Monday. She doesn't see any problems with it. Center City has it for review. They've seen the plan prior to everybody else looking at it and they haven't mentioned any opposition. We still have 86 spaces and he will talk with SIGECO tomorrow morning to see if we can get five (5) more. He doesn't know what it is going to be worth to us, but they have a power line that runs along the back of that building that takes up about five or six spaces through there. He will talk to SIGECO to see how much it will cost us to have the utility work done. The cost estimate on the front of the design does not include the utility work.

Ms. McClintock said her preference would be to wait and see if the design has Barbara Cunningham's approval and talk to Center City Corp. prior to the Commissioners voting on same.

Westchester & Whitman Rds./Acceptance by the County: Ms. McClintock said these two roads have not been accepted by the County. She had a call today and the residents are interested in finding out how much it will cost to bring these roads up to County Standards. Basically, they would like to give us the money and have us do the work. If not, help them put something together where they can put the money together and they can hire somebody do the work, so they can get these roads accepted. They would like a cost estimate.

Mr. Curtis said he thinks the preferred way to do this would be one of two ways. Either to have the property owners employ a contractor, in which case they go out and price shop and get the best bid, rather than just the lowest bid. The other alternative would be to do a Barrett Law situation. His reason for saying this

is that the project needs to be properly constructed. It is all concrete work that needs to be done. The present streets are concrete; they are undermined and are breaking up; and it is really beyond the scope of what the County Highway Department should be trying to do.

Ms. McClintock said they will be coming up here with some petitions.

Mr. Kercher remarked they were up here once before and subsequently called back. He believes Jeff Wilhite was even checking this out.

RE: CONSENT AGENDA

Ms. McClintock entertained questions concerning the items on the Consent Agenda. There being none, a motion was entertained.

Ms. McClintock said that one item needs to be added to the Consent Agenda, with regard to the Transfer from Account 130-110 (Economic Development) which has a balance of \$18,000 which will not be spent this year, they would like to transfer \$1,400 from that account to 130-1990 (Extra Help).

Upon motion made by Commissioner Hunter and seconded by Commissioner Hunter the Consent Agenda was approved, as amended. So ordered.

RE: PIGEON CREEK GREENBELT COMMITTEE MEETING

Ms. McClintock directed the group's attention to the fact that the Pigeon Creek Greenbelt Committee will meet on Thursday at 4:00 p.m. She then noted that all the County Budget Hearings are also listed on the Consent Agenda.

RE: OLD BUSINESS

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

Executive Session: Commissioner McClintock said the Vanderburgh County Commission did hold an Executive Session this afternoon. Purpose of said meeting was to discuss a diesel fuel problem at the County Garage. They had an opportunity to talk with the County Attorneys, as well as a representative from the Vanderburgh County Health Department. They also interviewed a couple of key employees from the County Garage. However, they were not able to talk with or interview a couple of the people they need to in order to take all of the action they need to take. Therefore, at this time, the Commission needs to set another Executive Session as soon as we possibly can. She then asked Joanne Matthews how soon she can advertise this.

Ms. Matthews said she can advertise the meeting for Friday, August 2nd.

Mr. Hunter said it will need to be before 12:00 noon.

Upon motion made by Commissioner Hunter and seconded by Commissioner McClintock, the Executive Session for purposes of discussing the diesel fuel spill at the Vanderburgh County Highway Garage was scheduled at 10:00 a.m. on Friday, August 2, 1991 in Room 307 and Ms. Matthews was instructed to advertise same. So ordered.

Ms. McClintock said that in the meantime, from what she heard this afternoon, she would like to make the following recommendations to the Vanderburgh County Commission for a decision to be made this afternoon:

- 1) That we notify all suppliers of asphalt to Vanderburgh

County that we do not want diesel fuel used to clean our trucks, pavers, or any other piece of equipment. That is currently a practice that is being done by J. H. Rudolph and we need our other suppliers to conform to that same practice.

- 2) That we reinforce the policy that we thought was in place at the Vanderburgh County Garage, indicating that no trucks, pavers, shovels, equipment of any type -- is to be cleaned with any diesel fuel. That it is to be cleaned with a releasing agent only after a system is developed at the garage to collect and dispose of the releasing agent properly.
- 3) That we ask the Vanderburgh County Health Department to dye test the culvert, which has been identified as the one that does have some diesel fuel in it.
- 4) That we ask the County Engineer to provide us with an estimate on the cost of the containment facility at the garage only after we ask the County Engineer to get the pavement information from Lou Wittmer on how much it is costing us to pave all these roads with our own work force, and for you to provide us with a report on what it is costing us to pave roads with our work force per mile compared to what we contract out per mile.
- 5) That we immediately remove the salt that is on the property at the Vanderburgh County Garage and either, Carol, if we do have a place we can put it on a concrete pad in the garage -- put it there. If we don't, move it off the property. See if there is a place we can identify.
- 6) And, again, Greg, we are going to need a cost estimate on a facility to provide a permanent solution to that salt problem out there.
- 7) And, finally, we need Carol to prepare, in writing, a memo to be posted at the Vanderburgh County Garage and to be gone through with all those Garage employees, so they understand, in no uncertain terms, what is expected of them as far as cleaning of equipment, disposal of diesel and other fuels, and the salt.

That is my motion. Did I miss anything?

Second to the motion was made by Commissioner Hunter. So ordered.

Ms. McClintock then asked that Jennifer and Lou prepare a letter to be sent to the Superintendent of the Garage, with a copy to the County Highway Engineer, outlining what is expected out there. If they need her little note, she will be happy to go through it with them. "We will continue the new Executive Session on Friday at 10:00 a.m.

RE: DATA PROCESSING/RECOMMENDATIONS

Mr. Elliott said they have two alternatives for the Commission:

- 1) One alternative depends upon the reaction of the City to this proposal. The suggestion has been made that we approach the City, ask them to contract with the Clerk's employees for the entry of this data. And then, in turn, re-bill the County and we would pay the City out of the 386 Account. The advantage of that approach is that there are no F.I.C.A. charges and no tax charges and, additionally, no transfer of funds.
- 2) If the City says, 'No, we won't do that', the second

alternative is that we go to the Council and request a transfer from within the 386 account in the Commissioners' account to a temporary salary account within the Commissioners' budget and pay these people out of the Commissioners' account.

Ms. McClintock said she likes Alternative #1.

Mr. Elliott said if Alternative #1 is, in fact, accepted by the City, there will be a separate contract drawn with each employee. We've had the gracious offer of assistance on doing so. We estimate the cost on this would be somewhere in the neighborhood of \$7,200 and it still would be within the \$19,000 we have insofar as the conversion is concerned.

Ms. McClintock entertained a motion to first approach the City with the proposal outlined by Mr. Elliott and see if they would be willing to work with us on that. If not, then go to Alternative #2, which was to transfer money out of the 386 account to temporary salaries in the Commissioners' budget -- for a total amount in either case not to exceed \$8,000.

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

It was noted that Mr. Elliott will approach the City. With regard to the \$8,000 figure specified, Mr. Elliott said this will apply only if Alternative #1 is used. Otherwise, there will be additional cost because of the F.I.C.A. and taxes and the total would be around \$11,000.

Motion was made by Commissioner Hunter that if we go with Alternative #2 that Mr. Elliott be authorized to spend up to \$11,000, with a second from Commissioner McClintock. So ordered.

RE: COUNTY ATTORNEY - GARY PRICE

Commissioner McClintock requested that Mr. Price read into the record the bids re demolition or removal of structure at 4701 Green River Court. The bids were as follows:

1) L&M Excavating	\$8,998.00
2) Phoenix Construction Co.	\$10,278.00
3) Deig Bros.	\$11,495.00
4) Koberstein Trucking, Inc.	\$11,985.00
5) Floyd Staub, Inc.	\$9,970.00

Ms. McClintock entertained a motion that the Board take the bids under advisement and refer same to the County Engineer for his review and recommendations at the next meeting.

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

Attorney's Report: Attorney Price submitted the County Attorney's Report to the Commissioners, together with attachments. Attachments included the Burdette Park Campground Lease Agreement. He said he has been in contact with Mark Tuley on this and he requested that Attorney Price submit same to the Commission for their information and approval. This just tightens up our procedures.

Motion to approve the Campground Lease Agreement form was made by Commissioner Hunter, with a second from Commissioner McClintock. So ordered.

Petition to Vacate Laubscher Rd.: Attorney Price said with regard to this matter, he has an Ordinance for the Commissioners' signatures.

Ms. McClintock asked, "We don't have to advertise the Ordinance again, just sign it?"

Mr. Price confirmed that this is correct, saying this Ordinance reflects the agreement between the parties.

Ms. McClintock asked, "So they are not only in the letter, but in this Ordinance?"

Mr. Price said that is correct. He doesn't believe an Ordinance was signed previously.

Ms. Matthews said the Commission did sign an Ordinance previously, but she has not recorded same -- as she thought the Commissioners would want her to hold it until everything was resolved.

Burdette Park Deluxe Miniature Golf Course Agreement: Attorney Price said the final document is between J.M.H. Investments and the County re the Deluxe Miniature Golf Course. This agreement was executed in 1989. What we have tonight is a Consent to a possible Assignment of that lease agreement to William E. Schmidt. The original lease agreement between J.M.H. Investments and Vanderburgh County provides that upon the consent of the Commissioners that assignment of that lease is available.

Ms. McClintock interjected, "Before I would agree to assign a lease like this, I first of all would want to know something about the background of William E. Schmidt. He could be a shoe salesman -- what does he know about miniature golf courses? Secondly, these folks (John and Paula Hoon) have not developed that according to the plans that have been agreed to. So instead of trying to help them out here, I think we need to be putting some pressure on them about improving that. Now maybe they think they can give this to Mr. Schmidt and he is going to do all these wonderful things, which is great. But we need to find out what their plans are and who this Mr. Schmidt is, etc. Will you do that? Or, Lou can find out who he is, etc. Call Mark Tuley and tell him we need some background information on this deal, because Mark and I were just talking about that."

Ms. McClintock entertained a motion to adjourn.

Motion to this effect was made by Commissioner Hunter, with a second from Commissioner McClintock. So ordered. Meeting adjourned at 6:40 p.m.

PRESENT:

Carolyn McClintock, President
 Don Hunter, Vice President
 Richard J. Borries (brief appearance)
 Mayor Mikio Ando (Mino, Japan)
 Chio Ando (Mino, Japan)
 Maki Sawatchi, Evlle. School Corp.
 Gary Price, County Attorney
 Cindy Mayo, Chief Deputy Auditor
 Greg Curtis, County Engineer
 Gary Kercher, Asst. County Engineer
 Lou Wittmer/Commission Office
 Esther Moore
 Todd Luce/Habitat of Evlle.
 Earnest Lamb
 William Alexander
 Joelle Butcher, Rehabilitation Center
 Carol Davis/County Highway Garage
 Don Mottley
 Jo Ellen Revlett
 John Hodge/Insurance Agent of Record
 Jim Tucker/Sheriff's Dept.
 Roger Elliott/Data Processing

Rose Zigenfus
Terri Pace/Clerk's Office
Eric Hermnn
Glenn Wesbecker
Robert Ellsperman
William M. Korb
Michael Korb
Clyde Winiger
Jack Hille
Jenny Frost
Bernice Huff
Charles J. Peters
Robert Zimmerman
Oscar Kuester
Tim Steinkamp
Louis Winiger
Ron Steinkamp
Ed Steinkamp
Verner Klensch
Suzie Scoles
Merle Scoles
Donald Kolb
Pam Martin/Chamber of Commerce
Rev. Ed Sandford
Bobby Ogburn
Tom Taylor
Others (Unidentified)
News Media

SECRETARY: Joanne A. Matthews

Carolyn McClintock, President

Don Hunter, Vice President

Richard J. Borries



CAROLYN MCCLINTOCK
DON L. HUNTER
RICHARD J. "RICK" BORRIES

Board of Commissioners

of the
County of Vanderburgh
305 ADMINISTRATION BUILDING
CVC CENTER COMPLEX
EVANSVILLE, INDIANA 47708



TEL. (812) 426-5241

AGENDA

VANDERBURGH COUNTY COMMISSION

JULY 29, 1991

4:30 p.m.

FINAL

- ✓ 1. Call to order
- ✓ 2. Introduction of Mayor Mikio Ando, Mayor of Mino, Japan
- ✓ 3. Introduction of staff
- ✓ 4. Pledge of Allegiance
- ✓ 5. Any groups/individuals wishing to address the Commission *C. Mayo*
6. Action Items:
 - ✓ a. Bids to be opened for the demolition or removal of structures at 4701 Green River Court.
 - ✓ b. Letter from Redevelopment Commission requesting to purchase surplus property located at 701 E. Olive Street for \$1.00.
 - ✓ c. Sale of county owned surplus real estate:
 - (3 bids called in) -
 - Walter P. Joseph bids \$100.00 for property at 787 Line Street.
 - Rev. Frances Smith bids \$1.00 for property at 511 E. Gum Street.
 - Mike French bids \$1.00 for property at 214 W. Indiana Street.
 - (1 bid received in mail) -
 - Evansville Black Coalition, Inc. bids \$5.00 for property at 420 South Morton.
 - ✓ d. Public Hearing - 1st. Reading - Ordinance repealing Group Health Insurance for Qualified Retired Employees.
 - ✓ e. Public Hearing - 1st. Reading - Ordinance repealing Group Health Insurance for Qualified Retired Sheriff's Dept. Employees and Benefits for Certain Officials.
 - ✓ f. Ordinance Providing Group Health Insurance Benefits for Qualified Retired Sheriff's Dept. Sworn Deputies and the Sheriff - to be advertised for Public Hearings.

- ✓ g. Joelle Butcher - Rehabilitation Center - Supportive Employment
 - ✓ h. Don Mottley - Resolution to deny permit on Commercial Barge Loading Facility
 - ✓ i. Loss Control Contract with Penco - Service Agreement
 - ✓ j. Art Gann - Data Processing - Warrant Conversion
 - k. ^{G. Curren} Rose Zigenfus - Ohio Street Bridge - St. Joe and Allens Lane
 - ✓ l. Appointments to be made: ^{2/21/94}
 - Tim Henning - Pigeon Creek Greenbelt Committee
 - Gerald Elliott - Legal Aid Society - Term 3 Yrs. Expires .. 8/94 (reappointed)
 - ✓ m. Report from Roger Lehman on property located at 9301 Old State Road.
 - ✓ n. Merle Scoles - Closing of Old Henderson Rd. in Union Township
7. Department Head Reports:
- a. Cletus Muensterman - County Highway Superintendent -
 - ✓ b. Greg Curtis - County Highway Engineer
 - c. Jeff Wilhite - County Attorney
8. Consent Items:
- a. Any minutes to be approved - July 8th & July 15th
 - b. Request to travel - Knight Township Assessor
 - ✓ c. Checks received:
 - From S.W. Indiana Mental Health on Hillcrest-Washington Home - \$151,768.89.
 - From Farm Bureau Insurance Co. on K-9 injury and car damage - \$5,256.12.
 - From Delores Shoptaugh of 14640 Browning Rd. for ambulance service - \$55.00.
 - From A T & T for commission paid - \$42.26
 - d. County Treasurer's Monthly Report - Ending June 30, 1991

e. Approval of Claims:

From Simons Governmental Services, Inc. - Final payment of contractual services provided on the 1989 Reassessment contract.

f. Employment Changes:

AUDITOR - Appointment made:
Sandra Jacobi/Part-time \$5.00 per hr.
7/17/91

BURDETTE PARK - Appointments made:
Randy Hatley/Float Stand Assistant \$4.25 per hr.
7/5/91

Carolyn Peterson/Bus Driver \$6.25 per hr.
7/5/91

Candace McManaway/Float Stand Cashier \$4.25 per hr.
7/5/91

Jack Breuning/Day Camp Counselor \$4.45 per hr.
7/5/91

Tammy Waters/Part-time Ground Crew \$5.00 per hr.
7/4/91

Laura Layden/Craft Coordinator/Counselor \$4.45 per hr.
7/4/91

Scott Molden/Deputy \$12.00 per hr.
7/5/91

BURDETTE PARK - Releases made:
Jeffrey Mitchell/Rink Guard \$4.35 per hr.
7/18/91

Tammy Waters/Part-time Ground Crew \$4.50 per hr.
7/4/91

Rebekah Bailey/Bus Driver \$6.25 per hr.
7/11/91

Laura Layden/Craft Coordinator \$4.25 per hr.
7/4/91

CIRCUIT COURT - Appointments made:
Betty Craig/Probation Officer Other
7/15/91

Janice Wade/Probation Officer 7/15/91	Other
Kenneth Ellspermann/Part-time Corrections Officer 7/15/91	\$7.00 per hr.
CIRCUIT COURT - Releases made:	
John Schwentker/Part-time Corrections Officer 7/1/91	\$7.00 per hr.
Brent Wortman/Part-time Corrections Officer 6/18/91	\$5.00 per hr.
Kenneth Ellspermann/Part-time Corrections Officer 7/14/91	\$5.00 per hr.
COUNTY ASSESSOR - Appointment made:	
Debra Clements/Part-time Deputy 7/5/91	\$5.00 per hr.
COUNTY ASSESSOR - Release made:	
Debra Clements/Board of Secretary 7/3/91	\$5.00 per hr.
COUNTY CLERK - Appointment made:	
Kristie Joest/Deputy Clerk 7/29/91	\$14,364.00
COUNTY CLERK - Release made:	
Kristie Joest/Deputy Clerk 7/28/91	\$13,680.00
COUNTY CORONER - Appointment made:	
Robert J. Marks/Deputy Coroner Histotech 7/15/91	\$6,000.00
COUNTY COUNCIL - Appointment made:	
Jennifer Coin/Secretary 7/1/91	\$7,532.00
DRUG AND ALCOHOL DEFERRAL SERVICE - Appointment made:	
Sheila M. Graves/Secretary 7/22/91 (Returning from maternity leave)	
HEALTH DEPT. - Appointment made:	
Theresa M. Robbins/Secretary, Env. Div. 7/14/91	\$14,364.00

HEALTH DEPT. - Release made:
Theresa M. Robbins/Secretary, Env. Div. \$13,680.00
1/14/91

HIGHWAY DEPT. - Appointment made:
Ralph D. Wood/Part-time Summer Crew \$5.00 per hr.
7/26/91

APS PROSECUTOR - Appointment made:
Amy L. Sarff/Investigator \$5.00 per hr.
7/1/91

APS PROSECUTOR - Releases made:
Timothy J. Dame/Investigator \$5.00 per hr.
7/1/91

Amy L. Sarff/Investigator \$5.00 per hr.
7/1/91

PROSECUTOR - Releases made:
Barbara Shelton/Legal Secretary \$19,046.00
7/29/91

Michelle L. Keiser/Clerical \$5.00 per hr.
7/17/91

PROSECUTOR PTD - Appointment made:
Deanne Corn/Extra Help \$5.00 per hr.
7/24/91

SURVEYOR - Appointment made:
James E. Josey/Chief Draftsman \$20,074.00
6/5/91

SURVEYOR - Release made:
James E. Josey/Chief Draftsman \$17,341.00
6/4/91

VICTIM/WITNESS PROGRAM-PROSECUTOR - Appointment made:
Barbara A. Borchert/Director \$21,900.00
6/15/91

VICTIM/WITNESS PROGRAM-PROSECUTOR - Release made:
Barbara A. Borchert/Director \$18,495.00
6/15/91

g. Scheduled Meetings:

Thursday, August 1, 1991 - Pigeon Creek Greenbelt Committee -
4:00 p.m. - Room 307

Monday, August 5, 1991 - New Employees Meeting - 8:00 a.m. -
Room 307

" " " - Emergency Management - 10:30 a.m. -
Room 307

" " " - Department Head Meeting - 3:30 p.m. -
Room 303

" " " - County Commissioners Meeting - 4:30
p.m. - Room 307

Tuesday, August 6, 1991 - County Budget Hearings - 9:00 a.m.
to 12:00 noon - Room 301

Wednesday, August 7, 1991 - County Budget Hearings - 9:00 a.m.
to 12:00 noon - Room 301

Thursday, August 8, 1991 - County Budget Hearings - 9:00 a.m.
to 12:00 noon - Room 301

✓ 9. Old Business

✓ 10. New Business

11. Meeting recessed

RESOLUTION BY THE BOARD OF
COMMISSIONERS OF VANDERBURGH COUNTY
TO SELL AND CONVEY TO THE CITY OF EVANSVILLE
A MUNICIPAL CORPORATION, FOR THE USE
OF ITS DEPARTMENT OF REDEVELOPMENT, SITES
LOCATED IN THE WALNUT CENTRE REDEVELOPMENT

WHEREAS, I.C. 6-1.1-25-9 provides that the
dispose of real property acquired by the county
36-1-11,

WHEREAS, I.C. 36-1-11-8 provides that the
transfer or exchange property with a governm
conditions agreed upon by the entities as
substantially identical resolution by each ent
property, cash, or other personal property, as ag

WHEREAS, the City of Evansville, Department
the purchase of the following properties located
Redevelopment Project Area from the Board of Co
County,

NOW, THEREFORE, BE IT RESOLVED by the Board of Co
County that they will convey without warranty, e
on the following properties to the City of
Corporation, for the use and benefit of its Depart

<u>Tax Code</u>	<u>Address</u>	<u>Legal Desc</u>
11-270-24-34-31	701 E. Olive Street	Rietman & S Addn., Pl 2

ADOPTED THIS 29th DAY OF July

Carolyn S. McIntock
Carolyn McIntock, President

Don Hunter
Don Hunter, Vice-President

Richard J. Borries, Member



July 27

CITY OF EVANSVILLE
Evansville Redevelopment Commission

304 Civic Center Complex, One N.W. Seventh Street
Evansville, Indiana 47708-1833
(812) 426-5360 / FAX (812) 426-5399

Frank F. McDonald II
Mayor

June 25, 1991

Carolyn McClintock
President
Vanderburgh County Commissioners
Civic Center Complex
Evansville, IN 47708

RE: 701 E. Olive

Dear Ms. McClintock:

Upon reviewing the list of Surplus Property in the Thursday, June 20, 1991, issue of the Evansville Courier, we noticed one property located in the Walnut Centre Redevelopment Plan.

Would the Commissioners be so kind as to allow us to purchase this property for \$1.00? I have enclosed resolutions which would need to be approved by your Commission and ours.

Please let us know if you are agreeable to this transaction.

Sincerely,

Mary C. Arnold
Executive Director

MCA:wt

Bids submitted by phone:

1. Walter P. Joseph of 736 Ridgeway Avenue bids \$100.00 on 787 Line Street - 11-80-21-67-17 (for Baptist Apostilic Mission. Phone - 422-0481
2. Rev. Francis P. Smith of 700 S. Kentucky Avenue bids \$1.00 for property at 511 E. Gum Street - 11-80-21-60-58. Phone 422-3249
3. Mike French of 3301 West Maryland Street bids \$1.00 for property located at 214 West Indiana Street -11-430-26-34-13. Phone 423-9812

Have Jennifer call them to tell them if they were over-bid or if their bid was approved. If approved, they are to go to the Auditor's office and see Vanessa. They will need the tax code number of the property they purchased.



Evansville Black Coalition, Inc.

625 Bellemeade Avenue
Evansville, Indiana 47713
(812) 423-5291

July 29, 1991

OFFICERS:

Jesse Sellers
President
Beverly Thomas
Vice President
John Bennett
Treasurer
Bobby Ogburn, Sr.
Secy./Coordinator

MEMBERS:

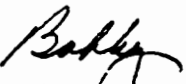
Darrell McKnight
Rev. Robert Farmer
Tina Calhoun
Curtis Barnes
Clark Field
Ora Ogburn
Edward Massey

Board of Commissioners
Vanderburgh County
Room 305
Civic Center Complex
Evansville, Indiana 47708

Dear Commissioners:

The Evansville Black Coalition, Inc. submits a bid in the amount of \$5.00, for the property now offered for sale by Vanderburgh County, pursuant to the provisions of Indiana code 36-1-11-4. Discribed as 11-270-24-36-09, 420 South Morton, Rietman and Schulte's addition, lot 11, block 6.

Sincerely,


Bobby Ogburn
Secretary



Funded

I. INTRODUCTION TO LEGAL ISSUES

A. OVERVIEW OF THE ADA

Title I - Employment

Prohibits discrimination in employment against a qualified individual with a disability in the terms and conditions of employment.

Title II - Public Services

Prohibits discrimination by a public entity in providing public services to a qualified individual with a disability. This title also requires that certain forms of public transportation be made accessible to individuals with disabilities.

Title III - Public Accommodations And Services Operated By Private Entities

Prohibits private entities from discriminating against a qualified individual with a disability in providing public accommodations and services. The title also requires that new commercial facilities and public accommodations are designed and constructed so that they are readily accessible to individuals with disabilities unless it is structurally impracticable to do so.

Architectural barriers must be removed in existing public accommodations, where removal is readily achievable.

Title IV - Telecommunications

This title requires that common carriers of interstate wire or radio communications provide technological accommodations for individuals with hearing and speech impairments.

Title V - Miscellaneous Provisions

Contains various additional provisions of the ADA. Among the provisions, an individual is prohibited from retaliating against or coercing an individual who seeks to enforce another's or their own rights under the ADA. Title V also amends sections of The Rehabilitation Act of 1973 to exclude current users of alcohol and drug abuse from its coverage.

B. TITLE I - DISCRIMINATION IN EMPLOYMENT

1. Enforcement and Remedies

The same enforcement, remedies and procedures available under Title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e-4, 2000e-5, 2000e-6, 2000e-8 and 2000e-9) are available under the ADA.

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CITY OF EVANSVILLE
INTER-DEPARTMENTAL CORRESPONDENCE

DATE: July 22, 1991
TO: Board of County Commissioners
FROM: Roger L. *RL* Lehman, Building Commissioner
SUBJECT: 9301 OLD STATE ROAD

=====

An inspection on this date at the above referenced property indicates that half of the roofing has been removed, the decking repaired, and roofing has begun. The front has been partially repaired. Indications are that repairs will continue until completion.

cc: Matthew Short

LegalAid

of Evansville, Inc.

July 29

ROOM 200, CIVIC CENTER COMPLEX • 1 N.W. SEVENTH STREET • EVANSVILLE, INDIANA 47708 (812) 426-5173

July 12, 1991

Carolyn McClintock
President, County Commissioners
3rd Floor, Civic Center Complex
1 N.W. Martin Luther King, Jr. Blvd.
Evansville, Indiana 47708

Dear Ms. McClintock:

The County Commissioners appointed Gerald Elliott to fulfill the unexpired term of a board member. Mr. Elliott's term expires in August. He has expressed the desire to serve another term. I am asking that you appoint Mr. Elliott at your next meeting to a three year term which will expire in August of 1994. Mr. Elliott can be reached at the below address:

Director of Public Relations
Bristol-Myers Squibb
2400 West Lloyd Expressway
Evansville, Indiana 47721

Thank you for your prompt attention to this matter.

Sincerely,

Sue Ann Hartig

Sue Ann Hartig
Executive Director

SAH:kgp

gerell2.doc

ok
cm

RECEIVED

JUL 15 1991

VANDERBURGH COUNTY
COMMISSIONER'S OFFICE

Board of Commissioners

of the
County of Vanderburgh
305 ADMINISTRATION BUILDING
CMC CENTER COMPLEX
EVANSVILLE, INDIANA 47708



CAROLYN MCCLINTOCK
DON L. HUNTER
RICHARD J. 'RICK' BORRIES



TEL. (812) 426-5241

July 17, 1991

Mr. Don Mottley
6222 S. Yankeetown Highway
Boonville, In. 47601-9339

Dear Mr. Mottley:

We have your resolution on "Save our River" and it is to go before the County Commissioners at their meeting to be held on Monday, July 29, 1991 at 4:30 P.M. in Room 307, Civic Center.

We look forward to discussing your resolution with you at this meeting and ask that you bring any material with you that back up the statements made in the resolution. Thank you.

Sincerely,

The Board of Commissioners of
the County of Vanderburgh


Carolyn S. McClintock, President

→ DON MOTTLEY - BOONEVILLE +

RESOLUTION

A resolution of the Vanderburgh County Commissioners on behalf of Vanderburgh County, Indiana, petitioning the United States Corps of Engineers to deny the permit application of Southern Indiana Dock Company to construct and operate a commercial barge loading/unloading facility on the Ohio River at mile point 783.3 in Evansville, Vanderburgh County, Indiana.

WHEREAS, the proposed coal facility will be located in close proximity to area residents and would interfere with and create additional safety hazards to recreational activities on the river;

WHEREAS, the proposed coal facility will have continued adverse effect on the air and water quality of the proposed site;

WHEREAS, the proposed facility will further add to the severe erosion problems along this section of the Ohio River;

WHEREAS, the proposed facility will have serious environmental effects on Indian artifacts and burial grounds found along the Ohio River basin in the proposed dock and borrow areas;

WHEREAS, the proposed facility will have serious impact on the endangered species of mussels found in the area;

WHEREAS, the proposed facility will further contaminate fish of the Ohio River which have recently been declared inedible due to river contaminants;

WHEREAS, the proposed facility will deteriorate the aesthetic values by creating additional pollutants such as noise, unsightliness, dust, etc. along a section of the river already laden with docks and commercial barge traffic.

WHEREAS, the proposed facility would be against the good and general best interest of the citizens of Vanderburgh, County;

NOW THEREFORE,

BE IT RESOLVED BY THE BELOW SIGNED MEMBERS OF THE VANDERBURGH COUNTY COMMISSIONERS, IN BEHALF OF THE CITIZENS OF VANDERBURGH COUNTY, INDIANA THAT WE PETITION THE UNITED STATES CORPS OF ENGINEERS TO DENY THE APPLICATION PERMIT OF SOUTHERN INDIANA DOCK COMPANY FOR A COAL LOADING FACILITY ON THE OHIO RIVER.

Duly signed and passed by the Vanderburgh County Commissioners, at Evansville, Indiana on the ____ day of July, 1991.

*Other alternative action while approving it-

7/24/91

The Vanderburgh County Commissioners reserve the right to accept or reject any and/or all proposals and to waive any informality in the proposals.

To respond, please send five (5) copies of the proposal to:

Vanderburgh County Commission
305 Civic Center Complex
1 N.W. Martin Luther King, Jr. Blvd.
Evansville, IN 47708

Please mark "Engineering Project Proposal" on the lower left front of the envelope.

Any inquiries should be addressed to:

Gregory W. Curtis, P.E.
Vanderburgh County Engineer
Vanderburgh Auditorium
715 (A) Locust Street
Evansville, IN 47708
(812) 424-9603

VANDERBURGH COUNTY BOARD OF COUNTY COMMISSIONERS
COUNTY OF VANDERBURGH, INDIANA

Carolyn McEntail
[Signature]

ATTEST:

[Signature]
Sam Humphrey,
Vanderburgh County Auditor

RECOMMENDED:

[Signature]
Gregory W. Curtis, P.E.
Vanderburgh County Engineer

NOTICE OF REQUEST FOR PROPOSALS

TO WHOM IT MAY CONCERN:

July 29, 1991

- RE: A. Rehabilitation of Bridge No. 72 on
Stringtown Road over Pigeon Creek
- B. Rehabilitation of Bridge No. 117 on Oak
Hill Road over Pigeon Creek
- C. Rehabilitation of Bridge No. 214 on
Darmstadt Road over C. & E. I. R.R.

The Board of Commissioners of Vanderburgh County, Indiana, hereby requests proposals for Design, Right-of-Way and Construction Engineering services on the above referenced projects. These services will be paid from local funds.

The proposed scope of the projects is to overlay the bridge deck, paint steel members and rework the joints and associated repairs. These are to be federal aid projects.

A consultant will be selected separately for each project based on qualifications and experience.

Consultants who are interested should submit their proposals, in writing, to the County Commissioners before 4:30 p.m., local time, on September 3, 1991.

Response to this request for proposal of interest should include, as a minimum, the following items:

1. Description and schedule of anticipated work elements.
2. Proposed staffing of the work.
3. Proposed schedule of work.
4. Location of office where work is to be performed.
5. Information concerning current overhead rate as prepared by a CPA, registered accountant, or as approved by the I.D.O.H.
6. Anticipated work to sublet.
7. A commitment to provide right-of-way services if requested by Vanderburgh County.
8. Information concerning experience in providing construction inspection for road and bridge projects, in the event construction engineering is requested by Vanderburgh County.

MINUTES
COUNTY COMMISSIONERS MEETING
AUGUST 5, 1991

I N D E X

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Introduction of Staff & Pledge of Allegiance	1
Action Items/Sheriff's Merit System Ordinance	1
(Deferred)	
Sale of County-Owned Surplus Real Estate	1 & 9
Ordinance Repealing Group Health Insurance Benefits for Qualified Retired Employees/Final Reading	1
Ordinance Repealing Group Health Insurance for Qualified Retired Sheriff's Department Employees & Benefits for Certain Officials	2
Report on Property at 9301 Old State Rd.	2
Closing of Old Henderson Rd. in Union Township	3
Business Center for Developing Enterprises, Inc.	4
(Request for Funding)	
Authorization To Purchase Copier for Health Dept.	5
(Approved @ Cost of \$57,907.15)	
Appointment to Pigeon Creek Greenbelt Committee	5
Proposed Contract/Risk Management Control Services	5
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Agreement with United Consulting Engineers re Green River Rd. Project (\$55,750)	
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Widening of Lost Bend Lane/Amoco Oil Co.	
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Closure of Park due to Emergency	
M. Tuley to Request EMA to Develop Emergency Plan for Burdette Park	
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Consent Agenda (Approved)	11
(Commission Meeting of August 19th Cancelled)	
Old Business (None)	11
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Executive Session scheduled 8/12/91 at 4:00 p.m. to discuss Personnel Matters at County Highway Garage	
Meeting Recessed at 6:00 p.m.	11

MINUTES
COUNTY COMMISSIONERS MEETING
AUGUST 5, 1991

The Vanderburgh County Board of Commissioners met in session at 4:30 p.m. in the Commissioners Hearing Room with President McClintock presiding. Commissioner Borries was not present, as he is on vacation.)

RE: INTRODUCTION OF STAFF & PLEDGE OF ALLEGIANCE

President McClintock called the meeting to order, welcomed all attendees, and introduced members of the County Staff. She then asked the meeting participants to stand for the Pledge of Allegiance.

Ms. McClintock then asked if there are any groups or individuals present who wish to address the Commission who do not find themselves listed on today's agenda. There was no response.

RE: ACTION ITEMS

Ms. McClintock noted that on the initial agenda mailed out there was an original Item "d", which was a 1st Hearing on a Merit System for the Corrections Officers. That was never authorized in a Commission Meeting. We had discussed discussing it on August 5th, but we, in fact, do not have that Ordinance in any form back from our Attorney. We will wait until we get that back. We're working on another proposal and once we have that proposal prepared then we will, in the meeting, announce when we will have those 1st, 2nd, and 3rd Readings and re-advertise that. So if anyone is here today on that particular item, we will not be hearing the Merit System for Corrections Officers today.

RE: SALE OF COUNTY-OWNED SURPLUS REAL ESTATE

Ms. McClintock noted one (1) bid was called in by Dale Johnson, who is bidding \$1.00 on each of the nine (9) lots located in the 100 block of Sorenson. She then entertained any further bids on any one or all of those nine lots. There was no response. Ms. McClintock then entertained a motion to sell those nine (9) lots to Mr. Johnson for \$1.00 each.

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

President McClintock then entertained bids on the remaining parcels of County-owned surplus real estate. There were no further bids and Ms. McClintock stated the sale will continue at the next Commission Meeting.

RE: ORDINANCE REPEALING GROUP HEALTH INSURANCE BENEFITS FOR QUALIFIED RETIRED EMPLOYEES/FINAL READING

Commissioner McClintock asked if anyone is present who wishes to speak to this ordinance?

Ms. Nancy Walters of the Pigeon Township Trustee's Office approached the podium and stated she is concerned about the Retired Group Health Insurance. She has worked for the County for over 25 years and is going to retire August 30, 1991. If the Commission repeals this Ordinance today, then she won't be able to afford any insurance after working for over 25 years for the County. Mrs. MacGregor has known that she was going to retire since December, 1990. As it is, the employees still would have to pay half the insurance. The Sheriff's Department employees don't have to pay near as much as the County employees have to pay -- as far as she knows. She has already applied for her P.E.R.F. and Social

Security -- so she can't understand why the Commission is in such a big hurry to repeal this Ordinance.

Commissioner McClintock asked the employee to state her name and address, which she did -- stating her name is Nancy Walters and she resides at 1051 E. Chandler Avenue.

Addressing Attorney Jeff Wilhite, Ms. McClintock said, "Jeff, we had discussed this once before. Since Nancy was an employee under the existing Ordinance, then we pretty much agreed that it would have to apply?"

Attorney Wilhite responded, "I think you need to make that clear in your new Ordinance, but..."

Ms. McClintock interrupted, "We're not going to have a new one of these Ordinances."

Mr. Wilhite responded, "I understand; but whatever -- yes, I mean it's fair if you wish to represent to her that it is not the intent by repealing this Ordinance to cut off her benefits."

Ms. McClintock said, "Ms. Walters, since you qualify -- I'm assuming you qualify under all the other stipulations within the Ordinance and had indicated to Mrs. MacGregor when this Ordinance was still in effect that you planned to retire the 30th of this month -- the Commission will ask the Auditor's Office to honor that retirement benefit -- and you will need to sign a waiver and work out or arrange the payments on that, because you do pay 50%. Okay? Thank you."

Ms. Walter thanked the Commissioners and exited the meeting.

Motion was entertained to approve the Ordinance repealing Group Health Insurance for Qualified Retired Employees.

Motion to this effect was made by Commissioner Hunter, with a second from Commissioner McClintock.

Ms. McClintock said that since this is an Ordinance she will ask for a roll call vote: Commissioner Hunter, yes; Commissioner McClintock yes. Motion approved by unanimous affirmative roll call vote and so ordered.

RE: ORDINANCE REPEALING GROUP HEALTH INSURANCE FOR QUALIFIED RETIRED SHERIFF'S DEPARTMENT EMPLOYEES & BENEFITS FOR CERTAIN OFFICIALS

Ms. McClintock said we do have an Ordinance that is going to be replacing this particular Ordinance that she believes has been distributed to members of the Sheriff's Department. She then asked if there is anyone present who wishes to comment on the repeal of the existing Ordinance. There being no response, a motion was entertained.

Motion was made by Commissioner Hunter to approve the Ordinance repealing the existing Ordinance, with a second from Commissioner McClintock.

Commissioner McClintock then asked for a roll call vote: Commissioner Hunter, yes; Commissioner McClintock, yes. Ordinance was declared repealed by unanimous affirmative roll call vote and so ordered.

RE: REPORT ON PROPERTY AT 9301 OLD STATE RD.

Ms. McClintock read the following report from Roger Lehman, Building Commissioner:

"As of this date, please be advised that progress is continuing on the repairs at the above-referenced property (9301 Old State Rd.)."

RE: CLOSING OF OLD HENDERSON RD. IN UNION TOWNSHIP

Commissioner McClintock said the County Engineer's Office has been working on this throughout the week and they have prepared a report.

Mr. Gary Kercher, Assistant County Engineer, said they have taken a look at building a temporary runaround for Old Henderson Rd. and the south side is the most critical. The estimated cost of same would involve a \$66,000 to \$100,000 change order. They do not yet know what the liability insurance increase would be for the contractor if the construction of the runaround were approved.

In lieu of building the runaround, Mr. Kercher said the Engineer's Office is recommending a 3.1 mile detour from Old Henderson Rd. west to short Nurrenbern Rd., north on Red Bank, east on Broadway, north on Barker, east on Ray Becker Parkway, south on Dixie Flyer Avenue and back to Old Henderson Road. Following lengthy detailed presentation by Mr. Kercher, there were questions and comments by Commissioner McClintock. Mr. Kercher said he anticipates it will be at least two months before the road could be closed -- the earliest would probably be early October. Mr. Doug Johns of Garnac Grain Co. (speaking for Garnac and several of their customers) urged the Commission to try to have the 30-day closure allowed in Blankenberger's contract fall during November or December, indicating the farmers' peak harvest season is September, October and January. The Engineer tells him that the closure is estimated for October and he was wondering if the Commission can work with Garnac and the farmers on an extension of time -- October is a peak travel time for the farmers going to/from Garnac. With the weather we've been having, the early harvest may well be done by mid-October this year.

Mr. Merle Scoles of Union Township asked if there is a weight limit on Red Bank Rd. for the truck detour?

Mr. Kercher said the weight limit wouldn't come into effect at that point, because if that is the only access out the truck weight limit cannot be enforced at that point.

An unidentified individual in the audience raised questions as to what will be done about Danial Wertz School. School begins in September and all the kids cross that street and there are no sidewalks.

Commissioner Hunter said we could have the Sheriff's Department or someone out there during school hours in the mornings and afternoons.

Ms. McClintock said she was very disappointed when she saw the cost estimates on building the runaround. She can't justify spending at least \$66,000 when there is an alternative route. That would be \$70,000 plus in tax dollars that we can justify spending, particularly using the figures the State uses to determine whether a runaround is necessary. She is more than willing to work with the farmers in getting the grain delivered to Garnac Grain. She would be more than willing to agree that once we got some better information as to when we anticipate that closing that we would be in contact with Mr. Johns as to where we are in getting the grain in and delivered to Garnac -- so we can get those dates coordinated, as long as it is reasonable. We don't want to create a problem and we want to work with Garnac and the farmers in keeping this all coordinated. We should be able to get in and get back out before January, their other busiest time.

Ms. McClintock entertained a motion to go ahead with the 30 day

closing of Old Henderson Rd., with the following conditions:

- 1) That when we anticipate that we are approximately one (1) month out from closing, that the Engineering Department is to contact representatives of Garnac Grain Company. Hopefully, that will be around October 1st.
- 2) But if it is going to create some kind of problem, that that information be brought back to this Commission for discussion of an extension to allow them to get the grain in.
- 3) That we contact the Vanderburgh County Sheriff's Department and request that a Deputy be placed out at Daniel Wertz School during this 30 day period during the times children are going to and leaving school to insure the safety of those students.

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

RE: BUSINESS CENTER FOR DEVELOPING ENTERPRISES, INC.

Ms. McClintock recognized Debra Ward, Director of the subject organization, which is Evansville's Small Business incubator. Ms. Ward submitted an application for matching grant funding from the County of Vanderburgh. (Copy of related data attached hereto as part of the formal minutes.) Facilities are located in the Orr Iron Building and renovations are underway with anticipated completion date in mid-September. ABCDE is requesting \$250,000 from the County to enable them to continue with renovations of the third, fourth, and fifth floors and to assist with operational costs. Renovations on the first and second floors are expected to cost \$450,000. They are not open yet and already have requests for 40% of the space on the first two floors. The City of Evansville has given them a \$250,000 grant (one grant for \$100,000; the second installment of \$75,000 this year; and next year an installment of \$75,000). The time frames would be up to the Commission or County Council. It is a lot of money, but they think they are investing in the future of Evansville, which needs to be addressed and helps small businesses stay here instead of leaving and going elsewhere. Hopefully, they will grow and become large companies of tomorrow and we will have more jobs here. She feels it is vitally important to Evansville and the County of Vanderburgh to see that this program does go. She said if any of the Commissioners would like to tour the facility, she would be glad to give them a tour.

Ms. McClintock said she thought ABCDE was going to be asking for \$100,000, not a quarter million. How did it get to \$250,000?

Ms. Wards explained, "\$100,000 initially -- it was a matching grant."

Ms. McClintock said the difference between what the City has given is that they are giving money they are getting from the State and Federal Government and they're just passing it through to ABCDE. What they are asking the County for is \$250,000 that is going to come right out of the taxpayers' pockets.

Ms. Ward said they hope this is going to be an investment right back to the taxpayers.

Ms. McClintock said it sounds like a fine project. She asked that Ms. Ward obtain a formal application form from Lou Wittmer, which the Commissioners, in turn, will submit to Council for consideration during their budget hearings. Along with the application should be information as to what they plan to use the County's \$250,000 for. The safest way to look at it would be a grant of \$100,000 or \$150,000 over a three year period -- or even \$175,000. Next year is really going to be tight. In any event, she will take a copy of the presentation with her to Council budget

hearing tomorrow and try to get some feeling from them as to what kind of amounts they would look at for next year and the following two years and have Lou Wittmer call her back with information re same.

(Terry Babb, President of ABCDE, Inc. was also present at the meeting and offered brief comments.)

RE: AUTHORIZATION TO PURCHASE COPIER FOR HEALTH DEPARTMENT

Following brief discussion and responses to questions, upon motion made by Commissioner Hunter and seconded by Commissioner McClintock, upon the recommendation of Mr. Todd Garrison of Administrative Services the Board authorized the purchase of a Xerox 1090 Copier for the Health Department at a cost of \$57,907.15, including toner package, developer and fusers. So ordered.

RE: APPOINTMENTS

Upon motion made by Commissioner Hunter and seconded by Commissioner McClintock, Alice James, Manager of Wesselman Park Nature Preserve, was appointed to the Pigeon Creek Greenbelt Committee. So ordered.

RE: PROPOSED CONTRACT/RISK MANAGEMENT CONTROL SERVICES

Ma. McClintock said this is one of the very strong major recommendations made by the Transition Team -- looking at how we're handling insurance for Vanderburgh County. We do have a proposed employment agreement. She will ask Margie Meeks to make sure that all three Commissioners have copies of same and put this on next week's agenda for action.

RE: COUNTY HIGHWAY GARAGE - CLETUS MUENSTERM

Mr. Muensterman stated he has submitted the Weekly Reports from the County Highway Garage.

Distribution of Paychecks: Commissioner Hunter said he has a question of Mr. Muensterman and County Auditor, Sam Humphrey, as well. It has been brought to his attention that some of the employees at the County Garage are getting their paychecks on Thursday. Is that legal -- to hand those paychecks out on Thursday?

Auditor Humphrey responded, "It has been checked with the State Board. They are not to cash them before 4:00 p.m. on Thursday."

Ms. McClintock asked when they're handed out on Thursday?

Mr. Muensterman responded, "At 3:00 p.m. -- right before they go home."

Auditor Humphrey noted this has been normal practice. The County Garage and the Sheriff's Department are the only two departments that get their checks early.

Ms. McClintock said, "The checks are not to be cashed until Friday -- so why do we give employees their paychecks on Thursday?"

Auditor Humphrey said, "After banking hours on Thursday is what the rule is."

Ms. McClintock said, "They can cash them at the grocery store."

Auditor Humphrey said, "A couple of them have done that and we've cancelled them, too -- because some of the grocery stores have a direct tie-in to the bank."

Ms. McClintock asked, "Wouldn't it make more sense to wait and give them their paychecks on Friday -- since they are not supposed to cash them until Friday?"

Mr. Muensterman asked, "The night people?"

Ms. McClintock said, "The day people."

Auditor Humphrey said, "The Sheriff's Department -- it's the Third Shift that picks them up."

Ms. McClintock said, "Okay -- the Sheriff's Department is the Third Shift and the County Highway is approved for the Second Shift. But it's never been approved for the First Shift to get their checks on Thursday."

Mr. Muensterman stated, "It's just a common practice that's been going on ever since I've been at the County Garage -- before then, I don't know."

Ms. McClintock asked, "When do you give out the paychecks in your office, Sam?"

Mr. Humphrey responded, "On Friday."

Ms. McClintock asked, "On Friday -- what time?"

Mr. Humphrey responded, "On Friday morning. Technically, we're illegal if we give them out before the end of the shift of that day. The law says you pay for services rendered -- and we pay current. So from a strictly technical standpoint we're illegal if we give them out any time on Friday during the work day. I was very concerned about this when I first became Auditor and took it to the State Board of Accounts and they assured me there would be no objection to it. I took the Third Shift for the Sheriff, which doesn't work on Friday, and the County Highway Department for the Second Shift employees. But from a strictly legal standpoint we're illegal no matter what we do, because it is just a claim against the County and a claim should be paid for services rendered and services have not been rendered that day, follow me?"

Ms. McClintock said, "When I worked for the City we did not receive our paycheck until we left work on Friday. I don't know if they still do that -- but for the same reason, because they could not legally pay us until we had finished the work day."

Auditor Humphrey said, "I took it to the State Board and they told me, 'We will not write you up for that' -- and they have not."

In querying Mr. Muensterman, Mr. Hunter asked, "Do you hand out paychecks to all of your employees on Thursday?"

Mr. Muensterman responded, "No - no."

Mr. Hunter asked, "Well, how do you determine who gets them and who doesn't?"

Mr. Muensterman responded, "If a man is off for a personal or sick day on that Friday, he gets a check."

Mr. Hunter asked, "But the only people who get a check on Thursday are those who will not be there on Friday, for some reason or another?"

Mr. Muensterman said, "Right. Now, if some of them said they needed the check, I gave them the check -- and they would still come in that Friday -- either way."

Carol Davis, Assistant County Highway Superintendent, approached the podium and said, "This is probably a legal question -- but this

came up Thursday and I just thought of it. We had an incident where someone came in who was a little "under the weather", I guess -- he got his check on Thursday. Now, if he had gotten drunk or something and had a wreck -- like, would his family -- could they sue us or something -- for giving him the check on Thursday? I mean, wouldn't that -- to me I think that could be a possibility."

Attorney Wilhite stated, "It may not be a good thing as a matter of policy or good management by government, but I think it would be stretching it pretty far to sue."

Ms. Davis continued, "I don't know -- but I think it could be a possibility."

President McClintock said, "Well, I'm going to be thinking about it and I'm sure, Don, you will want to think about some kind of written policy -- it should be understood what should go on anyway -- that could be distributed to County employees so that they know exactly what the policy and laws are."

Commissioner Hunter said, "We can kind of open a can of worms here. I assume that the spouse usually assumes that the check is available on Friday evening and with school getting ready to start you need every penny you can get to get your children ready and I just wonder if we're creating additional domestic problems by handing the checks out on Thursday and checks out on Friday and nobody really knowing. I do see where there could be some problems. If nothing else -- within the individual families -- especially if you're expecting a Friday night check and it turns out that it was handed out Thursday night and it is all gone by Friday night."

Auditor Humphrey said, "When I was with Whirlpool we had a policy that you could get it early if you were not going to be there the following day -- they would do that. And we also had many more problems where they had concerns on Thursday where they didn't get home with the check. Of course, you'd have those same concerns if we gave it out on Friday and they didn't get home with the check."

Ms. McClintock said, "Yes, but I think we've got a better shot at getting them to work on Friday if they don't get their paycheck until Friday."

Mr. Muensterman said, "Say the man goes on vacation the following week; he takes a personal day on Friday and vacation the following week. He's going to be out of town that Friday -- he should get his check."

Commissioner Hunter said he thinks that is definitely right.

Ms. McClintock said, "I tell you what I think we have a problem with -- and that is giving out paychecks on Thursday to anyone unless they have a scheduled day off on Friday -- not anticipating a sick day, but a scheduled vacation day or a scheduled personal day -- or they might have a scheduled surgery which would be sick day -- but not think 'I'll have the green flu tomorrow -- I'm not going to be in after you give me my paycheck'. I want us to follow the County policy and I don't want any paychecks distributed on Thursday except to second shift workers and those that fall under those guidelines -- so they are treated like everybody else. So we'll get something out in writing to that effect tomorrow."

Mr. Muensterman noted, "I have already posted that on the bulletin board."

RE: COUNTY ENGINEER - GREG CURTIS

Green River Rd. Project: Mr. Curtis said that when he spoke with the Commissioners a few weeks ago concerning this project we were scheduled for the August letting. There has been some confusion at

the State level and the necessary paperwork to reach the August letting did not reach Federal Highway in time. Therefore, we are on the September letting and the bids will not be received until September for the first section of that project.

Agreement re Right-of-Way Engineering/Green River Rd.: Previously, we selected United Consulting Engineers to do the right-of-way engineering and right-of-way service for all phases of this project. We did sign an agreement on the 1st Phase to expedite the right-of-way purchase, etc. He now has an agreement with UCE to cover both Sections B and C for approval. We have a water line which the Water & Sewer Department is wishing to install on the northern end of the section which is the third section. At the present time their plans are not to install the water line at a location that will be out of the way of the construction in the future. If we go ahead and pursue the right-of-way acquisition (particularly of parcels up near Heckel Rd.) soon enough, they will be able to locate the water line outside the proposed construction and this will eliminate the expense of having that line relocated, which is a cost we would have to incur at that time -- because if they install it now they will be locating the line within their own easement and we will have to pay them to move it.

Upon motion made by Commissioner Hunter and seconded by Commissioner McClintock, the agreement appointing United Consulting Engineers was approved in the amount of \$55,750. So ordered.

County Garage: Mr. Curtis said that with regard to the County Highway Garage and the instructions they received last week, as far as placement of and the cost for a containment facility, they have been in touch with Heritage Remediation and have talked with a number of environmental people. Their instructions at the present time are that any structure we place should be placed outside the contaminated area, which is limited to a small section of the County Highway grounds at the very northern part north of the excavation where the underground storage tank was. That is also the only feasible location for a salt storage facility should we decide to build a salt storage facility. Therefore, his intentions are to look into doing that once we know exactly what our remediation area is going to be so we know how much area we have.

There will be a meeting later this week with the City in regard to a joint salt building and what the feasibility of sharing a facility would be. We are basically waiting on a landfill liner that we need to place under the salt in the storage barn to move the salt off its existing concrete pad to that area. We should receive that liner this week.

Paving Costs: They're in the process of coming up with a final per ton cost. He would recommend using the per ton figure rather than the per mile figure simply because we are not always paving the same width nor the same thickness. If we base it on a per ton cost we are getting an equal comparison. At the present time we don't have any paving contracts on which we've received bids this year. There are two options to that and he will look into both. One is to get a paving contract done, which we'll have at next week's meeting. The other is to compare the increase from last year to this year with the City on our contracts. He and the County Highway staff are both looking into finding some solvents/cleaners to use to help get the equipment clean. What they're looking at are solvents that are biodegradable.

Claims: Mr. Curtis then submitted a list of claims with the recommendation that they be approved for payment. (List of claims attached hereto as part of the formal minutes.)

Upon motion made by Commissioner Hunter and seconded by Commissioner McClintock the claims were approved. So ordered.

Results of Dye Tests: Commissioner McClintock said we did -- and she announced after the session on Friday -- that we did get the results of the dye tests which showed that it was a diesel fuel problem, not an asphalt problem, as originally anticipated. That the diesel fuel did come from the wash area through the culvert and into the ditch.

Ms. McClintock said the other thing she needs to share is that even though the practice of cleaning trucks with diesel fuel had been halted basically at the County Garage, it had continued until notification last week at all the locations where we are purchasing our asphalt and the trucks were then being brought into the County Highway Garage and washed.

The above are the two primary items that came out of that Executive Session on Friday.

RE: SALE OF COUNTY-OWNED SURPLUS REAL ESTATE

President McClintock apologized to the gentlemen in the back of the meeting room. They thought she said we were selling surplus property that was not advertised -- and we were selling property that was advertised.

In response to query from Commissioner McClintock, Mr. Sam Gates of 370 Rosenberger Avenue said he was interested in purchasing the parcel of property located at 810 N. 4th Avenue and he bid \$5.00. There being no further bids, upon motion made by Commissioner Hunter and seconded by Commissioner McClintock, the sale of this parcel to Mr. Gates for the amount of \$5.00 was approved. So ordered.

RE: COUNTY ATTORNEY - JEFF WILHITE

Widening of Lost Bend Lane/Amoco Oil Co.: Attorney Wilhite said he submitted a written report. Amoco Oil Company has offered to pay for the materials necessary to widen Lost Bend Lane to the corner of Lost Bend Lane and Olmstead Road if the County will provide paving and other construction services for the widening. The Stahls, owners of the property at the corner, have agreed to give the County a right-of-way to permit the widening. Two legal documents are needed. We will need an agreement between Amoco and the County preventing Amoco from attempting to recover the cost of the material they will provide, and may attempt to recover part of the construction costs. We will also need to obtain a right-of-way executed by the Stahls to insure perpetual legal authority to obtain and maintain the strip of roadway. Mr. Wilhite said he needs to know if the Commissioners wish him to proceed to draw up the legal documents.

Mr. Curtis said he believes this will greatly enhance the safety, as well as the workability of that intersection. Amoco is taking trucks in and out of there and it's practically impossible for them to get their trucks turned in there from both directions. Right now it is a lot easier if they're coming from Warrick County than it is if they are coming from the Burkhardt Road area.

Commissioner Hunter said he has a problem with this. He had a phone call last week concerning the same property, where there is illegal dumping going on. He went out there with the Health Department. According to the Health Department there is quite a bit of illegal dumping going on and, unfortunately, Mr. Stahl was involved in this. Amoco may have to eventually clean it up themselves, since they bought some property out there. He doesn't know if that has any significance here. He saw the trash being dumped onto Mr. Stahl's property -- it was his truck and it was being dumped on his property. The Health Department indicated that there was a problem with it because it was lead-based paint. Mr. Stahl was letting one of his neighbors use his truck and dump on his property and the Health Department indicated that he would go

through the woods and some of it he would take. The other will have to be moved because it is unsafe. There is also quite an additional bit of dumping out there, including tires, etc. on Mr. Stahl's property.

Ms. McClintock said it sounds like we need to send a letter to Mr. Stahl.

Attorney Wilhite asked if Mr. Curtis knows whether Amoco has Counsel, to save County Attorneys' fees in drafting any of this. Mr. Curtis said he does not know whether they presently have Legal Counsel in the Evansville area; he does know they hired a surveyor to do the legal description.

Commissioner McClintock instructed Mr. Curtis to find out if Amoco has Legal Counsel to prepare these documents. If not, Attorney Wilhite was instructed to do so.

RE: BURDETTE PARK - MARK TULEY

Closure of Park Due to Emergency: Mr. Tuley said Burdette was instructed to close down last week due to train derailment. Upon the advice of the Sheriff's Department and Emergency Management Agency they closed the Day Camp and moved same.

On Friday, he received a call from Mr. Stewart of the CSX Claims Department and was informed that they are willing to reimburse the County for loss of revenue due to closing of Burdette Park. He talked with Ms. McClintock briefly before she went into the Executive Session on Friday and at that time decided to call Gary Price to obtain information as to how to put a claim together regarding this matter. It wasn't a matter of just the County losing revenue here, it was also the Concessionaires who operate out of the park, including food, the Trading Post, Miniature Golf, the Batting Cages, etc. Mr. Tuley said that once he has put the information together, he is requesting permission to set up a meeting with Gary Price, who will present a claim to CSX on behalf of the County. Mr. Price just wants to make sure the County is justly compensated.

Motion to approve the request was made by Commissioner Hunter, with a second from Commissioner McClintock. So ordered.

Mr. Tuley said a couple of thoughts occurred to him, one being that one of the reasons the park was shut down was if this thing was to possibly explode there could be a toxic cloud. The wind was blowing in their direction and basically they'd have a hard time evacuating 1,500 to 2,000 people, which is very understandable.

The second thought that occurred to him is that on any given weekend day there might be close to 5,000 people at Burdette. If this happens during the daytime and the same scenario would unfold and the thing would explode, there wouldn't be any way to get those people out of there. The main concern is, he understands the way they ship these cars all the time there is solid rock, fuel, and everything else that comes through here on that line. He doesn't understand why we had a car that was so flammable right next to a car with a toxic chemical? It seems there ought to be some legislation or something to insure that they are separated. Maybe somebody already addresses that.

Ms. McClintock asked Lou Wittmer to find out if there is any kind of legislation that deals with how trains are supposed to be put together.

Commissioner Hunter said he wonders if perhaps the Commission ought to ask the Emergency Management Agency to develop a plan for Burdette Park.

Ms. McClintock said she thinks Mr. Tuley ought to ask Mr. Greer to do that.

Lifeguard Competition: Mr. Tuley advised that Burdette Park hosted the Lifeguard Competition this year and the Burdette Team was Top Guard Team in the City this year. He can provide the Commission office with the name of the participants and perhaps the Commissioners can send them a letter. They did this on their own time.

Scheduled Meeting with Consultant: Mr. Tuley reminded the Commissioners that Mr. Haralson will be arriving tomorrow night and they are scheduled to meet with the Commissioners at Burdette Park on Wednesday at 10:00 a.m.

RE: CONSENT AGENDA

Ms. McClintock directed attention to the fact that the Commission Meeting of Monday, August 19th, has been cancelled, as two Commissioners will not be available.

Upon motion made by Commissioner Hunter and seconded by Commissioner McClintock, the Consent Agenda was approved. So ordered.

RE: OLD BUSINESS

Ms. McClintock entertained matters of Old Business to come before the Board. There were none.

RE: NEW BUSINESS

Executive Session: President McClintock said she would like to set an Executive Session for Monday, August 12, 1991 at 4:00 p.m. (just prior to the regular Commission Meeting) for purposes of discussing Personnel Matters at the Vanderburgh County Garage.

Motion to this effect was made by Commissioner Hunter, seconded by Commissioner McClintock, and so ordered. Ms. McClintock instructed Joanne Matthews to advertise same.

There being no further business to come before the Board at this time, Commissioner McClintock declared the meeting recessed at 6:00 p.m.

PRESENT:

Carolyn McClintock, President
 Don Hunter, Vice President
 Sam Humphrey, County Auditor
 Jeff Wilhite, County Attorney
 Greg Curtis, County Highway Engineer
 Gary Kercher, Asst. County Highway Engineer
 Cletus Muensterman, County Highway Supt.
 Carol Davis, Asst. County Highway Supt.
 Sam Elder, Health Department
 Todd Garrison, Adm. Services
 Peggy Groves, Health Department
 Doug Johns, Garnac Grain
 Verner Klensch, Garnac Grain
 Ron Steinkamp (Union Twp.)
 Don Gartner (Union Twp.)
 James W. Oldham (Union Twp.)
 Dale Johnson
 Ed Steinkuhl (Union Twp.)
 Ken Kuester (Union Twp.)
 Merle Scoles (Union Twp.)
 Lou Wittmer, Commission Office
 Jennifer Coin, Commission Office

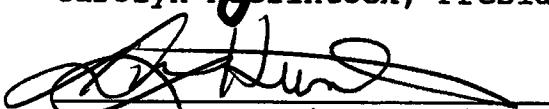
Others (Unidentified)

News Media

ABSENT: Richard J. Borries

SECRETARY: Joanne A. Matthews


Carolyn McClintock, President


Don Hunter, Vice President

Richard J. Borries, Member



CAROLYN MCCLINTOCK
DON L. HUNTER
RICHARD J. 'RICK' BORRIES

Board of Commissioners of the

County of Vanderburgh
305 ADMINISTRATION BUILDING
CMC CENTER COMPLEX
EVANSVILLE, INDIANA 47708



TEL. (812) 426-5241

AGENDA

VANDERBURGH COUNTY COMMISSION

AUGUST 5, 1991
4:30 P.M.

FINAL

1. Call to order
2. Introduction of staff
3. Pledge of Allegiance
4. Any groups/individuals wishing to address the Commission
5. Action items:
 - a. Sale of County owned surplus real estate:
(1 Bid called in)
Dale Johnson bids \$1 on each of the 9 lots located in the 100
Blk Sorenson.
 - b. 2nd, 3rd Readings, Public Hearing - Ordinance repealing Group
Health Insurance for Qualified Retired Employees
 - c. 2nd, 3rd Readings, Public Hearing - Ordinance repealing Group
Health Insurance for Qualified Retired Sheriff's Dept.
Employees & Benefits for certain officials
 - d. Report from Roger Lehman on property located at 9301 Old Stat
Road
 - e. Merle Scoles - Closing of Old Henderson Rd in Union Township
 - f. Debra Ward - A Business Center For Developing Enterprises
 - g. Susan Jeffries - Request to purchase copier for the Health
Department
 - h. Appointment to be made:
Alice James - Pigeon Creek Greenbelt Committee (Ms. James
is currently Manager of Wesselman Park Nature Preserve)

- i. Risk Management Control - Proposed Contract
5. Department Head Reports:
 - a. Cletus Muensterman - County Highway Superintendent
 - b. Greg Curtis - County Highway Engineer
 - c. Jeff Wilhite - County Attorney
 - d. Mark Tuley - Burdette Park Manager
7. Consent Items:
 - a. Request to travel --Area Plan Commission (2 requests)
Auditor's Office
 - b. Approval of Claims - Simons Governmental - \$9,947.78
YMCA - \$1,764.00
Sam Biggerstaff - \$3,200.00
The following 3 are for Craig Baggett:
Evansville Medical Radiological - \$42.00
Orthopedic Assistant - \$287.00
Deaconess Hospital - \$107.68
 - c. Check received:

From United Artists Cable Corporation for 2nd quarter
franchise fee in the amount of \$33,173.39.

From Capital Cable for semi-annual franchise fee in the amount
of \$452.33.
 - d. Employment Changes:

GERMAN TOWNSHIP ASSESSOR - Appointment made:
Deirdre Brenner/Chief Deputy \$14,926
7/29/91

GERMAN TOWNSHIP ASSESSOR - Release made:
Margaret D. Effinger/Chief Deputy \$17,712
7/26/91

KNIGHT TOWNSHIP ASSESSOR - Appointment made:
Amy Koonce/Deputy \$14,364
8/14/91

KNIGHT TOWNSHIP ASSESSOR - Release made: Amy Koonce/Deputy 8/14/91	\$13,680
PIGEON TOWNSHIP ASSESSOR - Appointment made: Patrecea L. Gilbert/Deputy 7/29/91	\$13,679
PIGEON TOWNSHIP ASSESSOR - Releases made: Patrecea L. Gilbert/Part-time 7/29/91	\$5.00 per hr.
Deirde B. Brenner/Deputy 7/29/91	\$13,679
Kathleen L. Pajak/Part-time 8/1/91	\$5.00 per hr.
CIRCUIT COURT - Appointment made: Ernest Ritcheson/Secretary 7/29/91	\$16,452
CIRCUIT COURT - Releases made: Charles Marx/Secretary 7/29/91	\$16,452
John Schwentker/Part-time Corrections Officer 6/30/91	\$7.00 per hr.
Ernest Ritcheson/Corrections Officer 7/29/91	\$7.00 per hr.
PROSECUTOR - Appointments made: Georgia Williams/Full-time Vanderburgh County Superior Court Employee 7/29/91	
Sarah Cooper/Full-time Vanderburgh County Superior Court Employee 7/29/91	
Cheryl J. Cooper/ParaLegal Secretary 7/29/91	\$18,139
Lauren Kincaid/ParaLegal Secretary 7/29/91	\$16,452
Carol Hustace/Subp/Summons Clerk 7/29/91	\$15,836

Donald L. Erk, Sr./Investigator 7/29/91	\$21,135
PROSECUTOR - Releases made: Carol Hustace/Investigator 7/29/91	\$22,190
Nancy A. Haerle/ParaLegal Secretary 7/29/91	\$19,046
APS PROSECUTOR PROGRAM - Appointment made: Timothy J. Dame/Investigator 7/29/91	\$5.00 per hr.
APS PROSECUTOR PROGRAM - Release made: Timothy J. Dame/Investigator 8/9/91	\$5.00 per hr.
PROSECUTOR DLEP - Appointment made: Nancy A. Haerle/ParaLegal Secretary 7/29/91	\$19,046
PROSECUTOR DLEP - Release made: Cheryl J. Cooper/ParaLegal Secretary 7/29/91	\$18,593
VANDEBURGH SUPERIOR COURT - Appointment made: Terri L. Golding/Riding Bailiff 7/29/91	\$18,208
VANDEBURGH SUPERIOR COURT - Release made: Donald Lee Erk/Bailiff 7/26/91	\$18,139
Terri L. Golding/Riding Bailiff 7/26/91	\$17,341

f. Scheduled Meetings:

Tuesday, August 6 - County Budget Hearing - 9:00 a.m. to 12:00 noon - Room 301

Wednesday, August 7 - County Budget Hearing - 9:00 a.m. to 12:00 noon - Room 301

Wednesday, August 7 - County Council - 3:30 p.m. - Room 301

Thursday, August 8 - County Budget Hearing - 9:00 a.m. to 12:00 noon - Room 301

Monday, August 12 - County Department Head Meeting - 3:30 p.m.
- Room 303

Monday, August 12 - County Commissioner Meeting - 4:30 p.m. -
Room 307

g. COUNTY COMMISSIONERS MEETING SCHEDULED FOR AUGUST 19TH HAS
BEEN CANCELED.

3. Old Business
9. New Business
10. Meeting recessed



United Consulting Engineers & Architects

Established 1965



OFFICERS

Billie W. Jones, P.E., L.S.
Jacob E. Hall, P.E., L.S.
Kent D. Downey, P.E., L.S.
Ronald B. Miller
John D. Staley, R.A., A.I.A.

ARCHITECTS

Andrew C. Churchill, R.A., A.I.A.
John K. Hardin, R.A., A.I.A.

ENGINEERS

Jeff S. Bislich, P.E.
Mark A. Eckert, P.E.
Brad S. Farris, L.S.
Ralph A. Gemmer, P.E.
William E. Hall, P.E.
Ronald C. Miller, P.E.
William D. Richter, P.E.
Jerry D. Ritchie, P.E.
Ross E. Snider, P.E.

July 26, 1991

Board of Vanderburgh County Commissioners
305 Civic Center Complex
Evansville, IN 47708

Re: Project M-E340
Green River Road
Sections B and C

Dear Commissioners:

The following services will be required to secure forty-eight (48) parcels of permanent and temporary right-of-way for the referenced project.

R/W SERVICE WORK ITEMS		100% LOCAL FUNDS
1)	Provide Buyer to negotiate with Property Owners as required to secure the R/W and recording of transfer documents. Permanent 27 Parcels @ \$650/Parcel Temporary 21 Parcels @ \$500/Parcel	 \$ 17,550 \$ 10,500
2)	R/W Management Services (includes meetings, utility easements, conferences, coordination and certification of R/W as required by INDOT for construction). Lump Sum	 \$ 12,650
3)	a. Appraisal and Review Appraisal (Value Finding Appraisal required for acquisition over \$2,500) 7 parcels @ \$650/parcel	 \$ 4,550
	b. Appraisal and Review Appraisal (Short Form Appraisal required for acquisition over \$10,000) 1 parcel @ \$1,300/Parcel 4 parcels @ \$950/Parcel	 \$ 1,300 \$ 3,800
	c. Market Estimate Analysis (required if acquisition is under \$2,500) 36 parcels @ \$150/Parcel	 \$ 5,400

Total cost of items (1) and (2)
Maximum total cost of items (1) thru (3)
(note: these costs do not include land & improvements)

\$ 40,700
\$ 55,750

Items (1) thru (2) are the minimum services required, assuming all parcels will be donated at no cost to the County. Property owners must sign a waiver form which states they are aware of their right to an appraisal and compensation, but waive that right in favor of the donation. If the property owners do not donate the R/W, then additional R/W Service Work Items (3) thru (4) will be required.

All R/W services will be completed as required for the County to receive federal funding for construction and construction inspection on the project.

If this proposal meets your approval, please acknowledge in the space provided and return one copy to United Consulting Engineers, Inc. Your return of the signed proposal will serve as our Notice to Proceed as required to secure the parcels for the project using 100 percent local funding.

Very truly yours,

ACCEPTED:
Vanderburgh County Commissioners

UNITED CONSULTING ENGINEERS, INC.

Carolyn McCurtide

Ronald B. Miller

Ronald B. Miller
Vice President

[Signature]

Kent D. Downey

Kent D. Downey
Secretary

Date: 8-5-91

Attest: Sam Humphrey cm

(Copy mailed to U.C.E. 8/6/91)
to C. Curtis J.M.

COUNTY ENGINEER CLAIMS

AUGUST 5, 1991

Union Township Access Project

Alt & Witzig Engineering	\$ 140.00
Blankenberger Brothers	\$375,250.00
Blessing & Co., Inc.	\$ 164.90
Chrysler Credit Corp.	\$ 586.08
Instrument Sales & Service	\$14,990.00
Kuester's Hardware	\$ 102.24
USA Mobile	\$ 38.34
Lynch Road Extension	
Delores L. Agnew	\$ 1,246.00
Orchard Road Bridge #158	
David Matthews Associates	\$ 200.00
Heritage Remediation Engineering	\$ 3,252.00

KAHN, DEES, DONOVAN & KAHN

305 UNION FEDERAL BUILDING

P. O. BOX 3646

EVANSVILLE, INDIANA 47735-3646

TELEPHONE (812) 423-3183

TELECOPIER (812) 423-3841

ISIDOR KAHN

(1987-1993)

ROBERT KAHN

(RETIRED FROM
PRACTICE 1985)

OF COUNSEL

DIANE L. BENDER
GAYLON L. CLARK

HARRY P. DEES
ARTHUR R. DONOVAN
ALAN N. SHOEVERS
THOMAS O. MAGAN
LARRY R. DOWNS
WM. MICHAEL SCHIFF
ROBERT H. BROWN
JON D. GOLDMAN
MARILYN R. RATLIFF
BRIAN P. WILLIAMS
G. MICHAEL SCHOPMEYER
DAVID L. CLARK
JEFFREY A. WILHITE
JOHN E. HEGEMAN
JEFFREY K. HELFRICH
JEFFREY W. AHLERS
MARY LEE FRANKS
D. BRYAN WEESE
MARJORIE J. SCHARPF

August 5, 1991

Ms. Carol McClintock
President, Vanderburgh County
Commissioners
Civic Center Complex, Room 305
Evansville, IN 47708

Re: County Attorney Report

Dear Ms. McClintock:

Please let me report on the status of the various legal matters as County Attorney:

1. Amoco Oil Company has offered to pay for the materials necessary to widen Lost Bend Lane at the corner of Lost Bend and Olmstead Road if the County will provide paving and other construction services for the widening. The Stahl's, owners of the property at that corner, have agreed to give the County a right-of-way to permit the widening. We will need an agreement between Amoco and the County preventing Amoco from attempting to recover the cost of the materials they will provide, and may attempt to recover part of the construction costs. We will also need to obtain a right of way executed by the Stahl's to insure perpetual legal authority to obtain and maintain the strip of roadway. Please advise if you wish for me to proceed.
2. We argued our Tax Appeal case last week. We feel good about our argument and are awaiting a decision.

Very truly yours,

KAHN, DEES, DONOVAN & KAHN


 Jeffrey A. Wilhite

JAW/jes

cc: Don Hunter
Richard Borries



VANDERBURGH COUNTY HIGHWAY DEPARTMENT

5105 ST. JOSEPH AVENUE
EVANSVILLE, INDIANA 47720
TELEPHONE 428-0573

August 5, 1991

REF: LETTERS TO SUPPLIERS OF ASPHALT
AUGUST 5, 1991

Letters notifying all our suppliers of asphalt material that diesel fuel should not be used on Vanderburgh County Hwy. Dept., trucks, equipment or tools belonging to The Hwy. Dept., were mailed on August 5, 1991, after a personal phone call was made on August 1, or 2nd to each company involved.

These included: Jerry David Enterprises
 J.H. Rudolph & Company
 Southern Indiana Materials
 Sam Oxley & Company

A handwritten signature in cursive script, reading "Cletus J. Muensterman".

Cletus J. Muensterman

Supt. Vand. Co. Hwy. Dept.

VANDEBURGH COUNTY HIGHWAY DEPARTMENT
WORK PERFORMED FRIDAY JULY 26 THRU THURSDAY AUGUST 1, 1991

The gradall worked on Kremer Rd., Kuebler Rd., Scott Rd., Syls Drive, Church Ln. St. George Rd., Kneer Rd. and on Cemetary Road.

The mower worked on Strueh-Hendricks Road.

The paver worked on Day Road.

The Patch-crew worked on Greendale, Orchard, Boehne Camp, Mesker Park Dr., Peck Church, Korff and Seven Hills Roads. Also on Hillview Dr. & Slate Road.

The grader worked on East Baseline Road and on Peck Road.

The Crews sprayed weeds on Hecke1 Road.

The Tree-crew worked on St. George Rd. Hogue Rd., Old Lower Mt. Vernon Rd., Leah Dr., Seven Hills Rd., Red Bank Rd., Tree Top Lane and Heerdink Lane.

The Trash-crew worked on Ward Rd., St. George Rd., Green River Rd., St. Joseph Ave.

VANDERBURGH COUNTY BRIDGE CREW
WORK PERFORMED FRIDAY JULY 26 THRU THURSDAY AUGUST 1, 1991

Removed guard rail and busted up concrete on Syls Drive, finished the guard rail and drop-box. Replaced culvert and repaired drain, widened the road, compacted rock.

Cut ridge off shoulder on Boehne Camp Road.

Placed driveway culvert on Kremer Road, replaced driveway culvert on Kuebler Rd.

Installed coffer grate on Beaty Lane at culvert.

Replaced guard rail on Middle Mt. Vernon Rd.

Repaired sink hole on Baseline Road.

Cleaned out drain and repaired tile on St. Goerge Road.

Busted out the concrete, removed mud and placed rock on Greendale Drive.

Trimmed weeds and painted rails where needed.

VANDEBURGH COUNTY HIGHWAY DEPARTMENT
ABSENTEE LIST FRIDAY JULY 26 THRU THURSDAY AUGUST 1, 1991

FRIDAY, JULY 26

C. Sills - Sick
G. Page - Sick leave
J. Schapker - Sick

MONDAY, JULY 29

D. Dooley - Vacation
d. Chamberlain - Sick
B. Smith - Vacation
J. Schapker - Vacation
G. Baggett - Sick
S. Kirk - Vacation
H. Steckler - Personal day

TUESDAY, JULY 30

L. Babbs - Sick
J. Schapker - Vacation
b. Smith - Vacation
S. Kirk - Vacation
D. Dooley - Vacation

WEDNESDAY, JULY 31

D. Bassemeyer - Sick
J.D. Smith - Sick
J. Schapker - Vacation
B. Smith - Vacation
S. Kirk - Vacation
D. Dooley - Vacation

THURSDAY, AUGUST 1

B. Cook - Sick
J. Mitchell - Vacation
J. Schapker - Vacation
B. Smith - Vacation
S. Kirk - Vacation
D. Dooley - Vacation

BRIDGE CREW ABSENTEE LIST

MONDAY, JULY 29

E. Acker - Vacation

TUESDAY, JULY 30

E. Acker - Vacation

WEDNESDAY, JULY 31

E. Acker - Vacation
T. Miles - Personal day

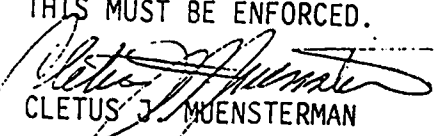
THURSDAY, AUG. 1

E. Acker - Vacation

7-16-90


ALL EMPLOYEES


DO NOT USE ANY DIESEL FUEL TO CLEAN EQUIPMENT, TRUCKS OR TOOLS AT ANY TIME.
THIS MUST BE ENFORCED.


CLETUS J. MUENSTERMAN
SUPERINTENDENT

ALL EMPLOYEES

DO NOT USE DIESEL FUEL UNDER ANY CIRCUMSTANCE TO CLEAN EQUIPMENT OR TOOLS, ON THE JOB OR IN THE YARD OR AT ANY LOCATION. NOT COMPLYING WITH THIS REQUEST COULD RESULT IN DISCIPLINARY ACTION.



SUPERINTENDENT, VAND. CO. HWY. DEPT.

ASST. SUPT. VANDERBURGH CO. HWY. DEPT.

MINUTES
COUNTY COMMISSIONERS MEETING
AUGUST 12, 1991

I N D E X

<u>Subject</u>	<u>Page No.</u>
Meeting Opened at 4:30 p.m.	1
Introduction of Staff & Pledge of Allegiance	1
Ordinance Providing Group Health Insurance Benefits for Qualified Retired Sheriff's Department Sworn Deputy Sheriffs & The Sheriff/First Reading	1
VC-7-91 (1st Reading) - Petitioners, Paul H. & Rita Legeay.. (Approved)	5
Sale of County-Owned Surplus Real Estate	5
Employment of Professional Risk Manager for Vanderburgh County/H. Norris Robinson	5
Progress Report re Property at 9401 Old State Rd.	7
Introduction of Floodplain Ordinance (Amended)	7
(1st Reading - August 26th (Final Reading - September 3, 1991	
County Highway/Cletus Muensterman	7
Training Session re Type of Digging along County Right-of-Way Paving Program Salt Pad	
County Engineer/Greg Curtis	7
Demolition of Property at 4701 Green River Ct. Independent Contractor's Agreement/Frank Hassel Agreement re Green River Rd. Project with the State Lynch Rd./Design Approval Appropriation Request/Cumulative Bridge Request for Transfer of Funds Notice to Bidders (Projects VC-91-08-01 & VC-91-08-02) Contract for Removal of Bridge over Little Pigeon Creek Ohio Street Bridge/County Engineer to make recommendation to the Board on August 26th	
County Attorney/Jeff Wilhite	9
Contract with SWIRHC not to exceed \$20,000 BFI Petition to Vacate Laubscher Rd.	
Consent Agenda	10
Old Business	10
Pigeon Creek Greenbelt Committee	
New Business	10
Indiana Film Commission/Request to Close County Roads for Brief Periods for filming Executive Session re County Garage Personnel Termination of Cletus Muensterman Request for Full Investigation by Sheriff re County Highway Garage	
Meeting Recessed at 6:10 p.m.	16

MINUTES
COUNTY COMMISSIONERS MEETING
AUGUST 12, 1991

The Vanderburgh County Board of Commissioners met in session at 4:30 p.m. on Monday, August 12, 1991 in the Commissioners Hearing room with President Carolyn McClintock presiding.

RE: INTRODUCTION OF STAFF & PLEDGE OF ALLEGIANCE

Commissioner McClintock introduced members of the County Staff and asked the meeting participants to stand for the Pledge of Allegiance.

Ms. McClintock then asked if there are any individuals or groups present who wish to address the Commissioners who do not find themselves listed on today's agenda. There were none.

RE: ORDINANCE PROVIDING GROUP HEALTH INSURANCE BENEFITS FOR QUALIFIED RETIRED SHERIFF'S DEPARTMENT SWORN DEPUTY SHERIFFS AND THE SHERIFF/FIRST READING

Ms. McClintock asked if there is anyone present to speak to this Ordinance on First Reading? There being no response from the audience, Ms. McClintock entertained a motion to approve the Ordinance on First Reading.

Commissioner Borries stated he has questions. Has she made any changes to what was originally submitted?

Ms. McClintock said, "No, we haven't."

Mr. Borries asked how "f" is going to be anymore cost saving than the current Ordinance?

Ms. McClintock said, "f" is not going to save any more money than what is in the current Ordinance, because that is exactly the same. How this Ordinance differs from the Ordinance that was passed last year is that, if you will notice,....."

Mr. Borries interrupted, "This isn't exactly the same -- there is a new area there -- that is why I was wondering -- in terms of "full" payment."

Ms. McClintock continued,. "Under this Ordinance the retired, qualified sworn Sheriff's Deputies and the Sheriff will pay the employee share of the premium called for under the plan, as any employee would."

Mr. Borries asked, "Do you have a copy of the previous Ordinance?"

Ms. McClintock responded, "Not with me."

Mr. Borries said, "That Ordinance said they would have to pay the full share. Now, what did that mean in relation to the difference between that and the employee's share?"

Ms. McClintock responded, "It is exactly the same. If you want to put in the word pay the full employee share of the premium, I don't have any problem with that."

Mr. Borries aid, "I'm not even sure -- you see, full, to me, means different than employee's share. Sam, are you aware of what they pay at this time in terms of this Ordinance? Do they pay the employee's share or the full share?"

Ms. McClintock said, "Okay, Rick. The intent of this Ordinance and

the intent of the other Ordinance is that the retired Sworn Deputies would pay the same premium that regular full time employees pay, depending upon the coverage they select. Obviously, the payments are different if you are on HMO than they are if you are on Blue Cross/Blue Shield. That is not a change in this Ordinance from the other Ordinance. If you would feel more comfortable putting "pay only the full employee's share of the premium", I have no problem with entertaining a motion to do that. Where the cost savings in this Ordinance is, in Item #4, where we limit the terms and conditions contained within this Ordinance are subject to review and renegotiation every three years by the Commissioners or a majority of them beginning August 1, 1994. The other Ordinance left open ended this benefit from Day 1 when it was passed forever."

Mr. Borries countered, "Well, I don't think this Ordinance even addresses -- what about those people who are already retired?"

Ms. McClintock responded, "Those people who are already retired are paying the employee share, just like regular employees are, of their regular health insurance program."

Mr. Borries asked, "And how will this save money? What would change?"

Ms. McClintock responded, "What would change is, the other Ordinance left it open ended and in full force and effect forever and this way in 1994 this Ordinance will be reviewed and the Commissioners will have an opportunity at that point to either alter the Ordinance, to not pass the Ordinance, to change it in any way they want and it is not left open ended forever -- because you don't have any idea what is going to happen to your insurance costs during the next two years, let alone the next twenty years."

Commissioner Borries said, "Well, if it's anything like the current trend in this country you're going to see them go up, up, up. But the point is, in terms of an employee benefit, in terms of a person making up his or her mind to retire, it seems to me they have to have some assurance that they are going to have some kind of benefits in force until they are age 65. That doesn't address this at all."

Ms. McClintock said, "Yes it does, Rick."

Mr. Borries continued, "In other words, Carol, you are saying that according to this some Board of Commissioners could just say, 'We're going to cut out the whole benefit', right?"

Ms. McClintock said, "That is not what this Ordinance says at all, Rick. This Ordinance says that if you, Rick Borries, retire next month and you meet all the eligibility requirements under this Ordinance, then you can opt for your insurance benefit that you have had as an employee. That you will pay your share -- your full employee share -- of that particular payment. What it says is that as long as you continue the eligibility requirement you will continue to receive this benefit until you are eligible for Medicare."

Mr. Borries asked, "Well, what happens on August 1, 1994?"

Ms. McClintock said, "Then, if you are a Deputy and after August 1, 1994 the Vanderburgh County Commission decides because of insurance costs or any other reason that they want to discontinue this Ordinance and this benefit and you retire after that time, there will not be a program for you. But if you retire between now and August 1, 1994, you do receive the benefit and you receive it the entire length. That August 1, 1994 date doesn't have anything to do with you if you retire within this period."

Mr. Borries asked, "But what happens to the ones after that?"

Ms. McClintock replied, "That is up to, probably, the next set of Vanderburgh County Commissioners to determine. After August 1, 1994 they would make that decision because then they would know what the health care costs were looking like and they could make better projections."

Mr. Borries asked, "Beginning August 1, 1994, if you were thinking about being a retired Sheriff and you were 62 years old, Carol, how would you plan for retirement at that point?"

Ms. McClintock responded, "I don't understand the question, Rick."

Mr. Borries said, "It's real simple to me. It seems that at some point when the Commissioners felt the need or the necessity to renegotiate this and they decide 'We're not going to do this anymore', then after August 1, 1994 if I retire and I am 62 years old I will not receive those benefits, is that right?"

Ms. McClintock said, "That's right -- that's right. You're asking me to speculate on somebody's thought process based upon somebody's actions in three years."

Mr. Borries said, "You know, this is about as solid as the lottery is. At some point we might all hit the lottery when we retire."

Ms. McClintock said, "Rick, you know, what you are wanting to do is commit the taxpayers of this community to, in your own words, "escalating health care costs" forever. And I'm not willing, as a Commissioner, to put the future taxpayers of this community in that position."

Mr. Borries said, "Well, your concern for the taxpayers is, I'm sure, the same as mine. And it's always to be as cost effective, and yet also as compassionate and as concerned about our employees. We're not treating cattle here. We're talking about human beings and people who have served the taxpayers of this County very well -- and who, for whatever tenure they've had, have earned the right or at least the consideration at some point then to retire. If you're saying that -- I just see it as too open ended for a person to maybe jeopardize and having the concern about whether or not they were going to retire because they might totally lose their benefits. If you were going to have a provision in there that had something to do with an escalator clause where you might, because of higher costs, put something in there where it would be set up with perhaps a cost-of-living escalator in it, then to me that would be clearer than saying that it has to be renegotiated with whomever the retired people would be over a three year period -- and that at some point, as you might imply, that the thing might be cut out altogether. And I don't think that is a very good item for a person who is close to retirement to consider until they would be age 65 and eligible for some other kind of health care benefits. So that is the concern I have."

Ms. McClintock said, "It does have an escalator in it, Rick, automatically -- because the benefits are not set in at the 1991 rates. If the employee's share increases and escalates, which we anticipate it probably will over the next three years, and as it increases as these people are retired, they will pay the accelerated rate -- they are not locked in at their payment rate when they retire. So there is an escalator clause in the Ordinance. Did you want to make a wording change?"

Mr. Borries said, "I want to make a wording change on full employees and would also say that I do not believe at this time I concur with a so-called "whatever the renegotiation is". To me, if you say you have an escalator clause in there, that that would be sufficient and allow for employees to make their own individual

retirement decisions based on the premise that there would be some kind of health care benefits provided for them should they do that. That is what..."

Ms. McClintock asked, "Did you want to make a motion regarding the full employee's share wording?"

Motion was made by Commissioner Borries to add the wording "full employee's share" under sub-title "f" under Item #1 and to strike Item #4.

Ms. McClintock asked Mr. Borries to make those in two separate motions.

Mr. Hunter asked, "Are we talking about full time employee? What do we mean by 'full employee'? When we think about that for a second, are we opening another can of worms, Rick?"

Mr. Borries said, "Look and see what the previous Ordinance said -- 'full share', that could mean..."

Mr. Hunter interrupted, "I am just wondering if the word 'full' is in the wrong slot."

Mr. Borries said it is clear to him -- put full time in there then.

Mr. Hunter said, "I don't know if we want to."

Ms. McClintock said she can't support leaving this open and taking Item #4 out. We have exactly the same Ordinance that we had before and the reason they proposed the new Ordinance was to try to get some kind of control on what might happen in the future.

Mr. Borries asked Ms. McClintock if she has any cost projections.

Ms. McClintock responded, "Rick, yes we do -- and you were provided a copy of those. Gaither, Koewler, Rohlfer & Lockett Co. did a complete 5-year projection of the cost on this."

Mr. Borries asked, "How did they do that? Did we pay them to do that?"

Ms. McClintock responded, "They worked as volunteers with the Sheriff's Department and made complete projections on this."

Mr. Borries asked, "And this Item #4 is going to contain those figures?"

Ms. McClintock said, "No, that is what my decision was based upon, because I looked at the figures and reviewed them. And it is not my responsibility to review your information for you."

Mr. Borries commented, "I didn't ask you to -- and wouldn't want you to."

Ms. McClintock continued, "Their recommendation, as professional Certified Public Accountants, on both insurance costs and longevity costs for retired Sheriff's Deputies is that we put some limits on the program. I met with the Sheriff's Deputies and they were very pleased with that. We made some other minor changes in the Ordinance and this is based upon what the Deputy Sheriffs in the Sheriff's Department have agreed as workable for them and the employees they represent. Is there any other discussion on the amendment? What we are voting on now is to add "full time" to "f" and to eliminate Item #4. Commissioner Borries?"

Commissioner Borries, "I vote yes."

Commissioner Hunter said, "I vote no."

Ms. McClintock said, "And I vote no. I will now entertain a motion to add 'full time' to "f"."

Motion to this effect was made by Commissioner Hunter and seconded by Commissioner Borries.

Ms. McClintock then asked for a roll call vote: Commissioner Borries, no; Commissioner Hunter, yes; and Commissioner McClintock, yes.

Ms. McClintock then entertained a motion to pass the amended Ordinance on 1st Reading.

Motion to this effect was made by Commissioner Hunter.

Commissioner Borries seconded and asked for a roll call vote:

Commissioner Borries, no; Commissioner Hunter, yes; and Commissioner McClintock yes. Ordinance passed on 1st Reading by a 2-1 roll call vote.

RE: VC-7-91 (FIRST READING) - PETITIONERS, PAUL H. & RITA LEGEAY

Ms. McClintock said Petitioners are requesting change from Agricultural to CO-1. She asked if anyone is present to speak to this petition? There being no response, a motion was entertained.

Upon motion made by Commissioner Hunter and seconded by Commissioner Borries the Petition was approved on First Reading for forwarding to the Area Plan Commission. So ordered.

RE: SALE OF COUNTY-OWNED SURPLUS REAL ESTATE

Ms. McClintock entertained bids on the County Owned Surplus Property which had been advertised for sale.

Mr. Sam Gates of 370 Rosenberger Avenue bid \$5.00 for 610 N. Fifth Avenue. There being no further bids, a motion was entertained.

Upon motion made by Commissioner Hunter and seconded by Commissioner Borries, Mr. Gates' bid of \$5.00 was accepted. So ordered.

RE: EMPLOYMENT OF PROFESSIONAL RISK MANAGER FOR VANDERBURGH COUNTY

Ms. McClintock said the next item is a recommendation of the Transition Team -- that we employ a Professional Risk Manager for Vanderburgh County, so we have someone on our staff who is familiar with liability and claims filing, with the ability to follow up on those claims. The Team felt very fortunate to find someone in our community who, because of their particular situation, was available and willing to provide this service to the County at a much reduced cost as compared to what it would normally cost to run the County.

She has an employment agreement with Mr. H. Norris Robinson to be executed. He formerly was with American General and served as their Corporate Risk Manager from 1961-1989.

Mr. Borries asked if this is a replacement for Mr. Jerry Schenk?

Ms. McClintock said he is not. Jerry Schenk is not a Risk Manager. He is a Loss Control Officer, which is a completely different type of insurance person. Mr. Robinson's role will be to perform risk management functions for Vanderburgh County, including claims reporting, surveillance of loss control and formation of insurance programs to best safeguard County assets at the least cost using higher quality insurers. In response to query from Commissioner

Borries as to why our insurance persons or Lou Wittmer cannot do this, Ms. McClintock said the biggest problem that the Transition Team found with the existing system we have is that there was no one who actually worked for Vanderburgh County who was responsible for the Risk Management. They felt very strongly that all insurance-related activities should flow through one person and that the qualifications for this position should include prior insurance industry experience, preferably in loss control and/or claims adjusting. In addition to watching our insurance claims (and this is something Mr. Robinson can do) we need to formally adopt written procedures governing insurance matters and authorize the County Commission Liaison -- in this case, Mr. Robinson)) to enforce throughout all County departments.

Mr. Borries said he has no doubts about Mr. Robinson's classifications. His concern is this change in Lou's duties -- he doesn't do these things anymore? Is that correct?

Ms. McClintock said that is correct; Mr. Robinson would be responsible.

Mr. Borries asked, "What additional duties will Lou have then?"

Ms. McClintock responded, "We're working on and preparing an amended Job Description -- hopefully, it will be ready next week."

In response to query from Mr. Borries as to how many hours Mr. Robinson will work, Ms. McClintock said he would be working a minimum of 15 hours per week. She asked Mr. Robinson to offer comments.

Mr. Robinson said, "You have a number of people who you contract with presently. You have an insurance advisory firm in Indianapolis; an insurance agency here in Evansville; Mr. Schenk, a loss control man; an organization called PENCO, who is now doing some loss control work; Corroon & Black is furnishing you with monthly printouts on claims experience. You don't have any one person trying to put this altogether into a cohesive program. Absent that, should something go bad (which can happen) you're going to have about five or six people pointing at each other."

Mr. Borries said, "It was always my understanding that was the role of the person who occupied Lou's position and that it had been done that way before. Is anybody doing any finger pointing in relation to our experience with the way our County insurance has been administered? Hasn't it gone down instead of up, based upon our experience since 1984?"

Ms. McClintock asked if there are further questions? The funding for this would come out of the same \$38,000 that has previously been allocated for professional insurance work (the same account we pay Jerry Schenk out of). We've been able to renegotiate those contracts and will spend approximately \$38,000, even with Mr. Robinson's services. That will save the taxpayers \$14,000 for 1992. We would like for Mr. Robinson to start this week.

In response to query from Commissioner Borries, Ms. McClintock said we renegotiated with Jerry Schenk.

Mr. Borries asked when that was brought before this Board?

Ms. McClintock said his new contract will be coming before the Board in approximately a month.

Mr. Borries commented we got the horse before the cart.

Ms. McClintock said, No we didn't, Rick. You approved a contract with PENCO to provide the same services that Mr. Schenk had been providing. There was just discussion that Jerry Schenk would be

doing some work for the County, but working with PENCO."

Mr. Borries said he has the highest respect for Jerry Schenk's work and he thinks his reputation and his work, as per Ms. McClintock's current insurance carriers, would bear that out. He is just wondering why she would renegotiate with him at his expense. Does this mean he is going to do less?

Ms. McClintock said, "No, Mr. Robinson is performing a function that is completely different from what Mr. Schenk is doing."

Motion was made by Commissioner Hunter and seconded by Commissioner Borries that the employment agreement with Mr. H. Norris Robinson was approved.

Auditor Humphrey raised questions and Attorney Wilhite noted this can be considered an employment contract.

Ms. McClintock asked for a roll call vote. Commissioner Borries, no; Commissioner Hunter, yes; and Commissioner McClintock, yes. So ordered.

Ms. McClintock brought to the attention of the media that all of this has been voted on in public meetings.

RE: PROGRESS REPORT RE PROPERTY AT 9301 OLD STATE RD.

Ms. McClintock said each of the Commissioners should have in their packet a memo from Roger Lehman dated today, stating he has inspected the property and the recent repairs include the installation of new windows, the electric and plumbing have been roughed in, and the exterior siding and trim work is complete. Ms. McClintock noted they may meet their September 1st deadline.

RE: INTRODUCTION OF FLOODPLAIN ORDINANCE

Ms. McClintock noted that a public hearing was held August 7th and the APC unanimously approved the amendments to the Floodplain Ordinance 7-0. The Commission needs to set this for First Reading and Final Reading.

Upon motion made by Commissioner Hunter and seconded by Commissioner Borries, the Secretary was authorized to advertise, with First Reading scheduled at 4:30 p.m. on August 26th and Final Reading scheduled at 4:30 p.m. on September 3, 1991. So ordered.

RE: COUNTY HIGHWAY - CLETUS MUENSTERMAN

Mr. Muensterman noted that George Balin from Underground Cable would like to give a talk on type of digging along County right-of-way. He thinks we need this. We do call Indianapolis and they do come out and spot this area where we are going to dig for underground cable, gas, water, and whatever -- but they've been doing this in different counties and he is willing to come out and run a tape for the County Highway Department employees to give them an idea of what really happens in case you do cut a cable. The entire presentation would take about 30 minutes.

The Commissioners indicated this is fine with them.

Paving Program: Mr. Muensterman said they will start paving Vienna Road today.

Salt Pad: It was noted that the pad for the salt came in this afternoon and they will be putting this in and then start stacking the salt.

RE: COUNTY ENGINEER - GREG CURTIS

Demolition of Property at 4701 Green River Ct.: Mr. Curtis noted there were five (5) bids on this project, the lowest of which was L&M Excavating in the amount of \$8,998.00. They have reviewed the bids and it is their recommendation that we accept the bid of L&M Excavating.

Upon motion made by Commissioner Hunter and seconded by Commissioner Borries the bid from L&M Excavating was accepted, as submitted. So ordered.

Ms. McClintock requested that Mr. Curtis let Mr. Wittmer know what we need to communicate to the rentors in writing, so we can give them notification.

Independent Contractor's Agreement/Frank Hassel: Mr. Curtis said he has an Independent Contractor's Agreement with Frank Hassel for approval today, which is to be paid out of the Bond Funds. He worked with Mike Schopmeyer of Kahn, Dees, Donovan & Kahn on this issue and the primary things we'd required under the previous were the same. We adjusted the wage; instead of being a Common 6 classification, it is basically a cost to the County for him to be employed under that classification. There was some increase in that. Primarily it worked out to be that his straight time would be around \$14.00 per hour with all benefits, etc., and the overtime (were he to receive overtime) -- we've been working about 10 hr. days and then working 8 hours on Saturdays -- worked out to be about \$15.50 to \$16.00 per hour. He proposed \$15.00 per hour (with no benefits) and whether Mr. Hassel works 15 hours per week or 80 hours per week, he will receive the same pay per hour. He doesn't have a problem with this agreement and it is his recommendation that it be signed so Mr. Hassel can be paid out of the Bond Fund and free up the slot in the County Highway budget. Mr. Curtis said there is no way he felt we could put a termination date on the contract. However, it does say that in no event shall Hassel's contract continue anytime longer than it takes the County to complete the Union Township Access Project. That is basically the same language we have in our consulting agreements with Bernardin-Lochmueller, etc., etc., so he assumes that will be acceptable. The agreement should be effective as of today.

Upon motion made by Commissioner Hunter and seconded by Commissioner Borries the employment agreement was approved. So ordered.

Agreement re Green River Rd. Project with the State: Mr. Curtis explained this agreement basically says we agree to pay 25% if they fund 75%. This is identical to the agreement executed for the Boonville-New Harmony Rd. project. It is his recommendation that the agreement be approved, with two copies to be forwarded to the State.

Upon motion made by Commissioner Hunter and seconded by Commissioner Borries the agreement was approved. So ordered.

Lynch Rd./Design Approval: Mr. Curtis said we received Design Approval on the Lynch Rd. project last week. He has spoken with Bernardin-Lochmueller and we are either going to try to have the right-of-way agreement ready for two weeks from today, or have a timetable as to when that is going to happen -- as we have some people who wish their property to be purchased immediately.

Appropriation Request/Cumulative Bridge: Mr. Curtis said he has an appropriation request 203-293 (Contractual Services \$155,000) and 203-357 (Pfeiffer Rd. Bridge \$50,000). We have some major problems with the slope walls underneath the Pfeiffer Rd. Bridge. It is very labor-intensive work and that is the reason the cost is what it is. With regard to the contractual services, we have three large pipe structures on Schaeffer Rd.; large structure on County Line Rd. north of Boonville-New Harmony Rd.; and the structure in

the very sharp curve on Kleitz Rd. That money plus the money in the budget will be used to fund those three projects and he hopes to have the bid advertisement ready to receive bids soon after the Council meeting so we will know if we have funding.

Motion to approve going on Council call for the requested appropriations was made by Commissioner Hunter, with a second from Commissioner Borries. So ordered.

Request for Transfer of Funds: Mr. Curtis said he needs to request that \$10.00 be transferred into the Covert Avenue extension account.

Motion to approve the request was made by Commissioner Hunter, with a second from Commissioner Borries. So ordered.

Notice to Bidders (VC-91-08-01 and VC-91-08-02: Mr. Curtis said he has Notice to Bidders re these two projects, with bid opening scheduled August 26, 1991.

Motion to approve same and instruct the secretary to so advertise was made by Commissioner Hunter, with a second from Commissioner Borries. So ordered.

Contract for Removal of Bridge Over Little Pigeon Creek: Mr. Curtis said he has a contract for this, but the work is not scheduled to begin until October 1st at Hamilton Golf Course's preference. It should take three (3) weeks to complete this work, working two shifts. There are about 10,000 cars per day traveling that road, so we are likely to receive a number of inquiries when that road is closed.

Ohio Street Bridge: Ms. McClintock requested that Mr. Curtis' office provide a recommendation to the Commissioners on August 26th concerning this bridge. The Commissioners need to decide what we are going to do -- repair the bridge or replace it.

RE: COUNTY ATTORNEY - JEFF WILHITE

Contract with SWIRHC: Attorney Wilhite submitted a contract with SWIRHC in an amount not to exceed \$20,000. (Copy attached herewith)

Upon motion made by Commissioner Hunter and seconded by Commissioner Borries the contract was executed. So ordered.

BFI Petition to Vacate Laubscher Rd.: Attorney Wilhite said he has a clean-up matter regarding this item. The actual Ordinance took a little longer than normal to draft because of the language of the conditions. The Commissioners signed the actual Ordinance granting them the Petition to Vacate with some conditions a couple of weeks ago, so the Ordinance was dated July 26th or 28th or something like that. He asked the secretary if she remembers when it was.

Ms. Matthews responded that the Commissioners signed the Ordinance on July 8th; they subsequently signed a Memorandum of Understanding, and then they signed another Ordinance.

Attorney Wilhite said the Memorandum of Understanding was not meant to be an Ordinance, since it was a rather touchy issue. That was just to bind both parties until the Ordinance was drafted. BFI's Counsel has asked him to clarify that the Ordinance was indeed passed by this Board when it voted, which was July 8th. He believes that is the case, even though the Ordinance now has a late July date. He believes that through their vote in a public meeting the Commission actually passed the Ordinance on July 8th, even though they signed it later. Therefore, he believes it appropriate to put the July 8th date on the Ordinance, striking out the late

July date that appears. He believes this is legal and no vote is required.

RE: CONSENT AGENDA

Ms. McClintock entertained questions concerning the Consent Agenda. There were none, and a motion was entertained.

Upon motion made by Commissioner Hunter and seconded by Commissioner Borries the Consent Agenda was approved. So ordered.

RE: OLD BUSINESS

Pigeon Creek Greenbelt Committee: Commissioner McClintock reported that this Committee met last Thursday with some of the potential funders for that project. Towards our \$75,000, with the commitments we received last week, we now have about \$30,000 -- so we're about half way there. The indications from the other business representatives who attended the meeting were that they thought it was a good project. They were interested in financially supporting same and she is going to try to get back to the other ten (10) she needs to contact to determine the level of their interest.

By way of a follow up, Mr. Hunter reported that on Thursday morning there will be a meeting at 9:30 a.m. at the Marina, which will be attended by the U. S. Army Corps of Engineers, along with several people in the community; hopefully, a representative from the Waterworks, and the Wharfmaster. They will cruise Pigeon Creek as far as they can at this point and attempt to identify some of the problems in terms of restrictions of the stream in an effort to alleviate same.

RE: NEW BUSINESS

Ms. McClintock said she had a call this morning from Cindy Livingston, who is representing the Indiana Film Commission. They are requesting permission to do some filming along certain roads. They have cooperation from the Indiana State Police Department and will close the roads for brief periods (five to ten minutes at a time). In cases where there are guardrails with orange on them, they want to paint those guardrails gray and they can't have any lines on the roads, so they are requesting permission to paint out the lines and remove the modern looking stop signs. Before they leave these particular areas they will repaint the guardrails with the orange, and re-stripe the roads, and replace the stop signs. They will let us know what the locations are and we are to inspect those to make sure everything is as it was. If not, they will come back and repair same.

Commissioner Borries said he would also like to add that since our County Highway personnel and County Engineering group could certainly point out a few needy roads that might not involve a lot of time -- he would want to involve them at some point.

Mr. Hunter asked if that is in the form of a motion and Mr. Borries responded affirmatively. Mr. Hunter seconded the motion. So ordered.

Executive Session re County Garage Personnel: Ms. McClintock said an Executive Session was held this afternoon regarding the Supervisory Personnel at the County Garage. It has been reported at these meetings that there has been a continuing problem with the use of diesel fuel at the Garage. The Commission had indicated last year and in a number of meetings in 1990 and 1991 that diesel fuel was not to be used at the Garage. Are there any comments from the Commissioners regarding this issue?

Commissioner Hunter said, "I consider this a major problem and it

is a problem that came up during my campaign in late October, that there indeed was a potential hazard at the County Garage. Apparently there was a hazard that actually had been going on for quite some time, because in researching the minutes of the County Commissioners he counted eight (8) times during 1990 beginning with May 21st where the diesel issue was discussed in some way, shape or form. On July 16, 1990 there was a memo put up in the County Garage suggesting the use of diesel fuel for the cleaning of trucks, tools, or anything else be stopped, that it must be enforced. There was also a meeting of the employees making them aware that this practice must stop because of the environmental ramifications of same. Apparently the practice has not been stopped. On the previous problem Heritage Remediation was contacted. They came in and did some initial clean-up. A diesel spill on the surface where the trucks has been washed down with diesel fuel (as was done apparently for many years, done as a common practice throughout the country in dealing with hot mix asphalt. I gather there was also concern with the leaking underground tank. At last count we had paid Heritage Remediation \$40,000 to \$50,000 and that figure probably is higher. They have been back recently and done additional borings to see to what extent we have a problem and they have been working with the Indiana environmental management group (we have major problems out there.) At this point he thought we had stopped using diesel fuel for any reason whatsoever -- particularly at the garage. However, about two weeks ago it came to my attention (as well as that of the other Commissioners) that there indeed was additional diesel fuel somehow being used in the County Garage lot. It had gotten into the drainage system on County property and into the ditch on the south side of same. Steps were taken. IDEM and Sub-Tech were contacted. The Department of Health was tapped by the Health Department to deal with it. It was not a major spill. However, at that point -- just the minimum weekend cost was over \$2,000. He guesses his concern is that in spite of this Commission discussing eight (8) times diesel problems, this practice has continued and someone has to be responsible for stopping it. The person in charge should be that person. I guess my question then and now is why these memos have not been enforced. Why have the employees at the County Garage been permitted to continue to use diesel fuel to wash down tools and other equipment -- in particular, the paver -- and why was there no follow-up on this order not to use it until August 5th of this year? I saw another memo dated August 5, 1991, which is almost 13 months later. There were no other memos to the County employees saying "Don't use diesel fuel". There were no other meetings, in spite of this obviously happening. And there was no communication with any of our suppliers of asphalt until after this last spill of diesel was found in the ditches along the south side of the County Garage. My feeling is that somebody has to be responsible for this. The taxpayers are going to have to absorb a very heavy bill. At this point we don't know how much. Am I correct on this?

County Engineer Curtis said, "We have no estimate."

Commissioner Hunter continued, "It could be anywhere from \$1,000 to \$2 million, as somebody once said. I hope it is less. I guess what I am trying to say is that it is a major problem. It is a major cost to the taxpayers and we seem to have -- instead of the practice being stopped, the practice has been continued. And I think we have to stop this somewhere. Somebody has to be responsible. And I am assuming that that person would be the Superintendent of the County Garage. As Harry Truman once said, 'The buck stops here.' And the man who is in charge is responsible for the operation of that garage. So, Madam President, I am recommending that there be some kind of action taken at this meeting. Perhaps at the most the dismissal of Mr. Muensterman; and, at the least, some type of suspension. That would be up to the Commissioners.

Ms. McClintock recognized Commissioner Borries.

Mr. Borries said, "Go ahead. Make your comments."

Commissioner McClintock said, "The only thing I have to say is that I concur with what Don has indicated. Apparently there is a -- I think it points to a serious lack of leadership and commitment and follow-through at the garage. The memo that was sent on 7/16/90 simply says, 'Do not use any diesel fuel to clean equipment, trucks, or tools at any time. This must be enforced.' It does not indicate specifically what equipment or tools or trucks or whatever we're talking about. It does not indicate that that only is not to happen at the garage, but also not to happen anywhere else -- as on the road, at the suppliers, anywhere else. And it does not indicate to these employees -- and we have no indication of what was told to the employees -- what would happen to these employees if this specific memo of 7/16/90 -- what would happen to them as a result of them not doing it. In doing some further research, this problem has been going on at the County Garage for almost seven (7) years now. On June 15, 1984, the Vanderburgh County Commission was made aware apparently at that time that there were problems with leaking chemicals and fuel at the garage. And in a memo from C. G. Schultz of National Laboratories dated June 12, 1989, when they had done some research, he said, 'This matter has dragged on for five years. I am afraid the patience of this department is not infinitive and much further delay can result in fines that could cost the County and its taxpayers more money and above actions will still have to be taken and their cost borne. So apparently it is something that has not been taken very seriously. I concur with Commissioner Hunter that it is a serious problem and I agree that the person responsible needs to be disciplined.'"

Commissioner Borries commented, "Well, this is a real political set-up here. We had heard -- and I even received a telephone call -- that people were saying that this little deal was coming down. So despite all our high falutin rhetoric here, the fact is that there is a witch hunt involved in terms of trying to assess responsibility that has never clearly been determined. It has been determined in these meetings that Mr. Muensterman, a person well respected in the community, a leader, a person who has performed very, very well at the County Garage -- in fact, I had even heard it was rumored that employees couldn't attend -- or shouldn't attend -- today; it was a closed meeting. And, of course, shame on them, because obviously we have to do things in at least a semi-public meeting and that is the agenda right now. They would be here and I think they would certainly testify to the leadership abilities of Cletus Muensterman. Cletus Muensterman has issued a warning and told them in no uncertain terms what was going on and what should not be going on in relation to any kind of spills. Now, this was an election issue last year and Don's right -- he had a meeting out there. We thought at that time people were going to die, etc. No one has died. We have taken steps to do this and end this kind of practice. As to whether or not Mr. Muensterman has ever authorized this, it clearly stated that one employee who testified said, 'No, Mr. Muensterman said this was not to be done.' It is a political move to create some kind of an agenda here to put another employee in place who, apparently, would be more sympathetic to whatever is going on here. And it is regrettable, because Cletus Muensterman has been President of Germania Mannechor; he has been an Assistant Garage Superintendent out there; and a person who has exercised integrity all his life. And to even imply that he would in any respect have been responsible for saying that this practice was going on is ludicrous -- because he has also stated he was not telling any employees this. So there has been no authorization to have this done and there are some strange kinds of reporting practices taking place, obviously to put Mr. Muensterman in a very bad light. It is ridiculous and ludicrous to even imply that this person of integrity would have been in any kind of action like this -- to say one thing and do

another. that's ridiculous and he is a person who is on the job everyday and a person who is a fine leader; and a person whom I respect very much for his personal integrity. When he tells me something, I believe it. And as to a good Democrat saying, 'The buck stops here', if you're telling Mr. Muensterman in this meeting that that has to stop, then you've said that and it will stop. And to say that he has not told the employees this and carried out things is just ridiculous. It is, I think, regrettable that this kind of witch hunt has continued to go on and it has been obvious that even persons who have been hired out there have even admitted today -- and I don't think they even knew where the garage was nor had any prior garage experience -- you'd think if they were the persons involved in this that they would have immediately reported that to their supervisor, or at least been astute enough to ask questions like that. So I would want to also say that I believe the Assistant Garage Superintendent, for whatever motives, has been very much involved in this and certainly the employees would testify to that effect and I would also ask that she be disciplined, as well -- in a suspension -- at this time."

Ms. McClintock said, "Okay. Rick, you know, way back (almost a year ago now) a group of County employees banded together to sue their employers, indicating that we were going to fire them all. You know, that kind of political witch hunt has not happened."

Mr. Borries said, "Oh, but you've just been looking. People have been fired. We know that there have been Auditorium personnel fired; and..."

Ms. McClintock interrupted, "A secretary that could not type. Yeah, we fired her. That's absolutely right."

Mr. Borries continued, "There was a secretary who could type."

Ms. McClintock said, "She didn't even test at 15 words per minute; but that's ancient history. Do we have a recommendation on some kind of action."

Mr. Borries responded, "You bet. I have a recommendation -- to say clearly again to have a meeting with all employees, that it continually be posted that spraying any truck or any equipment with diesel fuel is strictly prohibited and that is always and will be the continuing policy of the garage and the garage personnel and that will always be enforced -- and that is my recommendation."

Ms. McClintock said, "Unfortunately, we did that at the last meeting of the County Commission. In fact, we outlined a series of steps that was then sent out in writing. So we've done that."

Mr. Borries said, "So I assume these things are being done right now and will continue to be done."

Ms. McClintock said, "Well, Rick, I wouldn't bet money on it."

Mr. Borries said, "Carol, I wouldn't bet money on anything that this group does. So I wouldn't bet money on anything -- particularly if I were going to be a..."

Ms. McClintock interrupted, "Clearly, the Superintendent of the Garage was told what to do over a year ago. Clearly that has not been happening."

Mr. Borries said, "Clearly? Clearly he has stated that for the public record. The employees testified to the effect that he conducted these meetings and that if this practice were brought to the attention of any person under him, then that person should have immediately reported this practice so he could have taken proper steps to insure that that be carried out."

Ms. McClintock turned to Attorney Wilhite and asked, "Jeff?"

Commissioner Borries commented, "Jeff is not a Commissioner on this Board."

Ms. McClintock said, "Oh, I thought he had a comment to make. Okay. Is there any recommendation on any kind of disciplinary action?"

Mr. Hunter said, "I move for the dismissal of Mr. Muensterman."

Mr. Borries stated, "Goodness gracious; that is ridiculous. I think you ought to at least wait one week. Perhaps you even ought to have an investigation out there. If this is a serious enough charge -- and you haven't even proved or alleged that this man had any responsibility of doing that -- then why don't you get the Sheriff or the Police to go out there and investigate and take depositions from certain people and really go the full route? I mean -- let's call for an investigation on the whole deal -- right here."

Mr. Hunter said, "Mr.,. Borries, the Commission did this thirteen months ago."

Mr. Borries countered, "Oh - they did not call for an investigation on this. What are you talking about?"

Commissioner Hunter said, "Excuse me, Rick. Let me finish just a little bit before you start your record. If I'm reading this -- on July 16, 1990, there was a little memo put up in the County Garage telling these folks not to use diesel fuel. There was a meeting held..."

Mr. Borries interrupted, "Don, let's not say 'little'. Let's say 'memo', Don...."

Mr. Hunter said, "Okay. It was a little memo -- I don't care if it was little, big, or somewhere in between -- the whole point is that 13 months later and several thousands of dollars later -- taxpayers' dollars -- we still have diesel. We still are paying bills..."

Mr. Borries asked, "And you are saying that Cletus Muensterman authorized that?"

Mr. Hunter responded, "Well, he's the man in charge of the County Garage."

Mr. Borries asked, "You're saying on public record that he lied -- when he told you 'no' -- you're saying he lied that he did not authorize this?"

Ms. McClintock interjected, "No, he didn't authorize this. He didn't know it was going on. He doesn't know what is going on out there."

Mr. Hunter said, "No, I'm sure Cletus didn't authorize the use of diesel. But there was no follow-up -- and 13 months later we are still asking the taxpayers of this County to shovel out more thousands of dollars to clean up this mess. You spoke -- you're always saying that this Commission speaks in its minutes -- eight times last year you spoke about this issue. Now, a responsible, logical person would kind of figure out that this diesel thing must be pretty darned important. You took your time to discuss it eight times in one year."

Mr. Borries countered, "You know, that's just ludicrous, too. Some of those dates, Don, were after you made an issue here and were talking about people dying in the streets and everything else in

relation to that. Some of those things were talking about Heritage Remediation and all that -- that's ridiculous."

Commissioner McClintock said, "Okay. We have a motion on the floor. Commissioner Borries, I assume you're not going to second that motion?"

Mr. Borries responded, "You're exactly right -- I wouldn't second it."

Ms. McClintock said, "Okay. I will second it and I will call for a roll call vote. Commissioner Borries, no; Commissioner Hunter, yes; and Commissioner McClintock, yes."

Mr. Borries continued, "And I have a motion I would like to make at this time. I move that the Assistant County -- whatever we would call her -- Superintendent -- be dismissed."

Ms. McClintock addressed Mr. Hunter and asked if he'd like to second the motion for purposes of a vote.

Mr. Hunter responded, "I'll second it."

Ms. McClintock asked for a roll call vote. Commissioner Borries, yes; Commissioner Hunter, no; and Commissioner McClintock, no.

Commissioner McClintock then asked, "Are there any other recommendations or actions re personnel at the County Garage?"

Mr. Borries said, "I'm going to call for a full investigation on this whole matter. I'm not satisfied with the way this was handled. I think that it's ludicrous, in my opinion, to imply that this man had any responsibility for that and I'm going to call for an investigation. There will be other employees interviewed. We'll just see how sincere this Board is."

Ms. McClintock responded, "That's fine. I have no problem with that."

Mr. Borries said, "Oh, you got what you wanted. I know you'll have no problem with it."

Ms. McClintock continued, "I will just remind the media we've held three Executive Sessions on this issue. We have called in several employees from the County Garage and talked to them."

Mr. Borries interrupted, "Not enough -- not enough."

Ms. McClintock continued, "And also -- if you could keep from interrupting me, Rick -- we've also spoken with individuals involved in this same kind of business -- the paving business -- who are not employed by Vanderburgh County. But I have no problem with asking the Vanderburgh County Sheriff's Department to do an investigation..."

Mr. Borries interrupted, "As to who knew what and when; and what was going on and about this reporting process. Yes, there are a lot of questions unanswered. I've never seen a person have a lack of due process in terms of whatever you would so call an Executive Session. You know, it is kind of ironic. This must have already been kind of a done deal for people to have had to call me out of a meeting to tell me what was going to come out of this. And that's ridiculous, Carol."

Ms. McClintock interrupted, "Rick, do you want to do your rhetoric with the reporters later? People did not know in advance what was going to happen. I didn't know in advance what was going to happen. Any other new business to come before this Board? This meeting is recessed." (Time: 6:10 P.M.)

Commissioner Borries said he would like to have the Commission Meeting reconvened for purposes of considering a suspension for Mr. Muensterman.

Ms. McClintock said, "Rick, we're finished with this issue."

Mr. Borries asked if she refused to reconvene the meeting at this time?

Ms. McClintock, who had already exited the meeting room responded from the hallway, "That's correct, Mr. Borries."

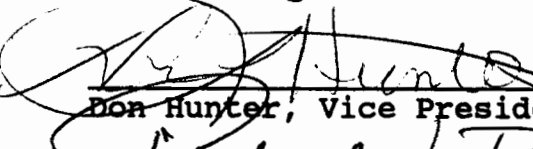
Commissioner Borries stated, "From the back room we hear, 'That's correct, Mr. Borries.'"

PRESENT:

Carolyn McClintock, President
Don Hunter, Vice President
Richard J. Borries, Member
Sam Humphrey, County Auditor
Jeff Wilhite, County Attorney
Cletus Muensterman, County Highway Supt.
Greg Curtis, County Highway Engineer
H. Norris Robinson
Gary Kercher, County Engineer's Office
Carol Davis, Asst. County Highway Supt.
Lou Wittmer, Supt. County Bldgs.
Margie Meeks, Executive Assistant
Others (Unidentified)
News Media

SECRETARY: Joanne A. Matthews


Carolyn McClintock, President


Don Hunter, Vice President


Richard J. Borries, Member



CAROLYN McCLINTOCK
DON L. HUNTER
RICHARD J. "RICK" BORRIES

Board of Commissioners

of the
County of Vanderburgh
305 ADMINISTRATION BUILDING
CMC CENTER COMPLEX
EVANSVILLE, INDIANA 47708



TEL (812) 426-5241

AGENDA

VANDERBURGH COUNTY COMMISSIONERS

August 12, 1991
4:30 p.m.

FINAL

- ✓ 1. Call to order
- ✓ 2. Introduction of staff
- ✓ 3. Pledge of Allegiance
- ✓ 4. Any groups/individuals wishing to address the Commission
5. Action Items:
 - ✓ a. 1st Reading - Ordinance Providing Group Health Insurance Benefits for Qualified Retired Sheriff's Department Sworn Deputy Sheriffs and the Sheriff
 - ✓ b. Rezoning Petition - 1st Reading - VC-7-91 - Petitioners, Paul H. and Rita A. Legeay - Requesting change from AG to CD-1
 - ✓ c. Sale of County owned surplus real estate
 - ✓ d. Employment Agreement - Risk Management Services
 - ✓ e. Report from Roger Lehman on property located at 9301 Old State Road
 - ✓ f. Introduction of Floodplain Management Ordinance
6. Department Head Reports:
 - ✓ a. Clotus Muensterman - County Highway Superintendent
 - ✓ b. Greg Curtis - County Highway Engineer
 - ✓ c. Jeff Wilhite - County Attorney
7. Consent Items:
 - a. Minutes to be approved
 - b. Request to go on Council Call

c. Approval of claims

Key Construction Co., Inc. - Invoice# 5 for construction of
Vanderburgh county Morgue - \$44,988.97

d. Travel Requests - Health Department (3)

e. Employment Changes

BURDETTE PARK - Appointments made:
David Scott Grismore/Day Camp Counselor \$4.45 per hr.
06/10/91

Darren White/Slide Guard \$4.25 per hr.
07/17/91

BURDETTE PARK - Release made:
David Scott Grismore/Day Camp Counselor \$4.45 per hr.
06/13/91

COUNTY HIGHWAY DEPARTMENT - Release made:
Brent A. Miles/Part-time Summer Crew \$5.00 per hr.
8/2/91

DLEP PROSECUTOR - Appointment made:
J. Thomas Parker/Dep. Prosecutor \$28,174
8/5/91

RECORDER - Appointment made:
Doris E. Hatt/Mortgage Dty. \$14,364
8/23/91

RECORDER - Release made:
Doris E. Hatt/Mortgage Dty. \$13,680
8/23/91

SUPERIOR COURT - Appointment made:
Virginia Lomax/Part-time Help \$655
7/22/91

SUPERIOR COURT - Releases made:
Melissa Norman/Part-time Intern \$5.00 per hr.
8/2/91

Virginia Lomax/Part-time Help \$655
8/1/91

f. Scheduled Meetings:

Tuesday, August 13 - Data Processing Board - 8:00 a.m. - Room
303

Tuesday, August 13 - Design Review Board - 8:30 a.m. - Room
307

Tuesday, August 13 - Subdivision Review Board - 9:30 a.m. -
room 303

Wednesday, August 14 - County Budget Hearings - 12:30 p.m. -
room 301

Thursday, August 15 - County Budget Hearings - 12:30 p.m. -
room 301

Thursday, August 15 - Board of Zoning Appeals - 4:00 p.m. -
room 301

Thursday, August 15 - Pigeon Creek Greenbelt Committee - 4:00
p.m. - room 307

Monday, August 26 - Department Head Meeting - 3:30 p.m. - room
303

Monday, August 26 - County Commissioners Meeting - 4:30 p.m. -
room 307 (with Drainage Board Meeting to
immediately follow)

NOTE: THERE WILL BE NO DEPARTMENT HEAD MEETING OR
COMMISSIONERS MEETING HELD ON AUGUST 19, 1991.

- 8. Old Business
- ✓ 9. New Business
- 10. Meeting recessed



INDIANA DEPARTMENT OF TRANSPORTATION

100 North Senate Avenue

Room 1101

Indianapolis, Indiana 46204-2249

(317) 232-5533

Fax (317)-232-0238

July 23, 1991

Board of County Commissioners
of Vanderburgh County
305 Civic Center Complex
1 N.W. Martin Luther King Blvd.
Evansville, IN 47708

RE: Project No: MAM-M-E340(6)
Green River Road from Morgan Rd. to
Spring Valley Road
in the County of Vanderburgh

Dear Commissioners:

Enclosed are two (2) copies of an agreement between the Indiana Department of Transportation and the County of Vanderburgh County. Please see that the following list of instructions are complete on all the enclosed copies.

1. The Board of County Commissioners must sign and type names and titles on the appropriate lines.
2. The County Auditor must attest the agreement.
3. A Notary must complete appropriate blanks in the Acknowledgment page and affix a seal to the document.

The two (2) copies of the agreement must be returned to this office promptly so that processing may be completed. A fully executed agreement will be returned to the County at a later date. Thank you.

Very truly yours,


Stephen M. Dilk, Area Engineer
Division of Local Assistance

SMD/sr
Enclosure

CC:
File

An Equal Opportunity Employer

STATE - LOCAL PUBLIC AGENCY AGREEMENT

CONSTRUCTION AND PROJECT MANAGEMENT FOR FEDERAL AID PROJECTS

THIS AGREEMENT is made and entered into _____,
19____, by and between the STATE of Indiana, acting by and through the Indiana
Department of Transportation, hereinafter referred to as the "STATE", and the
Local Public Agency, Vanderburgh County Commissioners, hereinafter
referred to as the "LPA".

WITNESSETH

WHEREAS, plans and specifications have been prepared for this project;

WHEREAS, the right-of-way for the project is of sufficient width to meet
the approved design standards for the project; and

WHEREAS, any additional right-of-way procured for the project was
obtained by the LPA in compliance with STATE and Federal Highway
Administration policies and procedures.

WHEREAS, through the cooperation of the LPA, the STATE and the Federal
Highway Administration, the following designated project has been approved by
the Federal Highway Administration and is ready for letting by the STATE:

Project No. MAM-M-E340(6) Des. No. 85870

Description: Road reconstruction for Green River Road from Morgan Avenue (SR 62)
to Spring Valley Road, in Vanderburgh County

NOW THEREFORE, in consideration of the mutual covenants, herein contained, the LPA and STATE mutually covenant and agree as follows:

1. The LPA's share of the cost shall be the total amount of the entire cost of said project (approximately \$ 3,800,000.) less the amount contributed by the Federal Government through Federal-aid. The LPA has by an appropriation duly made and entered of record appropriated the sum of \$ 950,000. to apply to the cost of said project, which amount is estimated to equal the LPA's share of the entire cost of the project.
2. The LPA hereby agrees that all utilities which cross or otherwise occupy the right-of-way of said highway shall be regulated on a continuing basis by the LPA with written use and occupancy agreements in accordance with the STATE'S utility accommodation policy titled "STATE of Indiana STATE Highway Commission Policies Covering the Use and Occupancy of Public Highway by Utilities".
3. The LPA shall comply with the applicable conditions set forth in (1) Title 23, U.S. Code, Highways, (2) the regulations issued pursuant thereto, and (3) the policies and procedures promulgated by the STATE and Federal Highway Administration relative to the project.
4. A. General
 1. Notice is hereby given to the LPA or its subcontractor that failure to carry out the requirements set forth in 49 CFR, Sec. 23.43(a) shall constitute a breach of contract and, after notification, may result in termination of the contract or such remedy as the STATE deems appropriate.
 2. The referenced section requires the following policy and Disadvantaged Business Enterprise (DBE) obligation to be included in all subsequent agreements between the LPA and any subcontractor.
 - a. It is the policy of the Indiana Department of Transportation that disadvantaged business enterprises, as defined in 49 CFR, Part 23, shall have the

maximum opportunity to participate in the performance of contracts financed in whole or part with Federal funds under this contract. Consequently the DBE requirements of the 49 CFR, Part 23, apply to this contract.

- b. The LPA agrees to ensure that disadvantaged business enterprises, as defined in 49 CFR, Part 23, have the maximum opportunity to participate in the performance of contracts and subcontracts financed in whole or in part with Federal funds provided under this contract. In this regard, the LPA shall take all necessary and reasonable steps, in accordance with 49 CFR, Part 23, to ensure that disadvantaged business enterprises have the maximum opportunity to compete for, and perform contracts. The LPA shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of Federal assisted contracts.

- 3. As part of the LPA's equal opportunity affirmative action program it is required that the LPA shall take positive affirmative actions and put forth good faith efforts to solicit proposals or bids from and to utilize Disadvantaged Business Enterprise subcontractors, vendors or suppliers.

4. B. Definitions

The following definitions apply to this section.

- 1. "Disadvantaged Business Enterprise" means a small business concern: (a) Which is at least 51 percent owned by one or more socially and economically disadvantaged individuals, or, in the case of any publicly owned business, at least 51 percent of the stock of which is owned by one or more socially and economically disadvantaged individuals: and (b) whose management and daily business operations are controlled by one or more of the socially and economically disadvantaged individuals who own it.
- 2. "Small Business concern" means a small business as defined pursuant to section 3 of the Small Business Act and relevant regulations promulgated pursuant thereto.
- 3. "Socially and economically disadvantaged individuals" means those individuals who are citizens of the United States (or lawfully admitted permanent residents) and who are black Americans, Hispanic Americans, Native Americans, Asian-Pacific Americans, Asian-Indian Americans women, or and any other minorities or individuals found to be disadvantaged by the Small Business Administration pursuant to section 8(a) of the Small Business Act.
- 4. "Certified Disadvantaged Business Enterprises" means the business has completed and filed with the Indiana Department of Transportation a request for certification,

and that the business has been reviewed and determined to comply with the guidelines established in 49 CFR, Part 23. Businesses which are determined to be eligible will be certified as a Disadvantaged Business Enterprise (DBE).

4. C. Subcontracts

1. If the LPA intends to subcontract a portion of the work, the LPA is required to take affirmative actions to seek out and consider disadvantaged business enterprises as potential subcontractors prior to any subcontractual commitment.
2. The contacts made with potential disadvantaged business enterprise subcontractors and the results thereof shall be documented and made available to the STATE and the FHWA when requested.
3. In those cases where the LPA originally did not intend to subcontract a portion of the work and later circumstances dictate subletting a portion of the contract work, the affirmative action contacts covered under paragraph C.1. and C.2. of this Section shall be performed.

4. D. Affirmative Actions

The LPA agrees to establish and conduct a program which will enable Disadvantaged Business Enterprises to be considered fairly as subcontractors and suppliers under this contract. In this connection the LPA shall:

1. Designate a liaison officer who will administer the LPA's Disadvantaged Business Enterprise program.
2. Ensure that known Disadvantaged Business Enterprises will have an equitable opportunity to compete for subcontracts, so as to facilitate the participation of Disadvantaged Business Enterprises.
3. Maintain records showing (1) procedures which have been adopted to comply with the policies set forth in this clause, including the establishment of a source list of Disadvantaged Business Enterprises, (2) awards to Disadvantaged Business Enterprises on the source list, and (3) specific efforts to identify and award contracts to Disadvantaged Business Enterprises.
4. Cooperate with the STATE in any studies and surveys of the LPA's Disadvantaged Business Enterprise procedures and practices that the STATE may from time to time conduct.
5. Submit periodic reports of subcontracting to known Disadvantaged Business Enterprises with respect to the records referred to in Subparagraph (3) above, in such form and manner and at such times as the STATE may

prescribe.

4. E. Leases and Rentals

1. The LPA shall notify the Indiana Department of Transportation when purchases or rental of equipment (other than leases for hauling) are made with disadvantaged businesses. The information submitted shall include the name of the business, the dollar amount of the transactions, and the type of purchase made or type of equipment rented.

4. F. DBE Program

Unless otherwise specified in this Agreement, the DBE Program developed by the STATE and approved by the Federal Highway Administration applies to this Agreement.

5. The plans, specifications and special provisions shall be subject to the approval of the STATE and the Federal Highway Administration. The STATE will prepare the Engineer's Estimate for the construction project. The STATE will advertise for bids for construction of the project. Upon receipt of an acceptable bid less than the Engineer's Estimate the STATE will award a contract for the project. If the acceptable bid is within 5% above the Engineer's Estimate, and the LPA concurs, the STATE may award the contract.
6. The construction contract shall be awarded based on unit prices and on estimated quantities, and if the total payment to the contractor under the construction contract is more or less than the estimated cost at the time of the signing of the construction contract, the LPA portion of the cost shall increase or decrease accordingly. Changes in the construction contract shall not be made without approval of the LPA, the STATE and the Federal Highway Administration.
7. When the construction contract is awarded and before the beginning of the work thereunder, the LPA shall pay to the STATE, within

forty-five (45) days after the contract is awarded, a sum equal to one hundred percent (100%) of the LPA's share of the bid price for construction. If an Advice of Change Order, AC, is approved which increases the project cost, the LPA shall pay to the STATE within ninety (90) days a sum equal to one hundred percent (100%) of the LPA's share of the increased cost.

8. The LPA shall provide competent and adequate engineering, testing, and inspection service to insure the performance of the work is in accordance with the construction contract, plans and specifications. In the event that the engineering and inspection service provided by the LPA shall, in the opinion of the STATE, be incompetent or inadequate, the STATE shall have the right to supplement the engineering and inspection force or to replace engineers or inspectors employed in such work at the expense of the LPA. The STATE's engineers shall control the work the same as on other construction contracts.
9. If the LPA or its consultant is providing project management, the LPA shall make reports to the STATE as to the progress and performance of the work at such times as the STATE may require.
10. Upon completion of the construction and project management and prior to final reimbursement of the project management costs pursuant to this Agreement, a final audit of the project management costs shall be done by the Indiana Department of Transportation's Division of Accounting and Control in accordance with generally accepted auditing standards and the cost principles contained in the Federal Acquisition Regulations, 48 CFR Subpart 31.2. After the final audit is approved by the STATE, then final payment shall be made.

11. A. The LPA portion of the construction cost shall equal the total payment to the contractor less the amount eligible for Federal-aid reimbursement.
11. B. The LPA portion of the project management costs shall equal the cost incurred by the LPA in providing such service for this project less the amount eligible for Federal-aid reimbursement. Costs eligible for Federal-aid Reimbursement shall be limited to a maximum percentage of the construction cost. The maximum percentage rates are:

<u>Types of Funds</u>	<u>Project Prefix</u>	<u>Max. %</u>
Interstate Substitution	IX	15%
Urban	M, MG	15%
Rural Secondary	RS, RSG, SR	15%
Bridge Replacement &	BRM, BRS, BRZ	15%
Bridge Rehabilitation	BHM, BHS, BHZ	15%
Railroad Demonstration	RR	Unlimited
Hazard Elimination	HES	Unlimited
Railroad Protection	RRP	Unlimited
Railroad Crossing	RRS	Unlimited
Minimum Allocation	MA	Same as for the type of funds for the project "but for" using MA funds

1. ~~Project Management by Consultant~~ - A Separate Agreement between the LPA and the Consultant, setting forth the scope of work and fee, is required and must be approved by the STATE before the letting. Only costs incurred after the STATE's written notice to proceed to the LPA and the LPA's written notice to proceed to the Consultant shall be eligible for Federal-aid reimbursement.
- The STATE shall approve in writing the Consultant's

personnel prior to their assignment to the project.

2. Project Management by LPA - The personnel must be bona fide employees of the LPA. They can not be paid on a "retainer" basis. Only costs incurred after the STATE's written notice to proceed to the LPA shall be eligible for Federal-aid reimbursement.

The STATE shall approve in writing the LPA's personnel prior to their assignment to the project.

11. C. In accordance with IC 8-13-14-1 the LPA shall pay the STATE the actual cost, less the amount eligible for Federal-aid reimbursement, for performing laboratory testing of materials. The material-testing charge shall be determined by application of the approved material testing rate to actual construction costs incurred excluding project management costs. This rate is based upon the amount of eligible costs of operating the Indiana Department of Transportation material testing function divided by the total costs incurred for specific types of contracts which utilize the services of the material testing function. The cost of providing material testing is included in the maximum limitation mentioned in Section 11B.
11. D. The LPA shall pay the STATE for expenses incurred in performing the final audit less the amount eligible for Federal-aid reimbursement. This cost is eligible for Federal-aid and is not included in the maximum limitation mentioned in Section 11B.
11. E. The LPA shall pay the STATE for expenses incurred in supervising the project according to the terms in Section 8 less the amount eligible for Federal-aid reimbursement. This cost is included

in the maximum limitation mentioned in Section 11B.

11. F. If, for any reason, the STATE is required to repay to the Federal Highway Administration the sum or sums of Federal funds paid to the LPA or any other entity through the STATE under the terms of this Agreement, then the LPA shall repay to the STATE such sum or sums upon receipt of a billing from the STATE. Payment for any and all costs incurred by the LPA which are not eligible for Federal funding shall be the sole obligation of the LPA.
12. A. Construction by Contractor - During the progress of the work, the contractor through the LPA or its representative shall submit invoice vouchers to the STATE for construction completed.
12. B. Construction by LPA - During the progress of the work, the LPA shall submit claim vouchers to the STATE for construction completed.

When claiming costs, the contractor or LPA shall certify by its responsible officer and/or engineer that those costs represented by the subject billing represent work physically completed. Upon approval of the voucher by the STATE, the STATE will request Federal-aid funds from the Federal Highway Administration for the amount of the subject voucher. Upon receipt of Federal-aid funds, the STATE will make payment to the contractor or LPA.
13. Project Management by LPA or Consultant - The LPA shall be reimbursed for management costs expended by submitting claim vouchers to the STATE not more often than once per month during the progress of the work. Upon approval of the claim voucher by the STATE, the STATE will request Federal-aid funds from the Federal

Highway Administration for the amount of the subject claim voucher.

Upon receipt of Federal-aid funds, the STATE will make payment to the LPA.

14. The LPA's share of the project cost shall be the amount as determined by the procedure outlined in Section 11 of this Agreement. From the LPA's share thus computed, there shall be deducted all previous payments made by the LPA to the STATE. Billings to the LPA for its share of project costs shall be due and payable 30 days from date of billing by the STATE. If the LPA has not paid the full amount due within 60 days past the due date, the STATE shall be authorized to proceed in accordance with IC 8-14-1-9 to compel the Auditor of the STATE of Indiana to make a mandatory transfer of funds from the LPA's allocation of the Motor Vehicle Highway Account to the Indiana Department of Transportation's account.
15. The LPA, prior to final acceptance of the project by the STATE and the Federal Highway Administration, shall place and maintain informational, regulatory, and warning signs or other markings and traffic signals necessary for proper traffic operations in the vicinity of the project subject to the approval of the STATE and the concurrence of the Federal Highway Administration. The LPA shall not open the project to traffic for unrestricted use until all appropriate traffic control devices, either temporary or permanent, are installed and functioning properly. Both temporary and permanent traffic control devices shall conform to the National Manual on Uniform Traffic Control Devices.
16. After the completion of the construction work in accordance with the plans and specifications and the approval thereof by the LPA, the

STATE and Federal Highway authorities, the LPA shall provide all maintenance, satisfactory to the STATE and the Federal Highway Administration, at the LPA's expense.

17. During the contract period and for three (3) years from the date of final payment the LPA shall maintain all books, documents, papers, accounting records and other evidence pertaining to the cost incurred and shall make such materials available at their respective offices at all reasonable times for inspection by the Federal Highway Administration, the STATE, or other authorized representatives of any unit providing money for the project and copies thereof shall be furnished if requested.
18. The LPA agrees to indemnify, defend, exculpate, and hold harmless the STATE, its officials and employees from any liability due to loss, damage, injuries, or other casualties of whatever kind, or by whomsoever caused, to the person or property of anyone on or off the right-of-way arising out of, or resulting from the work covered by this Agreement or the work connected therewith, or from the installation, existence, use, maintenance, condition, repairs, alteration, or removal of any equipment or material, whether due in whole or in part to the negligent acts or omissions (A) of the STATE, its officials, or employees; or (B) of the LPA, its agents or employees, or other persons engaged in the performance of the work; or (C) of the Federal Highway Administration, its officials, agents, or employees; or (D) the joint negligence of any of them; including any claims arising out of the Workmen's Compensation Act or any other law, ordinance, order, or decree. The LPA agrees to pay all reasonable expenses and attorneys fees

incurred by or imposed on the STATE in connection herewith in the event that the LPA shall default under the provisions of this Section.

19. Pursuant to I.C. 22-9-1-10 the LPA and its subcontractor, if any, shall not discriminate against any employee or applicant for employment, to be employed in the performance of work under this Agreement, with respect to hire, tenure, terms, conditions or privileges of employment or any matter directly or indirectly related to employment, because of race, color, religion, sex, handicap, national origin or ancestry. Breach of this covenant may be regarded as a material breach of the Agreement.
20. If this Agreement is for \$100,000.00 or more the LPA
 20. A. Stipulates that any facility to be utilized in performance under or to benefit from this Agreement is not listed on the Environmental Protection Agency (EPA) List of Violating Facilities issued pursuant to the requirements of the Clean Air Act, as amended, and the Federal Water Pollution Control Act, as amended.
 20. B. Agrees to comply with all of the requirements of section 114 of the Clean Air Act and Section 308 of the Federal Water Pollution Control Act, and all regulations and guidelines issued thereunder.
 20. C. Stipulates that as a condition of Federal-aid pursuant to this Agreement it shall notify the STATE and Federal Highway Administration of the receipt of any advice indicating that a facility to be utilized in performance under or to benefit from this Agreement is under consideration to be listed on the EPA Listing of Violating Facilities.

Insofar as authorized by law this agreement shall be binding upon the parties hereto, their successors or assignees.

THIS AGREEMENT shall not be effective unless and until approved by the Attorney General of Indiana, or his authorized representatives, as to legality and form.

IN WITNESS WHEREOF, the STATE of Indiana and the LPA, through their respective officials, have hereto executed this agreement.

Clerk-Treasurer or County Auditor

~~Mayor, XXXXX (XXXXXXXXXXXXXXXXXXXX)~~
~~XXXXX (XXXXXXXXXXXX)~~
 XXX County Commissioners)

ATTEST:

Sam Humphrey cm
 Signature

Sam Humphrey, County Auditor
 (Print or type Name and Title)

Carolyn McClintock
 Signature

Carolyn McClintock, President
 (Print or type Name and Title)

[Signature]
 Signature

Don L. Hunter, Vice President
 (Print or type Name and Title)

Richard J. Borries
 Signature

Richard J. Borries, Member
 (Print or type Name and Title)

 Signature

 (Print or type Name and Title)

Approved as to legality and form

STATE OF INDIANA
 BY: INDIANA DEPARTMENT OF TRANSPORTATION

Linley E. Pearson
 Attorney General of Indiana

John J. Dillon III
 Commissioner

ATTEST:

Daniel A. Novreske
 Deputy Commissioner, Administration

A C K N O W L E D G M E N T

State of Indiana County of Vanderburgh SS:

Before me, the undersigned Notary Public in and for said County personally appeared Carolyn McClintock, Don Hunter & Richard J. Borries
(name of signers, their official

President, Vice President and Members of Board of Commissioners
capacity and firm name)

and each acknowledged the execution of the foregoing contract on this 12th
day of August, 19 91, and each acknowledged and stated that he is the
party authorized by the said firm to execute the foregoing contract.

Witness my hand and seal the said last named date.

My Commission Expires

June 12, 1991


Notary Public

Vanderburgh
County of Residence

Joanne A. Matthews
Print of type name

A C K N O W L E D G M E N T

State of Indiana, County of Marion, SS:

Before me, the undersigned Notary Public in and for said County,
personally appeared _____,
(name) (title)

of the Indiana Department of Transportation, and acknowledged the execution of
the foregoing contract on this _____ day of _____, 19 ____.

Witness my hand and seal this said last named date.

My Commission Expires

Notary Public

County of Residence

AGREEMENT FOR SERVICES

THIS AGREEMENT entered into as of this 12 day of August, 1991, by and between the Southwestern Indiana Regional Highway Coalition, herein called "SWIRHC"; and Vanderburgh County in Indiana, acting by and through its County Commission, herein called "the County".

WITNESSETH that the Parties do mutually agree as follows:

1. Employment of Contractor. The County hereby agrees to engage SWIRHC and SWIRHC hereby agrees to perform the services hereinafter set forth in connection with the extension of Interstate 69 from Indianapolis to Evansville, Memphis, Shreveport and Houston.

2. Scope of Services. SWIRHC shall do, perform and carry out in a good and professional manner the following services:

a. Develop a program to enhance efforts to build an interstate highway from Indianapolis to Evansville and potentially on to Memphis, Shreveport and Houston.

b. Meet with business, city, county and state highway officials in communities and states along the proposed route of the interstate highway extension.

c. Publish a newsletter to keep coalition members and other interested parties informed about the coalition's efforts.

d. Conduct any lobbying efforts necessary at the State and local levels.

e. Reporting Requirements: Submit monthly activity reports to the County Auditor on forms prescribed by DMD, no later than the 5th day of the month for the preceding month. These should include receipt of detailed invoices, receipts or other appropriate documentation of expenditures for performance of the services herein.

f. Contractor shall submit to the County Auditor, a copy of the independent audit conducted on SWIRHC's financial records, within thirty (30) days after completion of said audit, for the period through December 31, 1991.

3. Time of Performance. The services of SWIRHC shall commence upon execution of this Agreement and continue through December 31, 1991.

4. Compensation. The County agrees to pay SWIRHC a sum not to exceed Twenty Thousand Dollars (\$20,000.00) for services to be performed under #2, Scope of Services. The County agrees to pay SWIRHC for expenses incurred from August 1, 1991 through December 31, 1991 upon submission of properly documented invoices and Claim Forms.

5. Method of Payment. SWIRHC shall be entitled to payment in accordance with the provisions of this section. Subject to the maximum compensation set forth in Section 4 above, SWIRHC shall be paid the amount of Four Thousand Dollars (\$4,000.00) on the last Friday of each month. The August 30, 1991 payment is subject to timely funding approval, timely contract approval, and timely claim form and invoicing submission. All claim forms should be submitted by the second Friday of each month to receive timely payment.

6. Changes. The County may, from time to time require changes in the Scope of Services of SWIRHC to be performed hereunder. Such changes which require additional services and which require an increase in the amount of SWIRHC's compensation, shall be mutually agreed upon by and between the County and SWIRHC and shall be incorporated in written amendments to this Agreement. The County or SWIRHC may, without the approval or assent of the other party, reduce the Scope of Service and an appropriate adjustment of SWIRHC's maximum compensation shall be made to reflect an appropriate reduction in the projected costs of the project. Such an adjustment shall be made in writing, delivered to the other party as provided in Section 7-Notice, seven (7) days prior to the effective date.

7. Notice. Any notice permitted or required under the provision of this Agreement shall be in writing and signed by the party giving or serving the same and either served in person or delivered by certified mail, addressed to the party as follows:

Vanderburgh County
Commissioners
305 Civic Center
M.L. King Blvd.
Evansville, IN 47708

Southwestern Indiana Regional
Highway Coalition
P.O. Box 20121
Evansville, IN 47708

8. Restrictions, Prohibitions and Controls. SWIRHC will not pay any bonus or commission for the purpose of obtaining approval of this Agreement or any other approval which may be necessary under this Agreement.

9. Counterparts of the Agreement. This Agreement shall be executed in counterparts, each of which shall be deemed to be an original, and such counterparts shall constitute one and the same instrument.

10. Liability of the Parties. SWIRHC agrees to hold harmless the County in its office, agents, officials, and employees, from any and all claims, causes of action, judgments and liens arising out of SWIRHC's performance under this Agreement.

IN WITNESS WHEREOF, the County and SWIRHC have executed this Agreement on the day first written above.

SOUTHWESTERN INDIANA REGIONAL HIGHWAY COALITION

By: _____
Frank F. McDonald, II, Co-Chairman

By: _____
Robert M. Leich, Jr., Co-Chairman

VANDERBURGH COUNTY COMMISSION

By: Carolyn McClintock
Carolyn McClintock, President

By: _____
Richard Borries

By: _____
Donald Hunter

misc\agreemen.036

VANDERBURGH COUNTY HIGHWAY DEPARTMENT

WORK PERFORMED FRIDAY AUGUST 2 THRU THURSDAY AUGUST 8, 1991

The gradall worked on Kneer Rd., Cypress Dale, Smith Diamond, Lenn and No. 6 School Road.

The grader worked on Peck Rd., Schroeder Rd., Oakgrove Rd., Fitzgerald Rd., Kimber Lane, County Line Rd. East, Hornby Lane, Ruston Lane, Outer Darmstadt Rd., Maasberg Rd., Lutterbach Rd., Motz Lane, Acree Drive, Staub Lane, Sensmeier Rd., Seminary Rd. Golden Rule, Old Henderson Rd. and on Long Road.

The Tree-crew worked on Graff Rd., Skyline Drive, Creamery Rd., New Harmony Rd. & St. Joe Rd., Marx Rd. & Koressel Rd., Peck Rd., Peerless Rd., Schroeder Rd., Speaker Rd., Selzer Rd., Bayou Creek Rd., Diefenbach Rd. and on the lots on Fourth Ave., S.E. Eighth St. and Jefferson Ave. also on Line Street.

The wrecker and mulcher worked on green River Rd., Fickas Rd., Mt. Pleasant Rd. Bayou Creek and on West Frankline Road.

The Crews filled in a washout on North Red Bank Rd. and on Browning Road.

Cleaned out drains and cut bleeders in Evergreen Acres, Petersburg Rd., West Haven Dr. St. Joseph Ave.

The Patch-crew worked on Adler Road and on Lenn Road.

The Painting-crew worked on Mohr Road & Meier Road.

VANDERBURGH COUNTY BRIDGE CREW
WORK PERFORMED FRIDAY AUGUST 2 THRU THURSDAY AUG. 8, 1991

Installed driveway culvert on Kneer Road and replaced culvert on Cemetary Road and picked up the scrap culvert.

Built drop-box on Green River Rd. and on St. George Rd.

Sprayed poison in cracks in roads in Green River Estates.

Busted out the concrete and placed rock on Green Dale Drive.

Built retaining wall on Neu Road and on Baumgart Road.

Sawed the road on Lynn Road at the washout.

Trimmed weeds and painted rails.

VANDEBURGH COUNTY HIGHWAY DEPARTMENT
ABSENTEE LIST FRIDAY AUGUST 2 THRU THURSDAY AUG. 8, 1991

FRIDAY, AUG. 2

R. Ritter - Sick, no pay
J. Schapker - Vacation
R. Smith - Vacation
D. Dooley - Vacation
J. Mitchell - Vacation
L. Babbs - Personal day
J.D. Smith - Sick
S. Robinson - Sick
J. Georges - Personal day
G. Bray - Personal day

MONDAY, AUG. 5

H. Steckler - Vacation
R. Smith - Personal day
J. Mitchell - Vacation
H. Woods - Vacation

TUESDAY, AUG. 6

H. Steckler - Vacation
H. Wood - Vacation
J. Mitchell - Vacation

WEDNESDAY, AUG. 7

H. Steckler - Vacation
H. Woods - Vacation
J. Mitchell - Vacation

THURSDAY, AUG. 8

H. Steckler - Vacation
H. Woods - Vacation

BRIDGE CREW ABSENTEE LIST

FRIDAY, AUG. 2

J. Austin - Personal day
E. Acker - Vacation

MONDAY, AUG. 5

J. Brandle - Vacation
R. Allega - Sick

TUESDAY, AUG. 6

J. Brandle - Vacation

WEDNESDAY, AUG. 7

J. Brandle - Vacation

THURSDAY, AUG. 8

J. Brandle - Vacation

ORDINANCE PROVIDING GROUP HEALTH
INSURANCE BENEFITS FOR QUALIFIED
RETIRED SHERIFF'S DEPARTMENT
SWORN DEPUTY SHERIFFS AND THE SHERIFF

BE IT ORDAINED by the Board of Commissioners of Vanderburgh County, Indiana, (the "Commissioners"), as follows:

1. The Group Health Insurance Program adopted by Vanderburgh County for its employees, as amended from time to time, shall be made available to qualified retired Sheriff's Department sworn deputies and Sheriffs. In order to qualify, a retired sworn deputy or Sheriff must meet the following eligibility requirements:
 - (a) Have retired from the Vanderburgh County Sheriff's Department on or after January 1, 1991;
 - (b) Be at least fifty (50) years of age and less than sixty-five (65) years of age;
 - (c) Have twenty (20) years of service as a sworn deputy or serve eight (8) consecutive years as Sheriff of the Vanderburgh County Sheriff's Department;
 - (d) Meet any and all eligibility requirements of said plan; and
 - (e) The retiree must apply for coverage;
 - (f) Pay only the ^{full-time} employee share of the premium called for under the plan;
 - (g) Not be enrolled in any other health insurance program;
 - (h) Be required to submit to a notarized statement that he/she is not enrolled in or receiving any other hospitalization insurance coverage;
 - (i) In the event that a false statement is submitted, the responsible retiree shall be liable to the County in the form of a fine in the sum of One Hundred Twenty-Five percent (125%) of the County funds expended for the benefits received.

The health insurance plan shall be made available to covered dependents under the same terms and conditions of said plan.
2. In the event that a retired sworn deputy or Sheriff is ineligible to continue this coverage due to failure to meet the requirements of paragraph one (1) above, the retired member may reserve the option to receive coverage under the Plan on the date in which the retired

member is no longer enrolled in any other health insurance program and provides adequate documentation to the County which indicates the same. An application to reserve this option must be made within sixty (60) days after such retired member's retirement date. The retired member, at re-entry to the Plan, will be subject to the following conditions:

- (a) the qualifications in paragraph one (1) above must be met;
- (b) the pre-existing condition clause of the plan will apply to the members and any dependents returning to the plan as well as any other clause applicable to new employees;
- (c) payment will be at the same rate as paid by active members of the department.

3. Upon the execution hereof by the Commissioners, or a majority of them, this Ordinance shall become final, binding, and in full force and effect beginning August 5, 1991.

The terms and conditions contained within this Ordinance are subject to review and re-negotiation every three (3) years by the Commissioners, or a majority of them, beginning August 1, 1994.

PASSED by the Board of Commissioners of Vanderburgh County, Indiana on the ____ day of _____, 1991, and upon that day signed and executed by the members of the Board as appears by their respective signatures and all attested to by the Auditor of Vanderburgh County, Indiana.

BOARD OF COMMISSIONERS OF
VANDERBURGH COUNTY

Carolyn McClintock, President

Don Hunter, Vice-President

Richard J. Borries, Member

APPROVED AS TO FORM:

Ted C. Ziemer, Jr.,
County Attorney

Sam Humphrey, Auditor Vanderburgh
County, Indiana

EMPLOYMENT AGREEMENT

This Employment Agreement is entered into as of the 5th day of August, 1991, by and between H. Norris Robinson ("Robinson") and Vanderburgh County with reference to and incorporation of the following:

RECITALS:

1. Unless otherwise indicated, capitalized terms and phrases used in this Agreement shall have the following meanings:

(a.) "Agreement" means the Employment Agreement by and between Vanderburgh County and H. Norris Robinson.

(b.) "Robinson" means H. Norris Robinson, a resident of Vanderburgh County, Indiana, with his principal place of business at 421 Scenic Drive, Evansville, Indiana.

(c.) "Vanderburgh County" means a governmental entity located at the Civic Center Complex, One N.W. Martin Luther King Jr. Blvd., Evansville, Indiana 47708; also refers to and includes all of the officers, employees and agents of Vanderburgh County.

NOW, THEREFORE, the parties to this Agreement agree as follows:

1. Consideration: Consideration for entering into this Agreement is the payment of the sum specified in Section Three (3) and the mutual promise of the parties herein contained, the efficiency and adequacy of which are hereby acknowledged.

2. Mutual General Promises:

(a.) Robinson shall be employed as a consultant to provide risk management services for Vanderburgh County.

(b.) Robinson's employment shall commence on August 12, 1991, and shall continue for a period of one (1) year.

(c.) Robinson shall work the hours needed to adequately perform the function of Risk Manager. Robinson shall work a minimum of fifteen (15) hours per week.

(d.) Robinson shall report directly to the Vanderburgh County Board of Commissioners.

(e.) Robinson will perform risk manager functions for Vanderburgh County, including claims reporting and surveillance of loss control and formation of insurance programs to best safeguard County assets at least cost using higher quality insurers.

3. Payment: Vanderburgh County, by and through its Commissioners, agree to compensate Robinson a fee of \$1,000.00 per month for his services rendered under this Agreement.

4. Representatives and Warranties: Each party represents and warrants that each has the full right and power to execute, deliver and perform this Agreement according to its terms, without the necessity of consent of joinder with another; when executed and delivered, this enforcement shall constitute a valid and binding agreement, enforceable according to its terms.

5. General Provisions:


(a.) Binding Effect: The provisions of this Agreement shall be binding on and shall enure to the benefit of the respective successors and assigns of the parties.

(b.) Effective Date: This Agreement may be executed in counterparts, all of which when taken together shall be deemed one original agreement, and will be effective, when all parties have executed and delivered this Agreement, on and as of the date first above written.

(c.) Cancellation: Either party herein may cancel this Agreement with thirty (30) days prior written notice to the other party.

(d.) Entire Agreement: This Agreement constitutes the entire Agreement and the understanding between the parties with respect to the subject matter hereof and may not be modified or amended except in a writing signed by all of the parties.

IN WITNESS WHEREOF, the parties have executed or caused to be executed by the undersigned thereunto duly authorized, and delivered this Agreement as of the day and year first above written.


H. Norris Robinson

Vanderburgh County


8-12-91


Carolyn McClintock, President



Don Hunter, Vice President


Richard Borries, Member

ATTEST:


Sam Humphrey, Auditor
Vanderburgh County

APPROVED:


Jeff Wilhite,
Attorney for Vanderburgh
County

CITY OF EVANSVILLE
INTER-DEPARTMENTAL MEMORANDUM

DATE: August 12, 1991

TO: Board of County Commissioners

FROM: Roger L. Lehman, Building Commissioner

SUBJECT: 9301 Old State Road

=====

An inspection at the above referenced property, on this same date, revealed significant progress has been made toward repairs. The recent repairs include the following:

- 1.) New windows installed.
- 2.) Electric roughed-in.
- 3.) Plumbing roughed-in.
- 4.) Exterior siding and trim work complete.

cc: Matthew Short

NOTICE RE ORDINANCE
AMENDING CHAPTER 154
(FLOODPLAIN ORDINANCE)
OF
VANDERBURGH COUNTY CODE OF ORDINANCES

NOTICE IS HEREBY GIVEN that the Board of Commissioners has scheduled Readings of an Ordinance to Amend Subsections 154.03r, 154.03s, 154.04c, 154.04e, 154.05a, 154.05d, 154.06b AND 154.07c, SECTION 154.08 AND SUBSECTION 154.10B AND TO DELETE SUBSECTION 154.05d OF CHAPTER 154 (FLOODPLAIN MANAGEMENT ORDINANCE) OF THE ORDINANCES OF VANDERBURGH COUNTY, INDIANA, in Room 307, Civic Center Complex, Evansville, Indiana, as follows:

1st Reading - 4:30 p.m. August 26, 1991
Final Reading - 4:30 p.m. September 3, 1991

Copies of subject Ordinance are on file for public viewing in the offices of the Board of Commissioners, County Auditor, and Area Plan Commission.

BOARD OF COMMISSIONERS OF
VANDERBURGH COUNTY, INDIANA

Carolyn McClintock, President
Don Hunter, Vice President
Richard J. Borries, Member

Sam Humphrey, Auditor
Vanderburgh County

Jeff Wilhite
County Attorney

(Approved by J. Wilhite in telecon 8/14/91)

Advertised in Courier & The Press on 8/16/91
Corrected Ad advertised in Courier & The Press on 8/21/91

ch\0054H
07/16/91

ORDINANCE NO. _____

VANDERBURGH COUNTY
FILED
AUG 9 1991
Sam Humphrey
AUDITOR

ORDINANCE TO AMEND SUBSECTIONS 154.03r, 154.03s,
154.04c, 154.04e 154.05a, 154.05d,
154.06b AND 154.07c, SECTION 154.08 AND
SUBSECTION 154.10b AND TO DELETE SUBSECTION 154.05d
OF CHAPTER 154
(FLOODPLAIN MANAGEMENT ORDINANCE)
OF THE ORDINANCES OF VANDERBURGH COUNTY, INDIANA

WHEREAS, Chapter 154 (Floodplain Management Ordinance) was added to the Vanderburgh County Code of Ordinances by Ordinance adopted November 12, 1990; and

WHEREAS, the Federal Emergency Management Agency, Region V, in Chicago, Illinois, has now advised that the Floodplain Management Ordinance should be revised in certain minor particulars;

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of Vanderburgh County, Indiana, as follows:

SECTION 1. Subsections 154.03r, 154.03s, 154.04c, 154.04e, 154.05a, 154.06b and 154.07c, Section 154.08 and Subsection 154.10b of Chapter 154 (Floodplain Management Ordinance) of the Code of Ordinances of Vanderburgh County, Indiana, are amended to read in their entirety as follows:

Subsection 154.03r:

- r. Regulatory flood - means the flood having a one percent probability of being equaled or exceeded in any given year, as calculated by a method and procedure which is acceptable to and approved by the IDNR. The regulatory flood elevation at any location is as defined in Section 154.05 of this ordinance. The "Regulatory Flood" is also known by the term "Base Flood."

Subsection 154.03s:

- s. SFHA or Special Flood Hazard Area - means those lands within the jurisdiction of the County that are subject to inundation by the regulatory flood. The SFHA's of the County are generally identified as such on the Flood Insurance Rate Map of Vanderburgh County prepared by the Federal Emergency Management Agency and dated August 5, 1991.

Subsection 154.04c:

- c. Ensure that construction authorization has been granted by the IDNR for all development projects subject to Section 154.07 of this ordinance, and maintain a record of such authorization (either copy of actual permit or letter or recommendation.)

Subsection 154.04e:

- e. Maintain a record of the engineer's certificate and the "as-built" floodproofed elevation of all buildings subject to Section 154.08b.5. of this ordinance.

Subsection 154.05a:

- a. The regulatory flood elevation for the SFHA's of the Ohio River and all creeks, streams, and ditches lying within the boundaries of Vanderburgh County shall be delineated on the 100 year flood profiles in the Flood Insurance Study of the County as prepared by the Federal Emergency Management Agency and dated August 5, 1991.

Subsection 154.06b:

- b. Upon receipt of an application for an Improvement Location Permit, a preliminary determination shall be made by the Director of the Area Plan Commission to determine if the site is located within an identified floodway or within the floodplain where the limits of the floodway have not yet been determined. If there is a question on the preliminary determination by APC, the Building Commissioner or his designated representative shall have final local authority.
 - 1. If the site is in an identified floodway the applicant shall be required to forward an application, along with all pertinent plans

and specifications, to the IDNR and apply for a permit for construction in a floodway.

Under the provisions of I.C. 13-2-22 a permit from the IDNR is required prior to the issuance of local permits or approvals for any excavation, deposit, construction, or obstruction activity located in the floodway. This includes land preparation activities such as filling, grading, clearing and paving etc. undertaken before the actual start of construction of the building.

No local permits or approvals shall be issued until a permit has been issued by the IDNR granting approval for construction in the floodway. Once a permit has been issued by the IDNR, local permits or approvals may be issued, provided that provisions contained in Section 154.07 and 154.08 of this ordinance have been met. The local permits or approvals may not be less restrictive than the permit issued by the IDNR.

2. If the site is located in an identified floodway fringe, then the Building Commissioner may issue the local Building Permit provided the provisions contained in Sections 154.07 and 154.08 of this chapter have been met. The key provision is that the lowest floor of any new or substantially improved structure shall be at or above the Flood Protection Grade.
3. If the site is in an identified floodplain where the limits of the floodway and floodway fringe have not yet been determined (shown as Zone A on the Flood Insurance Rate Map), and the drainage area upstream of the site is greater than one square mile, the Building Commissioner shall require the applicant to forward the application, along with all pertinent plans and specifications, to the IDNR for review and comment.

No building permit shall be issued by the Building Commissioner until either a permit for construction in the floodway or a letter of recommendation citing the 100 year flood elevation and the recommended Flood Protection Grade has been received from the IDNR.

Once the Building Commissioner has received the proper permit or letter of recommendation approving the proposed development, a Building permit may be issued providing the conditions of the permit are not less restrictive than the conditions received from IDNR and the provisions contained in Sections 154.07 and 154.08 of this ordinance have been met.

Subsection 154.07c:

c. Public health standards in all SFHA's

1. No development in the SFHA shall include locating or storing chemicals, explosives, buoyant materials, flammable liquids, pollutants, or other hazardous or toxic materials below the Flood Protection Grade, unless such materials are stored in a storage tank or floodproofed building constructed according to the requirements of Section 154.08b.5. of this ordinance.
2. New and replacement sanitary sewer lines and on-site waste disposal systems may be permitted providing that all manholes or other above ground openings located below the FPG are watertight, but in no case shall Industrial Pretreatment sampling manholes be below the FPG.

Section 154.08:

SECTION 154.08. PROTECTING BUILDINGS.

In addition to the damage prevention requirement of Section 154.07, all buildings to be located in the SFHA shall be protected from the flood damage below the FPG.

- a. This building protection requirement applies to the following situations:
 1. construction or placement of any building valued at more than \$1,000;
 2. structural alterations made to an existing building that increase the market value of the building by more than 50% (excluding the value of the land);
 3. reconstruction or repairs made to a damaged building that are valued at more than 50% of the market value of

the building (excluding the value of the land) before damages occurred;

4. installing a manufactured/mobile home on a new site or a new manufactured/mobile home on an existing site. This ordinance does not apply to returning the existing manufactured/mobile home to the same site it lawfully occupied before it was removed to avoid flood damage; and
 5. installing a recreational vehicle on a site for more than 180 days.
- b. This building protection requirement may be met by one of the following methods. The Building Commissioner shall maintain a record of compliance with these building protection standards as required in Section 154.04 of this ordinance.
1. A residential or non-residential building may be constructed on a permanent landfill in accordance with the following:
 - (a) The fill shall be placed in layers no greater than one foot deep before compacting to 95% of the maximum density obtainable with the Standard Proctor Test method.
 - (b) The fill shall extend at least five feet beyond the foundation of the building before sloping below the base flood elevation.
 - (c) The fill shall be protected against erosion and scour during flooding by vegetative cover, riprap, or bulkheading. If vegetative cover is used, the slopes shall be no steeper than 3 horizontal to 1 vertical.
 - (d) The fill shall not adversely affect the flow of surface drainage from or onto neighboring properties.
 - (e) The lowest floor (see definition of lowest floor in Section 154.03. Definitions) shall be at or above the FPG.
 2. A residential or non-residential building may be elevated in accordance with the following:

- (a) The building or improvements shall be elevated on posts, piers, columns, extended walls, or other types of similar foundation provided:
 - (1) Walls of any enclosure below the elevated floor shall be designed to automatically equalize the hydrostatic flood forces on the walls by allowing for the entry and exit of flood waters, through providing a minimum of two openings (in addition to doorways and windows) having a total area of one (1) square foot for every two (2) square feet of enclosed floor area subject to flooding. The bottom of all such openings shall be no higher than one foot (1') above the enclosed area's floor.
 - (2) Any enclosure below the elevated floor is used for non-residential purposes and building access.
 - (b) The foundation and supporting members shall be anchored and aligned in relation to flood flows and adjoining structures so as to minimize exposure to known hydrodynamic forces such as current, waves, ice, and floating debris.
 - (c) All areas below the FPG shall be constructed of materials resistant to flood damage. The lowest floor (including basement) and all electrical, heating, ventilating, plumbing, and air conditioning equipment and utility meters shall be located at or above the FPG. Water and sewer pipes, electrical and telephone lines, submersible pumps, and other waterproofed service facilities may be located below the FPG.
- ..3. manufactured/mobile homes and travel trailers (also called recreational vehicles) to be installed or substantially improved on a site for more than 180 days must meet one of the following anchoring requirements:
- (a) The manufactured/mobile home shall be elevated on a permanent foundation such that the lowest floor shall be at or above the FPG and securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement. This requirement applies to all manufactured/mobile homes to be placed on a site;
 - (1) outside a manufactured/mobile home park or manufactured/mobile home subdivision;

- (2) in a new manufactured/mobile home park or manufactured/mobile home subdivision;
 - (3) in an expansion to an existing manufactured/mobile home park or manufactured/mobile home subdivision; or
 - (4) in an existing manufactured/mobile home park or manufactured/mobile home subdivision on which a manufactured/mobile home has incurred "substantial damage" as a result of flood.
- (b) The manufactured/mobile home shall be elevated so that the lowest floor of the manufactured/mobile home chassis is supported by reinforced piers or other foundation elements that are no less than thirty-six inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

This requirement applies to all manufactured/mobile homes to be placed on a site in an existing manufactured/mobile home park or subdivision that has not been substantially damaged by a flood.

4. Recreational vehicles placed on a site shall either:
- (a) be on the site for less than 180 consecutive days;
 - (b) be fully licensed and ready for highway use (defined as being on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions); or
 - (c) meet the requirements for "manufactured/mobile homes" in paragraph 3 of this section.
5. A non-residential building may be floodproofed to the FPG (in lieu of elevating) if done in accordance with the following:
- (a) An Indiana Registered Professional Engineer shall certify that the building has been designed so that below the FPG, the structure and attendant utility facilities are watertight and capable of resisting the effects of the regulatory flood. The building design shall take into account flood velocities, duration, rate of rise, hydrostatic pressures, and impacts from debris or ice.

- (b) Floodproofing measures shall be operable without human intervention and without an outside source of electricity.

Subsection 154.10b:

- b. The Flood Advisory Committee may issue a variance to the terms and provisions of this ordinance subject to the following standards and conditions:
1. No variance or exception for a residential use within a floodway subject to Section 154.07a. or b. may be granted.
 2. Any variance or exception granted in a floodway subject to Section 154.07a. or b. shall require a permit from IDNR.
 3. Variances or exceptions to the Building Protection Standards of Section 154.08 may be granted only when a new structure is to be placed on a lot of one-half acre or less in size, contiguous to and surrounded by lots with existing structures constructed below the flood grade.
 4. Variance or exception may be granted for the reconstruction or restoration of any structure individually listed on the Register of Historic Places or the Indiana State Survey of Historical Architectural, Archaeological and Cultural Sites, Structures, Districts and Objects.
 5. All variances shall give the minimum relief necessary and be such that the maximum practical flood protection will be given to the proposed construction.
 6. The Flood Advisory Committee shall issue a written notice to the recipient of a variance or exception that the proposed construction will be subject to increased risks to life and property and could require payment of excessive flood insurance premiums.

SECTION 2. Subsection 154.05d of Chapter 154 (Floodplain Management Ordinance) of the Code of Ordinances of Vanderburgh County, Indiana, which subsection reads in its entirety as follows, is deleted:

- d. The regulatory flood elevations for the SFHA's for those parts of unincorporated

Vanderburgh County that are within the extraterritorial jurisdiction of the City or that may be annexed into the City shall be delineated on the 100 year flood profiles in the Flood Insurance Study of Vanderburgh County prepared by the Federal Emergency Management Agency and dated March 19, 1982.

SECTION 3. Except as expressly amended or deleted by this Ordinance, all provisions of Chapter 154 (Floodplain Management Ordinance) remain in full force and effect.

PASSED BY THE BOARD OF COMMISSIONERS of the County of Vanderburgh, Indiana, on the ____ day of _____, 1991, and upon that day signed and executed by the members of the Board as appears by the respective signatures and all attested to by the Auditor of Vanderburgh County.

BOARD OF COMMISSIONERS OF
VANDERBURGH COUNTY, INDIANA

Carolyn McClintock, President

Donald L. Hunter

Richard J. Borries, Member

ATTEST:

Sam Humphrey, Auditor

APPROVED AS TO LEGAL FORM:

County Attorney

COUNTY ENGINEER'S AGENDA

AUGUST 12, 1991

ITEMS

- | | |
|----|--|
| 1. | Demolition Contract |
| 2. | - Union Township Access Project — <i>no benefits</i>
Employment Agreement |
| 3. | State-County Agreement---Green River Road |
| 4. | Lynch Road Right-of-Way |
| 5. | Appropriation Request |
| 6. | Transfer Request — <i>3 / 0</i> |
| 7. | Resurface Contracts <i>01 - 02 -</i> |
| 8. | Old Petersburg Road Bridge #90 — <i>OCT. 1</i> |

INDEPENDENT CONTRACTOR'S AGREEMENT

THIS INDEPENDENT CONTRACTOR'S AGREEMENT is made and entered into as of the 12th day of August, 1991, but effective as of the 12 day of August, 1991, by and between the **VANDEBURGH COUNTY COMMISSIONERS** (the "County") and **FRANK HASSEL** ("Hassel").

IN CONSIDERATION OF the mutual covenants herein contained, and for other good and valuable consideration, Hassel and County agree as follows:

1. **SERVICES TO BE PROVIDED.** Hassel shall provide to the County, under the direct supervision of the County Engineer, construction and engineering services relating to overseeing the proper construction of the County's Union Township Access Project. Hassel agrees to perform these duties in a diligent and professional manner.

2. **THE PROJECT.** The parties understand and agree that the services to be provided pursuant to this Agreement are not according to any specific period of time, or term. Rather, the term of this Agreement is indefinite, but no event shall Hassel's continue any longer than the time it takes for the County to complete the Union Township Access Project.

3. **INDEPENDENT CONTRACTOR.** The parties intend to create by this Agreement an independent contractor relationship. The County is interested in the results to be achieved and the conduct and control of the work will lie solely with Hassel. Hassel is not to be considered an employee of the County for any purpose, and Hassel is not entitled to any benefits that the County provides for its employees. The County shall have no right to determine the route or means of travel to and from any places that Hassel must travel in connection with this Agreement, it being understood that the County is concerned only that Hassel perform in a professional and timely manner.

4. **COMPENSATION.** Hassel shall be compensated for the services provided to the County pursuant to this Agreement Fifteen and 00/100 Dollars (\$15.00) per hour.

5. **ASSIGNMENT.** It is agreed that this Agreement is personal to the parties and cannot be assigned.

6. **MISCELLANEOUS.** This instrument contains the entire agreement between the parties and supersedes all prior oral or written understandings, agreement or contracts, formal or informal, between the parties hereto. **THIS PROVISION, AND EACH AND EVERY OTHER PROVISION OF THIS AGREEMENT MAY NOT UNDER ANY CIRCUMSTANCE BE MODIFIED, CHANGED, AMENDED OR PROVISIONS HEREUNDER WAIVED VERBALLY, BUT MAY ONLY BE MODIFIED, CHANGED, AMENDED OR PROVISIONS HEREUNDER WAIVED BY AN AGREEMENT IN WRITING EXECUTED BY ALL PARTIES HERETO.** This Agreement shall be construed under, and governed by, the laws of the State of Indiana. As used in this Agreement, the plural shall be substituted for the singular, and the singular for the plural, where appropriate; and words and pronouns of any gender shall mean to include any other gender. This Agreement shall bind the parties, their respective heirs, successors and assigns. All headings set forth herein are included for the convenience of reference only and shall not affect the interpretation hereof, nor shall any weight or value be given to the relative position of any

part or provision hereof in relation to any other provision in determining such construction. In the event that any of the provisions of this Agreement shall be held by a court or other tribunal of competent jurisdiction to be unenforceable, such provision shall be enforced to the fullest extent permissible and the remaining portion of this Agreement shall remain in full force and effect.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the date first above written.

ANDERBURGH COUNTY COMMISSIONERS

Frank K Hassel
Frank Hassel

"Hassel"

By: Candy S. McClinton
Printed Name: _____
Title: _____

By: Don L Hunter
Printed Name: Don L Hunter
Title: V.P. - County Commissioners

By: Richard J. Berries
Printed Name: Richard J. Berries
Title: Commissioner

"County"

Bids for Demolition

L. & M. Excavating	\$ <u>8,998.00</u>	<i>or 30 day notice</i>
Staub Excavating	\$ 9,970.00	
Phoenix Construction	\$10,278.00	
Deig Bros.	\$11,495.00	
Koberstein Trucking	\$11,985.00	

NOTICE TO BIDDERS

Sealed Proposals, or Bids, for The Resurfacing of Various Roads In Vanderburgh County (Projects VC 91-08-01 and VC 91-08-02), Indiana will be received at the Office of the County Auditor (Rm. 208) until 4:30 p.m. LOCAL time as prescribed by the Acts of the Indiana Legislature in Chapter 172, year 1957, on the 26th day of August, 1991, at which time all Bids will be publicly opened and read aloud in the County Commissioners Hearing Room (Rm. 307).

Any Bids received after the designated time, for any reason, will be returned unopened.

Contract documents are on file in the office of the Vanderburgh County Engineer, Vanderburgh County Auditorium 715A Locust Street, Evansville, Indiana.

Bids shall be delivered in a sealed envelope bearing the name and address of the bidder indicating identification of the project and the branch of the work on which bid.

Bids shall be submitted on the Itemized Proposal Form (form enclosed) and Bid Form No. 96 (Indiana Form No. 96, Rev. 1987, provided separately), with a Non-Collusion Affidavit (form enclosed), all properly executed, signed, and sealed. The Non-Collusion Affidavit must also be properly notarized.

Each Bid shall be accompanied by (enclosed in the same envelope) a Bid Bond (form enclosed), Certified Check, Cashier's Check, Bank Treasurer's Check, or Bank Money Order in the amount of five percent (5%) of the total bid submitted.

No Bid shall be withdrawn after the opening of the Bids without the expressed consent of the Vanderburgh County Commissioners for a period of thirty (30) days after the scheduled time of bid opening.

The Contractor receiving award will be required to furnish a Performance Bond (Indiana Form 86A, Rev. 1947) in the amount of one-hundred percent (100 %), which is to remain in effect for twelve (12) months from the date of acceptance of the work.

Attention is called to the fact that prevailing wage minimum salaries and wages are set forth in the Contract Documents.

The Contractor shall list any subcontractors and the percentage of the contract to be performed by each subcontractor in the bid submittal.

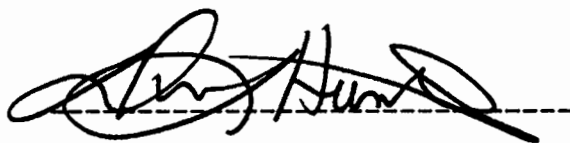
Construction and installation shall be in full accordance with the contract drawings, specifications, and special provisions. Applicable sections of the 1988 Edition of the Indiana Department of Transportation Standard Specifications and any current Supplemental Specifications to the 1988 Standard Specifications.

The Vanderburgh County Commissioners reserve the right to reject any and/or all Bids and to waive any informality in the bidding.

DATED THIS 12TH DAY OF AUGUST, 1991

VANDERBURGH COUNTY BOARD OF COUNTY COMMISSIONERS
COUNTY OF VANDERBURGH, INDIANA

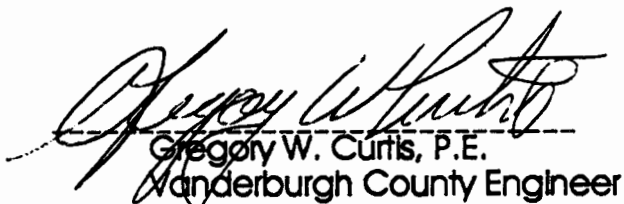




ATTEST:

RECOMMENDED:

Sam Humphrey,
Vanderburgh County Auditor


Gregory W. Curtis, P.E.
Vanderburgh County Engineer

NOTICE TO BIDDERS

Sealed Proposals, or Bids, for THE REMOVAL AND REPLACEMENT OF PETERSBURG ROAD BRIDGE (BRIDGE 90) OVER LITTLE PIGEON CREEK in Vanderburgh County, Indiana will be received at the Office of the County Auditor (Rm. 208) until 4:30 p.m. LOCAL time as prescribed by the Acts of the Indiana Legislature in Chapter 172, year 1957, on the 26th day of August, 1991, at which time all Bids will be publicly opened and read aloud in the County Commissioners Hearing Room (Rm. 307).

Any Bids received after the designated time, for any reason, will be returned unopened.

Contract documents are on file in the office of the Vanderburgh County Engineer, Vanderburgh County Auditorium 715A Locust Street, Evansville, Indiana.

Bids shall be delivered in a sealed envelope bearing the name and address of the bidder indicating identification of the project and the branch of the work on which bid.

Bids shall be submitted on the Itemized Proposal Form (form enclosed) and Bid Form No. 96 (Indiana Form No. 96, Rev. 1987, provided separately), with a Non-Collusion Affidavit (form enclosed), all properly executed, signed, and sealed. The Non-Collusion Affidavit must also be properly notarized.

Each Bid shall be accompanied by (enclosed in the same envelope) a Bid Bond (form enclosed), Certified Check, Cashier's Check, Bank Treasurer's Check, or Bank Money Order in the amount of five percent (5%) of the total bid submitted.

No Bid shall be withdrawn after the opening of the Bids without the expressed consent of the Vanderburgh County Commissioners for a period of thirty (30) days after the scheduled time of bid opening.

The Contractor receiving award will be required to furnish a Performance Bond (Indiana Form 86A, Rev. 1947) in the amount of one-hundred percent (100 %), which is to remain in effect for twelve (12) months from the date of acceptance of the work.

Attention is called to the fact that prevailing wage minimum salaries and wages are set forth in the Contract Documents.

The Contractor shall list any subcontractors and the percentage of the contract to be performed by each subcontractor in the bid submittal.

Construction and installation shall be in full accordance with the contract drawings, specifications, and special provisions. Applicable sections of the 1988 Edition of the Indiana Department of Transportation Standard Specifications and any current Supplemental Specifications to the 1988 Standard Specifications.

The Vanderburgh County Commissioners reserve the right to reject any and/or all Bids and to waive any informality in the bidding.

DATED THIS 12TH DAY OF AUGUST, 1991

VANDERBURGH COUNTY BOARD OF COUNTY COMMISSIONERS
COUNTY OF VANDERBURGH, INDIANA

Carolyn McClinton

[Signature]

Richard J. Borries

ATTEST:

Sam Humphrey
Sam Humphrey,
Vanderburgh County Auditor

RECOMMENDED:

Gregory W. Curtis
Gregory W. Curtis, P.E.
Vanderburgh County Engineer