

A

Autopsies (Discussed) - #18

Ad-Craft proposal for Marquee - #75-89-93

Appraisals - County Owned Property - #163-

Acknowledgement of Student in Meeting - 168

Annual Report - County News Dept. - #174

Annual Report - Ins. Audit & Inspection Co. - #192-

Annual Report - State of Public Instructions - #260

Application for Grant/Billy Community Assistance Program - #478

Alexander Ambulance Service - July Report - #489

Angewies Sub/ Sidewalks, Curbs & Gutters Waived - #634

Acceptance of County Roads:

Streets in Sant Manor (Brighton Drive &

Cherry Circle - C. Chestnut Crt & Sant Lane - #7

Romain Park Subdivision - #427

Romain Park II Subdivision - #427

Lindan Lane/Lindan Subdivision - #446

Streets in Eastlane Estates Sub - Section C - #704

" " Old State Sub - Section I - #705-734

Valley Downs II - #734

Appointments:

Southwest Mental Health (Shirley J. Cox) #2 - 460-461
Area Plan Commission (Shirley J. Cox) #2
Board of Zoning Appeals (Dr. Daniel Burn + Cliff Ford) #10
County Bd of Public Welfare (Wm. Kessler) #11
Co. Hospital Bldg Auth (Patrick Corcoran + George Riecken) #11
Health Dept. (Betty Hopkins) #11
Visitors - Cox Bureau (Bob Green + Ida Neal) #11
Community Corrections Advisory Board - #82
Alcoholic Beverage Board - #96 (Garry Steckler, Sr.)
Human Relations Board (Patrick Garnett) #139
Co. Hospital Building Authority - 175-176-192
Alcoholic Bev. Board (Best Reed) - #212
PIC - #226-249 (Rod Pennfield)
Board of Review (Fred Stucken + Casper Hudson) #314
Auditorium Advisory Board - #314 - #333 (O'Donoghue, R. Hadden
J. J. Merrill)
Data Processing Review Board - #314-346-387
Tax Adjustment Board - #360
Airport Authority (Jack Kinkels) #412-413
Private Industry Council (Ted Ziemer) #412-413, #666
Appointments to Data Processing Board - #444
App. of Steven Bollinger as Atty. in Deacons Properties Exemption Report
City-County Bldg. Authority (Dones Kalk) - #460
Board of Zoning Appeals (Wilfred C. Bussing, III) - #651
Board of Voters Registration - #690

Annual Reports:

Unad. County Jail - #26
Veterans Service Office - #26

Agreements & Contracts:

Pulse Systems (Data Processing) *6

Alexander Ambulance Service - *17, 308-310

David M. Griffith - #25

SZABO Food Agreement - #25

Seamsters v County Comm - #57-84-

Agreement on Eschhoff/Karsell - United Consul - #57

Agree. with 3 Utility Companies - #60

Intergovernmental Agreement - (Dog Pound) #71

Agreement on Class Action Jail Suit - #73-209-293-

Agree with Career for Auditorium - #88

County v Alexander for 1984 - #124-

Lease Agreement on Rent at Auditorium - #172-185-199

Agree. Coroners & Deacons - 175-178-

Data Processing Review Board - 183-200-238-

Lease Agreement between Auditorium & Convention & Visitor's Bureau - #185

Lease Agreement for Burdette Facilities - 201

Agree - Natl Revenue Corp (collect delinquent taxes for county) - #210

Agree - Natl Safety Council #238 (Sheriff)

Contract for Outdoor Sign (Aud & Ad-Craft) 255-272-285

Joint Agreement on Data Processing - #272

Agree - Relinquishment of SR-65

Social Service Block Grant Contract - #296

Community Cablevision / Posey County - #321 - 341

Agree. w/ Ind. Dept. of Corrections re Grant Funds - #340

Joint Agreement - Data Processing Services Review Board - #346

Amended Data Processing Service Agreement - #387

Contract H/Bovine Brucellosis & TB Eradication Program - #387

Agreement on Burkhead Road - State & Local Funding - #393

" to Make St. Joe Avenue & Deloar - #393

" IDOH & Vanderburgh Co. / Work Release - #398-399

Amended Data Processing Joint Agreement - App'd by C. G. - #444

Proposal re Settlement Agreement - Moss Road - #521-522-534 - 567-623-629

Service Delivery Area Agreement - County & P.I.C. - #530

Agreement w/ Southern Railway re R.R. Crossing S. of Morgan Ave. - #542

Lease Agreement w/ Lew Shively re Prosecutor's

Paramedic Service Agreement, etc. - Taken Under Advisement 10/1/84 - #566-637

Lease Agreement / Old Coliseum - Veterans Council - #595-596

New Local Governmental Agreement - Health Dept. - #577, 578, 579-585

Auditorium DATA:

- Repairs to stage & terrazzo floor in Gold Room - #14
Agreement with Carrier on Water Treatment - #88
New Parking Lot Equipment - #88
Problem with present telephone system - #88-103-131-148-184
Proposed Rate Increases - #89
Proposed New Marquee - #15-89-93-133-148-194
Parking Lot Resurfacing - #103
Task Force Meeting - #103-131
Proposed changes in lease forms - #148-184
Request for 4 file cabinets - #194
Letter from Carrier on steam valve - #211
Proposed Ad Rates for Outdoor Marquee - #311-312
Approval of Bid Specs for Stage Equipment - #312-326
Advisory Board Appointments, etc. - #314-325
Proposed Vehicle Sticker System for Parking Lot - #324
Parking Lot Resurfacing - #325
New Advertising Brochure / Grant Funds - #341
Advisory Board (General) - 371-383-459-462
Awarded Contract for Stage Rigging, etc. (Tiffin) - #394
Req. to Go on Council Call - #421-422-464-468
Application for Operating Permit - #449-
Requested Monthly Income & Expense Report - #468
" Separation of Operating & Capital Improvement Budgets - #471
" Booking Report / Gold Room vs. Auditorium - #470-504-
E.L.C. Philharmonic Rehearsal - No Chge 9/23/64 - #469
Req. from Contemporary Artists for Local Artists' Gallery - #469-470
Report on Contract w/ Carrier Corp. - #473-504
Damage to Shrubs, etc. - #505-
Dance U.S.A. Programs to be filmed 10/29 to 11/2 - #539
Johnny Mathis Concert - Oct. 26th - #539
Specs. for Renovation of Lobby Area - #539
Grievance Filed Against Dwight Taylor - #540-541
Request from Philharmonic for additional seating - December Concert - #562-566-567
Renovations Requested - Exterior - #576
Opening of Bids for Carpeting, Painting & Vinyl Wall Covering - #576
Request for Appropriation for Electronic Gate - #667-668
Parking Lot Equipment - #682-683

Agreements & Contracts (Continued)

Revised Draft of Inter-Local Governmental Agreement re
Ambulance & Paramedic Service - # 679-681

Amendment #4 to Mgmt. Guiding Agreement/Sykes Food Service Co. - #694

Settlement Agreement/Lynch Rd. & H. Joe Avenue - #697-698

Lirsch Settlement - Burkhardt Rd. Property - #716-717

Agreement w/I.D.O.W. re Lynch Rd. ("12,500.00")

B

Bond for Pigo Knight Poor Relief - 6-91-94.

Budget Book's Discussion - #154-

Building Commissioner - 1417 Florence St Report - #190

Blue Cross Settlement - #357-358-359-

Buckhardt Road Project - 375-384-405-530-532-542

Bob Hamilton Charitable Gift Declaration - Financial Report - #388

Building Commission - #388 - #395 - 410

Board of Public Works - #389 (Computer Request)

Performance Bond - J. H. Rudolph (Reading/1800/2nd) #453

Board of Review/20 Day Extension - #488-489

Bond for County Highway Dept. - #507

Bergdolt Rd. Ditch - #560-561

B

Bids:

B Guardrails, Posts, Terminal End Sections - #14-16-39
 Tractor Mower for Burdette Park - #76
 Aerial Surveys for Road Projects - #78
 Two (2) Dump Trucks - #149-194-198-204-217
 Bnub-New Harmony Overpass - #174-179-184-186-
 Pipes for Surveys - #176-221-234-
 Batting Cage at Burdette Park - #184-200-234-237-252
 Bids for paving bridge surfaces - #186-
 Bids for washout on Ohio St. Bridge - #241
 Sheriff's Vehicles - #259-264, 308, 323
 Bids for Log Jam on Pigeon Creek - #313-316
 Bids to Install Pipe / Schiesler Rd. Culvert - #313-352
 Bids for Hot-Mix Blacktop (Approach to Advertise) - #330
 Bids for Hydraulic Jackhammer (Approach to Advertise) - #343-344
 Request to Advertise - #365
 Opening of Bids for Stage Rigging & Draperies / Auditorium - 379
 Opening of Bids for Maryland Street Bridge - 379-380
 Awarding of Bid (Rig-Man) for Maryland Street Bridge - 381
 Awarding of Bid (Tiffin Scenic Studios) for Stage Rigging & Draperies (Auditorium) #394
 Opening of Bids - Repair Road Work - 18 Locations - #401-402
 Awarding of Bid to J. N. Rudolph Repair Roadwork - #404
 Bids for Pickup Truck for Dog Pound - #419-420-421-447-#475-452+453-452
 Invitational Bids on Deussen Rd. - 522-523
 Invitational Bids on Ohio Street Bridge - #538-539
 Awarding of Bid on Ohio Street Bridge to Rig-Man - \$3,700.⁰⁰
 Awarding of Bid to Ray Stredtman for Deussen Rd. Project - #559 (\$8,200.)
 Awarding of Bids for Carpeting, Painting & Vinyl Wall Covering Auditorium - #583-584 & 587

Bridge Projects:

- First Avenue - #43-186-191-655
- ✓ Bender Rd and Snul/M. Harmony overpasses - #44-
- Volkmann Rd Bridge - #44-329
- Mill Road Bridge - #44-59
- Morgan Ave Bridge - #59
- Hogue Rd & Vanness Ave - #78
- Basse Ave (Culvert) - #78
- Gulton Ave Bridge - #87
- Maryland St. Bridge - #87-195-316-326 - #329, - 343-344
- Millersburg Rd. Bridge - #135-225-287
- ✓ Bender Rd Bridge - #135-175-179-180-196-
- Western Avenue Pipe Installation - #149
- Mann Rd - #176 - 342 -
- Ohio Street - #241-256 - #445 - #453-454-611
- Wixie Dyes Drive - #275
- Hogue Rd (between Schappel & Rosenbergs) - #275
- Kentucky Avenue Bridge - #287
- Hillview Rd. - 329
- Adair Rd. - 329
- Old Owensville Rd. - 329
- Owensville Rd. - 329
- #47/Prince Rd. - 329
- #110/Old State Rd. - 329
- #88/Mt. Pleasant Rd. - 329
- #44/Baseline Rd. - 329
- Boonville-New Harmony Rd. - 329
- N. Green River Rd. - 329
- Petersburg Rd. - 329
- Old Boonville Hwy & Crawford - Bronklein Exh. - 329
- Schenk Rd. - 329
- Wernberg Rd. - 329
- Red Bomb Rd. - 329
- Hogue Rd. - 329
- Rosenbergs Ave. - 329
- Schutte Rd. - 329
- St. Joe Avenue - #345 - 467
- Kearns Rd. & County Line Bridges - #390-396-397
- BR 67/Pigeon Creek/Fulton Ave - #467
- Maryland St. Bridge Opening -

646, 719
 1425-583,
 369-445-
 348, 355-356

Bridge Inspections - #397 - App'l Hiring - Outside Firm - #507
Rosenberger Road Bridge - #558
Fifth Avenue Bridge - #569 - #583
Pigeon Creek Bridge / Green River Rd - #569 - #646
Frick Creek Bridge - Green River Rd. - #646-647-648
St. Joe Ave. - 5150 ft. North of Booneville - New Harmony Rd. (Maiden Ditch) #646-647
Leiter H/DON re (3) Structures - #684-689
Morgan Avenue (S.R. 62) Structure over Hager Ditch - #701-704-714-719
Reinspections of County Bridges - #730-731

Burdette Park Data:

Financial Reports: pgs. #15-102-173-207-294-353-

Letter from Parks Foundation, Inc. #102-

Letter from State and Work Program offered - #173

Closing of Skating Rink for floor repairs - #201

Lease Agreement for Facilities - #201

Notification of Funding & New Brochure - #353

Donation of \$4,000.00 West Side Nat Club - #294

Playground Equipment - #294, 295,

New Entrance Sign - #353

Monthly Report - #401-402 - 502-503-556

2nd Annual Country Music Days - #491-503

Ltr. & Check/State Student Assistance Program - #503

Weekend Closing - #557

Closing of Skating Rink 10/1 thru 10/6 (Fall Festival) - #557

Burdette Advisory Meeting - #557

Receipt of Check (\$37.00) re Burdette College Workstudy Program

Request for Transfer of Funds - #580

Survey of Ball Diamonds - #701-719

New Year's Eve/All Night Skate - #712-730

Fencing for Ball Diamonds - #730

C

	County finances (dis. of an Ord. for 1984) pg. #20	
	Condemn house at 1417 Florence - #131-146	
(wells T.V.)	Cable TV Franchise (Marble Const) - #157-170	257
	Chemicals at Kew Garage - #105-158-161-162	
	Consent Form on County Telephone System - #270	
	Community Cable T.V. / Posey County - #321 - 341 - 371 -	439
	Consent Decree / Environmental Board (Chemicals) #	#444 340 - 341
	County Surplus Equipment - #348-507	
	Creasey Co., Inc. - 376	
	County Office Holiday Closing - #388	
	County Jail Expansion - #402-403	
	Covert Avenue Extension - #406	
	County Subdivision Ordinance - #419-420	
	Contract with Pulse Systems (Data Processing - 1985) #478	
	County Code of Ordinances (Amendment) #498-499	
	County Accident Report/Filing System - #611	
	Creasey Co. Bldg. Modifications - #632 -	
	Carony Drive Drainage Problems - #645 -	
	Chamber of Commerce / Intro of Janet Lincham - #716	
	Computer Voting System - #733-734	

Checks Received:

	State Reimbursement on BSA(PARK) grant \$10,688.19 - pg 15	
\$12.50	- Restitution to Burdette from Juvenile Court - #20	
\$357.95	- Ins. Check for stolen chain saw - #60	
\$117.76	- Detna Ins. Comp. for Alexander (Inv. Service) - #81	
\$7572.94	- Evansville Cable T.V. - #108	
② 12.00	(3) Checks for restitution to Burdette Park. #151	
\$104.28	✓ \$265.14 (2) Checks for Ambulance Service - #151	
\$5,814.98	from State on Red Bank & L.N. Railroad - #189	
\$21.12	from Will Ins. Co (refund on Conrad Cooper) #249	
\$21,829.85	American United Life Ins (Reserve Fund) #254	
\$560.45	American States Ins. (Damage to Co. Hwy Vehicle) #256	
\$725.40	Indiana Ins. Comp. (Damage to Sheriff's radio) #566	
	Checks from National Revenue Corp. - 257	
\$1,000.00	from Gra. Order of Eagles to Hillcrest Home - #264	
\$8,153.02	Evansville Cable T.V. first quarters) #279	
\$4,000.00	West Side Nut Club (to Burdette Park) 295	
\$39.36	Dells Cable Ins. (Cable TV) #298	
\$1.00	School Corp (Rent for West Heights) #303	
\$41.27	Siemens Glass Co. - Insurance Refund (Auto) #314	
\$2,987.89	from State Auditor - Environmental re Pichon Rd. - #347	
\$1,340.14	" " " " " " " " - #399	
\$1,647.75	" " " " " " " " - #399	
\$27,370.82	Daig Bros / Jail Expenditures - #403	
\$525.00	Evansville Cable T.V. (Expenditures) #408 - #426 - #444	
\$7,931.52	Evil. Cable T.V. - 2nd Qtr. Payment - #456 - 457	
\$2,257.90	Home Insurance Co. (Damage Check) #542	
\$200.38	Home Insurance Co. (" ") #542	
\$137.07	State Auditor re College Workstudy Program @Burdette (#557)	
\$2,345.69	Home Insurance Co. (Fire Damage)	
\$555.00	Motorists Mutual Insurance Co.	
\$12.50	Mike McDonough - Restitution + Damage - Burdette Park	
\$1,340.14	Pichon Rd. Reimbursement - #632	
\$1,647.75	" " " " " " " " - #632	
\$8,027.19	Evansville Cable T.V. - 3rd Qtr. 1984 - #639 - 640	
\$24,040.12	- Final Payments on Lynch Rd. / Federal Reimbursement #649	
\$194.46	Wells Cable G.V. - #691	
\$404.10	- American Family Insurance - #710	

- 11- David Miller \$426.00 (Legal Services)
- 12- David Jones \$3,567.25 \$168.00 (Legal Services)
- 12- Schmett Refrigeration (Refund of Bldg. Permit)
- 12- Soil + Water Conservation \$985.00 (1st half of 1984 budget)
- 26- Lorian Agency \$60.00 - Bonds for Dr. Wilson + Carl Cop)
- 27- Helfrich Ins. - fourteen (14) County Policies
- 27- David L. Jones - \$318.00 Legal Services
- 27- Robert Fortune \$2490.00 (Computer Consultants Contract)
- 28- Pulse System \$86,320.00 (For Jan. Feb + March)
- 28- Ashby-Kauscher Agency \$30.00 (Public Bond for Alvin Stucki)
- 28- Citizens Realty & Ins. \$30.00 (Public Bond for Knight Assessor)
- 28- Schultheis Ins. \$75.00 (Public Bond for Sheriff Shepard)
- 29- Miller's Ins. \$651.00 (Public Bonds for Auditor, Co. Assessor, County Recorder, Ch. Dep. Recorder & Treasurer)
- 43- Barnett Bros (\$77,874.31) First Avenue Bridge
- 49- David Jones \$108.00 Legal Services for December
- 49- Jerry Stilwell \$120.00 Legal Services (H.S. Lubbehausen)
- 49- David Jones \$3,421.00 Legal Services Rendered
- 49- Vand. Co Bldg Auth 3 claims deferred - \$64
- 49- Mark Owen \$196.48 travel to Indianapolis
- 49- Bill Taylor \$196.48 travel to Indianapolis
- 49- Kathy Mann \$33.00 travel to Indianapolis
- 49- Alice McBride \$183.51 travel to Indianapolis
- 83- Sperry Univac 1949.52
- 82- Ind. Assoc. of Co. Comm. \$550.00 (Comm dues)
- 82- Larry Raley \$70.00 refund on duplicate permit
- 83- R.C. Silley \$15.00 refund on permit
- 83- Helfrich \$374.00 + \$652.00 (deferred #83)
- 99- David Jones \$78.00 + \$4,002.99 Legal Services
- 99- David V. Miller \$720.00 (Legal Services)
- 99- Robert Fortune \$2,490.00 - Consultant's Contract.
- 99- Monica Mindrup \$237.60 - Assessors Meeting
- 99- Marlene Ginger \$183.00 - Assessors Meeting
- 100- Helen J. Nicholson \$263.50 - Assessors Meeting
- 100- Jerome Zeller \$183.00 - Assessors Meeting
- 100- Evelyn Lannert \$157.85 - Assessors Meeting
- 100- Ashby-Kauscher \$88.00 - Bond for Helen Kuebler (Clerk)

Pg.

Claims:

110-	\$32.00	*128.00 + 372.00 - Bldg Auth for computer cable.
110-		Pulse Systems (Voter's Reg. Tapes) - *127
110-	*183.00	- Glen Kosb (Assessor's Meeting)
110-	*272.70	- Harry Fornatta (Assessor's Meeting)
110-	*151.10	- Joyce Fields (Assessor's Meeting)
110-	*90.00	- *90.00 + *90.00 - Helfrich (3 claims for Bonds)
125-	*50.00	- Dept. Natl Resources (Permit for Maryland St. Bridge)
127-	*1072.76	- Morley & Assoc. Burkhardt Rd.
127-	*288.04	- Robert S. Dorsey (Assessor's Meeting)
127-	*152.10	- Judith Stricker (Assessor's Meeting)
127-	*277.00	- David L. Fox (Assess. Meeting - deferred) (14/1)
127-	*40.00	- Evansville Postmaster (first class permit)
140-	*131.40	- Judge W. Miller (Travel to Medical Association)
140-	(deferred)	- Evansville Land Bldg Auth (Computer Cables)
154-	*760.79	- David Jones legal fees (County Council)
154-	*2,336.05	- David Jones legal fees
155-	*35.00	- Patrick Shoulders (Complete Lumber vs. County)
155-	*60.00	- Patrick Shoulders (Southern RR vs. County)
155-	*2490.00	- Robert Fortune (Computer Consultant for County)
167-	*398.00	- Helfrich Ins. Co. (County policies)
168-	*38.75	- Larry Riley (Refund on Bldg permit)
177-	*1,230.00	- Victor Lunke (Burkhardt Rd)
189-	*1296.25 + *551.25	- Morley & Associates (Burkhardt Rd)
202	*50.00	- Refund on duplicate building permit.
202	*330.00	- Helfrich Ins. (Liability for 2 police dogs)
202	*2,490.00	- Bob Fortune (Computer Consultant)
215-	*927.00	- Attorney David Miller (Legal Services)
215-	*4,599.99	- Attorney David Jones (Legal Services)
223-	*6,000.00	- Citizens Realty (Burkhardt Rd Project)
223-	243-251	- Seventy Two (22) Claims for R/W purchases.
224-	*2823.05	- Morley & Assoc (Services on Burkhardt Rd)
228-	*40.00	- Skinner & Broadbent (Refund on Permit)
228-	*44,261.00	- Alexander Ambulance Services)
229-	*840.33	- Lake Bank of Swayzee, Ind. (Poor Relief Bonds)
229-	208.33	- Barbara Cunningham (Planners Conference)
242	*29,657.77	- Barnett Bros. (First Ave Bridge)
249	*3,170.33	- Joe Miller Donadio & Ryan (Poor Relief Bonds)
250	*4384.37	- Hemmans, Durckholz, Glick & Bertrand) Burkhardt Rd Project

CLAIMS:

- # 251- \$6,000.⁰⁰ Citizens Realty (Burkhardt Project)
- * 258- \$1,684.⁰⁰ \$1,800.⁰⁰ Alfred & Julia Culer) Burkhardt Rd
- * 268- \$3,983.⁸⁵ - United Consulting Engineers, Inc.
- * 275- \$5,104.⁰⁰ - Deig Bros on Ohio Street bridge repair
- * 280- \$2,597.⁴⁰ David Jones (Legal Services)
- * 280- \$681.⁰⁰ David Miller (Legal Services)
- * 280- 86,320.⁰⁰ - Pulse Systems 7-1-84 thru 9-30-84)
- * 290- \$400.⁰⁰ Steve Kaire (Bush Hog)
- * 290- \$1,264.⁰⁰ - American Legal Publishing Company.
- * 303- \$65.⁰⁰ - Helfrich Ins. Agency
- * 303- \$1,630.⁰⁰ - Helfrich Ins. Agency.
- * 303- \$3,232.⁷⁵ - Schree, Craig - McNeight (Lynd Rd Ext.)
- # 334- \$985.⁰⁰ - Vanderburgh County Soil & Water Conservation District
- # 334- \$35.⁰⁰ - Steve Baker - Duplicate Plumbing Permit
- # 346- \$3,983.⁸⁵ - United Consulting Engineers (Fichoff Rd.) # 346
- # 346- \$145.⁰⁰ - Morley & Associates (Extra work/Burkhardt Rd.) # 346
- # 348- \$44.⁷⁵ - Fred Mennaker - Duplicate Permit
- # 348- \$1,228.¹³ - Kahn, Dees, Donovan & Kahn (Bender Rd. Railway Overpass)
- # 349- \$15.⁰⁰ - Kahn, Dees, Donovan & Kahn
- # 349- \$868,938.⁰⁰ - Ellis - Vanderburgh Bldg. Authority (Rent)
- # 349- \$2,859.³⁸ - Bowers, Harrison, Kent & Miller (misc. Litigation)
- # 349- \$1,200.⁰⁰ - Helfrich Insurance Agency, Inc.
- # 362- \$73,986.⁰⁰ - Deig Bros (Exposition Improvements - Jail
- # 362- \$64.⁴⁰ - Alia McBride (Hate Auditor's Mtg.)
- # 362- \$307.⁰⁶ - Carl Wallace - I D V A Service Officers School
- # 362- \$84.⁴³ - Mark Acker - I D V A " "
- # 362- \$84.⁴¹ - Carl Wallau - Miscoe Claim - I D V A School
- # 363- \$38.⁰⁰ - Gobel Bros. - Repare on Building Permit
- # 376- \$29.⁵⁸ - Darrell Collins - Reimbursement - D.R. Consortium - Meals
- # 386- \$1,949.⁵² - Jerry Krivanac
- # 389- \$1,750.⁰⁰ - Hartline Specialty Co./Law Control Services
- # 394- \$1,906.²⁷ - David Jones - Litigation Services
- # 410- \$5,737.²⁰ - Alexander Ambulance Service, Inc.
- # 411- \$74.⁵² - Drugs Alcohol Referral Service - Deborah Ransom
- # 411- \$867.⁰⁰ - David V. Miller / Litigation Services
- # 411- \$393.⁴⁸ - Robt. T. Dorsey (Pigeon Twp.)
- # 411- \$256.⁰⁰ - Maxine Girgen (Knight Twp.)
- # 411- \$192.⁰⁰ - Helen J. Nichols (Knight Twp.)
- # 411- \$192.⁰⁰ - Marge Keeney (Knight Twp.)

656 - \$2,721.00 - David V. Miller
 # 656 - \$2,831.59 - David L. Jones
 # 655 - \$25,483.77 - Deig Bros (Jail Project)

# 411	\$1 40.75 - United Consulting Engineers
# 429	\$258.00 - Harry A. Toenatta/Perry Twp.
# 429	\$192.00 - Glen Koob - Perry Twp.
# 461	\$1,941.71 - David L. Jones
# 476	\$4,445.09 - Lehee, Craig & McKnight, Inc. (Lynch Road)
# 479	\$846.00 - Deig Bros. (Emerg. Repairs to Ohio Street Bridge)
# 479	\$74,700.00 - Rig-Maw Contracting - (Maryland Street Bridge)
# 479	\$45,683.73 - Deig Bros. (Jail Expansion)
# 492	\$426.00 - Stephen Bohleker - Litigation
# 492	\$17.50 - Fred Neunbers - Permit Refund
# 511	\$30.00 - Public Official Bond - Bill Beebe
# 511	\$17.50 - Earl Happe - Sup. Permit Refund
# 524	\$143.00 - Cheryl Lawrence (Assessor's)
# 524	\$223.14 - Monica Wendrup (Assessor's)
# 530	\$36,384.11 - Deig Bros. (Jail Improvements)
# 532	\$3,983.85 - United Consulting Engineers (Eichoff Rd) #532
# 532	\$1,005.39 - Lehee, Craig & McKnight, Inc. (Lynch Rd.)
# 535	\$230.16 - James L. Angeemeier (Assessor)
# 545	\$2,630.31 - David L. Jones - Litigation
# 545	\$230.16 - James L. Angeemeier - app'd. - Assessor mty.
# 545	\$100.00 - Edward Nalaw - Deposit Refund - Auditorium
# 558	\$1,926.68 - J.H. Rudolph
# 559	\$29,553.02 - J.H. Rudolph (17 Locations)
# 563	\$66.00 - David V. Miller (Hirsch Litigation)
# 563	\$184.80 - Patrick A. Shoulders - Litigation re Complete Lumber
# 563	\$11,900.00 - David M. Griffith & Assoc. (Agreement)
# 570	\$5,150.00 - Insurance Audit & Inspection Co (#570-571)
# 571	\$1,500.00 - Kevin Winterheimer - Litigation re Sheriff's Dept.
# 583	\$157,247.88 - Rig-Maw Contracting Co. - Md. St. Bridge -
# 586	\$262.88 - Helen Kuebler - State Board of Acctg. Mty.
# 586	\$109,608.07 - Building Authority - Downpayment on Phone System
# 586	\$251.52 - Alice McBride - State Auditors' Mty.
# 586	\$44.00 - Peggy Powless - " " "
# 597	\$500.00 - Brallier Productions (Deposit Refund)
# 615	\$38,001.75 - Alexander Ambulance Service
# 612	\$3,700 - Rig-Maw Contracting (Ohio St. Bridge)
# 612	\$2,487.73 - Rig-Maw Contracting (Ohio St. Bridge)
# 615	\$1,682.91 - David L. Jones (Litigation)
# 631-632	\$2,487.73 - Rig-Maw Contracting (Approved)
# 646	\$118,115.00 - " " " (" " ")

Claims

- #668 Schutthe's Insurance Agency - \$15.00
- #668 Mike Valbrun Insurance Agency - \$30.00
- #691 Engineer Associates, Inc. - \$10,910.57 (Lynch Rd.)
- #691 " " " - \$2,039.98 (St. Joe Avenue)
- #691 James L. Angermeyer/co. Assessor - \$186.92
- #691 Carl Wallace/V.G. - \$156.58
- #691 Helfrich Insurance - 5 Claims Deferred
- #705 Ind. Dept. of Highway - \$3,363.00 (R.R. Crossing/Buckhart Rd.)
- #706 Lebrun, Craig & McKnight - \$1,243.31 (Lynch Rd.)
- #706 Engineer Associates - \$1,560.00 (Lynch Rd.)
- #712 Helfrich Insurance Agency - \$651.00 (Police Vehicle)
- " " " " - \$152.00 (Dog Pound)
- " " " " - \$346.00 (Police Vehicle)
- " " " " - \$239.00 (Police Unit)
- " " " " - \$4,489.00 (Police Vehicle)
- #719 Rig-Man Contracting Co. - \$43,888.90 (Change Order - Md. Street Bridge)
- #720 Ind. Dept. of Highway - \$1,500.00 (RR Crossing - Booneville/New Harmony Rd.)
- #725 Building Authority - \$557,783.50 (Civil Rental -)
- #725 " " - \$337,306.50 (Fixed Rental)
- #725 David L. Jones - \$2,220.00 (Misc. Legal Services)
- #725 General Sheet Metal - \$20.50 (Building Permit Record)
- #734 Kahn, Dees, Donovan & Kahn - \$560.00
- #734 " " " " - \$64.00
- #735 Building Authority - \$102,428.93 (phone - fine portion)
- #735 Helfrich Insurance - \$500.00 (Work Release Program)
- #735 Alice McBrick - \$76.82 (mileage/Uniform Appraisal mts.)
- #741 Helfrich Insurance Agency - \$1,678.00 (Public Official Bonus)
- #742 Ashby-Rauscher Agency, Inc. - \$88.00 (Helen Kuebler Bonus)
- " " " " - \$30.00 (Bonus f/ Alvin Stucki)
- " Building Authority - \$

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| 11- | J.H. Rudolph & Company | | |
| 11- | Melfrick Ins. Agency (Sheriff's Boat) | | |
| 11- | Wausau Ins. Company | | |
| 47- | Democrat Central Committee (Inaugural Ball) | | |
| 47- | Evans. Alumni Chapter of Kappa Alpha Psi (dance) | | |
| 47- | Nadi Temple (Potentate Ball) | | |
| 47- | Whirlpool Management Club (dinner) | | |
| 64- | Conner, Inc. (Salesmen party) | | |
| 64- | Tri-State Assoc. of Grocers (dance) | | |
| 64- | Evans-Vand. School Corp. (Black History Month) | | |
| 83- | Met. Evans. Advertising Club (Addy Awards) | | |
| 83- | Evans. Alumni Kappa Alpha Psi Fraternity | | |
| 83- | Schlhausen Brothers, Inc. (Merchandise Show) | | |
| 127- | Theater "K" Corp. "AVITA" production | | |
| 127- | Frank Martino (motorcycle swap meet) | | |
| 176- | Richard Berries (Reception) | | |
| 192 | Sureal LTD - Leather Sale at Auditorium | | |
| 202- | State Convention of Baptists in Indiana (dinner) | | |
| 202- | U.S. Sheet Metal & Roofing Company | | |
| 202- | Caution Temple #118 - (Potentate Ball) | | |
| 212- | Evans. Rescue Mission (Dinner) | | |
| 212- | Evans. Bar Assoc. (Banquet) | | |
| 212- | Whirlpool Management (Business Meeting) | | |
| 228- | Marble Construction (Cable T.V.) | | |
| 260- | Marick Co. School Corp. (School prom) | | |
| 260- | Whirlpool Management (dance) | | |
| 260- | Data Processing (Region 9 Spring Conference & Exposition) | | |
| 280- | Evans. Arts & Education (Ohio River Arts Festival) | | |
| 280- | Jan's School of Dance (dance recital) | | |
| 288- | Shannon's School of Dance (dance recital) | | |
| 288- | The Magic of David Copperfield | | |
| 303- | Jan's School of Dance (dance recital) | | |
| 303- | Evansville Board of Reactors, Inc. (Energy Show) | | |
| 303- | Ohio Valley Hardware Co. Inc. (dealer show) | | |
| 334- | Peabody Coal Co. (Safety Banquet) | | |
| 348- | Charles Leich & Co. (Pulse System) | | |
| 348- | Jan's School of Dance (Dance Recital) | | |
| 348- | Black Expo Pageant | | |

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- #362 Tommy Dorsey Orchestra Concert
- #370 Christian Fellowship, Inc.
- #389 Road. Cotton/Phil Keaggy Music - July 3rd
- #389 Aiken Mgmt./Brighton Beach Memoirs - 11/4/84
- #389 Eulke Civic Theater - Oklahoma performance
- #408 Welborn Hospital - Bicycle Ride 10/28/84
- #408 Famous Beany, Inc.
- #447 United Way of Southwestern Indiana - #447
- #524 Whirlpool Management Club (Heston Inc.)
- #524 Heart Association (James L. Will)
- #524 Mary Kay Cosmetics (Alex & Alex, Texas, Inc.)
- #524 Jerry Lewis Telethon (U.S. Shelter Inc. Group.)
- #561 Welborn Hospital for Johnny Mathis Concert 10/26/84
- #585 Whirlpool Management Club - Oct. 16th Mtg.
- #597 Graduates Club - Oct. 13th (Auditorium)
- #597 American Int'l. Entertainment Corp.
- #640 Convention Bureau/Nashville Network 10/29 thru 11/2
- #640 Eulke Area Labor Mgmt. Committee - 1
- #640 Tennis Hatfield - Arts & Crafts Xmas Bazaar - 11/25
- #640 Whirlpool Mgmt. Club - Dinner - 11/10
- #667 Marble Construction - Dining Association
- #667 Alumnae Chapter of Delta Sigma Theta
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[illegible]

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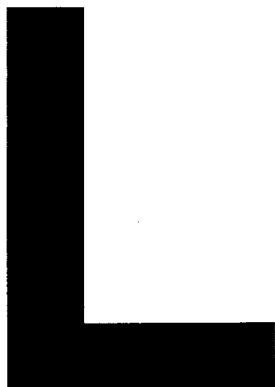
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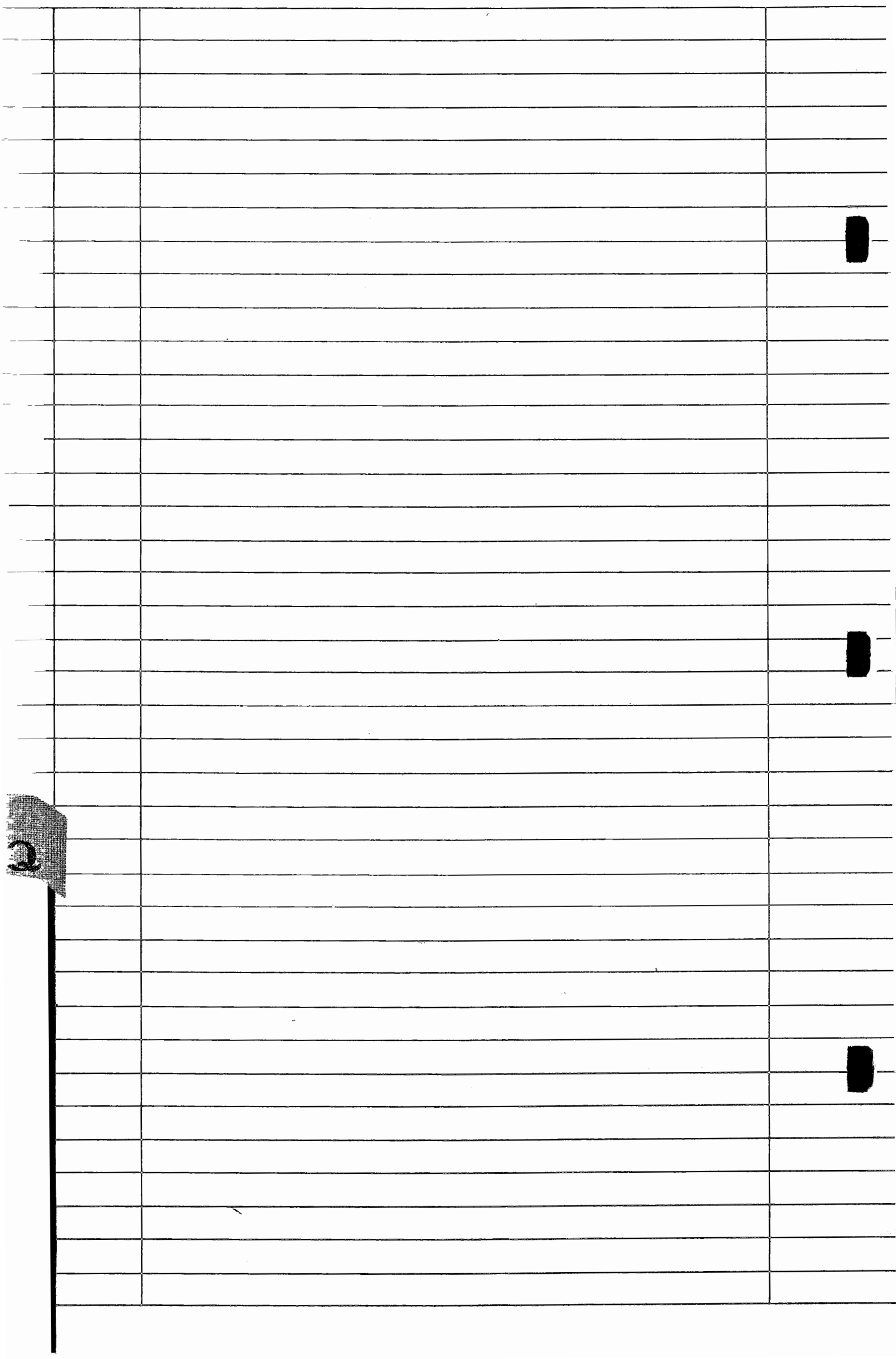
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Ciechoff / Koresel - #57-188-268-
Eastbrooke Dr. (Sewer grate bars removed) #190-195-
Nappe & Mill Rd (4-way stop) #239
Right of Ways (STOPS) on County Rds - #240
Leak Sub - Street Plans - #243
Chas-Mar Estates (Road paving) #152-244-288-
Swape Rd & Old Petersburg Rd Closings - #245
Hwy #57 (Entrance for Mead Johnson) #258
Hwy - SR65 - Relinquishment #259-278
Rosenberger - In need of repair - #275
Oak Hill Rd - tree trimming - #275
Barton Lane - Washout - #275-287-
Division St. Project - #277
Larch Lane - complaint on road condition - #286
Red Bank Rd - Complaint on road condition - #286
Kirchoff Drive - drainage condition complaint - #286
Old Henderson Rd - #287
Chastain Drive Petition - 288
Boonick - New Harmony Overpass - #344

Harmony Way - #345
Mill Road Crossing - #346-507-532
Repair & Roadwork (18 Locations) #558
" " " (Group B - 12 Locations - #558
Broadway & Johnson Lane - #568-611-612
"S" Curve on St. Wendel Rd. - #608
Schissler Road Speed Limit - #608
St. Joe Ave./Allen Lane Intersection - #610
Morgan Avenue (S.R. 62) over Hager Ditch - #701-704-740-741
Acceptance of Street & Storm Drainage Improvements in
Eastlawn Estates Sub-Section C. (Greenfield Rd.) - #704
Streets in Old State Sub-Section I - #705
Extension of Vogel Rd. (E. of Green River Rd. / Hager Property) - #707-709
Greengate Court Sub - Sidewalks - #713
Kemp Row Sub - Sidewalks Waived - #728
Schapker's Sub - " " - #728
Kuebler Rd. - Speed Limit Sign - #730
Capella Avenue / Culvert Problem - #739
Polaris Avenue / Culvert Problem - #739-740

Rezoning:

- VC-12-83 - Buster Enterprises, Inc. (Landfill) #31-113
VC-13-83 - William J. Nellis (car wash & office) #31-114
VC-14-83 - Citizens Nat'l Bank / Paul Neville (Apts) #31-115
VC-10-83 - Nordee Glisson (Salvage Yard) #31
VC-11-83 - Blager Const (Multi fam - Residential) #36-124-

VC-1-84 - Erwin & Elene Deig (party house) #169-218-
VC-2-84 - Michael & Linda Carr (Boat repair) #169-218-
VC-3-84 - William Namoley (Warehouse) #169-219
VC-4-84 - Paul & Betty (Apartments) 217-292-
VC-5-84 - Martin & Bayley Inc. (Culer) 217-220-292-
VC-6-84 - James L. Myers - #292
VC-1-84 - Erwin & Elene Deig - #352 (Withdrawn)
VC-5-84 - Martin & Bayley - Withdrawn - #352
VC-6-84 - James L. Myers - Withdrawn - #352
VC-7-84 - Stevens Sharrs Hadley - 1st Reading - #352 - Withdrawn - #401
VC-8-84 - Jeannette L. Kendall - 1st Reading - #352
VC-9-84 - Paul & Robt Galties - 1st Reading - #401, #482-486 (Final Approval w/ stipulations)
VC-10-84 - Alfred & Shirley Maltow - App'd. 1st Reading - #482 - Reading - #5-38
VC-11-84 - James A. Bauer - Deferral to September - #482 - 590
VC-12-84 - Richard Bengert; 1st Reading App'd - #538 - Reading App'd. - 590
VC-13-84 - Phillip & Mary Thacker - Withdrawn - #590
September Rezoning - EUGS - #507 - 508 - 509
VC-14-84 - Dan Forner - 1st Reading App'd. - #590
VC-15-84 - 1st Reading - #660
VC-14-84 - 3rd Reading - App'd. - #660
VC-16-84 / 1st Reading - App'd. - #728
VC-15-84 / 3rd Reading - Deferred - #728

S

Safety Committee - #150

Sheriff's Commissary Aest - #159

Sewer Grate Bars Cut out on Eastbrook Dr.) #172

Settlement on Mann Road Bridges - #176-

Surplus Vehicles (from Sheriff) #188-296-

Sewer grate bars removed - #190-195

Settlement on Culer Property - #200-206-212-

Settlement on Hirsch Property - #206

Sale of Co. Owned Surplus Property - #207-234-254

Settlement Agreement - Class Jail Suit - #209

Sheriff's Merit Board - #238-

Special Uses (Change in Statute) #238

Scout-O-Rama at Burdette Park - #289

Social Service Block Grant - #296 ⁵⁻⁹⁵⁻⁵⁻⁹⁶

Surplus Property Auction - #362 - 543-544-545-571-587-

Schissler Rd. Project - #404 - 423

Sale of County-Owned Surplus Real Estate - #421 - #433-460

Surveys (County):

Thank-you Ltr. to Dallas Towing - #424

Purchase of Hydraulic Trencher - #424

New Dump Truck Specs - #424 - #454

Sheriff/Approval of Replacement Vehicle - #450

Sheriff / Commissary Bills - #450-451

Seaboard Railroad System/November Rd. - #454-455

Youth Centre Communications/Ltr. re Mill Road Work - #475

Surplus Real Estate - Sold to Hugh McGee - #540

Speed Limits - Kuebler Road - #591-595-

" " - Schissler Rd - #608

" " - Spring Valley Rd - #608

Safety Program/County Highway - #631

St. Joe Avenue Settlement - #663-664

Schissler Rd. - Guardrail - #665-

St. Joe Avenue Culvert - #667

Surplus Office Supplies - A.P.C. - #711

Specifications for Xerographic Paper, Calcium Chloride & Liquid Asphalt - #716 ⁷³²

Schopke's Sub/Sidewalk Waived - #728

Surplus Law Books - #732 (Sent to County Jail Library)

Scheduled Meetings:

Comm at Mann & Bixler Roads - *13
Dog Pound - *30-48
Pres. Barries - Indianapolis ISUE Independence Bill - *30
Lyn - gas issue - *30-48
ISUE Independence Bill - *101
Uncl. Aud / Task Force - *101
Kirsch Road Bridge litigation - *111-
Soil & Water Con. Banquet - *111
Ambulance task force meeting - *111-304
Special APC Meeting on Set-back Ordinance - *111-
Ind. Assoc. of Counties - *111-335
Ambulance Task Force Meeting - *304
Discussion of phone system - *304
Subdivision Review - ASD Committee - *317-597
Drainage Board Meetings - *317-462
Visit to Marion Biggs / Union Twp. - *335-348-350
Vanderburgh Auditorium Advisory Board - *363-462
Township Assessors re Upcoming Reassessment - *363
IOSHA Safety Mtg - *378
Joint City-Council Council Mtg. re Phone System & Funding
Paramedic Task Force - *400-413-462-478-491
Area Plan re County Subdivision Ordinance - *430
County Council - Aug. 1st - *447-491-512-524-571
IDOH / Indpls - Aug. 2nd - *447-462
County Subdivision Ordinance Review - *447
Data Processing Advisory Board - *462
Seaboard Railroad System - *462
Civil Defense - *478-491
Local Commission on Public Records - *524
I.W. Indiana Mental Health Assn. - *546
Special Drainage Board Mtg. (Public Hearing re Midlow Ditch - *562-563
HERPICC Seminar re Railroad Crossings - *569
Auditorium Advisory Board - *585
Assn. of Indiana Counties - *651
United Way - *654
Labov. Mgmt. Meeting - *654
County Council - 11/20/54 - *667
Commissioners w/ Election Board - *667-690
State Board of Accts. & Investments - 689-690

Special Use Permits:

- 5-84-APC - Busby Enter. Inc. (landfill) #38-114
7-84-APC - Purris Coal Co. (mineral extraction) #38-116
8-84-APC - Howell Rock Corp. (landfill) #39-123-
39-83-APC - Hardee Glisson (Salvage Yard) #39
18-84-APC - William Lowin (mobile home office) #169-220-
11-84-APC - Denise & Alan Carresse (withdrawn) 170
22-84-APC - Joseph & Daniel Whitehead - #220-293-
Discussion of New Law on Special Uses - #271

Schedule of Meetings Continued.

Chamber of Commerce - a I.D.O.N. Press Conference - # 725

Hillcrest Home Advisory Board - # 725

Metropolitan Eulc. Program Committee - # 725

I.D.O.N. Meeting (12/19) re Morgan Avenue Project - # 734

Commissioners, Co. Engineers, et al @ Morgan Avenue Bridge Site - # 743

Board of Commissioners 1/2/25 - 1st meeting of New Year

T

Tires & Tubes for County Vehicles - #365

New Telephone Areas - 371-372-373-374-375-379

Truck for Surveyor's Office - 404

Transient Merchants License - #408-410-#729

Gas Certificates - #712

Tax Title Deeds - #725

Treasurer's Reports:

pg's # 9-96-164-196-381-382-383-458-
Investments - #652-654

Treasurer re ReAssessment - #305-306

" re Kelly Prichard - #624-625

" " Extension of Due Date/Fall Tax Installment - #625

" " Returns re Investments - #625

Travel Requests:

Vand. Circuit Court - #25

Cons. Vis. Bureau (concerning Mark Suley) #61

Area Plan - #190

Surveys - 242

Veterans Service Office - #245

Auditor - #276-534-535-669

Human Relations - #302

Drug & Alcohol Defense Service - #307

Perry Twp. Assessor - #385

Clerk of The Circuit Court - #509-510-511

Veteran's Service (Carl Wallace) - #544

County Assessor - #580-581-639-651

Pigew Township Assessor - #724

Telephone Requests:

Telephone System Discussed - 48-81-

Voters Reg - 126-

Data Processing - #198

Consent Form approved - #270 (County System)

Wilcox Home Supt. - #347

New Telephone System (Switchover @ 5PM 12-7-84) #639

U

Union Sup. School Bldg. #222-246-260-290-299-

362-

[illegible]

V

Voting Place Changes #153-227-247-259-276

Vacation of Portion of East Penn. St. #179-

Voting Places - Nov. 6, 1984 Election - #614

Vacation of Portion of Boekne Camp Rd. - #637-#720-723

Voting Tabulation & System - #655

Vacation of Portion of Enloe Place - #678 - 681-696-697

Vacation of Portion of Green River Estates - #678, 681-695-696

Vanderburgh Auditorium:

Proposes Ad Rates f/Outdoor Marquee - # 311-312

Approval of Bid Specs f/Stage Equipment, etc. - # 312

w

Weekly Reports:

700, 730, 739
607, 608, 627, 628, 629, 630, 638, 644, 665, 683-684
Highway - 6-21-43-58-78-93-105-125-134-149-162-174-185
195-211-221-241-255-273-285-295-312-332-342-
487, 509-522-531-541-542-543-558-567-568-591
Surveyor - 7-22-43-59-78-94-107-125-134-150-163-174-186
195-212-241-275-286-295-312-326-342-
487, 506-522-531-542-558-559-568-583-593-611
631, 639, 644, 645, 666, 701, 718-719-731, 739
Co. Engineer - #666-704
Surveyor - #369, 389-390, 397, 403-404, 423-424
445, 453-455, 475 & 522

Wastewater Treatment (University Heights) #42
Grasson-Markle Construction TV Franchise #157-170
Welfare Dept./Reg. for Short Term Loan #528-529-561
Wood Avenue - re Lowering of Downspout #542-543
Water Line Extension/Hwy. 57- #572, 573, 581, 582, 597 633
Westlake Drive - Wedging - #665

[illegible]

X

[illegible]

[illegible]

Y

[illegible]

[illegible]

Z

[illegible]

[illegible]

COUNTY COMMISSIONERS MEETING
JANUARY 3, 1984

The meeting of the County Commissioners was held on Tuesday, January 3, 1984, at 2:30 p.m. in the Commissioners Hearing Room with President Borries presiding.

This being the first meeting of the month and the first for the year 1984, it was officially opened by Sheriff Shepard.

The minutes of the previous meeting was approved with one correction being made, that being that the last meeting was held on a Tuesday, not a Monday, as shown. Reading of the minutes were dispensed with.

RE: REORGANIZATION OF THE BOARD OF COUNTY COMMISSIONERS

President Borries said this being a new year it is once again time to elect the President and Vice President for 1984.

Commissioner Willner moved that Commissioner Borries retain the seat of President for the year 1984. Commissioner Cox seconded the motion. So ordered.

Commissioner Borries moved Commissioner Willner be Vice President for the year 1984. Commissioner Cox seconded the motion. So ordered.

President Borries said for Mrs. Cox' benefit, since she has been out of town, that perhaps she has read in Evansville paper of the near disaster concerning the Lin-Gas leak, on the county's west side. He has received some inquiries as to what alternatives the county might have, or what follow up the county should do in relation to this matter. He will personally contact the Lin-Gas people in an effort to gain a greater understanding of what the situation was out there. We would have agencies, such as Weights and Measures, that he feels could perhaps check with Lin-Gas in regards to any potential problems. It has also been brought to his attention that the Environmental Protection Agency would also be someone that would probably be very interested in this area. With the other two (2) Commissioners' agreeing he would make contact this week in regards to this matter....they all agreed.

President Borries said another visit he will try to make this week concerns the city county dog pound, that there have been people concerned about the condition out there and he has contacted Mr. Sam Elder of the Vanderburgh County Health Department and will be meeting with him this week to visit the facility. He understands there were people on duty out there over the holidays, in the morning. They cleaned the kennels, fed and watered the animals and they were not left unattended for long periods of time, as some people have thought, however, he will continue to work on this matter in the coming days.

RE: APPOINTMENT TO SOUTHWEST MENTAL HEALTH AND AREA PLAN COMMISSION

President Borries said he would move that Commissioner Cox continue to be the County Commissioners representative on both the Area Plan Commission and the Southwest Mental Health Board.

Commissioner Cox agreed to serve on both boards.

Commissioner Willner seconded the motion. So ordered.

RE: COUNTY EMPLOYEES FOR 1984

President Borries said the employees for 1984 have been submitted by the various offices, as is done the first of every year.

Commissioner Willner said he has not seen them and asked if everyone has them in and Janice Decker said she believed they were all in with the exception of Circuit Court, Superior Court and the Drainage Board.

Commissioner Willner moved the employees for 1984 be accepted and approved as submitted.

Commissioner Cox seconded the motion. So ordered.

The employees for 1984, as submitted, are as follows:

CLERK OF CIRCUIT AND SUPERIOR COURTS

Helen L. Kuebler	Betty Burton
Jean Ritter	Paula Gallo
Linda Withrow	Edna Martens
Florence Hess	Grace Wohlhueter
Nancy Kleiman	Linda Oldham
Joyce Fields	Doretta Fairchild
Dorothy Wolf	Deborah Hunter
Frances Gates	Linda Webster
Kris Johnson	Etta Mae Mueller
Tina Cardin	Sharon Yunker
Jean Schaefer	Ruth Porter
Bertha Greubel	Dortha Buente
Suzanne Demsey	Lorraine Dean
Rose Smith	Doris Cato
Dorothy Cole	Jacqueline Head
Helen Middleton	Beverly Abell
Susan Heberer	Janet Ward
Darlene Maveety	Pamela Higgenbotham
Virginia Seybold	Karen Jo. Conley
Susie Garrett	Lee M. Crow
Martha Brinker	Judy Bumput
Norma Dickens	Deborah Mottley
Ann Wilson	Sharon Green
Jeri Warner	Doris Schroeder

TREASURER

Lewis F. Volpe
 John O. Dixon
 Carmen L. McAttee
 Barbara S. Hedges
 Rhonda A. McClarney
 Beatrice M. Freeman
 Faith O. Hart
 Tara L. Stokes
 Tommy A. Edwards
 Mattie M. Dickerson
 Mary E. Esparza
 Mary E. Frank
 Mary E. Hatfield
 Georgiana A. Harris
 Barbara R. Harrison
 Martha J. Green
 Beverly A. Nance
 Doris M. Whobrey

PROSECUTOR

Richard G. D'Amour	Sandra Millard
Mark S. Foster	Susan D. Hohnson
Charlie P. Andrus	William E. Riat
Jerry A. Atkinson	Joseph M. Goodrid,
J. Douglas Knight	Debbie Wallace
James E. Rode	Susan G. Barrett
Robert E. Zoss, Sr.	Brenda Robbins
William C. Welborn, Jr.	Carol Hartman
Charlie A. Spaetti	Angela Mitchell
John P. Brinson	Doloris Savage
Steve L. Bohleber	
David K. Robinson	
Scott Bowers	
Stanley M. Levco	
Dana Shuler	

COUNTY AUDITOR

Alice McBride	Martha Calkin
Roy P. Tuley	Michelle Nolan
Gloria Evans	
Lucille Musgrave	
Dolores Gugin	
Terri Woodward	
Janet Mobley	
Anne Virgin	
Jean Haskins	
Janice Decker	
Jean Wilkey	
Peggy Powless	
Cindy Mayo	
Georgia Benson	
Vanessa Adams	
JoAnne Matthews	
Marian Ellsperman	
Terri Pace	
Tammy Angermeier	
Dorothy Wilson	
Lena Sherman	
Betty Franklin	
Kathy Lowe	
Virginia Singer	

COUNTY RECORDER

Estella M. Moss
 Lucille Elliott
 Alice L. Williams
 Margaret Sue Blaxton
 Virginia Coleman
 Aline Payne
 Dorothy Lindsey
 Vonna Marie Wagner
 Sharon G. Oates

COUNTY CORONER

David Wilson, M.D.
 Earl K. Cos
 Allen Byers
 William Sandefur
 Mary F. Westfall

PROSECUTOR - IV-D PROGRAM

Bernice M. Roth
 Mary Jo Kingon
 Sylvia Y. Reutter
 Lesa Conkling
 Nancy G. Hankins
 Benjamin E. Haddox, Jr.
 Nancy Bowers

COUNTY ASSESSOR

James L. Angermeier
 Monica E. Mindrup
 Zreeta Hardin
 Evelyn Lannert
 Cheryl Lawrence
 Madge Bunker
 Carolyn Garrison
 LaTosha Pitt
 Janice Lindauer

COUNTY SHERIFF

Clarence C. Shepard
 Donald R. Humston
 James Moers
 Michael Craddock
 Charlie Gibbs
 David Ludwig
 Gary O'Risky
 Jimmie Tucker
 S. Lee West
 Soney Banks
 John Reutter
 Gary Castrup
 Peter Swaim
 Terry Hayes
 Gary Kassel
 John Lancaster
 William Roberts
 Michael Sturgeon
 Clifford Trainer
 Steve Sparks
 Steve Schnell
 Robert Coleman
 Steve Griggs
 Thomas Brandsasse
 John Crosser
 William Droll
 Larry Barchet
 Stanley Garrett
 James Fravel
 Roberts Beckham
 Phillip Strange
 Kenneth Collins
 Michael Daws
 Ronald Hartman
 Tim Lennartz
 Thomas Rademacher
 Joseph Winfield
 Marvin Cooper
 Michael Mentzel
 William Roland
 John Engelbrecht
 Eric Herrmann
 Sandra Shuler
 Richard Bennett
 Robert Carl
 Kenneth Mitz
 Michael Jones
 Clarence Cotton
 Charles LaVanchy
 William Denton
 Michael Forshee
 Stephen Bequette
 Danny Hape
 Kent Todisco
 Paula Buickel
 Robert Vessels
 Jacqueline Trail
 Mary Evans

AREA PLAN COMMISSION

Barbara Cunningham
 Joseph Ballard
 Chris Forney
 Beverly Behme
 Keith Martin

Randall Korff
 James Truitt
 Gilbert D. Humphrey
 Robert Miller
 Stephen Moser
 James Meighbors
 Ronald Newman
 Thomas Overfield
 Kenneth Patterson
 Roy Perkins
 William Pierce
 Arella Ray
 Thomas Wallis
 Larry Weatherford
 Mary J. Russell
 Lois Scruggs
 Margaret Smith
 Stever Woodall
 Bryan Klaser
 Bradley Ellsworth
 Michael Taylor
 Robert Tribble
 Danny Armstrong
 Thomas Rademacher
 Paul Bice
 Michael Duckworth
 Michael Kingston
 Bruce Crider
 Larry Craddock
 Thomas Wedding
 Rodney Buchanon
 Michael Higdon
 Mark Sloat
 Dennis Daniel
 James Spence
 Mike Hertweck
 Mary Beavins
 Tim Heath
 Roy Burris
 Jerry Oschner
 Jeffrey Johnson
 Frank Lutz
 Kevin Merritt
 Peter L. Evers
 Sandra L. Funk
 Richard Reed
 Wilma Kerner
 JoAnn Reed
 David Wires
 Dale Thene
 Don Schnabel
 Jim Oldham
 James Bacham
 Dan Collins
 Kent Walker
 Pamela West
 F.B. Shoulders
 Oliver Hayek
 Richard O'Risky

ARMSTRONG ASSESSOR

William C. Hepler
 Marian L. Hepler
 Louise Luigs
 Francis J. Martin

CENTER ASSESSOR

Alvin E. Stucki
 Shirley E. Stucki
 Brian E. Gates
 Joyce C. Fields
 Evelyn Meyer
 Ramona G. Plassmeyer
 Dorothy C. Grubb

KNIGHT ASSESSOR

H. Jane Nicholson
 Maxine F. Ginger
 Jerome R. Zeller
 Shirley J. Reeder
 Rae Longist Oglesby
 Marjorie Keeney
 Susan J. Behme

PERRY ASSESSOR

Harry A. Tornatta
 Glen E. Koob
 Karen Lewis
 Nancy L. Scheller

PIGEON ASSESSOR

Robert T. Dorsey
 Joan M. Dorsey
 David L. Fox
 Judith E. Stricker
 Mary Ann Eickhoff
 Meraloyd Stansberry
 Betty Radcliff

SCOTT ASSESSOR

Bob F. Harris

UNION ASSESSOR

Aleen Basham

ELECTION OFFICE

Susie Kirk
 Fred Roeder
 Edna Henry
 Casey Randolph

VOTERS REGISTRATION

Carolyn Sauer
 Paul J. Bitz
 Travis Rayburn
 Amelia L. Tornatta
 Cathleen Gorman
 Pamela Bailey
 Virginia Massey
 Ella Mae Sheets

VETERANS SERVICE OFFICER

Carl M. Wallace
Mark D. Acker
Judith A. Becking

COUNTY COMMISSIONERS

Richard J. Borries
Robert L. Willner
Shirley J. Cox
David Jones
David Miller
Margaret A. Meeks
Kathy Jo Stonestreet
Michael T. Wathen

SUPT. OF COUNTY BUILDINGS

James N. Lindenschmidt
Bennie Gossar

DRUG AND ALCOHOL DEFERRAL

William M. Campbell
Carl A. Miller
Deborah A. Ransom
Deloris L. Koch
Sherri L. Page
Sheila M. Clark

AUDITORIUM

Kim Patrick Bitz
Geraldine Gass
Jessie Byers
Ruby Norris
Walter Weston
Bruce Cook
Dwight Taylor

BURDETTE PARK

Mark Tuley
Don Chambliss
Joyce Moers
Charles Newton
Kim Betts
Corey Brunck
William Murphy
George Peaugh Jr.
Tina Coones
Jess Mitchell
Maria Sanders
Perry Gostley

LEGAL AID SOCIETY

Barton Alan Bates
James Ethridge, Jr.
Kathleen Powers
Karen Paulin
F. Wesley Bowers
William W. Deems
Richard Gumberts
Lawrence Daly
Carolyn Prior
Stephen Gass
Jane Backham
Alan Jones
Robert Saunders
Sheila Corcoran
Jane Baskett
Robert Matthews

COUNTY COUNCIL

Kathy Mann
Mark Owen
Larry Lawrence
Curt Wortman
Robert Lutz
William Taylor
Harold Elliott
David Jones

COUNTY HIGHWAY DEPARTMENT

William Bethel	Mark Montgomery
Jerry Linzy	Sidney Brown
Cletus Muensterman	Donald Williams
Milton Hayden	George Cummings
Susan Kirk	Sam Robinson
Lillian Young	John Deown
Lee Stuckey	Delbert Deig
R. Andrew Easley	Thomas Schmitz
Donald Gartner	Andrew Wade
Jacke Crowford	
Thomas Waterman	
Cecil Sills	
Dennis Merideth	
Fred Blair	
James Triplett	
Gary Page	
Kirk Humphrey	
Harold Stuckey	
William Boring	
Darryl Chamberlain	
Albert Gartner	
Larry Phillips	
Larry Babbs	
Harold Steckler	
Harry Woods	
Russell Schroeder	
Thomas Jameson	
James Smith	
Billy Downing	
Ronald Martin	
James Howell	
Raymond Cook	
Roy Tuley	
Kenneth Palmer	
Alfred Lindsey	
Tracy Jones	
Clayton Jenkins	

WELFARE DEPARTMENT

Mary L. Ahles
 Gayle A. Angle
 Maury Anthony
 Coradella Baker
 Gary C. Barnett
 Tracy Barnhill
 Sherry G. Barth
 Ruth A. Baumgartner
 Wayne Baumgartner
 James E. Baxter
 Jeannette E. Bey
 Lee Ann Blume
 Michael L. Boenigk
 Glenda M. Bott
 Mary J. Boyd
 Shirley A. Boyd
 Nan E. Britton
 Cynthia E. Brown
 Norman C. Butler
 Mary N. Carroll
 Susan B. Carson
 Vernoica J. Chittenden
 Elizabeth Collins
 Virginia L. Combs
 Robyn E. Conard
 Helen M. Cook
 Virginia Cox
 Mary L. Daniels
 Elizabeth M. Dick
 Beverly A. Dicks
 Phyllis A. Donahue
 Sue S. Duval
 Ethel A. Elkins
 Denise A. Elvestrom
 R. Charlene Ethridge
 Gerald L. Flick
 Irene M. Frakes
 John A. Fyffe
 Dionna L. Garrison
 Jane H. Gerard
 Jon K. Golding
 Robert A. Hay
 Michael R. Hazen
 Phoebe E. Head
 Phyllis A. Geise
 Alen D. Hert
 Clifford E. Higgason
 J. Kathleen Hirsch
 Shirley S. Hopple
 Eugenia A. Horn
 Leanne Hudson
 Susan J. Hudson
 Mary L. Hudspeth
 Kathlees M. Hunt
 Frances Hyatt
 William M. Igleheart
 Edna L. Jarvis
 Walter A. Julian
 Zola M. Kramer
 Jo Ann Lang
 Terry S. Lindsey
 Catherine M. Lovelace
 Rubylee Lowe
 Elbert A. Lynch
 Marilyn S. McClain

Sue McCool
 Bettye R. McLean
 Beth A. Melton
 Ruth A. Metz
 Marie A. Nelson
 Jean Newman
 Cynthia L. Ohl
 Robert C. O'Tain
 Louisa F. Paris
 Carol S. Parmenter
 Wilhelmina Perkins
 Carolyn A. Platts
 Carolyn J. Prior
 Patricia A. Rager
 Thomas W. Reel
 Mary A. Reitz
 Janice F. Reutter
 Nancy C. Rhoades
 Elissa B. Rice
 Gerri A. Rice
 Danial L. Riordan
 C. Dawn Ritz
 Teresa A. Rizen
 Donald R. Roberts
 Joan M. Roberts
 Dale E. Robertson
 Mildred C. Ross
 Hilda M. Schatz
 John M. Schroder
 Donald A. Schuldt
 Thomas E. Sergesketter
 Beverly A. Sherman
 Jeffrey W. Smith
 Susan E. Smith
 Joyce M. Spayd
 Theorore E. Specht
 Patsy A. Sproatt
 Anthony J. Starks
 Frank L. Staton
 P. Michael Stofleth
 Phyllis E. Stokes
 Cynthia A. Stricklin
 Elizabeth Sutton
 Inez K. Thew
 Dorothy J. Thomas
 Shirley A. Tyree
 Mary E. Welch
 Mary E. Werner
 Shirley M. Wesner
 Peggy L. White
 Thelma M. Williams
 Kathi L. Willis
 Faye A. Wilson
 Samuel Wilson Jr.
 Timothy B. Wirtz
 Willie M. Work
 R. Daly Work
 Robert E. Young
 John Yuschak Jr.
 Frank M. Fish
 Phillip L. Kiely

HILLCREST WASHINGTON HOME

Philip A. Hedrick
 Bernice I. Roedel
 Mary J. Alvis
 Mary F. Arvin
 Versie M. Burgdorf
 Mable L. Carroll
 Norma L. Carroll
 Charlotte L. Cole
 Ollie E. Cullison
 Sylvia A. Edwards
 Dorothy L. Furgerson
 Marjorie L. Ham
 Raymond Hale
 Jo Ann Hill
 John Herad Jr.
 Christine Howard
 Ruth M. Patrick
 Rhonda F. Perry
 Jane Rauck
 Mary Sweet
 Lois VanWay
 Bertie Slaton
 Edna DeTalente
 Carolyn Kirby
 Diana L. Reheman
 Edwin H. Zenthoefer
 Jeanetta Bacon
 Donna Daughtery
 Caroline Herak
 Dorothy M. Kramer
 Mary Jo Richardson
 Nancy C. Woolsey
 Kenneth D. Harper
 Annie E. Hawkins
 Orval G. Sanford

RE: DATA PROCESSING CONSULTANT CONTRACT

President Borries said the commissioners have very recently completed a much detailed and complex set of negotiations with the Pulse Systems for data processing services for the county, for the next five (5) years and that agreement has been concluded, however, because of the importance of maintaining the continuity of the county's data processing work which is generated from various offices and will continue to grow, it is his belief that we need to retain a person such as Mr. Robert Fortune, on a consulting arrangement for the duration of the conversion time because when there is a conversion of something as major as this there are going to be problems and Mr. Fortune's long experience with the county in regards to our computer system and the many programs and daily functions therein are very essential and his personal feeling would be that the county retain Mr. Fortune on a consulting basis, for both the city and county. The agreement calls for one (1) initial term of three (3) months from the date hereof and for month to month thereafter, provided, however, that in any event this agreement shall terminate on December 31, 1984. The consultants fee shall be \$3,000.00 per month, with 83% being paid by the county and 17% being paid by the city. Mr. Fortune has agreed to the terms stated in the agreement and it is his personal opinion that the county needs someone of Mr. Fortune's caliber and thorough knowledge of data processing as it relates to computers.

Commissioner Willner said the only comment he would have on the Agreement is a couple of what he believes to be typo errors, that on page 2, paragraph 5, it says this Agreement shall terminate on December 31, 1983 and it should read December 31, 1984. Also on page 4 it reads 4ANDERBURGH COUNTY and it should read VANDERBURGH COUNTY.

Commissioner Cox asked if Mr. Fortune agrees with this Consultant Agreement as it is written and President Borries said yes, that he has discussed this with Mr. Fortune, and he is in agreement with the terms. Mr. Fortune also recommended to the Commissioners that a Data Processing Board be set up, composed of city and county officials and that this board study the system and make recommendations to the Commissioners and the city.

Commissioner Willner moved the Consultant Agreement be approved, with the two (2) typographical errors corrected. Commissioner Cox seconded the motion. So ordered.

RE: COUNTY ATTORNEY.....PAUL WALLACE

During the absence of the two (2) County Attorney's, Mr. Paul Wallace was present as acting county attorney.

Issuance of Bonds for Poor Relief: Mr. Wallace said in the rather involved process of issuing bonds for poor relief in both Pigeon and Knight Townships, we have before us today what is called the Commissioners' Final Finding and Order to Issue Advancement Fund Bonds. He has a format that he would like for the Commissioners to look at today, that there have been a great deal of changes recently, basically because of the change from registered bonds from the form of bearer bonds and there is now a law requiring that all holders bonds be registered and they be trackable, basically for the IRS' convenience and changes had to be made in order to comply with that law. We have received approval from the State Board of Tax Commissioners both for the issuance of the bonds and for the bonds to exceed five percent (5%) and this order contains the manner of issuance, the manner of advertising and the form of the bond. At this time he would like to submit these documents for the Commissioners review and approval today.

Commissioner Cox asked what kind of time frame are we on in regards to this matter and Mr. Wallace replied a tight time frame because of the practical situation facing the township trustees and the Auditor's office.

Commissioner Willner asked if these documents satisfy the county attorney and Mr. Wallace replied yes. Commissioner Willner moved they be approved. Commissioner Cox seconded the motion. So ordered with three (3) affirmative votes.

All three (3) of the Commissioners signed the document and returned it to Mr. Wallace, so that any typo errors could be corrected.

RE: BILL BETHEL....COUNTY HIGHWAY DEPARTMENT

Weekly Absentee Report: Mr. Bethel submitted the weekly absentee report of the employees at the county garage for the period of December 26 thru 30, 1983....report received and filed.

Weekly Work Report: Mr. Bethel submitted the weekly work report of the employees at the county garage for the period of December 26 thru 30, 1983....received and filed.

Mr. Bethel reported all they have done this past week is remove ice and snow. They had seven (7) trucks out and they also worked Friday and Saturday.

Commissioner Willner commended Mr. Bethel and his men for an excellent job, that it is very hard to deal with ice.

Mr. Bethel said yes and especially when it is so cold because even the salt doesn't work when it is as cold as it was then. He said a lot of people thought his men wasn't out at all, but when the temperature begin to rise they changed their minds and many have called back in and apologized.

Sheriff Shepard said he would also commend the County Highway and their crews, that when their units called in for assistance, they were right there on top of things.

RE: BOB BRENNER....COUNTY SURVEYOR

Weekly Bridge and Guardrail Report: Submitted was the weekly bridge and guardrail report of the bridge crews for the period of December 26 thru 30, 1983....report received and filed.

RE: ANDY EASLEY....COUNTY HIGHWAY ENGINEER

Acceptance of Four (4) Streets in Lant Manor Subdivision: Mr. Easley submitted several pieces of correspondence in regards to the acceptance of streets and storm drainage improvements in Lant Manor Subdivision - Phase II, along with the following cover letter from his department, dated January 3, 1984.

Dear Mr. Borries:

On November 16, 1983, Mr. Bill Bethel and the undersigned made an inspection of subject street and storm drainage improvements.

All streets are paved with 6 inches of concrete and have been constructed in accordance with the approved plans. All joints in the pavement have been sealed and the curbs have been properly backfilled. All storm drainage inlets and storm sewers have been constructed in accordance with the approved plans.

The inspection team was in agreement that the street and storm drainage improvements were in excellent condition and we could find no repairs to be made or discrepancies to be corrected.

Enclosed is a copy of a letter from Albert Holtz concerning the construction inspection of the streets together with a copy of the report of the concrete cylinder tests which give the strength of the concrete in the pavement.

The following is a summary of the length of the streets in Phase II of Lant Manor Subdivision.

Brighton Drive.....	1364 feet
Cherry Circle.....	169 feet
East Chestnut Court.....	409 feet
Lant Lane.....	279 feet

TOTAL 2218 feet = 0.420 miles

It is recommended that the street and storm drainage improvements in this Subdivision be accepted for maintenance.

If you have any questions, please contact the undersigned.

Sincerely,
R. Andrew Easley, Jr.
County Highway Engineer

Mr. Easley said these streets were also inspected when Mr. South was the Highway Engineer and since that time there were some things taken care of out there and they are now in good condition and he would recommend approval.

Commissioner Willner asked in previous meetings were these streets accepted, subject to the things being done that Mr. South recommended and Mr. Easley replied he could find nothing in prior minutes showing they had been tentatively approved.

Commissioner Willner moved the four (4) streets as stated in Mr. Easley's letter be approved for county maintenance.

Commissioner Cox said she sees where two (2) of these streets show cul-de-sacs and she is wondering if our snow removal equipment can get into them without going into someones yard and Mr. Easley replied they are standard size, that the street designs for Lant Manor were approved back in 1979, however, he personally has not gone out there and physically measured them himself.

Commissioner Willner said the equipment would have to back up a couple of times and make turns to get into them.

Commissioner Cox said also, on the cover letter it states there are 2218 total feet to be approved and she is wondering if Mr. Easley measured these or not, because she notices there is a difference in footage on East Chestnut Court, from 406' to 409' and Mr. Easley said he did not, that they were taken from the plans, that one of them obviously is a typo error.

Mr. Bethel said the equipment can turn around in the street and will not have to use a private driveway.

Commissioner Cox seconded the motion for acceptance of the four (4) streets, subject to the correction being made on the footage of East Chestnut Court. So ordered.

Mr. Easley said he will see these get to the state in the proper time table.

Railroad Switch on Lynch Road: Mr. Easley said he has a copy of a letter received from the state concerning the railroad switch problem on Lynch Road. He met just this morning with an Assistant Engineer, Mr. Al Batey, with the L&N Railroad and they verified this 16-18' vs. 32' and the 16' might get it in a place where there could be a sidewalk in the future, but he personally does not think there will ever be a sidewalk on Lynch Road, but if we get it clear of sidewalks it will have to go 32'. The railroad is going to make an estimate for both ways and they will try to have that ready for us this Thursday. If this is approved the federal people have indicated they can submit a change order to relocate it.

Commissioner Willner said this is no longer the L&N Railroad, that it is now the Seaboard Systems, so perhaps they are taking a little different look at it, so perhaps we can keep it from court, however, he would want any changes in writing before it is taken from the court docket.

Mr. Easley said he will certainly get everything in writing and will continue to work with Carl Heldt on it and make reports to the Commissioners as things progress.

RE: ORDINANCE AMENDING CODE OF ORDINANCE

The following Ordinance was approved on first reading by the Commissioners on December 19, 1983, was properly advertised in the Evansville Courier and Press and is now back for final approval.

AN ORDINANCE AMENDING CHAPTER 153.139 OF THE CODE OF ORDINANCE OF VAND. COUNTY, INDIANA

WHEREAS, Chapter 153 of the Code of Ordinances of Vanderburgh County, Indiana generally regulates the use of land within Vanderburgh County, and, said chapter is commonly known as the "Zoning Code", and

WHEREAS, an amendment to Chapter 153.139 of the Zoning Code has been determined to be in the best interest of the residents of Vanderburgh County, Indiana, and otherwise in conformity with the purposes of the Zoning Code;

NOW, THEREFORE, BE IT ORDAINED by the County Commissioners of the County of Vanderburgh, Indiana, as follows:

Section I. Amendment.

Chapter 153.139 of the Code of Ordinances of Vanderburgh County, Indiana is hereby amended by deleting the following language:

"Mineral Extractions and Storage SU-19, Section 2"

Section II. Further Amendment.

Chapter 153.139 of the Code of Ordinances of Vanderburgh County, Indiana is further amended by adding a new portion to said section as follows:

"Mineral extraction, storage and processing, limited to that reasonably related to the preparation for sale of the type of mineral primarily extracted from the site, SU-19, Section 2" limited processing shall not include the refining of oil products.

Commissioner Willner moved the Ordinance be approved on final reading. Commissioner Cox seconded the motion. So ordered with three (3) affirmative votes.

RE: RESOLUTION CONCERNING COMMISSIONERS MEETING DATES

President Borries read aloud the following Resolution concerning the Commissioners Hearing dates for 1984.

In accordance with Indiana Code 36-2-2-6, as amended by Acts 1982, P.L. 17, Section 8, is amended in Section 6, in that the executive shall hold a regular meeting at least once each month and at other times as needed to conduct all necessary business, and dates of regular meetings shall be established by resolution at the first meeting in January of each year.

NOW THEREFORE, let it be known that the meetings of the Vanderburgh County Commissioners shall be held on the first, second and fourth Monday of each month at 2:30 p.m. and on the third Monday of each month at 7:30 p.m.. If a holiday falls on Monday, then the meeting will be held on the following day.

The evening meetings on the third Monday of each month are being held at such time for the convenience of the public, at which time the Rezoning Petitions will be heard.

Commissioner Willner moved the Resolution be approved. Commissioner Cox seconded the motion. So ordered.

RE: FINANCIAL REPORT FROM COUNTY TREASURER

The following financial report was submitted by County Treasurer, Lewis Volpe.

Interest receipted into the various county funds in the calendar year 1983 is as follows:

COUNTY REVENUE	\$1,206,503.59
FEDERAL REVENUE SHARING	2,347.92
REASSESSMENT	11,688.64
CONGRESSIONAL SCHOOL	5,133.33
BRIDGE FUND	
TOTAL	\$1,225,884.72

As far as the County Revenue Fund is concerned, this is a surplus of \$306,503.59. In the other funds, everything receipted into the fund was a surplus, since no estimate was entered into the budget adopted in September 1982 for the year 1983.

OUTSTANDING INVESTMENTS ARE:

1. Investments \$2,000,000, dated December 28, 1983 due February 3, 1983.
Estimated income \$17,500.00. Rate 8.55%.
2. Investments \$3,000,000, dated December 28, 1983 due December 27, 1984.
Estimated income \$237,700.00. Rate 9.125%. Of this income, \$22,812.00 will go to the Reassessment Fund.
3. Investments \$500,000, dated December 29, 1983 due December 27, 1984.
Estimated income \$46,200.00. Rate 9.25%.

Yours truly,
Lewis F. Volpe
Vanderburgh County Treasurer

Report received and filed.

Also attached to the report was a note stating that Mr. Volpe requested the County Attorney to prepare an Ordinance in regards to county funds for the year 1984.

Commissioner Cox said she has a question concerning some of the funds listed on Mr. Volpe's report, that sometime back the Commissioners instructed him to set aside some \$5,000.00 for the Pigeon Creek Log Jam and she would like to know the status of this fund and if the interest money was credited to it so that the work could be done. She sees \$5,133.33 credited to what is called "Bridge Fund" on the report, but she believes this is the Cumulative Bridge Fund and not for the Pigeon Creek Log Jam.

Commissioner Willner said we do not have that \$5,000.00 under contract and he would hate to lose it, so his question is, was it encumbered, or could we encumber it?

President Borries said we should get the attorney's opinion on this.

Commissioner Willner said he believed Warrick county was going to handle all the paper work and the contractor and we were then to pay the \$5,000.00 to Warrick.

Mr. Easley said he spoke with Mr. Mike Feldbush and he was working on the right of entry agreements and they had an estimate from one (1) contractor, therefore he personally believes this \$5,000.00 is obligated. He was under the impression nothing could be paid until after the first of the year.

President Borries said the County Council approved this at their last meeting.

Commissioner Willner said then we are talking about 1983 money and it would have had to been encumbered for us to still have it.

Mr. Easley said he will continue to make contact concerning this and see what the status is on it.

RE: APPOINTMENTS TO VARIOUS BOARDS

President Borries said in relation to appointments that need to be made by the Commissioners, there are several that have previously been made by the Courts and now there is a new law that says these appointments must be made by the County Commissioners. They are as follows:

Southwest Mental Health: Commissioner Cox agreed earlier in this meeting to continue her service to this board, as the Commissioners' representative, for the annual meeting.

Area Plan Commission: Commissioner Cox was appointed earlier in this meeting to continue her service on this board, as the Commissioners' representative. Mr. Elmer Tornatta is currently serving on the APC Board and he has agreed to serve another term.

Board of Zoning Appeals: President Borries said both gentlemen presently serving on this board have agreed to continue another term.

Commissioner Willner moved that Dr. Daniel T. Burn, of 3201 Washington Avenue and Mr. Clifford Ford, Jr., of Baumgart Road both be reappointed to serve on the Board of Zoning Appeals. Commissioner Cox seconded the motion. So ordered.

County Board of Public Welfare: President Borries said Mr. William Kessler is presently serving on the Welfare Board.

Commissioner Willner moved that William Kessler be reappointed to the County Board of Public Welfare. Commissioner Cox seconded the motion. So ordered.

County Hospital Building Authority: President Borries said Patrick Corcoran and George Riecken are currently serving in this capacity.

Commissioner Willner moved that Patrick Corcoran and George Riecken be reappointed to serve on the County Hospital Building Authority. Commissioner Cox seconded the motion. So ordered.

Health Department: Betty Hopkins is currently serving in this capacity.

Commissioner Willner moved that Betty Hopkins be reappointed to serve on the Health Department Board. Commissioner Cox seconded the motion. So ordered.

Voter's Registration: President Borries said he is not certain the Commissioners should make these appointments.

Commissioner Willner said he understands the County Chairman makes recommendation to the Commissioners and we authorize the hiring of them with a pink slip (employment change form).

Commissioner Cox said always before, the County Chairman nominated them for the Circuit Court Judge, the Judge would then appoint them and swear them into the position.

Visitor and Convention Bureau: President Borries said Mr. Robert Green and Mr. Ira Neal are presently serving on this board.

Commissioner Willner moved both Mr. Green and Mr. Neal be reappointed to serve another term on this board. Commissioner Cox seconded the motion. So ordered.

RE: COMMENT CONCERNING THE PIGEON CREEK LOG JAM FUND

President Borries said after checking with the County Auditor, by phone, she has the understanding the \$5,133.33 shown on Mr. Volpe's report is for the Pigeon Creek Log Jam, however, he would like to get further clarification on this matter.

RE: CERTIFICATES OF INSURANCE

A certificate of insurance was submitted for J.H. Rudolph & Company, Inc.

A certificate of insurance was submitted by the Helfrich Insurance Agency for the sheriff's patrol boat (1979 Century 23' 8½')

A certificate of insurance was submitted by the Wausau Insurance Company for Bucyre-Erie Company.

All certificates ordered received and filed.

RE: CLAIMS

President Borries said he believes a line item was approved at budget time for litigation, in the Commissioners budget, therefore, we will be having some claims from our county attorneys that can be approved, without going before the County Council for funds at this time, and when that fund is depleted then we will start appearing before the county council as we have in the past.

A claim was submitted by Attorney David Miller, in the amount of \$426.00, for legal services, with an itemized statement attached, to the tenth of the hour.

Commissioner Willner moved the claim be approved. Commissioner Cox seconded the motion. So ordered.

A claim was submitted for Attorney David Jones, in the amount of \$3,567.25, for legal services rendered for the month of November, 1983, with itemized statement attached to the tenth of the hour.

Commissioner Willner moved the claim be approved. Commissioner Cox seconded the motion. So ordered.

A claim was submitted for Attorney David Jones, in the amount of \$168.00, for legal services in connection with the H.J. Lubbenhusen suit, in regards to the State Tax Board's position in relation to taxes collected at the Vanderburgh Auditorium. This was a Knight Township tax controversy.

Commissioner Cox moved the claim be approved. Commissioner Willner seconded the motion. So ordered.

A claim was submitted for Schmitt Refrigeration for a refund on permit #6994V, through the Building Commission office (This was because of a duplicate permit). Claim is in the amount of \$15.00.

Commissioner Willner moved the claim be approved. Commissioner Cox seconded the motion. So ordered.

A claim was submitted for the Vanderburgh County Soil and Water Conservation District's first half of the 1984 budget, in the amount of \$985.00.

Commissioner Willner moved the claim be approved. Commissioner Cox seconded the motion. So ordered.

RE: EMPLOYMENT CHANGES....APPOINTMENTS

VOTERS REGISTRATION

Paul J. Bitz	514 Lewis Avenue	Board Member	\$16,600.00 Yr.	Eff: 1-1-84
Ella Mae Sheets	3307 Bayard Park	Deputy	\$10,760.00 Yr.	Eff: 1-1-84

CENTER ASSESSOR

Rebecca A. Fulkerson	1805 Pueblo Pass	Deputy	\$413.85	Eff: 1-1-84
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GERMAN TOWNSHIP TRUSTEE

Mary H. Happe	R.R. 4 Box 302-A	Investigator	\$520.00 Yr.	Eff: 1-1-84
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WEIGHTS AND MEASURES

David B. Acker	113 N. Elm Street	Dep. Inspector	\$30.00 Day	Eff: 1-3-83
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RE: EMPLOYMENT CHANGES.....RELEASES

GERMAN TRUSTEE

Mary H. Happe	R.R. 4 Box 302-A	Investigator	\$520.00 Yr.	Eff: 12-31-84
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CENTER ASSESSOR

Dorothy C. Grubb	1121 W. Heerdink Ave.	Deputy	\$394.61	Eff: 12-31-83
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VOTERS REGISTRATION

Rebecca Fulkerson	18-5 Pueblo Pass	Deputy	\$10,260.00 Yr.	Eff: 1-1-84
James McIntyre	1214 E. Walnut St.	Board Member	\$16,111.00 Yr.	Eff: 1-1-84

COUNTY LOCAL ROADS AND STREETS

Dale Willis	1104 Madison Ave.	Asst. Hwy. Eng.	\$18,893.00 Yr.	Eff: 12-31-83
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Releases ContinuedBURDETTE PARK

James Render	2143 Frisse	Custodian	\$13,350.00 Yr.	Eff: 1-1-84
Paul Short	1628 S. Red Bank	Union	\$6.44 Hour	Eff: 12-13-83
David Weiss	1018 N. Third Ave.	Security	\$6.00 Hour	Eff: 1-1-84
Anita Southard	4905 Lakeside Dr.	Rink Manager	\$46.00 Day	Eff: 1-1-84
Linda Hanauer	1405 Taylor	Union	\$6.44 Hour	Eff: 1-1-84
Wilma Wendholt	2716 W. Mill Rd.	Union	\$6.44 Hour	Eff: 1-1-84
Steven Craig	Old Henderson Rd.	Union	\$6.44 Hour	Eff: 1-1-84

WEIGHTS AND MEASURES

Frank Lutz III	538 Stanley Ave.	Dep. Inspector	\$30.00 Day	Eff: 12-31-84
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RE: SCHEDULED MEETINGS

President Borries said the Commissioners are to meet with the residents at Mann and Bixler Roads tomorrow at 1:30 p.m., in regards to the drainage problem in that area.

RE: BRIEF COMMENT ON PRECINCT CHANGES

Commissioner Cox said some weeks ago the County Clerk came before the Commissioners and requested some changes in some precinct lines and she would like to know the status of this that the filing date is the first part of February and we should be working on this.

President Borries said in reviewing his mail this week he had communication from Mrs. Kuebler and he immediately sent it to the Surveyor's office and he will personally contact the Surveyor's office this week and see what progress has been made in the matter.

RE: BRIEF COMMENT ON DRAINAGE PROBLEM AT AIRPORT

Commissioner Cox said concerning the drainage at the Airport, did we ever receive a report from Elvis Douglas, of the Soil and Water Conservation Department.

President Borries said to his knowledge....no, but he will also try to make contact with Mr. Douglas and see what progress has been made in that area.

There being no further business, President Borries declared the meeting recessed at 3:45 p.m.

PRESENT:COUNTY COMMISSIONERSCOUNTY AUDITORCOUNTY ATTORNEY

Richard "Rick" Borries
Robert L. Willner
Shirley Jean Cox

Pat Tuley (Chief
Deputy Auditor)

Paul Wallace (Acting
County Attorney)

SECRETARY:

Janice Decker

Richard Rick Borries
Robert L. Willner
Shirley Jean Cox
BOARD OF COUNTY COMMISSIONERS

COUNTY COMMISSIONERS MEETING
JANUARY 9, 1984

The meeting of the County Commissioners was held on Monday, January 9, 1984, at 2:30 p.m. in the Commissioners Hearing Room.

The minutes of the previous meeting were approved as engrossed by the County Auditor and the reading dispensed with.

RE: OPENING OF BIDS FOR GUARDRAILS, POSTS, TERMINAL END SECTIONS, ETC.

Commissioner Willner moved the County Attorney proceed with the opening of the bids. Commissioner Cox seconded the motion. So ordered.

RE: DAVID GERARD - E.U.T.S. - COVERT AVENUE EXTENSION

Claim: Mr. Gerard said his first order of business is to submit a blue claim from the City of Evansville, in regards to the Covert Avenue Extension Project. He explained this is in the amount of \$120,000.00 and is an estimated fee for right of way acquisition and it is the full 100%, so as the city, being the lead agent, files for reimbursements back from the Federal Highway Administration, then 75% of that total will be reimbursed back to the county.

Commissioner Willner moved the claim be approved. Commissioner Cox seconded the motion. So ordered.

Mr. Gerard said also in regards to the Covert Avenue Extension Project, he would like to present a Resolution which will cause the city to continue to be the lead agency for this project. The Resolution reads as follows:

WHEREAS, the Covert Avenue Extension is a major component of the Adopted Transportation Plan for the Evansville Urbanized Area, and

WHEREAS, the Covert Avenue Extension is a cooperative project of the City of Evansville, Vanderburgh County and Warrick County.

THEREFORE, BE IT RESOLVED by the Board of Vanderburgh County Commissioners that the City of Evansville shall continue as the lead Local Public Agency and the City of Evansville and its agents shall continue to represent Vanderburgh County in the right-of-way and construction phases of the Covert Avenue Extension.

Mr. Gerard said if the Commissioners would like to change the format this Resolution can be taken under advisement.

Commissioner Cox asked if the Commissioners have done this before and he replied no, they have not, that when the funds were applied for, for the engineering work, the County, the City and Warrick County each individually submitted an application for federal funds. In looking at the paper work he would guess the State Highway designated the City as the lead agency.

Commissioner Cox asked if Warrick County will have to sign one of these Resolutions also and Mr. Gerard replied yes.

Commissioner Willner said he sees no problem with the arrangement as it presently is, therefore, he would move the Resolution be approved and signed today. Commissioner Cox seconded the motion. So ordered.

RE: KIM BITZ....VANDERBURGH AUDITORIUM

Mr. Bitz said he would merely like to update the Commissioners on the progress being made at the Auditorium, that dates are now being set up to begin work on the terrazzo floor in the Gold Room and the stage. They had several windows and one door, in the lobby, that had been shot at with a BB gun and they just finished replacing those today, and he will see this is turned into the insurance company immediately.

This past Friday the inspection was completed on the stage house and he is expecting a report within the next two (2) weeks. They did however see a few things wrong and they took some photographs and notes and he believes the recommendations will be sent directly to the Commissioners. The Philharmonic Show is presently hanging on a pipe that is bent and they recommend that as soon as the Philharmonic is over that we take that piece down and rest it up against the back wall. These recommendations were made by Tiffin Scenic Studio, of Tiffin, Ohio, who originally installed the equipment and stage curtains at the Auditorium.

He reported concerning the accousticals at the Auditorium, that he understands the report is completed and has been mailed to John Wright, in New Orleans, who is the consultant with the firm and we should be receiving this very soon. This study was conducted by Jaffe Accoustics, Inc. of Norwalk, Conn.

The only other thing he would like to report is that the Carrier representative, Harvey French, will be in town this Wednesday afternoon and would like to meet with the Board of Commissioners concerning the water treatment at the Auditorium.

President Borries told Mr. Bitz to check with him later and they would set up a convenient time, that he would be happy to meet with him.

RE: MARK TULEY....BURDETTE PARK

Check Received for Reimbursement for BSA Grant: Mr. Tuley said he received the check from the state for \$10,688.19 for the reimbursement for our Small Business Administration Parks and Recreation Development grant and he would submit a quietus showing it was deposited in account 505-145 A, through the County Auditor's office.

Year End Financial Report: Mr. Tuley submitted the following report:

1983 Starting Budget

1983 Budgeted	\$509,237.00
1982 Encumbered by P.O.	\$ 17,475.92
1982 Encumbered by Contract	\$ 67,764.92
1983 Insurance Reimbursement	<u>\$ 6,116.44</u>

Total 1983 Budget	\$600,594.28
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Returned to General Fund	-\$ 41,500.00
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Remaining 1983 Budget	\$559,094.28
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Insurance Reimbursement	<u>\$ 2,116.00</u>
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Total 1983 Budget	\$561,210.28
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Appropriation from County Council	<u>\$ 50,000.00</u>
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Total 1983 Budget	\$611,210.28
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Expenditures and Balance 1/1/83 to 12/31/83

Total Expenditures	\$533,165.94
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Encumbrances Carried Forward to 1984	\$ 76,851.88
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Total Balance	\$ 1,192.46
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Income 1/1/83 to 12/31/83

Pool	\$ 89,543.90
Rink	\$ 38,755.11
Rentals	\$ 56,808.47
Miscellaneous	<u>\$ 16,235.72</u>
Total	\$201,343.20

1/1/83 to 12/31/83

Total Expenditures	\$533,165.94
Total Income	\$201,343.20
Total Deficit	\$331,822.74

President Borries asked Mr. Tuley if there has ever been a time when the income exceeded \$200,000.00 and he replied no, that the highest it has ever been was \$159,000.00.

Mr. Tuley said the second page of his report shows previous deficits, as follows:

1981.....	\$471,421.52
1982.....	\$427,748.15
1983.....	\$331,822.74

Commissioner Cox said, in regards to Total Expenditures, in the amount of \$533,165.94, that in addition to this you also will be spending the \$76,851.88 that you encumbered into 1984, and also the \$76,000.00 plus that you encumbered, is this by P.O. or by contract and Mr. Tuley said he does not have that breakdown but he believes Mrs. McBride does.

Mrs. McBride said the entire \$76,800.00 is by contract.

Commissioner Cox said the \$331,822.74 showed for total deficit, is this actual and Mr. Tuley said yes, because the money you see there will not be spent until 1984.

President Borries said he believes Mr. Tuley has made some significant steps at the park and it is still going to be a tight situation with the cuts that have had to be made.

RE: COUNTY ATTORNEY...DAVID JONES

Bids for Guardrails, posts, etc Read Aloud: Mr. Jones said there were three (3) bids received for the guardrails, posts, terminal end sections, etc. received and they are as follows:

ALLMETAL OF EVANSVILLE, INDIANA

12 Ga. Guardrail 12'6" length Galv. with Bolts and Nuts.....	\$4.55 Ft.
Galv. Guardrail post 4" X 6" X 5'9" 8.5# ft.....	\$27.75 Ca.
Galv. Guardrail post 4" X 6" X 5'9" 15.5# ft.....	\$45.80 Ca.
Terminal End Sections (1'6" dia.).....	\$23.50 Ca.
Flared End Sections.....	\$20.75 Ca.
Transition End Sections (Bridge to Rail).....	\$24.24 Ca.

Bid in order.

Delivery can be made within 7-14 days after receipt of order.

Prices are firm for one year from above date.

To be delivered anywhere within Vanderburgh County as directed by the Supervisor.

BAUER BROTHERS GENERAL CONTRACTORS, INC. OF EVANSVILLE, INDIANA

12 Gauge Guardrail.....	\$3.89 Ft.	
Posts 4' X 6" X 5'9".....	\$27.00 Each	
Terminal End Sections.....	\$23.00 Each	
Transition End Sections.....	\$23.00 Each	(Bid in order)

1,000 l.f. minimum order required.

Allow two (2) to four (4) weeks delivery.

These prices are firm through the 1984 calendar year.

Mr. Jones said the County Auditor would have to check and see if all three of these bidders have filed the mandatory questionnaire, that they are not enclosed with their bids, however, the statute provides they have to file it only one (1) time per year, so he will condition his acceptance of these bids to their having filed that document, and if there is not one on file the bid is not in order and should be thrown out.

JAMES H. DREW CORP. OF INDIANAPOLIS, INDIANA

10 Ga. Guardrail 12'6" Galv. w/hdwe.....\$5.40 per l.f.
 10 Ga. Guardrail 12'6" (Shop Curved) Galv. w/hdwe...\$6.55 per l.f.

12 Ga. Guardrail 12'6" Galv. w/hdwe.....\$4.55 per l.f.
 12 Ga. Guardrail 12'6" (Ship Curved) Galv. w/hdwe...\$5.70 per l.f.

Standard End Wings.....\$20.00 Each
 Posts 4' X 6" X 6'0" Galv. w/hdwe.....\$36.40 Each
 Posts 6' X 6" X 6'3" Galv. w/hdwe.....\$59.20 Each
 "C" Splice Plates.....\$28.50 Each

Bridge Post 6" X 6" X length Galv.....\$13.85 per l.f.
 Bridge Posts 5" X 3½" X ½" X length Galv.....\$12.50 per l.f.
 Bridge Inserts for Bridge Rail Posts ¾"
 (Furnished and Installed).....\$30.00 Each
 Bridge Post Spacers.....\$ 4.00 Each
 ¾" Bridge Post Hardware.....\$ 2.00 Each
 5" Channel. Galv. Punched 6'3".....\$5.00 per l.f.

USED GUARDRAIL IF AVAILABLE F.O.B. OUR YARD

12 ga Guardrail w/hdwe.....\$2.25 per l.f.
 4" X 6" X 5'9" or 6'0" Post w/hdwe. Painted.....\$10.00 Each
 4" X 6" X 5'9" or 6'0" Post w/hdwe. Galv.....\$15.00 Each
 6" X 6" X 6'3" Post w/hdwe. Galv.....\$20.00 Each
 End Wings w/hdwe. Galv.....\$ 7.50 Each
 "C" Splice Plates w/hdwe. Galv.....\$10.00 Each

INSTALLATION PRICES

1----300 l.f.....\$1,200.00 Minimum
 301--500 l.f.....\$4.00 per l.f.
 501--750 l.f.....\$3.85 per l.f.
 751--1,000 l.f.....\$3.70 per l.f.
 Over 1,000 l.f.....\$3.50 per l.f.
 2 or 3 Panel Buried Ends into Ground Level.....\$50.00 Each

ALL OF THE ABOVE NEW MATERIAL CONFORMS TO THE INDIANA HIGHWAY SPECIFICATIONS.

Mr. Jones said a lot of the items listed in the above bid, he does not know what they are, however, he would leave that to someone in the Surveyor's office to qualify.

Commissioner Willner moved the bids be taken under advisement and referred to the Purchasing Department and the Surveyor's office, for their recommendation next week. Commissioner Cox seconded the motion. So ordered.

Agreement With Alexander Ambulance Service: Mr. Jones submitted the original and a copy for each Commissioner of the Agreement with Alexander Ambulance Service, as prepared by Attorney Miller. He is not requesting any action be taken at this time, merely that the Commissioners take it under advisement.

Ordinance to Regulate Inspection and Copying of Public Records: Mr. Jones presented each Commission with a copy of an Ordinance to regulate inspection and copying of public records and in regards to the same matter he presented each one with a copy of a memorandum from himself which he proposes to be sent out to all department heads and officeholders. His memorandum explains the new ordinance. Since the Ordinance contains a penalty section, it would have to be properly advertised for two (2) successive weeks before adopted. He knows there has been a lot of confusion in the offices about what is public record and what isn't and the Ordinance as well as the memorandum is designed to try to address these problems. Basically it calls for each office to set their own fees for copies because of the various copying equipment, that some costs more than others do to make copies on. He explained there are three (3) types of public records, that there are Mandatory Disclosure, Discretionary Disclosure and Mandatory Non-Disclosure records, and these are all explained in his memorandum.

President Borries said this ordinance and memorandum should be taken under advisement.

Commissioner Willner asked if this needs to be advertised and Mr. Jones replied yes it will have to be before final action can be taken on it.

Preliminary Report in Regards to Autopsies Being Performed: Mr. Jones said he could give a preliminary report with respect to the Coroner's office, that he would give the Commissioners the same legal advice that he gave the County Council. He said the jurisdiction of the Coroner covers the autopsies to be performed for a person who has died "in the county", that there is no jurisdiction for the Coroner to perform an autopsy wherein the death occurred outside of Vanderburgh County. There is an Attorney General's opinion that says it cannot go beyond the boundary of the county and that itself may very well answer the question of can we perform autopsies for other units of governments. He said there is also another statute that provides costs of any positions that are employed, etc. to perform autopsies, lab tests and all that goes with it, is to come from the County Treasurer. We have found no authority anywhere which would justify for instance collection from the decedent's estate and he believes it has been this way ever since state government was set up. He would also say that when the death occurs in our county, it doesn't matter where the person resided, that the key is...the death occurred in this county. Finally, because of the inability to lay hands on anything in the law which would authorize this, he would recommend the Commissioners have one of our area Legislators request an Attorney General's opinion on the question of whether or not the Coroner can charge fees and under what circumstances he can do so, because he believes he has reached his limits of being able to say he finds any authority to do so. He has not found anything that says no, but without anything that gives that authority he would not do so in this instance, that he believes the consequences could be too great.

Report on Jail Suit: Mr. Jones reported that although we have reached a written settlement on the jail suit, with Legal Services and the inmates, we have hit a snag. He has forwarded copies of the settlement agreement to the Sheriff, the Commissioners, the County Council and asked each one to review it and advise him of any questions, problems, corrections, additions, etc. and it was then his intent to make any changes and then it would come back for public meetings for approval, however, that is now going to be delayed because all of the bids on the jail project came back in excess of the amount of the grant, therefore, we cannot go forward. He has taken the liberty of requesting and seeking additional monies from Washington to come up with the difference and if we can't get additional monies from Washington, which is about \$10,000.00, then we will have to ask the Building Authority to bear some additional expense and having the architect to prepare a new set of specifications, because the agreement says that no bid can be accepted that exceeds the \$250,000.00 grant, and that is where we stand right now.

Notice of Claim...Danny McGill: Mr. Jones said he has received a notice of claim from a one Danny McGill, concerning a traffic accident on State Road 66 and this should be referred to the County's Roads and Streets Insurance carrier.

Notice of Claim...Judy Oldham: Mr. Jones said he has received a notice of claim from a one Judy Oldham, which is a property loss claim, that her purse was stolen while visiting the Vanderburgh County Jail. This claim should be referred to the County's Liability carrier.

Suit Filed by Elizabeth May: Mr. Jones said the county has once again been sued by Elizabeth May, who sued us previously, and in spite of the fact that suit was dismissed in State Court she is now going back, with counsel, and filed again in Federal Court. He has taken the liberty of immediately referring this one to the Law Enforcement Liability carrier, who defended the last one she brought before the county and he assumes they will pick up the defense of this second go around with her.

Suit Filed by KFL, Inc.: Mr. Jones we have been in hearings for preliminary injunction in an action that was brought by KFL, Inc., of Ft. Wayne, Indiana. KLF was an unsuccessful bidder for the new telephone system for this building. As a result of that litigation and a finding to be entered by the court, the bid which had been initially accepted by the Building Authority, which is AT&T Information Systems, has been declared not responsive to the specifications and a permanent injunction has been issued by the Vanderburgh Superior Court restraining the Building Authority of Vanderburgh County/City of Evansville and the Evansville-Vanderburgh School Corporation from entering into a contract with AT&T. It was apparent to all counsel for the defendants, as a result of testimony from the expert witness produced by KLF, that AT&T did not comply with the Specifications and in particular with Alternate #7, which called for electronic telephones. There was a great deal of technical information produced and much of it was way over his head and he did not understand much of it. He said AT&T is now out and it goes back to the Building Authority and they could accept the next lowest responsive bid or they could reject all bids and start over again. In view of the fact that our own expert who prepared the specifications indicated that they weren't really qualified to do

so may have a bearing on what happens.

Mr. Lear, President of KLF was present in the audience and came forth to speak at this time. He stated his main purpose is to discuss what he sees are the benefits and the pros and cons of proceeding with awarding the bid to the next lowest responsive remaining bidder vs throwing all bids out, developing new specifications and starting over. He would say that in an effort of good faith from the Building Authority they set out to develop a very open set of specifications so that all interested parties could bid to those specs and there is a certain hazard when you do that, in that, whenever they, who are engaged in the business on a daily activity, they have a lot of knowledge of their competitors product and they know, for instance, on any given bid, probably what AT&T is going to bid and about where they are going to be on price and they all likewise try to figure out those things with respect to KLF's bid. He said there was a specific specification requirement within the bid specs, in terms of the amount of traffic, that is the simultaneous calls going on at any one given time in the telecommunications system, and the number that was set in the bid specs gave us enough inside information about the competitors bid to know they would be bidding a low price system, that it simply afforded them the opportunity to sell a Volkswagen when a Cadillac may have been required, and since KLF sells only one product....lets say it is the Cadillac and we offered it at the Volkswagen price. If you were to hire a knowledgeable tele-communications consultant and he were to sew up all the holes in the bid and tighten them up, so that you were getting a quality telephone system, then you would be better off. It would cost additional money to prepare new specifications and there would be delays and for every month's delay you are going to have to continue to pay rent on the existing system, so he believes there are some favorable economies toward taking action now.

Lastly he would like to indicate to the Commissioners that they brought this action because they felt it was justified and he believes the action of the court proved this. He believes AT&T placed the governmental units in jeopardy because they misrepresented their product. He would ask the Commissioners to give serious consideration to allowing the Building Authority to simply proceed with their evaluation of the remaining bids.

He thanked the Commisisoners for allowing him to be heard.

Letter Concerning the Evansville Psychiatric Children's Hospital: Mr. Jones received the following letter dated December 27, 1983, that it is a copy of a correspondence from Judge Lensing to Mr. Tom Jones. Attorney Jones read the letter aloud at this time.

Dear Mr. Jones:

For several months we have been receiving billing notices for care provided by your hospital for children including William Slaton, Philemon Dillard, Kristina Murphy, Carole Villines and Timothy Gene Stewart. These bills total over \$48,745.

When I inquired as to why your agency was billing Vanderburgh County for this care I was informed that it was at the direction of Indianapolis and that Indianapolis was relying on a state statute 31-6-4-18, a copy of which is enclosed in this letter.

This is a statute which empowers the Juvenile Court as part of a dispositional hearing to order treatment for a child or parents and order the costs of said treatment paid by the local county. However in each of the cases at hand after reviewing the individual docket sheets, I have not ordered the county to pay the costs, therefore, the statute does not apply in these cases.

We appreciate the close cooperation between the court and your institution and feel fortunate to have such a facility, with such an excellent staff in our community.

If you have any questions concerning this matter, please contact me at my private telephone number 426-5125

Respectfully,
Robert W. Lensing, Judge
Vanderburgh Superior Court
Juvenile Division

Mr. Jones said he believes that any billings we receive in the future should certainly be flagged and not paid automatically and verified with Judge Lensing and he feels this should be done on a case by case basis. He does not know about the \$48,000.00, however, he feels we are in a good position to refuse to pay it, that at this point and time he does not feel the county has a liability for it, however, we will probably hear from the state on the matter.

1-9-84

Comment Concerning the Notice of Claim from Danny McGills: Commissioner Willner said concerning the notice of claim against the County in regards to an accident at the intersection of S.R. 66 and Burkhardt Road, that signal surely belongs to the state of Indiana and not Vanderburgh County, so rather than send this notice to our insurance company he would suggest to go to another authority.

Mr. Jones responded by saying we should still refer them to our insurance carrier, because if there is an error in the facts, that still does not mean they will not sue us, that even if they can't prove it and if we do not notify the insurance carrier they will not defend a fraudulent suit because we violated the policy that anytime we want an insurance company to defend us we must put them on notice, whether it is a good or bad suit.

Commissioner Willner said could we enclose with this notice a statement that it is not the county's and Mr. Jones said yes, in fact, we should do so.

Commissioner Willner said Ms. Meeks should enclose a note telling Helfrich the signal light belongs to the State and not the county.

Comment on County Finances: Mr. Jones said he received a brief note requesting him to prepare an ordinance concerning the investments and interest received in regards to the county's funds, that the last one has expired and therefore he would ask the Commissioners to advise him as to what they want in respect to the interest monies and the disposition of them for 1984.

President Borries said he would like for the Commissioners to give thought to the interest monies so that Mr. Jones can be instructed as soon as possible.

Comment Concerning the Children's Hospital Billing: Commissioner Cox said in regards to the letter that Mr. Jones read from Judge Lensing concerning the children's hospital bills, could these bills be first sent to Judge Lensing by the County Auditor's office, for review before payment is made, that could possibly help the situation.

President Borries said we had some past due bills from another county at the last County Council meeting and Judge Lensing attended that meeting and the names sounded familiar to him so he took the claims with him and was able to work out the matter with the School Corporation in respect to reimbursement, so he would agree with Mrs. Cox that Judge Lensing should see these claims before they are paid.

President Borries asked the County Auditor if her office would forward the bills to Judge Lensing before she pays them and she said yes, she would instruct her bookkeeper to do so.

Ordinance Regulating Computer Usage: Mr. Jones said he has drafted an Ordinance regulating computer usage by all county departments and he has not had a chance to proof it, however, he will mail each Commissioner a copy to read and study and then advise him of any changes to be made. He will also enclose with the Ordinance a copy of an inter-governmental agreement with the city which would create a joint Data Processing Review Board to oversee the operation of the leased computer operation, as it exists. It is in real rough form right now, but he will be sending the Commissioners copies of both documents very soon. He will also be sending the city copies of it.

RE: CHECK RECEIVED FROM CLERK VANDERBURGH CIRCUIT COURT

Mr. Mark Tuley, Manager of Burdette Park received a check in the amount of \$12.50, with the following letter of explanation enclosed.

Dear Mr. Tuley:

Enclosed please find check #55330 from the Clerk of the Vanderburgh Circuit Court in the amount of \$12.50.

This represents the amount paid by one juvenile of his portion of restitution for an incident which occurred on 6-23, 6-24-83 involving the burglary of the concession stand at the park.

Thank you for your patience and support in our efforts for juvenile rehabilitation. We are sorry for the delay in transmitting this to you.

Sincerely,
Theodore K. Gore
Probation Officer

Commissioner Willner moved the check be accepted and endorsed. Commissioner Cox seconded the motion. So ordered.

RE: BILL BETHEL.....COUNTY HIGHWAY DEPARTMENT

Weekly Absentee Report: Mr. Bethel submitted the weekly absentee report of the employees at the county garage for the period of January 2 thru 6, 1984...received and filed.

Weekly Work Report: Mr. Bethel submitted the weekly work report of the employees at the county garage for the period of January 2 thru 6, 1984...received and filed.

Attached to the work report was the following work schedule:

Gradall: Pollack Avenue, #6 School Road, Lynn Road and Hillcrest Home.
Tree Crew: #6 School Road and St. Wendel.
Patch Crew: Evergreen Old State, Arla Jane Drive, Mill Road, Pollack Avenue, Green River Road, Spry Road, Green Briar, Owensville Road, Boonville/New Harmony Road, Baseline Road, St. Wendel Road, Old Henderson Road, Jennings Lane and Nisbet Station Road.
Trash: South Weinbach, Green River Road, Bayou Creek, River Road, Lynn Road and Old Green River.

Washed and polished all snow trucks.
 Completed guardrail on Pollack Avenue.

Complaint of Birch Drive: Commissioner Cox said she recieved a complaint of a bad dip on Birch Drive, immediately as you turn east off of Highway 41 and if this is our jurisdiction she would like it inspected.

Complaint of Woods Avenue: Commissioner Cox said another complaint she recieved is on Woods Avenue, between Hogue Road and Upper Mt. Vernon Road, that the shoulder on the west side of Woods Avenue, about mid-way, are eroded and the pavement is broken and water is standing and there are also some large holes along the right-of-way.

Mr. Bethel took note of the locations and said he would certainly check them out.

Guardrail on Pollack: President Borries said the guardrail on Pollack Avenue really looks nice since it has been completed and he believes it is very adequate.

Mr. Bethel said they are painting the new posts out there today.

Letter of Commendation on a County Highway Employee: President Borries read aloud the following letter of commendation.

Dear Sir:

My car became disabled on route to work on Highway 62 early Tuesday morning and while stranded on the bridge before reaching the downtown area one of the county snow plow drivers pulled up behind me and assisted in getting my car restarted. He was a young, blond man and unfortunately I failed to get his name and in the confusion I may have even failed to say "Thank You". The courtesy displayed by this driver, not to mention his much needed help reflected well on all city and county employees.

I am most grateful for his help and will be most appreciative if you can determine which employee rendered the aid and join me in commending his work.

Sincerely,
 Mr. Craig McKee

President Borries said we have since found out that the employee is J.D. Smith and we do want to commend him.

Mr. Bethel took the letter and said it will be posted on his bulletin board at the garage.

RE: BOB BRENNER....COUNTY SURVEYOR

Weekly Bridge and Guardrail Report: The weekly bridge and guardrail report of the bridge crew for the period of January 2 thru 6, 1984 was received and filed.

Commissioner Cox said she has something for the Surveyors office to check out, that its a ditch on the south side of Schnucks-Walgreen, out in the north park area. It is full of debris and is blocking the large concrete culvert, where it goes under First Avenue. She talked to David Guillaum about this around three (3) weeks ago and he said they do not have the equipment to get in there and get the job done, but she feels with the water problems we have at north park that this area needs to be cleaned out and if we need invitaional bids on it she would like to see it pursued.

Commissioner Willner said he does not think it is a legal drain and that it is the city's problem, instead of the county's.

Commissioner Cox said no, it isn't a legal drain, but it is a culvert under the road and the city people pay into the Cumulative Bridge Fund also and this effects a lot of businesses and residents living in north park, so if bridge funds can be legally used for it she thinks we should go ahead and do the work.

President Borries said Mrs. Cox' request can be forwarded to the Surveyors office and see what action can be taken.

Commissioner Cox gave her note to Mr. Jim Lindenschmidt to forward to the Surveyor.

RE: ANDY EASLEY....COUNTY HIGHWAY ENGINEER

Railroad Crossing on Lynch Road: Mr. Easley reported that the L&N has staked out the curve on Lynch Road, however, he has not yet received an estimate from them, that perhaps he will get it in a few days.

Report of Elmridge Drive: Mr. Easley reported that he and Mr. Bethel spent about two (2) hours last Friday on Elmridge Drive marking pavement to be removed and replaced, as a courtesy to those residents. He has contacted a contractor to get a price to do the work. He has been in contact with some of the residents out there and they have retained legal counsel and they are going to check into the feasibility of using the Barrett Law and he told them that as long as there was no administrative burden to the county that the Commissioners might consider that. He will continue to work on this.

RE: LETTER FROM EVANSVILLE WATER AND SEWER DEPARTMENT - WOLFCREEK SANITARY SEWER

Commissioner Borries read aloud the following letter, dated December 12, 1984 and directed to the Board of County Commissioners.

Dear Mr. Borries:

The purpose of this letter is to respond to your request for a preliminary estimate as to the cost of connecting the above sewer system, located in the area of the University Heights subdivision, to the city sewer system.

The attached estimate total approximately \$399,850.00 is our current estimate for such work. If you require any further information, please don't hesitate to give me a call.

Sincerely yours
Robert M. Leich, Jr., President
EVANSVILLE UTILITY BOARD

Letter Received and Filed.

RE: LETTER FROM HELFRICH INSURANCE AGENCY - SURETY BONDS

President Borries read aloud the following letter from Helfrich Insurance Agency, in regards to Surety Bonds. Letter was dated January 3, 1984 and was directed to the Board of County Commissioners.

Gentlemen;

Per your request, I have reviewed House Bill 2005 regarding bond requirements for County Officials. I have also discussed this matter with several bonding companies and the County Attorney.

Home Insurance Company is currently providing a Public Employees Blanket Bond covering all employees of Vanderburgh County except those required by law to have an individual bond. No blanket bonds are necessary for the individual offices unless mandated by a County Ordinance.

We feel that bonds are necessary only for the following officeholders:

Prosecuting Attorneys, Auditor, Treasurers, Recorder, Surveyor, Sheriff, Coroner, Assessor, Clerk, all Township Trustees and Assessors, plus all appointed board members, commission members, council members, and any employee required by the Board of Commissioners to be bonded.

The amount of each bond shall be determined as quoted from HB 2005.

"The fiscal bodies of the respective units shall fix the amount of the bond of city controllers, city clerk-treasurers, town clerk-treasurers, Barrett Law fund custodians, county treasurers, county sheriffs, circuit court clerks, township trustees, and conservancy district financial clerks as follows:

1. The amount should equal fifteen thousand dollars (\$15,000) for each one million dollars (\$1,000,000) of receipts of the officer's office during the last complete fiscal year before the purchase of the bond, subject to subdivision (2).
2. The amount may not be less than fifteen thousand dollars (\$15,000) nor more than three hundred thousand dollars (\$300,000).

County Auditors shall file bonds in amounts of not less than fifteen thousand dollars (\$15,000), as fixed by the fiscal body of the county. The amount of the bond of any other person required to file an individual bond shall be fixed by the fiscal body of the unit at not less than eight thousand, five hundred dollars (\$8,500.00)"

Our agency can provide these bonds for you at the normal rates established by the Surety Association of America. Please advise us which individuals need to have new bonds.

Very truly yours
John D. Hodge

Commissioner Cox said in his letter, Mr. Hodge recommended that all appointed officials should be bonded.

President Borries said perhaps we should underline "all appointed board members" and have Mr. Lindenschmidt contact Mr. Hodge and get further clarification on that point.

Mr. Lindenschmidt said he has a meeting with Mr. Hodge tomorrow and he will seek clarification on the matter and report back.

RE: LETTER FROM CLERK CONCERNING PRECINCT CHANGES

President Borries read aloud the following letter dated January 4, 1984 and directed to the Board of County Commissioners.

Re: Precinct Changes

Just as a reminder, knowing what a busy schedule we all have at this time of year, I have attached a copy of the calendar from the State Election Board with the dates for the changes requested for precinct 2 in Knight and precinct 20 in Ward I.

Your attention in this matter will be appreciated.

Helen L. Kuebler

President Borries said he talked with Mr. Brenner earlier today and his office is working on this matter and he's hoping to have a proposal from him by next meeting.

RE: LETTER FROM COUNTY ASSESSOR REQUESTING MILEAGE

President Borries read aloud the following letter, dated January 3, 1984, and directed to the Board of County Commissioners.

In the years past this office has cooperated to the fullest with the office of the County Commissioners providing basis of appraisal and review, on site, of tax sale properties. Thus saving the County Commissioners considerable amounts of money. This service was rendered without any compensation; mileage or otherwise. It would be greatly appreciated if money for mileage would be provided.

Sincerely,
James L. Angermeier
Vanderburgh County Assessor

Commissioner Willner said by statute the County Commissioners must have a piece of property appraised before it can go on tax sale and years ago we paid private appraisers to do this for us, sometimes costing us \$500.00 per property and it was only appraised at say \$100.00, so right off the top we would lose \$400.00. The Commissioners decided to have the County Assessor to do the appraising for us, at no cost to the county and he has been doing this for about eight (8) years. He personally feels like we should be paying mileage for this, that they are using their private cars and saving the county untold numbers of dollars.

Commissioner Cox asked if Mr. Angermeier has a mileage account in his budget and Mrs. McBride said yes, but she believes it is for the Inheritance Tax Deputy.

Commissioner Willner said another thing that was discussed upon receipt of this letter is that we do have a county vehicle that we could make available to Mr. Angermeier for the purpose of appraising these properties for us.

Commissioner Cox said if it doesn't work out concerning Mr. Lindenschmidt's county owned vehicle for Mr. Angermeier to use, then he could certainly submit a mileage voucher.

Commissioner Willner said either way that is best, that it doesn't make any difference to him.

Commissioner Cox asked what does the mileage come from for example, the Board of Review, should someone have to go out and review a certain parcel.

Mrs. McBride said Mr. Angermeier does not charge extra for that service, that she has traveled around town with Mr. Angermeier with respect to the Board of Review and he has never turned in mileage for that.

President Borries said to simplify things lets have Mr. Angermeier to submit mileage claims.

Commissioner Willner moved that the request for mileage, as submitted by Mr. Angermeier be approved. Commissioner Cox seconded the motion. So ordered.

RE: LETTER OF RECOGNITION FOR DANIEL T. BYRNE, M.D.

President Borries said we recently reappointed Dr. Byrne to the Board of Zoning Appeals and it has been called to our attention that he has served on this board faithfully for the past twenty (20) years, therefore the Commissioners would like to present Dr. Byrne with the following:

LETTER OF RECOGNITION

At this time we would like to acknowledge your unselfish and dedicated service on the Board of Zoning Appeals, having served on this Board faithfully for twenty (20) consecutive years.

There aren't many people who involve themselves with community service for a thankless job, and for you to have served in this capacity for the past twenty (20) years is indeed an accomplishment on your part.

We wish you continued success on your reappointment and hope you will continue to serve the community for many years to come.

RE: TRAVEL REQUEST....VANDERBURGH CIRCUIT COURT

President Borries read aloud the following travel request submitted by Judge William Miller, dated January 5, 1984.

I have been requested by the State Medical Association to meet with them regarding the drunk driving program at their meeting in Indianapolis on January 18.

Please allow reimbursement of expenses for this trip.

William H. Miller, Judge
Vanderburgh Circuit Court

Commissioner Willner moved the request be granted.

Commissioner Cox said this is not a state mandated meeting and also, how much were we allowed in our travel account.

Commissioner Willner said he believes they were allowed \$5,000.00.

Commissioner Cox said she would remind everyone they would be opening the door for a lot of requests for non-mandated meetings if we start with this one.

Commissioner Willner said yes, this is true, but he really feels that if the Judge has an answer to a very definite problem over the whole United States, that he should be allowed to help. He would say that he thinks the State Medical Association should pay his expenses though.

Commissioner Cox said they could very well pick them up if they are asked to do so.

Commissioner Willner said he would amend his motion to read the request be approved, subject to Judge Miller asking the State Medical Association to pay his travel expenses and if they say no, in writing, then we will pay them from county funds. Commissioner Cox seconded the motion. So ordered.

RE: AGREEMENT WITH DAVID M. GRIFFITH

President Borries said the Commissioners have received the annual agreement to provide professional consulting services from David M. Griffith and Associates, LTD.

Mrs. McBride said we received \$74,161.03 in 1983 as a result of this service and it cost us almost \$12,000.00, so we received quite a savings. Their fee will never be greater than what is collected.

President Borries said according to the population chart, the fee for 1984 will again be \$11,900.00 to the county.

Commissioner Willner moved the Agreement be approved. Commissioner Cox seconded the motion. So ordered.

RE: AGREEMENT WITH SZABO FOODS....FOR THE VANDERBURGH COUNTY JAIL

President Borries said before the Board today is an amendment to the contract with Szabo Foods, for 1984. Also received was the following letter, dated January 3, 1984 and directed to Clarence C. Shepard, Sheriff.

Dear Sheriff Shepard:

Attached you will find the amendment to the contract for the 1984 calendar year. This amendment is based upon the revised menu, which you received in November. At your earliest convenience please have the appropriate signature affixed and return two signed originals for our files.

Once again, I wish to thank you for the opportunity to serve the needs of Vanderburgh County. Should you have any questions, please do not hesitate to contact me.

Sincerely,
Nicholas J. Guaetta
District Manager

Sheriff Shepard was present and stated this increase was anticipated last year and the county council approved additional funds.

Commissioner Cox asked what will be the price, per meal and the Sheriff replied \$1.18, which is a 19¢ increase.

Sheriff Shepard said this meets all state and federal standards and also, if we are ever sued over the food, the suit will be defended by their (SZABO) attorneys.

Commissioner Willner asked if we are required to bid this out and the Sheriff said no, this is an ongoing thing, that we have researched this and as long as we maintain SZABO we do not have to rebid it every year.

Commissioner Willner moved SZABO's amended contract be approved. Commissioner Cox seconded the motion. So ordered.

RE: ANNUAL REPORT FOR VANDERBURGH JAIL

Received and filed was the annual report for 1983, for the Vanderburgh County Jail.

RE: ANNUAL REPORT FOR THE VETERANS SERVICE OFFICE

Received and filed was the annual report, for 1983, for the City/County Veterans Service Office.

RE: ENCUMBRANCES FOR 1984

Submitted by the County Auditor's office was a list of monies encumbered to 1984. Received and filed.

Commissioner Cox asked if the money for the Pigeon Creek Log Jam is on this list and Mrs. McBride said no, that the request for this appropriation will go before the County Council on the 16th of this month and then we must wait for state approval.

Mr. Easley said in regards to the log jam, when will we be in a position to pay a claim on this, or to award a contract.

Commissioner Willner informed him a contract cannot be awarded until County Council approves the appropriation and also not until we receive state approval.

Commissioner Willner moved the encumbrances be approved as presented. Commissioner Cox seconded the motion. So ordered.

RE: PUBLIC OFFICIAL BOND ON COUNTY DEPUTY CORONER

Received and filed and submitted to the County Auditor for proper recording in the County Recorder's office was a public officials bond for Earl K. Cox, Deputy Coroner.

RE: CLAIMS

A claim was submitted for Torian Agency, Inc. for public official bonds for David Wilson M.D. Coroner and for Earl K. Cox, Deputy Coroner, in the total amount of \$60.00 (\$30.00 each).

Commissioner Willner moved the claim be approved. Commissioner Cox seconded the motion. So ordered.

The following claims were submitted by Helfrich Insurance Agency for our 1984 policies.

Work Release - Comprehensive Business Policy - Home Insurance Company.....	\$652.00
Work Release - Workers Compensation Insurance - Home Insurance Company.....	\$374.00
Highway Department - Business Auto Policy - Home Insurance Company.....	\$11,754.00
Highway Department - Comprehensive Business Policy - Home Insurance Co....	\$35,647.00
Highway Department - Workers Compensation Insurance - Home Ins. Company..	\$ 8,773.00
General Fund - Non-owned Aircraft Liability - Ins. Co. of North America.....	\$892.00
General Fund - Workers Compensation Insurance - Home Insurance Company...	\$25,365.00
General Fund - Umbrella Liability - Integrity Insurance Company.....	\$17,500.00
General Fund - Public Official Liability - Home Indemnity Ins. Company...	\$14,123.00
General Fund - Police Professional Liability - Imperial Ins. Company.....	\$14,966.00
General Fund - Yacht Hull Coverage - Indiana Insurance Company.....	\$720.00
General Fund - Comprehensive Business Policy - Indiana Ins. Company.....	\$26,444.00
General Fund - Business Auto Policy - Home Insurance Company.....	\$23,509.00
General Fund - Comprehensive Business Policy - Home Insurance Company....	\$32,621.00

Mr. Jim Lindenschmidt said he and Mr. John Hodge, of the Helfrich Insurance Company went through all the above claims and they are all valid.

Commissioner Willner moved the claims be approved. Commissioner Cox seconded the motion. So ordered.

A claim was submitted by County Attorney David Jones for legal services rendered, in the amount of \$318.00. Attached was an itemized statement to the tenth of the hour.

Commissioner Willner moved the claim be approved. Commissioner Cox seconded the motion. So ordered.

A claim was submitted for Robert E. Fortune for the computer consultant contract, that the County is to pay 83% of it - or - \$2,490.00, for the month of January.

Mr. Fortune should send a claim to the city for the remaining 17% due.

Commissioner Willner asked where the funds are available at to pay the claim for Mr. Fortune and President Borries replied funds are available in the Data Processing budget, however, more funds will have to be put into that budget because we are going to need funds for final payment to Sperry-Univac, and he will have to appear before County Council in regards to those funds.

Commissioner Cox moved the claim be approved. Commissioner Willner seconded the motion. So ordered.

Mrs. McBride said for the Commissioners to be sure and get a written request into her office for the additional monies needed for Sperry-Univac, by the 15th of this month, if they want it heard at the February council call.

Commissioner Cox said she has some question concerning the furniture and office machines in the Data Processing Department, that in looking over the contract she sees no mention of Pulse using our office furniture and machinery, such as typewriters, desks, chairs, etc.

Mr. Jones said you can take them out, that there was no agreement for them to use them, that the agreement calls for office space only.

Mr. Jones said he has requested, from Mr. Fortune, an inventory list, so that we will know exactly what went out of there and what stayed, because some of that stuff in there we bought. Secondly we needed the Commissioners have a written appraisal of what went out so we would have record of its value should a suit ever be filed. If and when he receives this inventory from Mr. Fortune he will inform the Commissioners.

Mrs. McBride said at the beginning of this year inventory lists were sent to all offices requesting they be completed and sent back to her office, so she should be receiving such a list from Mr. Fortune.

Commissioner Cox said if they submitted one last year, then we could compare it with that one, and we could also get notices out to the various offices that this equipment will now be available to anyone needing it.

A claim was submitted for Pulse Systems, for the Data Processing Services from January 1, 1984 thru March 31, 1984, in the amount of \$86,320.00. The following note was attached to the claim.

"Due to the fact that this agreement was not signed until December 22, 1983, we were not able to submit the first invoice 60 days prior to the first calendar quarter beginning January 1984.

It was agreed by all parties that this first invoice would be expedited for payment."

Commissioner Willner moved the claim be approved. Commissioner Cox seconded the motion. So ordered.

A claim was submitted for Ashby-Rauscher Agency, Inc. for the public official bond renewal for Alvin E. Stucki, Center Township Assessor, in the amount of \$30.00.

Mr. Lindenschmidt said the Commissioners will find several of these claims for public officials bonds before them today, that they have all been reviewed by John Hodge, of the Helfrich Insurance Agency and they are all valid claims.

Commissioner Willner moved the claim be approved. Commissioner Cox seconded the motion. So ordered.

A claim was submitted for Citizens Realty and Insurance, Inc. for the public official bond for Helen Jane Nicholson, Knight Township Assessor, in the amount of \$30.00.

Commissioner Willner moved the claim be approved. Commissioner Cox seconded the motion. So ordered.

A claim was submitted for Schultheis Insurance for public official bond for Sheriff Clarence Shepard, in the amount of \$75.00.

Commissioner Willner moved the claim be approved. Commissioner Cox seconded the motion. So ordered.

A claim was submitted for Millers Associates Insurance Agency for public officials bonds for the following.

Alice McBride, County Auditor.....	\$53.00
James L. Angermeier, County Assessor.....	\$30.00
Estella M. Moss, County Recorder.....	\$30.00
Lucille Elliott, Chief Deputy Recorder.....	\$30.00
Lewis F. Volpe, County Treasurer.....	\$508.00

Total.....\$651.00

Mr. Lindenschmidt said as the Commissioners will notice there have been two (2) items marked off of this claim, one being for the Auditor's employees and one being for the Treasurer's employees, that after they were reviewed by Mr. Hodge, it was discovered these people are covered by the county's blanket bond. The rest of the bonds are valid.

Commissioner Cox said why is Mr. Volpe's so high, at \$508.00 and President Borries said evidently it is because of the enormous amount of money that goes through his office.

Commissioner Willner moved the claim be approved. Commissioner Cox seconded the motion. So ordered.

RE: EMPLOYMENT CHANGES....APPOINTMENTS

VANDERBURGH COUNTY HIGHWAY DEPARTMENT

Steven J. Craig	R.R. 2 Box 90	Laborer	\$6.47 Hour	Eff: 1-1-84
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PIGEON TOWNSHIP TRUSTEE

June Hallenberger	1409 Fountain	Clerk	\$11,500.00 Yr.	Eff: 1-1-84
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VANDERBURGH COUNTY SHERIFF

Kevin J. Merritt	1129 E. Chandler	Pro. Patrolman	\$15,743.00 Yr.	Eff: 1-1-84
Timothy W. Heath	1219 S. Governor	Pro. Patrolman	\$15,743.00 Yr.	Eff: 1-1-84
Mary L. Beaven	2615 Glenn Avenue	Pro. Patrolman	\$15,743.00 Yr.	Eff: 1-1-84
Roy J. Burris	509 E. Riverside	Pro. Patrolman	\$15,743.00 Yr.	Eff: 1-1-84
Jerry W. Oschner	112 Althaus	Pro. Patrolman	\$15,743.00 Yr.	Eff: 1-1-84
Frank G. Lutz III	1301 W. Missouri	Pro. Patrolman	\$15,743.00 Yr.	Eff: 1-1-84
James W. Spence	4206 Tremont	Pro. Patrolman	\$15,743.00 Yr.	Eff: 1-1-84
Michael Hertweck Sr.	741 Herndon	Pro. Patrolman	\$15,743.00 Yr.	Eff: 1-1-84
Jeffery C. Johnson	16040 Valley Ct.	Pro. Patrolman	\$15,743.00 Yr.	Eff: 1-1-84
David A. Weiss	1018 N. Third Ave.	Civ. Jailer	\$15,743.00 Yr.	Eff: 1-1-84

PROSECUTOR

Mark A. Foster	710 E. Christian	Dep. Prosecutor	\$18,000.00 Yr.	Eff: 1-1-84
Scott R. Bowers	6433 Newburgh Rd.	Dep. Prosecutor	\$18,500.00 Yr.	Eff: 1-1-84

CLERK OF CIRCUIT AND SUPERIOR COURTS

Dorothy Wolf	125 N. Weinbach	Support Clerk	\$11,298.00 Yr.	Eff: 1-1-84
Jackie Head	614 S. Red Bank Rd.	Asst. Sup. Clerk	\$11,490.00 Yr.	Eff: 1-1-84
Beverly Abell	3417 Austin	Deputy Clerk	\$10,760.00 Yr.	Eff: 1-1-84

CIRCUIT COURT

Robert L. Saunders	P.O. Box 3902	Asst. Prob. Off.	\$20,262.00 Yr.	Eff: 1-1-84
Larry G. McDowell	1101 S. Lombard Ave.	Pro. Officer	\$17,179.00 Yr.	Eff: 1-1-84
Shirley A. Roll	1709 S. Vann Ave.	Law Librarian	\$10,760.00 Yr.	Eff: 1-1-84

RE: EMPLOYMENT CHANGES.....RELEASESPROSECUTOR

Mark A. Foster	710 E. Christian	Dep. Prosecutor	\$16,000.00 Yr.	Eff: 1-1-84
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VANDERBURGH COUNTY SHERIFF

Jeffery C. Johnson	16040 Valley Ct.	Civ. Jailer	\$11,808.00 Yr.	Eff: 12-31-84
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CLERK OF CIRCUIT AND SUPERIOR COURT

Dorothy Wolf	125 N. Weinbach	B & F Clerk	\$10,760.00 Yr.	Eff: 1-1-84
Jackie Head	614 S. Red Bank Rd.	Deputy Clerk	\$10,760.00 Yr.	Eff: 1-1-84
Beverly Abell	3417 Austin	Assist. Support	\$11,490.00 Yr.	Eff: 1-1-84
Ella Mae Sheets	3307 Bayard Park	Deputy Clerk	\$10,760.00 Yr.	Eff: 1-1-84
Beatrice Phillips	1132 Lohoff	Support Clerk	\$11,298.00 Yr.	Eff: 1-1-84
Anna Mae Wolf	3124 W. Maryland	Deputy Clerk	\$10,760.00 Yr.	Eff: 1-1-84

PIGEON TOWNSHIP TRUSTEE

Carol S. Robbins	1249 E. Illinois	Clerk	\$11,000.00 Yr.	Eff: 12-31-84
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SURVEYOR

Gene Kautzman (203)	118 E. Chandler	Project. Eng.	\$18,000.00 Yr.	Eff: 1-1-84
Jerry Oschner (106)	112 Althaus Ave.	Instrumentman	\$14,905.00 Yr.	Eff: 1-1-84

VANDERBURGH COUNTY DATA PROCESSING

Sarah J. Read	753 Douglas Dr.	Part-time	\$ 5.00 Hour	Eff: 1-1-84
Steven D. Schuetz	4600 Greencove	Part-time	\$ 4.00 Hour	Eff: 1-1-84
LaDonna S. Ralph	R.R.1 Mt. Vernon	Programmer/Anal.	\$20,929.00 Yr.	Eff: 1-1-84
Betty J. Denk	1254 Western Hills	Programmer	\$15,500.00 Yr.	Eff: 1-1-84
David B. Musgrave	4304 Pennington	Operations Mang.	\$10,431.00 Yr.	Eff: 1-1-84
Katie Dee Hewins	2315 East Powell	Night Operator	\$ 8,300.00 Yr.	Eff: 1-1-84

Releases Continued:CIRCUIT COURT

Larry G. McDowell	1101 S. Lombard Ave.	Asst. Prob. Off.	\$19,762.00 Yr.	Eff: 1-1-84
Robert L. Saunders	P.O. Box 3902	Probation Officer	\$16,679.00 Yr.	Eff: 1-1-84
Shirley A. Roll	1709 S. Vann Ave.	P/T Law Librarian	\$5.00 Hour	Eff: 1-1-84

RE: SCHEDULED MEETINGS

President Borries reported he will be talking to the Mayor's office in regards to a meeting with the Humane Society, concerning complaints at the Dog Pound. The time and day has not yet been set, but it will be some day this week.

President Borries reported that this coming Thursday he will be in Indianapolis, chaperoning a group of Central High School students on a trip to the Indiana State Legislature. At 10:00 a.m. on Thursday the I.S.U.E. Independence Bill will be heard in the Senate Education Committee and we hope being there will lend support to that effort. The Commissioners approved a Resolution on this sometime ago and perhaps he could take that with him.

President Borries reported that also this week he will be meeting with the Lyn-gas officials, that he understands their chief executive officer will be in town one day this week and when he arrives a time and date will be set up to meet with him.

RE: OLD BUSINESS TO BE DISCUSSED

President Borries said concerning old business, he did meet this past week with the Humane Society officials and he did view the Dog Pound with Mr. Sam Elder of the City/County Health Department. He said at this point and time he has not seen anything in writing from the Humane Society but they have expressed some interest as to the future of the operation of the Dog Pound. He did find the Dog Pound clean when he visited it and the animals were properly provided with food and water. He will continue to meet with the Humane Society and try to get their concerns in writing and he will keep the other commissioners informed of any progress and/or changes.

President Borries said there was a meeting concerning consolidation issues this week, however he did not attend. He has not seen any plan concerning this issue, therefore, he is not prepared at this time to give any type of report, but the Commissioners should always keep an open mind in anything that could be feasible and more efficient.

President Borries said in regards to the Lyn-gas, as he previously stated, he will meet with their representative this week.

In regards to the Airport drainage problem, we hope to receive a report from Mr. Elvis Douglas very soon.

There being no further business, President Borries declared the meeting recessed at 4:50 p.m.

PRESENT:COUNTY COMMISSIONERS

Richard "Rick" Borries
Robert L. Willner
Shirley Jean Cox

COUNTY AUDITOR

Alice McBride

COUNTY ATTORNEY

David Jones

SECRETARY:

Janice Decker

Richard Rick Borries
Robert L. Willner
Shirley Jean Cox
BOARD OF COUNTY COMMISSIONERS

COUNTY COMMISSIONERS MEETING
JANUARY 16, 1984

The meeting of the County Commissioners was held on January 16, 1984, at 7:30 p.m. in the Commissioners Hearing Room with President Borries presiding.

The minutes of the previous meeting were approved as engrossed by the County Auditor and the reading of them dispensed with.

RE: REZONING PETITION...VC-12-83...FIRST READING

Petitioner: Busler Enter. Inc.....401 Diamond Avenue, Evansville, Indiana
Owner of Record: Same

Premises affected are situated on the east side of St. Joseph Avenue, on the south side of the corner formed by the intersection of St. Joe Avenue and Diamond Avenue. The common address is 2331 Buchanan Road and the above described real estate is presently zoned C-4. The requested change is to M-1. The present existing land use is restaurant, warehouse, office and service station and the proposed land use is same with addition of Class III Sanitary Landfill.

Commissioner Willner moved rezoning petition VC-12-83 be approved on first reading and referred to the Area Plan Commission. Commissioner Cox seconded the motion. So ordered.

RE: REZONING PETITION...VC-13-83...FIRST READING

Petitioner: William Jack Nellis...6526 Old State Road, Evansville, Indiana
Owner of Record: Same

Premises affected are situated on the west side of St. Joseph Avenue on the south side of the corner formed by the intersection of Diamond Avenue and St. Joe Avenue. The common address is 2520 N. St. Joe Avenue and the above described real estate is presently zoned A and the requested change is to C-4. Present existing land use is none and the proposed land use is for a car wash and office.

Commissioner Willner moved rezoning petition VC-13-83 be approved on first reading and referred to the Area Plan Commission. Commissioner Cox seconded the motion which carried unanimously in the affirmative.

RE: REZONING PETITION...VC-14-83...FIRST READING

Petitioners: Citizens National Bank..20 NW 3rd, Evansville, Indiana
Paul K. Neville..P.O. Box 2359, Evansville, Indiana
Owner of Record: Citizens National Bank

Premises affected are situated on the east side of North Green River Road, a distance of 1500 feet north of the corner formed by the intersection of Theater Drive and North Green River Road. The common address is 2600 N. Green River Road and the above described real estate is presently zoned A and the requested change is to R-3. Present existing land use is agricultural and the proposed land use is to build a 268-unit apartment complex.

Commissioner Willner moved rezoning petition VC-14-83 be approved on first reading and referred to the Area Plan Commission. Commissioner Cox seconded the motion which carried unanimously in the affirmative.

RE: REZONING PETITION...VC-10-83...THIRD READING

Petitioner: Hardee Glisson, Jr., 2220 First Avenue, Evansville, Indiana
Owner of Record: Robert Hornbrook, 225 LaDonna Blvd, Evansville, Indiana

Premises affected are situated on the west side of St. Joseph Avenue, a distance of 400 feet south of the corner formed by the intersection of Lexington Avenue and North St. Joseph Avenue. The common address is 3820 N. St. Joseph Avenue and the above described real estate is presently zoned A and the requested change is to M-1. The present existing land use is vacant and the proposed land use is a salvage yard.

Mr. Curt John, attorney, was present to represent the petitioner, Mr. Glisson and he came forth at this time and stated approximately one (1) month ago the Commissioners had third reading on this same petition and at that time it was indicated that upon the

submission and approval of a site plan, which we would stipulate to, you would grant the request to rezone this particular property located at 3820 North St. Joseph Avenue. He submitted a stipulated site plan to the Area Plan this past Thursday and he has since received a call informing him they need a 25' green area, plus some additional parking space, so in order to satisfy that request he has drafted and he will present to the Board, right now, the amended site plans. He also presented an artist's concept of what Mr. Glisson would like to do with the property should this rezoning be approved. He explained the only difference in the site plan he just submitted and the one he had submitted last Thursday is the new one shows a 25' green area along with a 75' parking area and the new one also shows the approximate area of the existing curb cut, which is on the bottom right hand corner. The chain link fence which surrounds the entire back area of the property will be opaque (strips on the chain links). On the amended ordinance which was submitted to the Auditor's office you will find there is a word which needs to be stricken, that word being "substantially" and is located in Section 4 of the amended ordinance, which will make the ordinance read as follows:

Section 4. That this ordinance is enacted with the express stipulation and agreement of the petitioners, Hardee Glisson and Greg Glisson, that the structure built on the real estate being zoned will be as set forth in the site plan which is now hereby stipulated to and a copy of which is marked Exhibit "A", attached hereto and made a part hereof.

Mr. John said the only change from the original site plan, which was submitted with the original ordinance is the direction the building is facing along with the change that it is ten (10) foot smaller. The original one shows 100' X 50' and this one shows 90' X 50' which is the 10' difference.

Commissioner Willner said will the parking lot be used for customers and employees vehicles only and there will never be any junk vehicles parked in that lot and Mr. John replied this is true, that there will be no junk vehicles in the parking lot, ever. Commissioner Willner said that fact is very important.

Commissioner Cox said what type of surface will be on the drive, where you come off of St. Joe Avenue, into the Salvage Yard and Mr. Glisson said it will all be rock, as will the parking lot and all the other drives on the premises. Commissioner Cox said we have a problem with one out on Hogue Road right now, that the section where the vehicles are towed and stored is not a hard surface and there is a problem with mud being carried out onto the roadway.

Mr. Glisson said that distance would be over 100', that his gates would be 100' from the roadway.

Commissioner Cox said that she would assume the chain link fence would be the standard height and Mr. John said it would be eight (8) foot high, that he had intended to use a possible ten (10) foot fence, but one of the remonstrators wanted an eight (8) foot, so he amended it down.

Commissioner Cox asked if all cars will be kept below this fence, other words, there will be no vehicles stacked above the fence and Mr. Glisson said this is correct, that he will stack no vehicles higher then the fence.

Mr. David Lamont, attorney for the remonstrators was present and stated he represents a group of people who live in the area in question concerning the rezoning petition. Last month he provided several arguments as to even allowing a second junk yard to be placed by the residents and families in this area, due to the health problems and the fact there are over 250 Vanderburgh County voters who have objected to this junk yard and also the fact that it is going to be built by a Mt. Vernon resident. One of the concerns they have and it was mentioned by Mrs. Cox, that there be no double stacking of cars. Also of the fifty (50) or so remonstrators present, only one (1) wanted an eight (8) foot fence, that the remainder wanted a ten (10) foot fence, so we would ask that a ten (10) foot be installed at least along both sides and the back. Another concern which has not been addressed is the fact there is a median across the front of this property which does not allow a turn into Glisson Auto Parts when traveling north on St. Joe Avenue and this certainly creates a safety problem in that the only way to get in is to go down into the residential neighborhood and make a U-turn, so before this is approved they feel the county highway or the state highway should consider making a median cut. Another concern is this is a junk yard and sometimes it is very convenient to start hauling cars in there before it is totally completed and they would like it stipulated that there will be no hauling onto the premises until the work is complete.

Another concern is the fact this will have a rock parking lot and it sets only 100' back and this will obviously cause mud. The junk yard that Mrs. Cox made reference to on Hogue road sets some 200' off the road and they still carry mud onto the roadway. They would like to have the parking lot and entrance drive paved and have the back rocked...where they are going to park their junk vehicles.

Mr. Joe Titzer who owns 3900 and 3906 N. St. Joe Avenue was present and stated he lives directly north of the property in question and where they show a 1,320' depth, his property goes the whole length of that, on the north side. Also he would like to know if the 100' it shows, is that from the center of the road or edge of drive-way, or exactly where.

Mr. John said due to the change which was requested today, the right-of-way will be 50' from the center of the road, so we are talking about 150' from the center of the road to the beginning of the building.

Mr. Titzer said also concerning the fence that is going along his property, how close will it be to the property line and Mrs. Cunningham, Director of Area Plan explained it would be on the property line.

Mr. Titzer said he would like it stipulated the fence be moved to the south four (4) foot, so that Mr. Glisson can maintain both sides of it without coming onto his property.

Mr. Glisson agreed to moving the fence in some 4' to the south.

Mr. Titzer said he also does not see where the entrance to this property is going to be located and Mr. John explained to him that it is on the new site plan and that it is approximately 36' from the property line. and this will be done to comply with any standards as set forth by the Area Plan Commission and the State Highway. Mr. Titzer said the curb cut presently is only 12' wide and there is no way you are going to get a tow truck pulling a vehicle to turn into there, that the driveway will have to be widened.

Mr. Glisson said he has only ten (10) feet where he is presently located and they can make it from the right hand lane, turning right into his establishment.

Mr. John said he is certain his client will agree to make a larger curb cut if it causes problems getting in and out of the business.

Mrs. Cunningham said EUTS recommendation is a 30' curb cut, with a 20' radius.

Mr. John said if they are allowed to extend the drive, it will be extended to the south.

Mr. Titzer ask if a median cut could be made in front of Glisson's and Commissioner Willner said he agrees with the median cut, that the Commissioners had to do the same thing for Commercial Court after the state highway was through with it. Our County Highway Engineer could study the feasibility of having a median cut in that location.

Commissioner Cox said if a median cut would be allowed, would the petitioner be willing to pay the expenses for it and Mr. Glisson said that would depend upon what the expense would be.

Commissioner Willner as an example, on Commercial Court, the subdivider paid to have the curb removed and the county paved it, so it wasn't too much for either concerned.

Mr. Bill Bethel, County Highway Supervisor said this is correct.

Commissioner Willner said we tried to get some median cuts in St. Joe, but the road was already being built and we were too late to get them changed without a large cost to the county and that is why they weren't put in at the time the road was built.

Mr. Titzer said he understands there is an ordinance concerning junk yards, etc. and that it states this particular business must be necessary and that it cannot be a nuisance to the neighborhood...well this junk yard is not necessary because there is already one out there and it certainly would be a nuisance to the neighborhood, as many have already stated, prior to tonight.

Mr. Robert Jarvis was present and stated he also spoke before this board last month and he would have to hand it to Mr. John because he stated earlier in his presentation for the petitioner that the County Commissioners had already approved this except bringing some of these things in force and he personally does not believe that is what happened last month. He, along with some of the others are back to remonstrate against this again tonight because a junk yard is a junk yard anyway you cut it but they are really concerned because this is a residential area and we are going to have traffic problems, noise problems and rodent problems and the people out there do not want this, so why not listen to the residents out there that will have to put up with all this, he would ask that it be denied.

Mr. Lamont said another concern is why the overhead garage door in the front of the new structure.

Commissioner Cox said right across the road and down a little bit, there is an area that is properly zoned and down from that we have Commercial Court which was set aside for commercial development and she noticed there are some vacant areas and she is wondering if Mr. Glisson couldn't go to the east of St. Joe Avenue because when we had our hearings on the Comprehensive overall development plan for Vanderburgh County and met at various residents and various schools, it was said the western portion of St. Joe Avenue was to remain a residential area and this is what bothers her the most about the entire thing is that we would be putting an M-1 directly in the middle of a residential area...not as a buffer on one end, but in the middle. It is true there is a Salvage Yard already out there but the zoning has not been changed and it will not change, that they are a non-conforming legal and if something happens and they go out of business, that property reverts back to an agricultural or residential, whichever it originally was. She would say had she of been here in December when this was discussed she would have spoken out against it then.

Mr. John said this is going in directly next to an existing salvage yard and secondly Mrs. Cox said the west side of St. Joe is all residential, but we have the K-Mart store and the Commercial area at the corner of Diamond Avenue and St. Joe, which has been rezoned.

Commissioner Cox said when we had these comprehensive overall land development hearings within the past six (6) or eight (8) months, all over, at various locations, it showed in that plan that the area north of Allens Lane and west of St. Joe would remain as residential and the K-Mart and Penny Auto Parts is not past Allens Lane (Road).

Mr. John said the meetings which you speak of that he believes there was one held in German Township and he is not aware if they keep attendance records or not, but he understands there was four (4) or five (5) German Township residents present, according to Mrs. Cunningham.

Commissioner Cox said it makes no difference how many attended the hearings, because we did adopt the plan providing for this and that is what the plans showed.

Commissioner Willner said when he first became aware there was to be a request to have another salvage yard in the area he thought there was no way he could approve of it. He realizes a salvage yard is a no-no to the public, that no one wants to be near them. Since there is already one out there he has somewhat changed his mind and he started off seeing if we could get a good one that would not be offensive to the general public and he believes we have one, that Mr. Glisson has bent over backwards to try to get a beautiful project in out there. The important thing is that he would continue this process and be a good neighbor which he believes he will be.

Commissioner Willner moved that Rezoning Petition VC-10-83 be approved with the amended site plan, with the following stipulations.

1. Driveway extended from 12' to 30'
2. The fence down the north side of the property be brought in to the south 4'.
3. The chain link fence be ten (10) feet instead of eight (8) feet high.
4. No stacking of vehicles higher than the fence.
5. Only customer and employee parking in the front lot and driveway.
6. That the word "substantially" be stricken from the amended ordinance.

Commissioner Cox said what about the rock drive and parking lot, are we going to have the roadway clear of mud and debris with this type of surface.

Commissioner Willner said he believes it would be asking too much to have that area all paved and he thinks that keeping the roadway clean is part of being a good neighbor and Mr. Glisson can treat the rock with oil or calcium chloride and keep the dust down.

Mr. Lamont said they would also like a median cut considered and Commissioner Willner said that will be our job to see that gets done at county expense.

President Borries said a study and estimate will be made by our County Highway Engineer and if a cut is feasible, it will be made part of the site plan.

Mr. Joseph Rupp, 4420 St. Joe Avenue was present and said he owns about 1400' fronting St. Joe Avenue and if median cuts are going to come so freely he would like for the Commissioners to put one in front of his place because it is a very dangerous situation out there.

Commissioner Willner said he would agree 100% and if this would come before the Board of Commissioners as an official request he would certainly see to it that it is studied by the proper authorities.

Mr. Titzer said he would like for the Commissioners to also come out and look at his property, that at one time he had two driveways, one on 3900 and one on 3906 and he was informed he could not have but one driveway, so he now only has one 12' driveway at the 3900 address and he personally feels this was stolen from him.

Commissioner Willner said he will go out and look the property over and get back with Mr. Titzer.

Commissioner Cox said the question of the overhead garage door was mentioned earlier by Mr. Lamont so she would like to ask Mr. Glisson what this door, in the front of the building is to be used for and he replied it would make a better entryway for unloading parts, but he will assure the Board there will be no junk cars going in and out of it, that they will be using only the fence for those.

President Borries said there is a motion on the floor...is there a second.

Commissioner Cox seconded the motion.

Mrs. Titzer asked if there will be any steps taken to control the rodents this junk yard will have.

Commissioner Willner said usually rodents are caused by junk yard dogs, the feeding of animals, that automobiles have nothing for rodents to eat and if there are no dogs and no food on the premises there will be no rodents and he would certainly hope there will be no dogs to bark at night out there.

A gentleman standing (no name given) asked about the drainage in the front of the property, that will Mr. Glisson put a pipe in, or what.

Commissioner Willner said Mr. Glisson cannot stop up the ditch, that if he has a 30' driveway he will have to put pipe under all of it.

The same gentleman asked if the Commissioners approved the comprehensive overall land development plan through the Area Plan Commission then how can this now be changed to M-1.

Commissioner Cox said it is what is called "creeping commercialism". We have had new zoning laws to go into effect and anything that was there prior to the adoption of the new laws came in under a Grandfather Clause and as she explained earlier, as long as the AAA Auto Parts stays in operation it is alright, that it is a non-conforming use.

President Borries said the Comprehensive Plan is a set of recommendations that does hold for a given time, however, it does have to reflect the changes that do come about in certain areas.

Mrs. Cunningham said AAA Auto Parts was a court decision, that the Area Plan Commission took them to court in 1972 and they are allowed to continue to operate.

Mr. Lamont said one fact the Commissioners really need to consider is that there is the potential that someday the AAA Auto Parts may go out of business and it will once again be Agricultural property and you are taking that potential away when you allow another junk yard to be built out there beside the existing one. Years ago the Area Plan Commission did not want a junk yard out there and they went to court over it and the people who wrote the Master Plan do not want one out there and now you, the Commissioners, are about to take a step that will make the first junk yard right. You and I both know if this new one is allowed to go in, with the proper zoning and variances, then even if the existing junk yard should go out of business, you will never take it away from them.

Mr. Rudd said the state and county put in one of the finest roads anyone could want out there and now you are considering putting in spot zoning and you are going to mess up the whole thing.

Mr. John said he would agree a very nice road has been put in out there and one of the reasons that road was installed was that a large portion of that area is now manufacturing, commercial and industrial.

Commissioner Cox said to enlarge on Mr. Johns' statement, St. Joe Avenue was not built for the ultimate purpose of commercial development, that it was built to help move traffic in a north-south pattern and alleviate some of the traffic off of Kratzville Road, Stringtown Road and some smaller, curvier roads.

President Borries called for a vote at this time and received the following:

Commissioner Cox...No Commissioner Willner...Yes President Borries...Yes

Motion carried with two (2) votes.

RE: REZONING PETITION...VC-11-83...THIRD READING

Petitioner: Blazer Construction Co., 9000 Keystone Crossing, Indianapolis, Indiana
Owner of Record: Dr. Milton J. Miller, 15 West Franklin Street, Evansville, Indiana

Premises affected are situated on the east side of Burkhardt Road, a distance of 1,340 feet south of the corner formed by the intersection of Division Street and Burkhardt Road. The common address is 420 South Burkhardt and the above described real estate is presently zoned R-1 and the requested change is to R-3. Present existing land use is agriculture and the proposed land use is multi-family residential.

Dr. Milton Miller was present and stated he is the owner of the ground, approximately 12.6 acres on Burkhardt Road and Blazer Construction Company of Indianapolis, Indiana has petitioned the Area Plan Commission and the County Commissioners for a rezoning of this 12.6 acres to an R-3 zoning. This request was denied by the Area Plan Commission with eleven (11) negative votes, however, he does not feel that was a proper procedure in view of several facts. First of all some of the people living in the area were represented by an attorney who had a number of people appear at that meeting who did not even live in the area in question. There were about thirty (30) people at the APC meeting compared to about two thousand (2,000) living in the near vicinity. He has been told the attorney sent out flyers in a large area and to some people who did not even live in the close proximity. One of the questions that always arises in the changing of zones is that of water flooding and traffic. He has owned this particular parcel of land for about twenty (20) years and it has been farmed during that period of time and it always yielded crops, therefore, you know very well it could not be a complete flood area. There are legal drains on three (3) sides of this property and the one on the north side has been dug out by the County Surveyor's office and there are some large piles of dirt on his property, which is what they took from the ditch. The ditch is approximately 12' - 15' wide and approximately 10' deep and holds a great deal of water. He can drain his property anytime he desires by merely grading it, and the water will run directly into the legal drain. The reason the water has recently stood on his land when we had a five (5) inch rain was because of the piles of dirt removed in the past from the ditch, by the Surveyor. He wanted the dirt, because it is good fill dirt and there is a ridge out there that keeps the water from running into the ditch, but that can be corrected very easily, by grading. A great deal of the water that comes onto his property is the water coming from the south of his property and there are no storm sewers out in that area and what does not go into the ditch, goes onto his property. He has sanitary sewers on his property at the present time and there is also a large sanitary sewer, approximately 30' in diameter, that runs down Burkhardt Road, so that is no problem at all.

The project that Blazer wishes to build is going to cost anywhere from five to seven million dollars, so it is very obvious that it will not be a slum area.

In his opinion this would be an asset to the community and also to the county as a whole, that it would be a tax paying thing, would not be subsidized through HUD and would be financed by the people building it. People living there would be elderly and obviously many of them would not own automobiles which would cause a lot of additional traffic and they would be renting apartments in the \$500 to \$600 range, so be assured they would be nice apartments. It was mentioned there may be a small shop in the building but it would not be a commercial proposition for people from the outside, that it would be strictly for the tenants.

As far as water is concerned again he would say Blazer has agreed to do some ponding out there, however, he personally does not think this would be necessary. When he bought out there some twenty (20) years ago it was all agriculture and since then Mr. Bussing has built a project on the west, there is a group of houses built on the east and another group of houses built just off of Newburgh Road and all of these he has mentioned has their water draining into the three (3) legal drains he mentioned earlier and this is how it should be, however, they are now saying this would hinder their drainage if Blazer is allowed to build this project, which is ridiculous, that it is sort of like the hen and the egg...which was first. He is at the low end so everyone is draining toward him, not he towards them.

He would ask the Commissioners consideration on this, that he believes they will be fair to him and he would be happy to answer any questions. He would like to say there are over twelve (12) acres out there and the new building would take up less than two (2) acres, therefore, they would be crowding no one.

Commissioner Cox said would that two (2) acres also include the paved drives and the asphalt areas for parking and the loading docks, because in looking at the proposed site plan it shows the proposed 133 unit building to be 282' X 340', that it would be three (3) stories high and what would be the height of the building.

Dr. Miller said he would say approximately 36' high.

Mr. Jim Schields was present and stated he is a resident in this particular area and he is not an attorney, but he is the one that Dr. Miller referred to as having passed out flyers in the area. He is a Counselor in the Evansville School System. The flyers were distributed in the Carlton Court homes, the Plaza Terra homes and also in Lant Manor, which are all areas quite close to this proposed construction.

He also attended the Area Plan meeting and as far as he knows there was no one brought in from the outside to be there as a remonstrator. We do have several remonstrators present tonight and he would ask for each one to stand...there was approximately forty five (45) in count.

He said the original petition called for an R-4 zoning, however the APC amended that to an R-3 in order to limit use to multi-family and that is how it came to the County Commissioners.

He and many of the people he has talked with all feel that a project such as the one being proposed by Blazer Construction is something that would be worthwhile in Evansville, that there certainly is a need for senior citizens centers and a need for a nursing home concept, but it should not be constructed in a single family residential area such as we have, where there are homes ranging from \$70,000.00 to \$250,000.00. Creeping commercialism is a term he mentioned at the APC meeting and Mrs. Cox used it again earlier tonight and they believe that is what is being attempted here and they do not want it. They have Williamsburg on the Lake and they have the MOTTO Service Station on the corner and they simply do not want anything else coming down their way. The people living out there want to preserve the character of their homes and keep it alive and functioning as single family residential. In regards to the drainage problems, this proposed construction would have to add to their problems and they do not need that. He would also say the ditch Dr. Miller mentioned as 10' deep, he would have to say it is more like 8' - 10' wide and approximately 7' deep.

In regards to the traffic, we all know Burkhardt Road is narrow and very dangerous right now and this would have to add to that traffic problem. He believes it is some-day proposed that Burkhardt will be four (4) lanes, but right now it is not and it is very dangerous.

At this time Mr. Schields submitted a petition to the Board, containing names that represented ninety (90) families in the area, that greatly opposed to the rezoning.

Mr. Jerry Evans, attorney, was present to represent the Fielding Court Home Owners Association and he is also a resident in the area in question. The group he represents are his neighbors and he has known them for a number of years and have represented them in several rezoning petitions and in his working with them he has not found them to be a negative group, in fact, the last time he appeared before the Commissioners as a representative of the Association they were in favor of the Williamsburg project.

What we are here talking about tonight is not a buffer, but rather an intrusion of a huge building sandwiched into the middle of single family dwellings. The project proposed is over a city block wide and almost a city block long and would have a tremendous amount of blacktop. When the developers appeared before the Area Plan Commission, they referred to this building as resembling a Hyatt-Regency...and that is not good zoning. The developers also said during the APC meeting that they had not bothered yet to develop drainage plans and he does not believe they have submitted one to the County Commissioners. Simply tearing away some berm and allowing the water to drain into the legal drain is not acceptable drainage plans. He would say traffic...drainage... and the size of the proposed building are some of the things that would make this not be good zoning and he would ask denial of the request.

One of the lady remonstrators (no name given) stated there would have been more people present to remonstrate against this tonight but several of them thought when it was denied by the Area Plan Commission at their last meeting that that would be the end of it, therefore, the showing here is not as heavy as it could have been.

Mr. Thomas Lang was present and stated he lives in the closest house to where this proposed project is being requested and he can appreciate the fact that Dr. Miller would like to sell his land. He lives in a \$250,000.00 home right across the road from this proposed site and he would ask Dr. Miller if he would like for this to be built right across from him, because he is sure that Dr. Miller also has a beautiful home. He had no idea when he started building in Lant Manor that he would be before this Board opposing something like this and perhaps this means not so much to the Commissioners, but it means a lot to him....he does not want it there, and he feels that he and the other residents out there should be considered. In regards to the traffic, he would like for any or all of the Commissioners to try to travel south on Burkhardt Road at 5:25 p.m. and they would see what a mess it is.

Dr. Miller said he would like to refute some of the statements made here tonight, that it was said the developers compared this building as to a Hyatt Regency...well that is ridiculous, that when Blazer Construction representative made that statement he was referring to the atrium which will be in the middle of the building, that this building will be only around 36' high and that is a far cry from a Hyatt Regency in Indianapolis, Indiana. In regards to the water, he has nothing to do with the water on Cherry Street and if this gentleman has a car that won't go through the water, then that is his problem, but the water on Cherry Street has nothing whatsoever to do with this property in question. All the water drains to the north towards Pigeon Creek so the water on Cherry probably comes from Newburgh Road.

Commissioner Willner said he would not want to discourage Dr. Miller this evening, that he feels the proposal is a good one, but he does not buy the drainage and he would have to vote against this and hope that sometime in the future something will go in there that he can vote for.

Commissioner Willner moved that Rezoning Petition VC-11-83 be approved. Commissioner Cox seconded the motion which failed with three (3) negative votes.

RE: SPECIAL USE PERMIT 5-84-APC...FIRST READING

Applicant: Busler Enterprises

Commissioner Cox said she believes this goes along with the first reading tonight for Busler Enterprises, for a landfill and President Borries said this is correct.

Commissioner Cox moved Special Use Permit 5-84-APC be approved on first reading and forwarded to Area Plan. Commissioner Willner seconded the motion which carried unanimously in the affirmative.

RE: SPECIAL USE PERMIT 7-84-APC...FIRST READING

Applicant: Turris Coal Company.

This is for special use #19 - for mineral extraction, storage and processing, limited to that reasonably related to the preparation for sale of the type of minerals primarily extracted from the site; limited process shall not include the refining of oil products.

Commissioner Willner moved Special Use Permit 7-84-APC be approved on first reading and referred to APC. Commissioner Cox seconded the motion which carried unanimously in the affirmative.

RE: SPECIAL USE PERMIT 8-84-APC...FIRST READING

Applicant: Howell Dock Corporation

This is for special use #20 for a Class III Landfill.

Commissioner Willner moved Special Use permit 8-84-APC be approved on first reading and referred to the Area Plan Commission. Commissioner Cox seconded the motion which carried unanimously in the affirmative.

RE: SPECIAL USE PERMIT 39-83-APC...THIRD READING

Applicant: Hardee Glisson, Jr.

Mr. Curt John said the rezoning petition approved tonight by the Commissioners also requires a special use #9 and that the appropriate completed paperwork has been submitted for this.

Commissioner Willner moved Special Use Permit 39-83-APC be approved on final reading. Commissioner Cox seconded the motion, which was approved with the following roll call vote.

Commissioner Cox....No Commissioner Willner....Yes President Borries....Yes

RE: AWARDING OF BIDS ON GUARDRAIL, POSTS, TERMINAL END SECTIONS, ETC

Mr. Tom Dorsey, director of the City/County Purchasing Department, was present and stated there were three (3) bids received for guardrail, posts, terminal end sections and transition end sections for the County Surveyor's office, that all of them were in order and after reviewing them as submitted he found that Bauer Brothers was the low bidder and he would recommend they receive the award. He discussed the bids with Mr. David Guillaum and he is in agreement.

Commissioner Willner moved the bid for guardrail, posts, terminal end section and transition end sections be awarded to Bauer Brothers as recommended by the Purchasing Department. Commissioner Cox seconded the motion. So ordered.

Commissioner Cox said last week Attorney Jones said the County Auditor should check the records to see if each of the three bidders had filed the mandatory questionnaire, and she is wondering if that had been done.

Mr. Jones said he stands to be corrected, that the questionnaire is not required on the purchase of materials.

RE: COUNTY ATTORNEY....DAVID JONES

Notice of Tort Claim: Mr. Jones said a notice of tort claim was received on January 12, 1984 by the Commissioners, from a Mr. Benjamin Gay, by his counsel, Robert John. Mr. Gay claims that on or about the 4th of November 1983, at approximately 6:30 p.m. in close proximity to the drunk tank, in the Vanderburgh County Jail, where he was in the process of serving week-ends in connection with a drunk driving conviction, that he slipped on a wet floor, sustaining serious, permanent, disabling injuries. The floor was wet as a result of a Deputy Sheriff turning on the water near the drunk tank for reasons known only by that Deputy Sheriff, but for no apparent, legitimate reason. The claimant was hospitalized and the medical bills incurred to date are in excess of \$20,000.00 and the claimant is now and very possible for the rest of his life will be unable to perform substantial gainful employment. Monetary damages are therefore in excess of the statutory ceiling of \$300,000.00. The claim is made against the Vanderburgh County Sheriff's Department and Vanderburgh County.

Mr. Jones said he has referred this to the County's Law Enforcement Liability and General Premises Insurer.

Report on Jail Improvement Project: Mr. Jones said that he sent a letter to President Borries after carefully reviewing the statutes concerning public construction and bidding, with regard to the Jail Improvement Project, and that in the absence of any additional local money, could find no authority for the Building Authority to accept the apparent low bid, which was \$10,000.00 in excess of the amount of the federal grant. The agreement between the county and the Building Authority required that no

bid be accepted in excess of \$250,000.00, which is the amount of the federal grant. Also, on behalf of the County he has submitted a letter to the state requesting an additional \$10,000.00 to the United States Marshall Service, so that we could proceed with this project and he has, to date, had no response from them and have no way of knowing at this point if they can find unused funds from 1983 or come up with some additional 1984 funds. This past Friday there was a hearing in Judge Brooks' chamber concerning this law suit with all attorney's present and at that point and time he explained to the court and the counsel for the jail inmates that there were problems with the bids and it was tentatively agreed that we could proceed to execute and sign the settlement agreement with the understanding that the county was attempting, in good faith, to proceed and do all that it could to carry out that intent, but that it would take some additional time. It would then be his recommendation that in the absence of any money from the feds or locally that the next best course of action to keep this thing moving is to simply ask the Building Authority to prepare new specifications with the view towards reducing the costs of materials or the scope of the work without substantially altering or effecting either the security or safety or quality of the project. It is his understanding in an informal discussion with the architect that this could be done, for instance, substituting the grade or quality of the fencing itself could change the figure by more than \$10,000.00 by itself, so again he would recommend the Building Authority have new specifications prepared.

Commissioner Cox said would the alteration in the fencing effect the security in anyway and Mr. Jones said no and if Mr. Hafer would in anyway indicate that it would then he does not believe anyone would want to proceed along that line.

Commissioner Willner said then are you saying it is legal to go forth and deal with the low bidder, as to a reduction in his bid.

Mr. Jones said no sir, that he cannot find any authority whereby we could do that, because the agreement says the Building Authority cannot accept a bid that exceeds \$250,000.00.

Commissioner Willner said then we cannot deal with the low bidder to get that bid down even further and Mr. Jones said no, he cannot find anything, any law, that would authorize that.

Commissioner Willner said but you also have not found any law that would prevent us from doing it and Mr. Jones said true but having come through the recent litigation with the telephones he is not anxious to jump in there and litigate it concerning jails or any other thing, quite frankly. If anyone wants to take that risk...fine, but he cannot find a law to authorize it.

Commissioner Willner said his personal opinion is that he would like to deal with the low bidder to reduce his bid price by \$10,000.00 and proceed with it.

County Surveyor Bob Brenner said if you do that you must be careful because if you take a step to reduce his bid then make sure you take a look at the second lowest bidder.

President Borries said he would not want to see this delayed any longer than necessary but he would hope we could somehow find the additional \$10,000.00.

Mr. Jones said everyone was quite surprised when the bids came in as high as they did, however, he would restate this is not a threat to the law suit settlement as long as we are talking a couple of months. The Marshall Service is very anxious to see this program work and said they will do everything within their power to try to find the extra money.

Commissioner Cox said this is not a threat to the law suit but they certainly wouldn't settle it without knowing that this was definitely going forward would they?

Mr. Jones said they are now signing off on the settlement agreement and he has sent to each of the Commissioners a copy of that settlement agreement and we received express understanding in Judge Brooks' chamber that we could go ahead and sign off on this agreement and he represented to them during that meeting that it is technically possible that we could not comply with it and if this happens, then we will scrap it, but they were willing to go ahead and sign off on it eventhough the improvement is not built yet, because they believe we have demonstrated good faith.

Commissioner Willner asked how many bidders there were and Mr. Jones said there were at least four (4) and possibly five (5).

Commissioner Willner said he would like to see the Building Authority have a pre-bid letting conference with all bidders and see if they can work the problem out.

President Borries said he would prefer to let the bids stand and try to come up with the extra \$10,000.00.

Mr. Jones said to save that bid you would not only have to find the funds but there has got to be an appropriation before sixty (60) days are up and you need to communicate that to the Building Authority in the affirmative way that you are coming with the monies so that they can notify the bidder and hold his bid and you would have to do that in writing, under the statute. You can extend the sixty (60) day period, but it must be done in writing.

Commissioner Willner said we may not even be able to get on the council until March and that is why he suggested the pre-bid conference.

Mr. Andy Easley spoke with Mr. Jones concerning this matter and he knows after the telephone suit that everyone is very careful, but that was a very technical set of specifications and he supposes it was proven there was a change in the scope. In the private sector, in regards to a bid like this, the owner would negotiate with the low bidder to reduce the scope and if you would agree to pay him very quickly, the bidder might even agree to give you a 2% discount. Most general contractors have been in this position before and they would not oppose you negotiating with the low bidder.

Commissioner Cox said when you look at all of the bids the only one that would even qualify by reducing all of them by \$10,000.00 would be Deig Brothers.

Mr. Easley asked if this was bid lump sum and Mr. Jones said there are different parts in there, that there is smoke removal equipment, furniture and two way telephone units, etc., that it was a lump sum project for a number of things.

Commissioner Cox said she would agree that the news media had enough publicity that the bidders knew the grant was for \$250,000.00.

Mr. Jones said he hears what Mr. Easley is saying, but he has referred to the private sector and he agrees that if you have private clients, you have no problems because you don't have open door laws, advertising, notices, etc. but when you go back and do something and you get only one (1) person into that bid situation then we've got some potential law suits, against the County and the Building Authority.

President Borries asked Mr. Jones to contact the federal authorities and based on what we find out, we could have the County Council call a special meeting in regards to the \$10,000.00.

Mr. Jones said in terms of what we should do the feds have already told us that it is up to us.

Commissioner Cox said if we can get a safe, secure fence for \$10,000.00 less, regardless of who's money it is and if it's going to take a rebidding procedure with that in the specs, then lets go ahead and get it done and clear the air.

Mr. Jones said that is what he has recommended but evidently there is some strong resistance to go that route.

President Borries said how quickly can this be done and Mr. Jones said the same length of time it takes to put a bid out but you need to relay that on to the Building Authority.

Mr. Easley said do you not think there is a document that can be prepared that the other bidders could sign that would allow the Commissioners or the Building Authority to negotiate with the low bidder, because he does not think you can worry about someone who did not pick up any plans or specifications and did not bid, because to worry about that seems kind of far out to him.

Mr. Jones told Mr. Easley if he will put his signature on a document when the law suit comes, then he will prepare anything he wants. He has already discussed this with the Building Authority's attorney, the City Attorney and the State Board of Accounts. He cannot say it any plainer and if anyone else thinks they can do it then he would invite them to step up here and dictate it and he will prepare it.

Commissioner Cox said she understands this, that there may be other items within the scope that would be negotiable with other companies

Commissioner Cox moved the Commissioners notify the Building Authority that they should reject all bids that have been submitted and that they readvertise and amend the specs to include the suggestion concerning the fencing.

President Borries seconded the motion which carried with two affirmative votes. Commissioner Willner was out of the room.

President Borries said he will see their secretary drafts that letter tomorrow.

RE: ORDINANCE REGULATING INSPECTION AND COPYING OF PUBLIC RECORDS

Mr. Jones said he previously submitted to the commissioners an ordinance regulating inspection and copying of public records and because it carried a penalty clause it must be advertised. This ordinance had been taken under advisement so that the Commissioners would have a chance to look it over before advertising it.

Commissioner Willner moved the Ordinance be approved for advertising. Commissioner Cox seconded the motion. So ordered.

The County Auditor's office is responsible for having it advertised.

RE: ORDINANCE TO AMEND SECTION 150.134 OF THE BUILDING CODE

Mr. Jones said he has submitted an ordinance to amend section 150.134 of the Building Code and it is to bring the fee schedule for the licensing of tradesmen into conformity with the amended fee schedule passed by the City of Evansville, so that it is the same in both city and County.

Commissioner Cox asked if this would also have to be advertised and Mr. Jones said perhaps we'd better.

Commissioner Willner said he received a phone call from a gentleman and he had a real legitimate complaint by saying that the master license went up double and the journey-mans license went up five (5) times, so perhaps we could get some clarification on this increase.

Mr. Jones said that person should contact Bill Zimmerman, Building Commissioner, to get these answers. Mr. Zimmerman contacted him several times and said the county must pass this to get it in conformity with the city and beyond that, he cannot speak for or against it.

Commissioner Willner said he doesn't have a real big problem with it, he merely wonders how they arrived at their prices. He would like to have a week to research this.

President Borries made note they would contact Mr. Zimmerman this week and ask for a better clarification on the fee increases.

RE: WASTEWATER TREATMENT PLANT IN UNIVERSITY HEIGHTS SUBDIVISION

Mr. Jones said he received a telephone call from a Mr. Schotte, with the State Board of Health regarding Broadview Utility Corporation, in the waste water treatment plant in University Heights. Mr. Schotte renewed the contention that the county must apply for a permit to operate that facility because the county is the owner and he then attempted to distinguish with Mr. Schotte the difference between owning property and operating a facility that sits on the property and at that point they traced through the permit history and it appears that the permit was in Mr. Biggerstaff's name and that the permit expired in 1977 and that nobody renewed it. He then asked Mr. Schotte...you mean to tell me you folks allowed that place to operate without a permit from 1977 until this year. He then stopped and said he had better not discuss this with us anymore until he spoke with his lawyer about it. He gave Mr. Schotte his name and telephone number and said he would encourage his lawyer to contact us, however, to date, he has not heard from anyone.

Commissioner Cox said there may be a certain reprieve for those people out in that area because a new subdivision is going in and they are going to extend the sanitary sewer so that would lower their costs somewhat.

Mr. Jones said he attempted to explain that he understands the policy taken by the Board of Commissioners was that we weren't in the waste treatment business and the way it was handled in this county was that when you are required to do that, then the land owners have to tap-in, that it is extended from the City operation and everyone pays their own way.

RE: BILL BETHEL....COUNTY HIGHWAY DEPARTMENT

Weekly Absentee Report: Mr. Bethel submitted the weekly absentee report of the county garage employees for the period of January 9 thru 13, 1984...received and filed.

Weekly Work Report: Mr. Bethel submitted the weekly work report of the employees at the county garage for the period of January 9 thru 13, 1984....received and filed.

Attached to the work report was the following work schedule for the same time period.

<u>Gradall:</u>	Lynn Road and Folz Road.
<u>Tree Crew:</u>	#6 School Road
<u>Grader:</u>	County Line Road East, Young Road, Hornby Road, Ruston Road, Huebner Road, Lutterbach Road and Mossberg Road.
<u>Snow Removal:</u>	School Bus Routes - Tuesday, Wednesday, Thursday and Friday. Seven (7) trucks spreaders, Four (4) trucks hand spreader. (Intersections)

Commissioner Cox said she just talked to one of the Posey County Commissioners and there was concern over the maintenance of County Line Road, along the Posey County Line with Vanderburgh County and she thought there was some agreement made in the past that Posey County was to maintain it from the Ohio River up to a certain point.

Mr. Bethel said Posey County maintains the County Line Road...west and we maintain the County Line Road...east, and that is a state law.

Commissioner Cox said she referred Mr. Postleweight to Mr. Easley, so when he calls he can refer him to the state law regulating the maintenance of County Line Roads.

RE: BOB BRENNER.....COUNTY SURVEYOR

Weekly Bridge and Guardrail Report: Mr. Brenner submitted the weekly bridge and guard-rail report of the bridge crews for the period of January 9 through 13, 1984...report received and filed.

First Avenue Bridge Project: Mr. Brenner said they went into the city and plugged a 24" concrete drain pipe, which was to divert water away from the slope on the north side of the bridge and they diverted it out through the park property.

Precinct Boundary Changes: Mr. Brenner said the Commissioners requested his office come up with some precinct boundary changes necessitated by annexation to the city and the construction of a large apartment complex, in K-2, in Knight Out. They also gave a new description of K-1 and they split K-2 into two (2) precincts and they used the natural boundary of Burkhardt Road. The Indian Woods Apartments caused a problem with 1-20, that it became extremely large, so they modified 1-3, 1-4 and 1-20 and created no new precincts. They have the legal descriptions for the Board today and when it is signed it should be submitted to the State Election Board. Mr. Brenner pointed out on the map the locations of the precincts in question and their new boundaries.

Commissioner Willner moved the changes be approved and sent to the state. Commissioner Cox seconded the motion. So ordered.

Mr. Brenner said the Commissioners should submit a cover letter with these changes, that there is a statute telling what exactly should be done in order to get state approval.....however, they could deny it as they did the last time.

Claim for Barnett Brothers, Inc. Mr. Brenner said there is a claim today for Barnett Brothers and the contractor still has a list of ten (10) items that are not completed, so he recommends we reduce his withholding on this to 2 percent (2%), so we will pay him down to \$30,000.00, which is adequate for the items still left. We have sent letters informing him that the slope on both sides of the bridge....that if we have any trouble with them we will expect him to come back and make it right and we do still have his bond to assure us that he will. The price on the claim is \$9,400.00 cheaper than the

bid price and this was accomplished by deleting a line item, that it was a seal in the bottom of a coffer dam that we didn't have to put in, that they have the right to do that in any of their contracts, if it will benefit the county.

Commissioner Willner said if Mr. Barnett would send a letter stating he would complete the ten (10) items, would you then release the other two percent and Mr. Brenner said no, that Barnett presented that proposition to him already.... when he finished the job he will get paid and he believes this is reasonable because in his private affairs he would not pay someone until the job is done and he does not believe the county should either.

The claim is as follows:

Billing No. 7 Attached.....	\$1,482,883.42
Less Previous Payments.....	<u>1,375,851.34</u>
 TOTAL AMOUNT DUE	 \$ 107,532.08
 Less 2% Retainage	 \$ 29,657.77
 <u>Amount of Claim</u>	 <u>\$ 77,874.31</u>

Commissioner Willner moved the claim be approved. Commissioner Cox seconded the motion. So ordered.

Overpass on Bender Road and Boonville-New Harmony Road: Mr. Brenner said he received word from the attorney for the railroad that they have the signed agreements allowing us to remove the bridge culverts at Bender and at Boonville-New Harmony Road and if this is true we will start this week.

Volkman Road Project: Mr. Brenner said concerning Volkman Road, that we had planned to put a new bridge in there and eliminate two (2) culverts. There were four (4) property owners out there that all agree to sign for right-of-way and now that we are to the point of actually getting them to sign, all four (4) of them are reluctant to do so. If Attorney Miller cannot get them to sign them he would recommend we simply drop the project because those four (4) are the main ones to benefit from it anyway.

County Bridge at the end of Mill Road: Commissioner Willner said in the past we have discussed the county bridge at the end of Mill Road and he would like to proceed with plans to abandon it. He has been up to look at it and we should get rid of it immediately. He said the road is no longer there and all it does is service a farm field.

Mr. Brenner said the property owner could remonstrate and we could also tear the thing down, if that's what it takes.

Commissioner Willner moved Mr. Brenner contact the property owner to see what his intentions are. Commissioner Cox seconded the motion. So ordered.

Commissioner Willner said he needs some additional time to study the structures on County Line.

RE: ANDY EASLEY....COUNTY HIGHWAY ENGINEER

Burkhardt Road Widening: Mr. Easley said Mr. Jim Morley is present today and they have some appraisal reports on the right-of-ways on Burkhardt Road and he would let Mr. Morley present those at this time.

Mr. Morley said there are seventeen (17) parcels in the package he is presenting today which he received from Mr. Victor Funke. These parcels lie on the west side of Burkhardt Road and he believes totally there is less than \$2,000.00 worth of R/W acquisition involved. These should be officially approved by the Commissioners. What they actually are are appraisals and that is the value that accrues to the homeowner to go in and fix his driveway to match the new road, that you are actually entering onto private property with a temporary construction easement. The benefit accrues to the property owner, but this must be done. If the Commissioners approve these then Ken Hansen can go ahead and make the offers this week.

The appraisals showed the following land owner and amount due to them:

<u>Proper of:</u>	<u>Total Owed Landowner</u>
Sherman T. Nance	\$236.23
Phyllis Eifler and Larry Eifler	\$ 10.85
Benjamin P. and Vonda M. Donatiello	\$1,113.27
REH Mechanical Contractors, Inc.	\$ 67.49
A&H Oil Salvage Company	\$ 84.37
Ronnie E. & Cherrel H. Underwood	\$ 7.23
David W. & Donna S. Hirsch	\$ 12.65
Edmund, Albert and Irene Unfried	\$ 18.08
Irene Unfried	\$ 7.23
Larry L. & Rosalie T. Hirsch	\$ 7.23
Theodore J. & Anna M. Mercker	\$ 7.23
Elvis H. Sr. and Truda E. Payne	\$ 7.23
Duane Alen Duvall	\$ 7.23
H. and Betty A. Nalley	\$ 7.23
Wyman Holder	\$ 7.23
Julius and Mildred Heerdink	\$ 9.04
William R. and Margaret Fiscus	\$ 7.23
Thomas J. and Rosemary V. Hirsch	\$ 7.23

Commissioner Willner moved the above appraisals be approved as submitted.
Commissioner Cox seconded the motion. So ordered.

Copies of each of the above appraisals are on file in the County Auditor's office.

Mr. Morley said he will need copies of the appraisals, however they can be given to the secretary at this time.

Mr. Morley said in addition to the ones he submitted today he also has five (5) parcels on the east side of the road, two of which are the Hirsch parcels that are involved in the settlement on the widening of the Crawford-Brandies Ditch. He met with David Miller and the case has gone through the course and is now down to the final agreement on the appraised price between the two, and part of the settlement price on that law suit involved a payment for the bridges and part of the Burkhardt Road project is construction of those very same bridges, so after he and Mr. Miller reviewed the construction plans he called the Hirschs' attorney and proposed a settlement and to date he does not know if the Hirschs' attorney has responded.

He said there are three (3) properties immediately north of the Hirschs' and he would suggest it might be better to wait a week before approving them for purchase. He said none of the R/W purchases are being done with Federal funds, but rather local monies.

He said back on October 25, 1983 the Commissioners received a letter from the state and in it they outlined the various items that needed to be taken care of before they would schedule this project for letting and as it stands right now, from his meeting with Mr. Stephen Dilk, Area Engineer, Division of Local Assistance, that the deadline for the May State letting for the Burkhardt Road project is the end of January and perhaps a few little items in the first week of February. Everything, including the right-of-way clearance, final plans and engineer assignment for construction, must be done by that time. If we miss that January date and if some of the people along Burkhardt Road were to object, then we would move to the June letting.

At this time Mr. Morley submitted to the Commissioners a copy of a "Determination of Construction Engineering and Construction Staking Fee" for Burkhardt Road and because their overhead rate had gone down to only 114.36%, and being local, they are able to get the entire construction staking, as well as construction inspection into the contract for less than a 10% figure, so we are proposing that rather than putting it as a part of the construction dollars, that the construction engineering contract also include staking. He also submitted copies of the man hours justification that has to go along with the job and all the state will accept is actual man hours needed to do the job times your audited overhead rate, that they will not agree to merely a lump sum or any other method of contract.

President Borries said at this point we would need a motion to forward Mr. Morley's name to the State, as the Engineer Assignment for Construction and also supply the state with the sheet showing the actual man hours it will take to do the job, for State Highway approval.

Commissioner Willner moved the request be approved. Commissioner Cox seconded the motion and said on the salary costs - it shows an assistant project engineer and an inspector and she assumes this is two (2) people and Mr. Morley said this is correct and at sometime there may even be three (3) on the job, that this shows an average figure. Motion carried with three (3) affirmative votes.

President Borries asked Mr. Morley if he will draft the letter to go to the state and then get the Commisisoners approval and signatures on it and he replied that he would.

Mr. Morley said if we start construction in June, we will probably have most of the work done by the end of the year but we will still have some approach work to do and because of the winter months it probably will not be finalized until May or June of 1985. He is talking about the final paving of the approaches.

RE: ADDITIONAL EMPLOYEES FOR 1984

Submitted were additional employees for 1984.

SUPERIOR COURT

Terry D. Dietsch
Randall T. Shepard
William D. Stephens
Thomas M. Swain
Robert W. Lensing
Maurice C. O'Connor
William J. Brune
Michelle A. Link
Robert P. Carithers
M. Jane Dooley
Gayle Spalding
Sue G. Steele
Georgia Williams
Karen Flittner
Deborah L. Ray
Mary M. Clerk
Sarah L. Cook
Carrla A. Rasco
Robert J. Jourdan
Frank E. Hooper
Edward J. Davine
Alvis C. Herrenbruck
Frederich E. Althaus
Louis J. Carnaghi
James T. Barron
Bart F. O'Connor
Susan E. Metz
Ronald S. Barron
Gregory W. Combs
Joycelin G. Brinkmeyer
Fred A. Haton, Jr.
Theodore K. Gore
Joseph R. Lutz

Jill L. Hendricks
Daniel James Wagner
Bernie Faraone
Patricia Sutton
Lisa P. Leavitt
Nina L. Lockyear
Mary J. Stucki
Jane L. Schmuck
Laura A. Cunningham
Debra M. Settle
Rebecca M. Roth
Sarah E. Culley
Toni Ann Brinson
Rosemary Norbury
Stephen Haas
Ralph E. Moore
Ronald J. Freson, Sr.
Thomas Lockyear
David M. Shaw
Mary Lee Hahn
William W. Deems
Fred O. Vetter
Gloria J. Fark
Arletta L. Turpin
Mildred Morgan
Arthur L. Edwards
Devonna K. Brown
Virginia N. Lomax
Tracey L. Statz
Karen A. Haas
Sharon J. Boardman
Paul V. Partington
James E. Cole

GERMAN ASSESSOR

Gary W. Wagner
Margaret Effinger
Karen Wagner

KNIGHT TRUSTEE

Ronald J. Saulman
Judy Bensman
Emarie S. West
E. Annette Dickman
Tim Alexander
William Baumeyer
Gladys Hillenbrand

CO-OPERATIVE EXTENSION SERVICE

Jack D. Wade
Betty M. Bumb
Debra E. Etienne
Betty J. Kompst
Allen E. Boger
Jane E. Heramb
Susan E. Plank
James L. Jordan
Rosalie Mesker
Janice Dugan

PERRY TRUSTEE

Norman "Red" Mosby
Betty J. Hempfling
Norman J. Smith
Lloyd Jost
Jerome Richey
Edward Beal
Jack Caine
Marcella Strange

Commissioner Willner moved the above employees be approved. Commissioner Cox seocnded the motion. So ordered.

RE: LETTER FROM THE DEPARTMENT OF NATURAL RESOURCES

Received was a letter from the Department of Natural Resources, State of Indiana informing us that the Evansville Municipal Market, 813 Pennsylvania Street, Evansville, Indiana was entered on the National Register of Historic Places on December 22, 1983.

Letter received and filed.

RE: LETTER FROM CORPS OF ENGINEERS ON STREAMBANK STABILIZATION PROJECT

Received was the following letter from the Department of the Army, Louisville, Kentucky, dated January 6, 1984 and directed to the Honorable Richard J. Borries.

Dear Mr. Borries:

Through the cooperative efforts of the County of Vanderburgh, Indiana and the United States Government, construction of the Vanderburgh County, Indiana, Streambank Stabilization Project on the Ohio River has been completed.

In accordance with the authorizing legislation of the Congress of the United States, the Vanderburgh County, Indiana, Streambank Stabilization Project is hereby transferred to the County of Vanderburgh, Indiana for maintenance, effective January 9, 1984.

One of the requirements of the authorizing legislation contained in the "Agreement for Local Cooperation," dated April 18, 1983, is that Vanderburgh County, Indiana will maintain the project in accordance with the regulations prescribed by the Secretary of the Army.

Annual inspections of the project will be made by representatives of this office. Your office will be notified in advance of the inspection so that a representative of Vanderburgh County can accompany our representative.

Enclosed are 10 copies of a suggested "Project Inspection Checklist" for use in submitting the required semiannual reports by your organization. The reports should be submitted to this office (ATTN: ORLOP-E) by April 15 and October 15.

Sincerely,
Dwayne G. Lee
Colonel, Corps of Engineers
District Engineer

Received, filed and referred to Andy Easley, County Highway Engineer.

RE: MONTHLY REPORT FROM THE BUILDING COMMISSION

Received and filed was the monthly report of permits issued by the Building Commission, for the month of December, 1983.

Report ordered received and filed.

RE: CERTIFICATE OF INSURANCE

A certificate of insurance was submitted for the Vanderburgh County Democratic Central Committee for the Inaugural Ball II in the Gold Room on January 20, 1984.

A certificate of insurance was submitted....Evansville Alumni Chapter of Kappa Alpha Psi Fraternity, Inc. for the scholarship ball/dance open to the public on February 25, 1984 at the Vanderburgh Auditorium.

A certificate of insurance was submitted for the Hadi Temple A.A.O.N.M.S. and Hadi Temple Association, Inc. for the potentate ball on January 28, 1984 in the Gold Room.

A certificate of insurance was submitted for Whirlpool Management Club for a dinner on Tuesday, January 17, 1984.

All certificates ordered received and filed.

RE: MISCELLANEOUS BUSINESS TO DISCUSS

Phone System: President Borries said he has again been discussing the phone system with Attorney Jones and he would like to recommend to the other Commissioners that we forward a letter to the Building Authority requesting they prepare a new set of specifications, and the School Corporation and City are also in agreement with that.

Commissioner Cox said in the judgment that was handed down on January 9, 1984 by Superior Court Judge Brune, on page three (3) of the document it says "it is further ordered, judged and decreed that this matter is remanded for consideration of the remaining bids to the Evansville-Vanderburgh Building Authority for further action, not inconsistent with these findings and judgments".

President Borries said, to reject all bids, could that be an action they could take, and could we recommend that.

Mr. Jones said that simply restates what their options are, that they can accept the next lowest responsive bid or they can reject all bids and re-bid or they can reject all bids and do nothing.

Commissioner Cox said she does not think the county can become a part of any of the remaining bids due to the up-front monies required, so perhaps we should state this fact in the letter we send them.

Mr. Jones said you want to reject all bids that are there and redo the specifications, because it was the specs that got you in trouble, to this extent....that the bid received was found not to be responsive to one of the alternate bids and the so called experts that the Building Authority retained weren't really experts. As far as the up-front money is concerned it was part of the defense we used for the county selecting the bid they did, that it wasn't as important whether it was a mechanical or electrical telephone, or how fast the buttons went up and down, but it was how much it cost and when it had to be paid that was the county's biggest consideration.

Commissioner Cox said then we should perhaps incorporate that in our letter and Mr. Jones said yes, he would think that wise also. He would say that he thinks there was ample testimony presented in the trial from a number of people in a position to know that the cost has come tumbling down on some of the systems that were bid because new technology has been introduced since they responded, that the company who filed the suit, that being KLF, had a Rolm phone system that a new version of it came out after they submitted their bid that is now one half to one third less money. He will not get into the specifications and who should write them, etc. because that is not his field but he will say that perhaps we don't want specs that are as stringent, that you want them written more generally so that you can allow for a greater response, and that the key becomes on who advises you on whether these things are responsive. He would say he believes eventually the system we get will be much cheaper than if that suit had not occurred.

Commissioner Willner moved correspondence be sent to the Building Authority requesting them to reject all bids, rebid with a very minimal set of specifications to include purchase of the phones we now use. Commissioner Cox seconded the motion. So ordered.

RE: SCHEDULED MEETINGS

President Borries said he will be in Indianapolis tomorrow for several matters of local interest, mainly those that have to do with a Food and Beverage Tax that could be used specifically to fund any kind of proposed improvements to our Airport. He also understands some type of an amended ISUE independence bill might also be heard.

Last week he met again with Lyn-gas officials and also their Chief Executive Officer from Michigan and they discussed the reason for the leak that occurred here a few weeks ago and the frequency of the checks that take place at that facility. The severe weather had caused the ground to freeze and that triggered a very low leak at an excess flow fitting valve. There is a safety valve that would be automatically triggered when the leak would occur at forty (40) to sixty (60) gallons per minute and this particular leak that occurred was diagnosed at five (5) gallon per minute, therefore the safety valve had not triggered yet. Their solution has been to look at a flexible joint. They assured us the State Fire Marshal and the Perry Township Fire Chief had all made their inspection of the facility and also assured us they would do nothing that would endanger their people or the residents in the area and they believe the flexible joint will solve the problem and they were most anxious to cooperate in anyway possible.

He will also have a meeting, possibly this Wednesday with the Hillcrest advisory committee.

He has also had another meeting with Mrs. Schmadel concerning the matter of the Dog Pound and those talks will continue this week and he will keep everyone informed.

RE: CLAIMS

A claim was submitted for Attorney David Jones, for contractual services rendered for the month of December, 1983, in the amount of \$108.00 and this is for services to the Vanderburgh County Council in regards to the H.J. Lubbehusen law suit.

Commissioner Willner moved the claim be allowed. Commissioner Cox seconded the motion. So ordered.

A claim was submitted for Attorney Jerry D. Stilwell for services rendered in connection with suit of H.J. Lubbehausen et al vs. Vanderburgh County, in the amount of \$120.00.

Commissioner Willner moved the claim be approved. Commissioner Cox seconded the motion. So ordered.

A claim was submitted for Attorney David Jones for contractual services rendered to Vanderburgh County in various suits in December, 1983, in the amount of \$3,421.00. Attached statement showing the tenth of the hour.

Commissioner Willner moved the claim be approved. Commissioner Cox seconded the motion. So ordered.

Mr. Jones entered the room and President Borries asked him for a brief explanation on the claim for Jerry Stilwell and he stated the Lubbehausen case was venued to Gibson County, that it has to do with the class action property tax suit and the County Council authorized him retain legal counsel in Gibson County so that he would not have to drive back and forth to Princeton, that Mr. Stilwell has an office in their court house and it was much cheaper for our county to do it this way.

Commissioner Cox said if some of these charges are for the County Council then do they have a legal services account to pay these claims from.

After obtaining a budget book from the Commissioners office it was found that there was nothing in the Council's budget these claim could be paid from, therefore they will have to be paid from the Commissioners budget.

Three (3) claims were received from the Vanderburgh Building Authority, signed by Mr. Gil Ruston and they were in regards to computer cables being run in Small Claims Court, Misdemeanor Court and he does not understand why we have these claims since they are in connection with the computer service. At this time he submitted the claims to Ms. Meeks and instructed her to contact Mr. Ruston for further clarification.

Commissioner Willner said he thought we set aside some \$5,000.00 for items such as these claims however we need to check and see if this is part of the contract because we do not want to pay any added expense.

Four (4) claims were submitted for travel to Indianapolis to attend the Association of Indiana Counties Conference. They were as follows:

Mark Owen....County Councilman.....	\$196.48
Bill Taylor..County Councilman.....	\$196.48
Kathy Mann...County Councilman.....	\$ 33.00
Alice McBride..County Auitor.....	\$183.51

Both Mr. Taylor's and Mr. Owen's have mileage claims on theirs.

Commissioner Cox asked if they asked permission to travel prior to the conference and Mr. Tuley said he believes they did. (Later in the meeting Ms. Meeks presented the letter of request which had been approved upon the availability of funds on 11-21-83)

Commissioner Cox said it is unreasonable that they did not all go together because when groups from one (1) office travel to such meetings, they allow one (1) mileage and one (1) only, according to the State Board of Accounts. She asked how many of them have mileage on them and President Borries replied only two (2) of them.

President Borries said he understands what Mrs. Cox is questioning and he cannot comment as to why they did not all go together.

Commissioner Cox said we have the Auditor's office represented and the County Council represented and they have requested two (2) mileages and that is the only way that she could accept it.

Commissioner Willner moved the claims be approved. Commissioner Cox seconded the motion. So ordered.

RE: EMPLOYMENT CHANGES....APPOINTMENTS

PROSECUTOR

Scott R. Bowers 6433 Newburgh Rd. Deputy Pros. \$30,000.00 Yr. Eff: 1-1-84

RE: EMPLOYMENT CHANGES....RELEASES

PROSECUTOR

Scott R. Bowers 6433 Newburgh Rd. Deputy Pros. \$18,500.00 Yr. Eff: 1-1-84
David K. Robinson 3034 W. Indiana Deputy Pros. \$13,100.00 Yr. Eff: 1-1-84

RE: REQUESTS TO GO TO COUNTY COUNCIL....COMMISSIONERS

President Borries said the Commissioners are requesting \$47,014.00 in account 130-386, Contractual Services and \$49,478.00 in account 130-314, Telephones, with the following explanation.

130-386 - For Computer Services - \$14,940.00 is needed for the contract with Mr. Fortune to pay him 83% of \$3,000.00 per month for six months for the County's share. Also the amount of \$312,926.00 was allowed for Computer Services in the 1984 budget, but the amount of the contract is \$345,000.00 so \$32,074.00 is needed in addition to the \$312,926.00 for Pulse Systems.

130-314 - Telephones - We need the \$49,478.00 since this is the amount that was owed to Sperry Univac. \$16,316.00 for each of the months of October, November and December plus \$530.00 for maintenance fees. In order to pay this \$49,478.00 to Sperry Univac for the past bills owed, we transferred this amount from the Telephone Account and we are asking that this account be reimbursed.

There being no further business, President Borries declared the meeting recessed at 11:15 p.m.

<u>PRESENT:</u>	<u>COUNTY COMMISSIONERS</u>	<u>COUNTY AUDITOR</u>	<u>COUNTY ATTORNEY</u>
	Richard "Rick" Borries Robert L. Willner Shirley Jean Cox	Pat Tuley (Chief Deputy Auditor)	David L. Jones

SECRETARY: Janice Decker

Richard Rick Borries
Robert L. Willner
Shirley Jean Cox
BOARD OF COUNTY COMMISSIONERS

51.

COUNTY COMMISSIONERS MEETING
JANUARY 23, 1984

The meeting of the County Commissioners was held on January 23, 1984, at 2:30 p.m. in the Commissioners Hearing Room with President Borries presiding.

The minutes of the previous meeting were approved as engrossed by the County Auditor and the reading of them dispensed with.

RE: POOR RELIEF....KNIGHT TOWNSHIP

Applicant: Joyce Berry
Investigator: Emarie West

County Councilman William Taylor was present and ask permission to speak in behalf of Joyce Berry, who was also present....permission granted. Mr. Taylor said Ms. Berry is a foster parent for a young lady (Portia) who is also present here today. Portia had a baby that lived only approximately two (2) weeks and as a result of the income of Ms. Berry the Knight Township Trustee's office says the income in the household does not fall within their standards and guidelines for them to pay the funeral expenses. He said in the audience today is Mr. Bill Igleheart, who will speak on behalf of the Welfare Department and their position in this case. Mr. Taylor said the infant did not live long enough to be put on ADC, therefore the Welfare Department say they cannot pay the expenses either. Portia would be within the standards of the Trustee, however, she is not the head of the household.

Mr. Igleheart said their position in this matter is that a person has to be a recipient of one of their programs and while the young mother of the infant is a ward of the court, the infant was not, and we have no authority to pay the funeral expense for the infant. It was the intent of Portia to have her infant put on Aid to Dependent Children, however, the infant died before this was done. If this would have been done and action taken prior to death then they could pay the funeral expenses.

Commissioner Willner asked who signed the death certificate and Mr. Taylor said he does not have a copy of the death certificate, however, it was a physician at Welborn Baptist Hospital, which is where the infant died.

President Borries said in regards to the Welfare Department, if the mother of the infant would have died, would the expenses have been paid at that time for her and Mr. Igleheart replied yes. Mr. Borries said what had the child been stillborn and Mr. Igleheart replied they would not have authority to pay that expense either.

Attorney Miller asked if there was any dispute that this infant was in fact qualified for aid through the Welfare Department if it would have lived long enough for the proper paper work to have been completed and Mr. Igleheart said no dispute, as far as ADC is concerned. Mr. Miller said is there anyway to qualify the infant pulselessly and Mr. Igleheart replied he is not aware of any, and these are not guidelines they have established here locally, but rather Medicaid Guidelines.

Commissioner Willner asked if the child had been in the hospital since birth or had it gone home prior to passing away and Portia said she had taken it home after birth, that it died of crib death within two (2) weeks.

Commissioner Willner asked what the funeral expenses are and Mr. Taylor submitted a document showing the amount due is \$350.00, to Mason Funeral Home.

Emarie West, Investigator for Knight Township was present and stated that Ms. Berry is the one they had to take application from, since she is the head of the household and she was overincomed according to Knight's standards and she also did not comply with the standards in regards to the telephones and televisions in the home. With Portia being a ward of the court, to Ms. Berry, she does not know if the Welfare Department is responsible, however, she does not believe the Trustee is responsible either.

Commissioner Cox asked at what income level Ms. Berry is and Ms. West replied there are a total of nine (9) people in her household and she receives ADC in the amount of \$713.00 per month for her foster children (4 of them). Ms. Berry is employed at Welborn Hospital earning \$6.31 per hour, which figures her a net income of \$705.00 per month, for a total of \$1,418.60 per month. The nine (9) persons in the household includes Ms. Berry, four (4) foster children, two (2) sons and one (1) daughter and one (1) grandson.

President Borries said if the mother (Portia) would have applied to the Trustee, would they have made a difference and Ms. West said she could not apply because she is not the

Ms. Phyllis Donahue said Portia is a ward of the court, that so to speak, she belongs to DPW and she has been in foster homes before and it just happens that Ms. Berry is her foster parent now, on a temporary basis, so Ms. Berry is in no way responsible for her....we are. We pay Ms. Berry a daily per diem rate and a clothing allowance of so much per year. Had the baby been made a ward of the court it would have made a different circumstances, but it was not. We do not automatically make an infant a ward of the court just because the mother is. At one time they did do it that way, but they no longer do it, since the Juvenile Code change of 1979. There would have been steps to take to make the infant a ward if they felt like it was in jeopardy, but they did not think it was at the time.

Commissioner Cox asked how was this infant to be taken care of and Ms. Donahue replied at the point of birth the actual, real grandmother was helping out and paying for formula, clothing, diapers, etc. from her own personal money because she was working part time then and the grandmother was also drawing ADC for three (3) other children in her home.

Commissioner Cox said yes, but that does not have anything to do with this infant and Ms. Donahue said this is correct, however, the grandmother was merely helping out, but we talked to Portia about perhaps going to court to establish wardship because someone would have to take care of the new baby, but it had not reached that point when the infant died and they cannot do anything posthumously.

Commissioner Cox said it seems logical to her that if the mother is your responsibility then the acts of the mother are also your responsibility.

Commissioner Willner said we have no authority over the Welfare's position and action.

Commissioner Willner asked Mr. Miller if there is a Federal Attorney General and he replied yes, but we could perhaps go through the State Department of Welfare to see if there is some way we could recoup these costs through a federal program, however, he would say we could spend ten (10) times the \$350.00 trying to recoup it.

Commissioner Cox said the Welfare says they cannot pay these expenses but can the Commissioners over-ride that interpretation and Mr. Miller said the Board of County Commissioners cannot over-ride the interpretation of the Department of Public Welfare.

Mr. Miller said perhaps we could have the infant posthumously declared a ward of the court, as its mother was...he really does not know, because this is something he has never researched before, and if this can be done then perhaps Welfare can respond at a later time.

Mr. Igleheart said he would raise that possibility, however, it has never been done, but that would put a different light on things.

Mr. Taylor said Mason Funeral Home contacted him and ask him to please appear before the Commissioners with this matter to try to get it cleared up.

Mr. Miller said he would think it fruitful to delay this for one (1) week and the Township Attorney should be the one to enter an appearance in the courts and see if the infant could be made a ward of the court. He said he will be happy to contact the Trustee's attorney, Jim Kiely and discuss this matter with him.

Mr. Taylor asked if Ms. Berry will have to appear again next week and President Borries said no.

Mr. Taylor thanked the Commissioners for hearing him today and he will be in touch.

President Borries said our County Attorney will contact Attorney James Kiely and ask him to enter an appearance before the court asking for a judgment and consideration of a posthumous consideration of this infant as a ward of the court.

RE: POOR RELIEF....PIGEON TOWNSHIP

Applicant: Albert Anderson

Investigator: Rebecca Hittner

Mr. Anderson was present and stated he is presently living at 105 Edgar Street although he has lived there only about two (2) weeks. He stated he has received a disability pension for over four (4) years and now he feels as though he is able to go back to work, on light duty, but he does need some assistance until he can find a job and he believes that is what Welfare is for.

President Borries said you have lived in Pigeon Township for two (2) weeks, is this correct and Mr. Anderson said he came here on the 31st. of December, however, he stayed at the Civic Plaza Hotel for awhile.

Commissioner Willner asked Mr. Anderson where was he last employed and he replied in Rock Island, Illinois, at the J.I. Case Company and he was injured while working, that he busted his ankle and they had to put some pins in it. The company did pay for all of those medical expenses. He was a transmission assembler, he washed parts and then they put him on a different job and that is when he was injured.

Commissioner Willner said when you are able to go back to work, is the job not still open to you and Mr. Anderson said yes, it was open to him, but due to the fact the personnel manager told him the last man to work it got his ribs or his ankle busted and they did nothing to make the job safe then he would not work with them again, so now he will only work for the city or the state.

Mr. Anderson said also when he was working for the J.I. Case Company he was in the mental hospital five (5) times per month, for four (4) years and that cost the insurance company approximately \$50,000.00. The reason he thinks he had this mental problem is that people were putting stuff in his food, which they are also doing right here in Evansville and he has been to the Health Department and reported it. People were putting pills in his food and that is why he had to go into the mental hospital.

Commissioner Cox asked Mr. Anderson if he is from Illinois, or where and he replied he is from Iowa and then he went to work across the river in Illinois and also a long time ago he worked in Elkhart, Indiana...pulling house trailers and he just thought he would come to Evansville for awhile.

Mr. Anderson said he has been before rehabilitation boards in about four (4) different states and none of them can help him, so the only thing he knows to do is get on Welfare and apply for a job with the city or the state, which he has done. If he could draw unemployment he would, but he cannot. He is a bachelor and does not need a high paying job, just something to keep him going.

Ms. Hittner said Mr. Anderson came into the Pigeon Trustee's office on January 10th and applied for rent and he was denied because of voluntary resignation of alternate programs, that he had a form with him stating he had voluntarily withdrawn from disability from which he had been drawing \$603.00 per month. She feels Mr. Anderson should have had someone to help him make a decision such as that. At the time he withdrew from disability he was living in Phoenix, Arizona. She said he informed her that last time he worked was in 1978.

Mr. Anderson said beg pardon, he worked about three (3) weeks...part time.

Ms. Hittner said also, at that time, Mr. Anderson was not on the food stamp program and we do not pay rent for anyone who is not on food stamps, plus the fact he was not thrity (3) days behind in rent, because he hadn't even been here that long. She talked to the Social Security office about this matter and they told her it would take from sixty (60) to ninety (90) days for him to be reinstated, that is, if he would consent to reapply.

Mr. Anderson said isn't social security for people that aren't able to work and who are sixty five (65) years old, well he isn't that old and he is able to work and that is why he doesn't want to draw it.

President Borries said without having all the social security guidlines in front of him right now he could not say exactly what it covers, however, he does have the Pigeon Trustees' Guidelines, and he is sure Mr. Anderson received these when he made application to them and one of the stipulations and reasons for denial is voluntary resignation from alternate programs. He would say that social security is not only for persons over sixty five (65) but also for people who qualify in any number of ways in some form of disability.

Mr. Anderson said he is able to work and is not interested in drawing disability, because that would not be the right thing to do.

Commissioner Cox said Mr. Anderson's attitude is commendable in regards to not wanting to draw disability when he is able to work, but she would like to know if he understands what the term alternate means, that he did sign the form that he was not interested in alternate means of assistance. The Trustee is saying you must be denied by the other sources before applying to them for assistance.

Ms. Hittner said when Mr. Anderson applied for help she did tell him that he must apply for food stamps, but her main problem was that he had voluntarily withdrawn from social security disability, however, Mr. Anderson must eat and have shelter and he should have a job before withdrawing from alternate means, such as disability and that is what she referred to when he was denied. There may be a couple of places where he could perhaps get a weeks rent, however, she believes they would look at it in the same light she did and that is he should at least reapply for social security.

President Borries said perhaps Mr. Anderson needs some legal advice because perhaps he does not understand all of this.

Commissioner Cox said Mr. Anderson needs a medical statement showing if he has a five percent (5%) disability because of his injury, or whatever his disability is and even though he is able to work at some employment, he would also be eligible, with no hard feelings about accepting the money on a certain level of disability, but he has told us the doctor has released him to go back to work, which to her eliminates his qualification for disability.

Ms. Hittner said that is not what Mr. Anderson told her.

Mr. Anderson said the doctor released him to go back to work and then about four (4) years later is when he was found to be eligible for disability social security.

Commissioner Willner moved the request be denied and that Mr. Anderson consults the Legal Services office for advice and he should reapply for social security benefits and if Mr. Anderson, in the future, should find gainful employment, then he could drop his disability. Commissioner Cox seconded the motion. So ordered.

President Borries asked Ms. Hittner if she would please go with Mr. Anderson to the Legal Service office so that he can get some legal counsel and she said that she would.

RE: POOR RELIEF....PIGEON TOWNSHIP

Applicant: Delores Shuck

Investigator: Mary Lancaster

Ms. Shuck was present and stated she is presently living at the YWCA, at 118 Vine Street and she went to the Pigeon Trustee's office this past Friday afternoon and requested her rent be paid at the YWCA for one (1) week until she receives her check from Project Safe which she should receive any time now.

President Borries asked Ms. Shuck if she pays her rent bi-weekly at the YWCA and he replied she has paid nothing yet.

President Borries asked her why she gets checks from Project Safe and she replied she has received several checks from them, that it has something to do with the electricity and these checks are sent to her post office box and she has this post office box because she does not want her mail being destroyed. She also receives her social security checks there.

Commissioner Cox asked Ms. Shuck where she lived prior to the YWCA and she replied she returned from Florida only about one (1) week ago. Commissioner Cox asked Ms. Shuck that when she applied for Project Safe what address did she use and she replied she does not think she used any address, but it could have been 926 S.E. 6th. Street.

President Borries asked Ms. Shuck where she lived before going to Florida and she replied at the 6th. Street address and that she lived there from the 3rd of June until the end of December, at which time she went to Florida.

President Borries asked Ms. Shuck if she receives food stamps and she said yes. He then asked her if she had received aid from the Trustee before and she replied yes, one time when she returned from Florida they did refill three (3) prescriptions for her.

President Borries asked what was the nature of the Florida trip and Ms. Shuck replied she had a part-time job there as an aid in a center for the elderly, that she had worked there for about a year in 1982. Her son lives in Florida and she visited with him and her daughter lives in California.

President Borries asked Ms. Shuck why she is not living at the 6th. Street address now and she replied her rent was due on the 3rd of the month and when she came back from Florida they told her they were going to keep her things until she paid \$150.00 or \$200.00 or maybe \$300.00 and she does not have that much money to give them to get her stuff back. They have all her belongings, her television, radio and a tape recorder.

President Borries said were you behind on you rent when you went to Florida and she replied yes, she was supposed to pay it, but she didn't, that she was very upset the day she left here and now she feels really bad about it, but she was so concerned about her mother.

Commissioner Cox asked if the apartment on 6th. Street is still available and Ms. Shuck said no, that she does not know if they have rented it or not, but they told her that her belongings were there in that attic and when she got another place to live she could get them, but they also told her they were going to hold the television, radio and tape recorder until she paid them.

Ms. Lancaster, Investigator from Pigeon Township stated Ms. Shuck came into their office about 2:30 p.m. this past Friday and made application for rent, stating she wanted a months rent at the YWCA. She stated she was on social security disability at that time and when asked how much, she did not remember, however, we have an old affidavit on record which expired on November, 1983 and at that time she was receiving \$289.00 per month. She asked Ms. Shuck what she did with her social security check and was told she took it and went to Florida. She asked Ms. Shuck if the Florida trip was an emergency and was told no, that she wanted to go and visit a lady friend, have a few drinks and have dinner with her friend and she spent all her money while she was there and someone had to pay her bus fare back to Evansville, where she went to the YWCA and they then sent her to the Trustee's office. She disallowed Ms. Shuck because of over-incomed and alternate sources (her social security checks).

Commissioner Willner asked Ms. Shuck if she has other relatives living in Evansville and she replied no, that her son is in Florida, her daughter in California and her Mother is now living in a nursing home in Owensville, Indiana. She would like to make one thing clear though and that is the fact that she does not drink any alcoholic beverages whatsoever, only milk, coffee, tea and juices.

President Borries said the limit to one's income for one (1) person is \$250.00 per month, according to the Trustees guidelines, therefore Ms. Shuck would not qualify. He said a person can spend their money anyway they choose, but perhaps someone in the Trustee's office could be of some assistance in making decisions of this kind.

Commissioner Cox said there are some very nice people at the YWCA and she is sure they would be happy to help Ms. Shuck manage her money.

President Borries informed Ms. Shuck there would be no action the Commissioners could take in regards to this appeal.

RE: COUNTY ATTORNEY.....DAVID MILLER

Jail Improvement Project: Mr. Miller said the Sheriff has called his attention to the following letter addressed to the Board of County Commissioners regarding the additional \$10,000.00 that has been authorized by the United State Marshal Service for the Jail Improvement Project. The letter, dated January 20, 1984, read as follows:

Re: Jail Improvement Project and Class Action Litigation Regarding the Jail.

Dear Commissioners:

Upon the assurance of the U.S. Marshal's Service that the amount of funds provided pursuant to the cooperative agreement for jail improvements will be increased by Ten Thousand Dollars (\$10,000.00) to a maximum of Two Hundred Sixty Thousand Dollars (\$260,000.00), I have prepared the enclosed Addendum to the Intergovernmental Agreement with the Evansville-Vanderburgh County Building Authority (the "Building Authority") dated August 31, 1983. The Addendum authorizes the Building Authority to accept a project bid up to a maximum of Two Hundred Sixty Thousand Dollars (\$260,000.00). If this

1-23-84

Addendum meets with your approval, it should be signed and forwarded to the Building Authority for consideration at their meeting of January 25, 1984. Please return a copy for my files.

I would also request a joint executive session with the named defendants in the class action litigation concerning the County jail for the purposes of discussing the proposed settlement agreement. At the convenience of the County Council, Sheriff and County Commissioners such an executive session should be scheduled.

Very truly yours,
BOWERS, HARRISON, KENT AND MILLER

David L. Jones

cc: Mark Owen
Clarence Shepard

Mr. Miller said the following is the Addendum to Intergovernmental Agreement which has been prepared by David Jones and they would recommend it be signed and delivered to the Building Authority.

Re: Addendum to Intergovernmental Agreement concerning jail improvements.

Gentlemen:

The Board of County Commissioners has been advised by the United States Marshal's Service of an increase in the grant funds to be provided by the United States Department of Justice for improvements to the Vanderburgh County Jail which increase is in the amount of Ten Thousand Dollars (\$10,000.00). With the increase in available funds for the jail improvement project, the Board of County Commissioners hereby authorizes you to accept any responsive bid for the proposed jail improvements, which does not exceed the sum of Two Hundred Sixty Thousand Dollars (\$260,000.00) and hereby grants such consent as a modification to the Intergovernmental Agreement by and between Vanderburgh County and the Evansville-Vanderburgh Building Authority dated August 31, 1983.

Very truly yours,
BOARD OF COUNTY COMMISSIONERS OF
VANDERBURGH COUNTY, INDIANA

Sheriff Shepard was present and stated he received the letter from Mr. Jones just this morning and he is sure the Commissioners all received copies also, that we have received a verbal from the Marshal's Service in Washington that we will be allowed the additional \$10,000.00, so Mr. Jones is asking the Commissioners sign the Addendum to the Intergovernmental Agreement with the Building Authority and forward it on to the Building Authority so that they will have it for their meeting on January 25th. and they can then change the bid from \$250,000.00 to \$260,000.00, the awarding of the contract can be made and construction can start, hopefully within thirty (30) to forty five (45) days.

Commissioner Willner asked who is the low bidder and the Sheriff replied Deig Brothers Lumber and Construction Company, Inc.

Commissioner Willner moved the Addendum be approved and forwarded to the Building Authority and he would also like to take a minute to thank Mr. Jones, the Sheriff, the Building Authority and everyone else involved for all the hard work put into this effort.

Commissioner Cox said last week the Commissioners agreed and sent a letter to the Building Authority authorizing them to reject all bids and readvertise, so now will this Addendum supercede that action taken last week and Mr. Miller replied yes it will. Commissioner Cox then seconded Commissioner Willner's motion. So ordered.

President Borries said he would also like to thank everyone who worked very hard on this project.

Sheriff Shepard said he would remind the Commissioners that Mr. Jones does want to set up a meeting to discuss the proposed settlement agreement.

Agreement between the Commissioners and Teamsters Union: Mr. Miller informed the Commissioners he has fully reviewed the proposed written forms of agreement between the County Commissioners and the Teamsters Local 215 Union and he finds substantial problems and potential problems in various language changes which are suggested in these agreements and he does not think it is appropriate to recommend they be signed at this time. He will contact the business agent of the union, Mr. Whobrey, and begin to start working out some of these problems.

Law Suit...John Shackelford: Mr. Miller said we have received, this week, a third party complaint, filed on behalf of John Shackelford, a former Deputy Sheriff of Vanderburgh County, who apparently while he was suspended without pay from the Vanderburgh County Sheriff's Department, incurred medical expenses which amount to at least \$6,270.30, or that is the amount that Deaconess Hospital is suing Mr. Shackelford for and Mr. Shackelford has in turn filed a third party complaint against Vanderburgh County, the Sheriff's Department and the Vanderburgh County Council asking that Vanderburgh County be required to reimburse him for any sums that he is liable for to Deaconess Hospital, to the extent of the medical insurance that was carried on him and his family during the time he was employed by the Sheriff's Department. Vanderburgh County has previously taken the position that the county did not provide medical insurance to Mr. Shackelford during this period of time that he was suspended without pay and therefore it is necessary to enter upon a defense of that law suit and he needs authority to do so.

Commissioner Willner moved the case of John Shackelford vs Vanderburgh County be referred to the County Attorney for his legal expertise. Commissioner Cox seconded the motion. So ordered.

Commissioner Willner said he would also like to have some additional information on this suit and Mr. Miller said as soon as he receives additional information he will make it available to Mr. Willner.

Agreement on Eichoff/Koressel: Mr. Miller said he has been provided and has reviewed an agreement which is proposed to be entered into between Vanderburgh County and the United Consultants Engineers, Inc. in regards to Eichoff/Koressel. This is a lump sum agreement as opposed to a hourly arrangement that has caused some problems in the past. The legal form of this agreement is fine and he has signed it and approved it and subject to the Commissioners judgment about the merits of the contract, he believes it is appropriate for the Commissioners signatures.

Commissioner Willner moved the agreement be approved.

Commissioner Cox asked if it states the cost in the agreement and Mr. Miller said it does, that there are three (3) separate categories and the cost is dependent upon the extent of various services, but it is in Appendix D, Paragraph 2, if the Commissioners want to know where it is at. He said Paragraph 2 provides for three (3) categories of potential work, that the original study is set forth in three (3) separate categories totally approximately \$22,000.00. Category 2 sets forth what appears to be additional work that could amount to a total of approximately \$13,000.00 and there is a third category of additional work for ISUE and if that work comes to pass it shows a total of \$17,000.00, but these are all the maximum figures and he rounded them off also.

Commissioner Cox asked if ISUE has agreed to pay their cost and President Borries said this is true and he understands the total is not to exceed \$32,820.00, and this has been back and forth to the state, etc. and he believes at this point it is ready for signatures.

Commissioner Cox seconded the motion. So ordered.

All the agreements were given to Mr. Lindenschmidt, who will see the Auditor's office receives a fully executed copy.

Law Suit...Hirsch vs Vanderburgh County: Mr. Miller said there is an old case that has been pending against Vanderburgh County for some time now, filed on behalf of a family by the name of Hirsch, on Burkhardt Road. He is presently in the middle of some settlement negotiations, which we are trying to complete prior to the time the Burkhardt Road improvement is finalized. He will send the Commissioners, within the next two (2) weeks, a recommendation for settlement. He has a tentative proposal out to the Hirschs' and he hopes to hear from them within the next seven (7) days.

RE: BILL ZIMMERMAN...BUILDING COMMISSIONER

Discussion of Licensing of Tradesmen: President Borries said Mr. Zimmerman is present, as requested, to explain the licensing of tradesmen and the new fees. The city, he believes, has adopted these fees and the Commisisoners had some questions on them. He asked Mr. Zimmerman when was the last time these fees were increased.

Mr. Zimmerman said the last increase was in 1974, however, he cannot find where the old fees were ever approved by the City. The new fees are at the suggestion of the City Controller and the City Council has already adopted the new fee schedule, however he is not charging them until they are also passed by the County.

President Borries said then in your opinion Mr. Zimmerman and also to add to the efficiency of this office, is it your feeling we should standardize these current fees.

Mr. Zimmerman said he understands, yes, they should be standardized.

Commissioner Willner said the Commissioners had a gentleman to come into the office last week who raised a valid question, that being, the Master License, that lets say the old fee was \$100.00 and the next one down was say \$10.00 and then they raised the \$10.00 cost to \$30.00 and the \$100.00 fee to only \$150.00 and he questioned why the fees would not just be doubled as they existed, why three times more on the Journeyman's license then on the Master's license.

Mr. Zimmerman said this was his objection in the raising of fees, that an Apprentice has not been charged a fee in the past and the City Controller now asks that they be charged a fee. It is \$20.00 per year for a fourth year apprentice and \$10.00 for a Journeyman, but to him that is not quite fair that a Journeyman be charged less than an Apprentice, so they changed it so that the Journeyman is paying \$25.00. The Master went from \$200.00 to \$250.00. This is not his request and he wants the Commissioners to understand that, that it came from the City Controller.

Mr. Zimmerman said he would like to ask Mr. Miller if this new fee schedule has to begin at the first of the year, that does it have to be delayed until 1985 and Mr. Miller said he sees no reason to delay it.

President Borries said the Ordinance states each license, certificate and registration shall expire on December 31 of each year. All renewals thereof shall be obtained before January 31 of the succeeding year.

Mr. Zimmerman said right now he is charging both the city and county the old fees.

Commissioner Cox said she recalls Mr. Zimmerman coming before the Commissioners a few months ago concerning a matter of charging someone too small of a fee and wanted to collect the remainder of it and Mr. Zimmerman said that did not concern this, that it was a different matter and concerned Roofers License.

Commissioner Willner moved the Ordinance be advertised.

Mr. Miller said his recommendation would be to make this Ordinance effective the day it is signed and that it not be retroactive where someone would have to go back and try to collect from people who have already paid for their license, certificate and registration, that he believes that would not be proper.

Commissioner Cox seconded the motion. So ordered.

RE: BILL BETHEL....COUNTY HIGHWAY DEPARTMENT

Weekly Absentee Report: Mr. Bethel submitted the weekly absentee report of the employees at the county garage for the period of January 16 thru 20, 1984....received and filed.

Weekly Work Report: Mr. Bethel submitted the weekly work report of the employees at the county garage for the period of January 16 thru 20, 1984....received and filed.

Attached to the weekly work report was the following work schedule:

Snow Removal: All Routes - Five (5) Days
Trash Trucks: Lynn Road, South Weinbach, River Road, Folz Road and Waterworks Road
Barricades: Built and Painted barricades and cleaned equipment

Commissioner Cox said she would like to thank Mr. Bethel and all of his workers for the super job that was done on the snow removal last week, out in the county, that she was very proud of a job that was very well done.

Mr. Bethel said his workers are the ones that deserve the praise and he will tell them.

President Borries said to clarify how the snow removal system works at the county garage he believes there are priority routes.

Mr. Bethel said this is correct, that they have snow routes and they take them first. The Sheriff notifies him, by pager, whenever the roads become a problem.

The Sheriff said Mr. Bethel has supplied him with a list of on-call people for the entire year, that he can reach by radio.

RE: BOB BRENNER....COUNTY SURVEYOR

Weekly Bridge and Guardrail Report: Mr. David Guillaum, Chief Deputy Surveyor, submitted the weekly bridge and guardrail report of the bridge crews for the period of January 16 thru 20, 1984....received and filed.

Mr. Guillaum reported they have started cutting and burning trees in regards to the Bender Road railroad overpass, which they received approval from the railroad to do.

Mill Road Structure: Mr. Guillaum stated he has with him today a topo map of the Mill Road Structure that has recently been discussed. They have put a letter together, with a legal description of the area they want vacated, and this would be from the State Highway limits to the bridge itself. He would like for this to be turned over to the county attorney at this point. They also have the names of the property owners who would be involved, in the area. Commissioner Willner pointed the area out on the map to Mr. Miller and showed him the portion proposed to be abandoned.

Mr. Miller asked if the bridge is still in existence and President Borries said yes, but the county is no longer interested in maintaining it.

Mr. Guillaum said we either want it turned over, the liability and responsibility, to the property owners or close it off.

Mr. Miller said he will contact the property owners.

Morgan Avenue Structure: Mr. Guillaum said his office received a report from the State Highway as to the bridge over Harper Ditch, on 62. He really has not much to report at this time other than the design they are calling for is a 65' width and a 73' span. We currently have a bridge out there with a 20' span and they would have no argument on the width, because the plans call for the four (4) laning out there.

Commissioner Cox asked Mr. Guillaum if he knows the width of the Morgan Avenue widening and he said right now we have close to a 24' wide road and with four (4) laning we could approach 48' plus 6' sidewalks, so we are talking close to 60'.

Commissioner Willner said what is frightening to him is the 73' span and the cost involved. He asked Mr. Guillaum if he has an estimate and he replied we are probably looking at a quarter of million dollars.

Commissioner Cox asked if this is the only bridge we are concerned with on the Morgan Avenue Improvement and President Borries said yes, there is only one (1).

Commissioner Cox asked if we have a right-of-way problem on this bridge and Commissioner Willner said the state is taking care of that and it is adequate.

Commissioner Willner said when we agreed to the bridge we were talking about \$40,000.00 or \$50,000.00 and now we're talking about a quarter of a million dollars and the decision we will have to make is will we go along with that expenditure for the State Highway and he believes we should get Andy Easley involved at this point.

President Borries said our purpose was to expedite the entire flow of traffic, but at that time we weren't talking about a quarter of a million dollars.

Commissioner Willner said it looks to him like instead of using earthen approaches for the bridge they are going to use the bridge for approaches and that goes beyond what we originally agreed to do.

Mr. Easley asked how soon is the state going to advertise for bids on this project and Mr. Guillaum said there is no time schedule, or at least he has seen none.

Commissioner Willner said he believes this is to go in 1984.

Mr. Easley asked if that section is being designed by a Consultant and President Borries said he believes not.

Check from Indiana Insurance Co. Mr. Guillaum submitted a check in the amount of \$357.95 from the Indiana Insurance Company for a chain saw they had stolen on September 16, 1983. He would like for this to go back into the equipment account of the Cumulative Bridge Fund.

Commissioner Willner moved the check be signed and put back into the Equipment Account of the Cumulative Bridge Fund. Commissioner Cox seconded the motion. So ordered.

RE: ANDY EASLEY....COUNTY HIGHWAY ENGINEER

Railroad Switch on Lynch Road: Mr. Easley said he was in contact with the L&N again this week and they are still working on their estimate in regards to the switch located on Lynch Road.

Three (3) Utility Agreements: Submitted for approval was the following three (3) utility agreements for relocations:

Southern Indiana Gas and Electric Company, for utility facilities consisting of power and wire lines, underground lines and other related items located at Burkhardt Road from Lincoln Avenue north to Boonville Highway.

Indiana Bell Telephone Company, for utility facilities consisting of pole and wire lines, underground lines and other related items located at Burkhardt Road from Lincoln Avenue north to Boonville Highway.

Evansville Water and Sewer Utility, for utility facilities consisting of water lines, fire hydrants, valves and other related items located at Burkhardt Road from Lincoln Avenue north to Boonville Highway.

President Borries said after reading down through the Agreement, it appears the costs will be handled by the Utility making the cut.

There was a representative from SIGECO in the audience and he stated if they stay within their right-of-way they absorb the expense and if its outside their right-of-way, the county pays the expense.

President Borries said these agreements give them permission to relocate within their own right-of-way.

Commissioner Willner moved the agreements (3) be approved and signed. Commissioner Cox seconded the motion. So ordered.

RE: LETTER FROM CITIZENS REALTY ON THE BURKHARDT ROAD WIDENING PROJECT

President Borries read aloud the following letter from Citizens Realty, dated January 13, 1984 and directed to the Board of County Commissioners.

Re: Burkhardt Road Widening Project

Dear Commissioners:

Pursuant to the above and certain requirements by the Indiana Real Estate Commission, we should have a general understanding of the scope of our association. This letter is intended to serve as a letter of authority to negotiate for the purchase of right-of-way

for Burkhardt Road between Boonville Highway and Outer Lincoln Avenue.

It is our understanding that we are to negotiate with certain property owners along Burkhardt Road for the purchase of temporary and permanent easements and right-of-ways as specified by drawings made by Morley and Associates, legal documents prepared by David L. Jones, Attorney at Law and only values as specified in appraisals by Victor L. Funke, S.R.A. Pursuant to the scope of our job, we will prepare offer to purchase form, submit said forms to owners, discuss the project and sign the offer forms as negotiator for the Vanderburgh County Commissioners, but only for the amount of the appraisal by Victor Funke. After signing offer, the legal documents will be submitted to owners for execution and after execution a check from Vanderburgh County will be delivered.

It is hereby agreed and understood that Citizens Realty and Insurance Inc. will receive a fee of \$250.00 per parcel for its services. This fee does not include a fee which may be charged for court services.

We will aggressively procure and perform the duties as specified under this agreement.

Respectfully submitted,
CITIZENS REALTY AND INSURANCE INC.
Kenneth F. Hansen, Negotiator

Commissioner Willner said some of those appraisals that Mr. Morley submitted to us last week were only \$7.00 in some instances.

Commissioner Cox said those submitted last week were for temporary easements for drive-ways, but this letter from Citizens is talking about the purchase of right-of-way, and those two are not the same.

Mr. Easley said he thinks it would be a good idea to clarify this matter before approving the \$250.00 for each parcel, through Citizens.

President Borries asked Mr. Easley to please contact Mr. Hansen in regards to this matter and report back when he has a clarification.

RE: LETTER FROM CONVENTION AND VISITORS BUREAU

The following letter was read aloud by President Borries, dated January 23, 1984 and directed to the Board of County Commissioners.

Subject: Request for participation in area travel shows

The Convention and Visitors Bureau has extended an invitation to County visitor attractions to send a representative to work at area travel shows in order to personally promote their own facilities and at the same time provide relief for Bureau staff who will be involved in overlapping sales and travel scheduling. Attached is a copy of the schedule.

Mark Tuley has offered to staff the booth in Louisville on Tuesday, January 31, (while we're hosting a customer reception) and on February 1 and 2 (while we attend a Tourism Conference in Indianapolis). Hotel, meal and travel expenses will be borne by the Convention and Visitors Bureau. He has also offered to help in Indianapolis on February 21 and 22. A hotel reservation schedule is attached.

We request your consideration in allowing Mark to take part in these shows. They are an extremely important promotional activity and will provide Mark an excellent opportunity to not only gain more exposure for Burdette Park but also to become familiar with this very important and successful though strenuous promotion.

Jan Thuerbach
Executive Director, Evansville
Convention & Visitors Bureau

Commissioner Willner moved the request be approved. Commissioner Cox seconded the motion. So ordered.

RE: REPORT FROM ALEXANDER AMBULANCE SERVICE, INC.

President Borries said the Commissioners received a report from Alexander Ambulance Service, Inc. for county receivables as of December 31, 1983...received and filed.

Mr. Miller said Alexander has indicated that after a draft of the 1984 contract has been sent to them they would like to meet with everyone involved and go over the various provisions. He has sent them this draft and they should have received it a few days ago, so we do need to set up a date, and if possible, he would like for all of the Commissioners to attend.

President Borries said they will work on a date for that meeting.

RE: ORDINANCE ON PROPOSED PRECINCT CHANGES

President Borries said the precinct changes were approved last week, however, due to the importance and also procedural steps that need to be taken, the Commissioner's secretary, Margie Meeks, did not wish to rubber stamp the ordinance, therefore it is before us today to be signed, advertised and sent to the State Election Board.

All three (3) of the Commissioners signed the Ordinance.

There was also a document concerning the precinct changes, that is to be filled out by the County Auditor and forwarded to the State Election Board with all of the other data, therefore it was referred to the Auditor for completion.

RE: DRAINAGE PROBLEMS AT THE AIRPORT

President Borries said the Commissioners had requested a report from Mr. Elvis Douglas, District Conservationist concerning the flooding or the drainage at the Airport and that report has been received, with the following cover letter, dated January 19, 1984.

Mr. Borries:

I hope that the delay in getting this information hasn't caused undue inconveniences. But, due to the nature of your request, I felt that it was most important that we get a more qualified person than myself, to address the question regarding the potential flooding problem, as a result of the proposed airport expansion. Therefore, I requested that a Soil Conservation Service engineer, experienced in hydrology and hydraulics, evaluate the drainage analysis prepared by Morley and Associates, Inc. However, I must point out, that due to staffing goals and work priority, we are limited in the amount of time that can be devoted to urban work.

Douglas Stradtner, a Civil Engineer on the Area V Soil Conservation Service Staff has briefly reviewed the drawings and amended drainage analysis prepared by Morley and Associates, Inc., and offered the following comments.

Attached is a copy of Mr. Stradtner's comments, in their entirety, as presented to me. I hope that his comments will shed some light on the proposed Dress Regional Airport expansion, and potential flooding problem, for the betterment of all.

If you have any questions, please let me know.

Elvis O. Douglas
District Conservationist

The following is the report submitted to Mr. Douglas from Mr. Douglas D. Stradtner, P.E. Area Engineer.

This review was requested by your office and is to be used as you feel is necessary. It was prompted out of the controversy that surrounds the subject improvements and the apparent philosophy that SCS has the answers to help put the issue to rest.

I must point out that while SCS has, in the past, had some involvement in urban hydrology matters, it is, in this area, vastly more experienced in rural hydrology work than in urban. We are also limited in the amount of time that we have to devote

to urban work. As you know, SCS has placed such work far down on the list of priorities that need our attention. For these reasons and the inordinate amount of time required to fully evaluate the drainage analysis of Morley and Associates, Inc., I have given a brief review of the drawings and the Amended Drainage Analysis.

I feel that Morley's report has tried to address the change in hydrology in a very professional way. I feel he has tried to effect a prudent and professional product. I cannot and will not attest as to whether he is correct in his analysis. As you know, hydrology is a highly statistical and difficult science to evaluate. I will therefore, not attempt to say whether flooding will increase, remain the same, or decrease as a result of the airport improvements.

I do believe, however, that his attempt to provide for natural storage behind newly installed pipes is a good way to handle the surplus water above the 25 year storm. This will serve to insure that any flooding potential will be minimized. Also, in reviewing the hydrology, I wonder if the various existing ponds, planned forested areas, and removal of concrete in old industrial areas were considered. These changes will quite likely have some effect to reduce peak flows from the drainage areas and may thereby offset some of the increases due to the improvements.

In looking over some of the background information that you sent to me, I noted a comment in a "SPEAKOUT" article by Mr. Richard Lythgoe. In the article he states in effect that in 1974 the SCS warned the airport that the capacity of the creek is "very inadequate for handling storm water". I must point out that this report is nearly ten years old and cannot be safely used as an axiom in predicting today what will happen to water from the improved area. Also, the preliminary report in which this statement was published did not consider or study the hydrology and hydraulics of Little Pigeon Creek. It merely resounded the problem at the current airport site in that at certain times Little Pigeon Creek is apparently too high to allow the existing large tiles handling airport drainage to drain as fast as needed. Please realize that the timing of the storms on Little Pigeon Creek, elevations of backwater from Pigeon Creek, etc. were not studied in the SCS report. However, these items were studied and addressed in the Morley Report.

Hope this letter help some. Call if questions.

Douglas D. Stradtner, P.E.
Area Engineer

Received and filed.

Mr. Richard Lythgoe was present and asked to be heard at this time and stated he believes it is comparable to the highway situation where the relocated State Road 57, to meet state and federal standards, should have been four (4) lanes, but because the Airport designed it largely two (2) lane, the state now is going to move 57 down the interstate and that will become a county liability and the county attorneys will get the wrongful death suits instead of the state getting them and he does not think this is prudent and he does not think it is prudent to encroach on the flood plains.

Mr. Lythgoe said this report was available about a week ago, however, they would not give it to him, but informed him he would have to go before the Commissioners to get it and the reason for that is that the Airport had a priority to rebuttal it before the media and other concerned people could get a copy of it. He would also like a copy of the Airport's rebuttal to the letter read aloud today, which he understands Mr. Morley delivered to the Commissioners just a few minutes ago.

President Borries said he has not seen the Airport's comments in this matter and in regards to the letter he read from Mr. Stradtner, he understands the Commissioners office received it Thursday, January 19th and it was his concern that the information be shared first with the Commissioners.

Mr. Lythgoe said he did not appear today to talk, only to get the information and he is now requesting that he be allowed a copy of the Airport's rebuttal and would ask a copy be mailed to him.

President Borries said you, Mr. Lythgoe, are certainly entitled to the Airport's report and we would be happy to mail you a copy of it.

Both Commissioners' Cox and Willner stated they had not yet seen a report from the Airport regarding this matter.

RE: CERTIFICATE OF INSURANCE

A certificate of insurance was submitted for Conren, Inc. for the annual salesmen appreciation party at the Auditorium on February 7, 1984.

A certificate of insurance was submitted for the Tri-State Association of Grocers for a dance being held in the Gold Room, Saturday, February 11 and Sunday, February 12, 1984.

A certificate of insurance was submitted for the Evansville Vanderburgh School Corporation for programs held at the Auditorium during Black History Month on specified days of January 22, 1984 and February 11, 1984.

All certificates received and filed.

RE: CLAIMS

President Borries said last week three (3) claims were submitted by the Evansville-Vanderburgh Building Authority for computer wire installation and they were deferred until this week, for further information. Upon reviewing the agreement with Pulse Systems, it does mention a one-time fee for wiring, up to \$5,000.00, however, he is not sure if this is an extra \$5,000.00 in addition to the contract, or not, so we will be paying these claims from the Data Processing account and he would recommend payment.

Commissioner Willner moved the following claims be approved, upon recommendation of President Borries.

Labor and material to install breakers and terminated conductors for new computer installation.....\$711.28

Pull Back existing cable from Sheriff's Department and in Auditor's office to computer services and to run computer cable from "J" box in wire closet to floor outlet under counter in Voter's Registration.....\$105.00

Run 3 computer cables from Computer Room to Small Claims Clerk. Run 4 computer cables from Computer Room to Misdemeanor Clerk Area and Judge O'Conner. Run 4 new computer runs from Judge Brune's office to Judge Dietsch, Judge Swain and Judge Stephen, in the amount of \$772.50.

Commissioner Cox seconded the motion. So ordered.

Commissioner Cox said we may have a little money left in that account, because she understands they cannot charge us the full amount until they have everything on-line, and due to some problems things still aren't on-line so perhaps there can be an adjustment to the contract.

President Borries said he certainly will pursue that idea.

RE: EMPLOYMENT CHANGES....APPOINTMENTSVOTERS REGISTRATION

Rosemary Muensterman	6025 Broadway	Part-time Clerk	\$30.00 Day	Eff: 1-16-84
Diane Eapmon	1119 S.E. Riverside	Part-time Clerk	\$30.00 Day	Eff: 1-18-84

CIRCUIT COURT

Paul Aarstad	626 S. Norman Avenue	Special Intern	\$3.35 Hour	Eff: 1-1-84
Robert Rafferty	1209 McArthur Circle	Special Intern	\$3.35 Hour	Eff: 1-1-84
Betty Craig	514 S. Grand Avneue	Special Intern	\$4.00 Hour	Eff: 1-1-84
Jeffrey Howerton	1418 N. Villa Dr.	Special Intern	\$3.35 Hour	Eff: 1-1-84
Leora Riesbeck	3712 Van Meter Crt.	Special Intern	\$3.35 Hour	Eff: 1-1-84
Michael Danks	1906 Ridgeway Ave.	Special Intern	\$3.35 Hour	Eff: 1-1-84
Shawn E. DeVoy	1400 S. Grand Ave.	Special Intern	\$3.35 Hour	Eff: 1-1-84
Sara K. Willett	2837-B Washington	Special Intern	\$3.35 Hour	Eff: 1-1-84
Earl E. Chandler	2805 Oak Hill Road	P/T Law Clerk	\$4.00 Hour	Eff: 1-1-84
Thomas Montgomery	1274 Woodbine Lane	Probation Officer	\$3.35 Hour	Eff: 1-1-84

Appointments Continued:CLERK OF CIRCUIT AND SUPERIOR COURT

Donna J. Perkins	1933 Newton	Deputy Clerk	\$412.26	Eff: 1-23-84
Arlene Harolson	3607 Herrmann Rd.	Deputy Clerk	\$412.26	Eff: 1-16-84

AREA PLAN COMMISSION

Keith Martin	3706 Covert Avenue	Ch. Draftsman	\$13,600.00 Yr.	Eff: 1-18-84
				(End of Probation Period)

RE: EMPLOYMENT CHANGES....RELEASESBURDETTE PARK

Jeff Mitchell	1928 S. Bosse Ave.	Rink Guard	\$4.00 Hour	Eff: 1-2-84
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CIRCUIT COURT

Robert Rafferty	1209 McArthur Cir.	Special Intern	\$3.35 Hour	Eff: 1-1-84
Betty Craig	514 S. Grand Ave.	Special Intern	\$3.35 Hour	Eff: 1-1-84
Jeffrey Howerton	1418 N. Villa Dr.	Special Intern	\$3.35 Hour	Eff: 1-1-84
Leora J. Riesbeck	3712 Van Meter Crt.	Special Intern	\$3.35 Hour	Eff: 1-1-84
Shawn E. DeVoy	1400 S. Grand Ave.	Special Intern	\$3.35 Hour	Eff: 1-1-84
Paul N. Aarstad	626 S. Norman Ave.	P/T Law Library	\$3.35 Hour	Eff: 12-31-83
Sara K. Willett	2837-B Washington	P/T Prob. Intern	\$3.35 Hour	Eff: 12-31-83
Bracken Darrell	1311 Parrett St.	P/T Prob. Intern	\$3.35 Hour	Eff: 12-31-83
Jon K. Aarstad	626 S. Norman	P/T Prob. Intern	\$3.35 Hour	Eff: 12-31-83
James Dischinger	1614 Speaker Road	P/T Prob. Intern	\$3.35 Hour	Eff: 12-31-83
Michael J. Danks	1906 Ridgeway Ave.	P/T Prob. Intern	\$3.35 Hour	Eff: 12-31-83

CLERK OF CIRCUIT AND SUPERIOR COURTS

Deborah Hunter	738 E. Powell	Deputy Clerk	\$412.26	Eff: 1-16-84
Susan Heberer (LOA)	3005 Broadway	Deputy Clerk	\$412.26	Eff: 1-23-84

AREA PLAN COMMISSION

Keith Martin	3706 Covert Ave.	Ch. Draftsman	\$13,100.00 Yr.	Eff: 1-18-84
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RE: SCHEDULED MEETINGS

President Borries said he doesn't have his calendar with him but there is to be a meeting in regards to I-164, this Wednesday.
There is also to be a EUTS meeting tomorrow at 4:00 p.m.

Mr. Lythgoe asked to speak and stated he agrees the Pigeon Township Bonding is necessary however he has not read what the disposition of it....and he would like to know where this is at now, that he would like to see it.

Mr. Miller said the work is passing between Mr. Paul Wallace, in his office and the bond counsel in Indianapolis and at the point when it becomes a public document Mr. Lythgoe will be entitled to a copy of it.

There being no further business, President Borries declared the meeting recessed at 4:50 p.m.

PRESENT: COUNTY COMMISSIONERS COUNTY AUDITOR COUNTY ATTORNEY

Richard "Rick" Borries	Alice McBride	David Miller
Robert Willner	Pat Tuley (Chief	
Shirley Jean Cox	Deputy Auditor)	

SECRETARY: Janice Decker

Richard Rick Borries
Robert Willner
Shirley Jean Cox
 BOARD OF COUNTY COMMISSIONERS

COUNTY COMMISSIONERS MEETING
JANUARY 30, 1984

The meeting of the County Commissioners was held on January 30, 1984, at 2:30 p.m. in the Commissioners Hearing Room with President Borries presiding.

The minutes of the previous meeting were approved as engrossed by the County Auditor and the reading of them dispensed with.

RE: BOB JOHN - NATIONAL REVENUE CORPORATION

Mr. Bob John, representative of the National Revenue Corporation was present and stated he has present with him today Mr. Michael Niemeyer, District Manager of the National Revenue Corporation, and that they would both like to very briefly speak to the Board of Commissioners in regards to collecting delinquent taxes for Vanderburgh County. He has gone over the delinquent accounts with the County Treasurer, Lewis Volpe and Vanderburgh County has over 1200 delinquent accounts, that total over \$600,000.00 and this is an accumulation over the past two (2) years. National Revenue is a little different than other collection organizations in that we do guarantee 100% services to our clients where an unusually low, one time fixed fee will collect any account on the books, regardless of its age or amount, or the debtors location anywhere in the free world. When you give an account to us we do all the work and the money is paid directly to the county. National Revenue represents over 70,000 clients all over the country, ranging in size from a small flower shop to Uncle Sam, who is the largest in the world. We have different levels of service and the county's accounts range from \$13.00 to over \$22,000 so obviously the efforts expended towards collecting the \$22,000 would not be expended over trying to collect a \$13.00 account.

Mr. John presented each Commissioner with a folder containing several documents in regards to their request today and at this time Mr. Niemeyer spoke in regards to those documents.

Mr. John said before turning the discussion over to Mr. Niemeyer that their firm is licensed and bonded, as required by law and they are a participating member of the conference board, they belong to the U.S. Chamber of Commerce and they maintain a \$1 million dollar excess liability policy for the protection of their clients and in the folder submitted to each board member there is a letter from the Ohio State Bank verifying that we do maintain substantial corporate accounts in an excellent manner.

Mr. Niemeyer stated the National Revenue is one (1) of three (3) companies that has been awarded federal treasury accounts out of Washington, so we do have quite a bit of experience in the delinquent tax type of account. The following fee schedule was discussed at this time:

As of January 19, 1984, the charged off personal property taxes for the last two years breakdown accordingly:

<u>Balances</u>	<u>Number of Accounts</u>	<u>Fee for Collection</u>
\$13 to \$25	217	\$6.25 per account
\$25 to \$50	212	\$6.25
\$50 to \$150	303	\$12.50
\$150 to \$400	220	\$37.50
\$400 to \$1500	213	\$75.00
\$1500 to \$6000	75	\$150.00

TOTAL	525 Accounts total for	\$600,000.00
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Recommended collection service to collect	300 Accounts.....@	\$6.25
	200 Accounts.....@	\$12.50
	150 Accounts.....@	\$75.00
	50 Accounts.....@	\$150.00

23,125.00

He said without getting into a lot of detail as far as the individual types of collection activity that is provided for the different fees, he has included in the folder copies of all the debtor documents that are used in a collection effort. These debtor documents are used in conjunction with personal contact by a regional collection officer and after the collections are made the monies are put back into county government accounts, on a monthly basis with a complete activity report, outlining each and every account what had

transpired for the past previous four (4) weeks as well as a complete accounting of all monies collected. He would very quickly like to go into the guarantees that are offered with their program. The collection cycle that they use to effect collection is normally a ninety (90) day cycle, from the first step taken to the last step and if at the end of that ninety (90) day period the debtor has not made an effort to cooperate and has not worked out any type of satisfactory payment, etc., we will replace that account with another account....free of charge to the county, so if you will refer to the schedule again, you will see as an example...50 accounts at \$150.00 per account, that means that we will collect 50 accounts for the county, in full, and we will continue to collect until the full fifty (50) accounts have been collected, and these are designed for account balances over \$1500.00. The second guarantee that we make is in the form of a complete money back refund.....that when a check for \$23,125.00 is issued to National Revenue for the collection of these approximately 800 accounts, we then issue the county a bonded bank draft in the same amount (\$23,125.00) and the county holds that bonded bank draft through the term of this collection and if we have not returned a minimum of three (3) times that amount, or 300% return on your investment, the county can keep whatever we have collected and deposit the bank draft for a full money back refund, so this is a no lose situation for the county. He said in talking with some of the people in this County that have been involved in collection work the bottom line of the total \$600,000.00 delinquency is the fact that right now the county just simply does not have the means nor the people to pursue the collection of these overdue accounts. These accounts have gone through an external collection procedure which was comprised mainly of two (2) letters and on some of them a certification was filed, but that has been the extent of the collection activity. He also understands that during a Commissioners meeting, approximately one (1) year ago that the County Treasurer, Lewis Volpe, recommended that an outside source be pursued for a better collection effort. We feel that with our very reasonable fixed fee per account, it would be very hard for the county to pursue these accounts, as cheaply as we can do it and give the county the two (2) guarantees that we can give.

Commissioner Cox said in regards to the breakdown sheet, she is wondering if there is any specific reason why those number of accounts that fall within \$150.00 to \$400.00, at a charge of \$37.50 per account is not included in the list at the bottom of that same sheet, and Mr. Niemeyer replied that is an error on his part, that it should be added 150 accounts at \$37.50 each...and why they are suggesting 150 accounts at \$37.50 each instead of 220 accounts at \$37.50 each, as shown at the top of the sheet is that we know we are not going to collect all of the accounts and out of the 220, if you contract for 150 accounts then that leaves you with an additional seventy (70) accounts to use as replacement accounts, that have gone through the ninety (90) day pre-litigation process, without collection and at the end of that ninety (90) day period they will come back and request the county's governmental body to litigate and this is entirely at the county's discretion and you are by no means obligated to litigate.

Commissioner Willner said he firmly believes this is something our county has needed for a long time now.

Mr. John said he has thoroughly discussed this proposal with Mr. Volpe and he is wholeheartedly in favor of it and he would cooperate in anyway possible to help out.

President Borries asked Mr. John if their company presently works with any other governmental agencies in this area and Mr. Niemeyer responded to the question by saying from the county's standpoint he cannot say they do, however, they are presently working with some twelve (12) cities in the State of Kentucky for this same type of an account.

Mr. John said he is presently working with the State Attorney General, who is working on the State Highway, in Indiana.

Mr. Niemeyer said this week they hope to have a signed contract with the State of Indiana, which will include accounts from a couple of different areas, one of those being from the Highway Department out of the State of Indiana and the other one being the collection of State Sales Tax from firms located outside the State of Indiana, that like Vanderburgh County, the state does not have the funds nor the manpower to collect these accounts.

Commissioner Cox said if and when we should enter into a contract agreement with National Revenue, how long is the term of such a contract.

Mr. Niemeyer said there is no term on the contract, as far as a calendar date is concerned, however, based on your current accounts and needs we are looking at approximately a six (6) month type of commitment.

Commissioner Willner said the only thing he sees a problem with right now is the \$23,125.00 we would owe to National Revenue because we are not budgeted for that amount and we do not have the funds available.

County Auditor, Alice McBride said that would really not create any kind of a problem, because like in our contract to David M. Griffith & Associates, she can put this amount in her estimates, because the money will be returned to us, however, the Commissioners will have to go to Council and ask for the appropriation of the \$23,125.00, that there will be a line item set up for this, but we are assured the amount will be refunded to us.

Mr. Niemeyer said since he errored in figuring the 150 accounts for \$37.50 each, that Mrs. Cox called his attention to, the amount of \$23,125.00 is a little low, that it would be a little closer to \$30,000.00.

Mrs. McBride said then the \$30,000.00 figure is what the Commissioners should request from the Council.

Commissioner Willner asked how often the Commissioners would receive an update of the progress made and Mr. Niemeyer said monthly and at this time he showed the Board an example of such monthly report stating that it is quite detailed and he pointed out the features on it.

President Borries asked Mr. Niemeyer if he would have with him today a contract that could be left for our County Attorney to review so that we could get his legal opinion before taking any action on any contract and he replied yes he did have one and that he would be happy to leave it.

The Commissioners thanked both Mr. John and Mr. Niemeyer for their presentation and President Borries said the Commissioners will try to have a decision by next week.

RE: MS. DEBBRA ROWLAND - COMMENTS ON I-164 ROUTE

Ms. Debbra Rowland was present and read aloud the following statement, directed to the Board of County Commissioners, concerning the routing of I-164.

My name is Debbra Dunning Rowland. I live at 2036 Eastland Drive in the Eastland Estates subdivision off outer Pollack in Vanderburgh County. As many of you know, the proposed design of the I-164 extension's southern leg will involve acquiring the first three houses on either side of Eastland Drive as you enter the subdivision.

The public design hearing for the highway, which was held last Wednesday evening, the 25th, was supposedly held to give the public an opportunity to express their views on the social, economic and environmental impacts the project will have on the involved area.

Although the spokesman for our subdivision and several others, including Mr. Borries of this group, expressed the opinion that the highway should be moved further south to avoid the disruption of residents in the Eastland Estates and Chickasaw subdivisions, it was stressed by the Highway officials that the hearing was not being held to determine either the need or the location of the highway. Hearings concerning various route alternatives were held before most of us in Eastland Estates had unknowingly bought our homes there.

Since it appears that the chances for getting the route changed are slim at this point, we at Eastland Estates are planning to focus our energies and attention toward the type of noise barrier which we would prefer in our area. Noise barriers were a major topic of discussion at last Wednesday's hearing, involving a slide presentation of various types of barriers, ranging from steel to concrete to wooden walls up to 30 feet tall. The cost for putting up a barrier in our area was estimated by Highway officials to range from \$760,000.00 to \$1.6 million, for a barrier at the shoulder, and \$2 million for a wall at the right-of-way. It was also stated that, due to the costs, a barrier may be economically unfeasible for our area. Therefore, we proposed the concept of a buffer zone between the highway and our homes, which would involve acquiring a strip of additional land, 200 to 300 feet past the proposed right-of-way, on which evergreen trees would be planted - acting as a natural buffer for the noise. Equivalent if not superior noise reduction could be obtained in this way at a much lower cost. It would also be much less expensive to maintain a strip of trees than a wall, would be much more aesthetically pleasing both to motorists and residents, and may protect our property values to a certain extent. The buffer zone concept was also

brought up at the hearing by Jim Morley, an engineer here in Evansville, who, as consulting engineer for the Dress Regional Airport project, is putting that concept to use. A 300 foot buffer zone to separate the relocation of Hwy. 57 from homes in that area is going to be used, and Hwy. 57 is going to have a lot less traffic than the I-164 extension will.

I've come to you today to ask you to support us in our efforts to get a buffer zone established in the Eastland Estates subdivision, rather than a wall, or nothing at all. We feel that the more support we can get, the better chance we may have to protect our property values and save taxpayer's dollars - by submitting a proposal to the Indiana Department of Highways for a buffer zone. We are now in the process of drafting a letter to the state, stating our arguments and supporting evidence for this concept, which will be signed by as many residents of our subdivision as possible. All written statements must be received by the Indiana Department of Highways in Indianapolis by a week from this Wednesday, February 8th, to be included in the official record. Your support in the form of a letter, or a copy of your minutes endorsing this concept, would be greatly appreciated by all of us. Thank you.

Commissioner Cox said the statement made reference to an additional 200 or 300 feet that would be necessary in acquiring the right-of-way to complete this buffer zone, with the evergreen trees.....are there homes that would be effected in that 300 feet and Ms. Rowland said taken from a map of their subdivision, the 200 foot would require the acquisition of three (3) additional homes, and it looks like the 300 foot would take another three (3) to four (4) homes, but we remaining home owners, who would be living so close to the new highway feel this would be a better alternative.

Commissioner Cox said then you feel it would be financially feasible to purchase these three (3) or four (4) homes and Ms. Rowland said definitely yes, that the accepted cost, per receiver, for a noise barrier is suppose to be approximately \$15,000.00 and there are about thirty five (35) homes in the front of the subdivision that would be most effected by the noise.

President Borries said he feels Ms. Rowland gave a superior presentation and he would certainly support the request for a buffer zone. Anytime you get close to a National Historical Area, such as Angel Mounds, it is a real buzz word to federal planners and they always seems to move aside and it is a real tragedy in terms of having the luxury of open space out there and not being able to use a more suitable corridor then to have to take peoples homes. He does support the concept of the new highway and he believes EUTS has conducted extensive studies and U.S. 41 has such a devastating record that we need transportation improvement. He will also contact Congressman McClouskey's office and try to find someone at the federal level who could perhaps again review what could be done near the Angel Mounds site, because he still isn't sure that it is all property of Angel Mounds, that it certainly doesn't seem to be used, or at least a certain portion of it isn't, on the western fringe. He finds the aspect of concrete walls absolutely appalling and if we are going to have to take houses then lets take a few more of them instead of constructing a concrete wall.

Commissioner Cox said she would be more than happy to support the concept of a buffer zone.

Commissioner Willner said he isn't sure he could support a recommendation, but he could certainly support a letter asking the state to look at alternatives, because he has not seen the recommendation and how it fits in, but he would be willing to ask the State Highway to look at the feasibility of this.

Commissioner Cox asked if the state has agreed to a noise barrier, that she thought they would have to do that, and President Borries said he believes they do not have to.

Mr. David Gerard, Director of Urban Transportation was present and stated that he has been told that the State of Indiana has never built any noise barriers....anywhere, and he believes they fully intended not do anything about the noise, however he believes the comments from the people that live out there and also support from the County Commissioners, that something will have to be done....and should be. We should also remember that this area is probably the fastest growing area in the entire county of Vanderburgh, without a doubt, so by the time this highway is completed there will be a much higher amount of receivers that will be affected, thus making it much more cost effective.

Commissioner Willner moved the Commissioners draft a letter and forward it to the State Highway Department and perhaps to the Federal Agency involved and to the particular Architects on that portion of highway, asking them to reiterate their plans for a noise barrier and to include trees and earthening noise barriers.

Ms. Rowland said earthen barriers would be totally different than a buffer strip and Commissioner Willner said yes, but they are much more attractive than concrete. Ms. Rowland said they are asking for a buffer strip to make more space away from the highway, for the homes and Commissioner Willner said in that buffer strip you can do landscaping, in otherwords he is saying the state can study the complete concept of noise barriers, including earthen and trees, besides the concrete walls, which is out of the dollar figure.

President Borries said could we indicate in the letter what we would support...that being the buffer zone concept and Commissioner Willner said....earthen and landscaping.

President Borries asked Mrs. Cox if she finds this agreeable and she replied she does not think that is very strong because you can study things to death and we have a person here (Ms. Rowland) who has presented a good plan and earthen barriers could very well be a mound of dirt, similar to a levee, and she does not think this would be very attractive either and also, she does not think the state is going to do very much more studying, that she thinks they are going to look to us for some very strong direction and the backing we have to offer and she doesn't know of anything that would fit in out there any better than a buffer zone that she too finds the concrete walls absolutely unacceptable and she cannot second Mr. Willner's motion if it includes all the other alternatives in it, other than the buffer zone concept, as requested by Ms. Rowland, because the word "Earthen" bothers her.

President Borries asked if the motion could be amended to say we support the buffer zone concept of 200' to 300', with trees planted to insure adequate protection from the noise.

Commissioner Willner said yes, if that is what you want, but you will not get the noise barrier that you are planning on and he believes you are making a mistake.

President Borries asked Mr. Gerard if we have to specify exactly what we want and he replied Ms. Rowland is requesting a buffer zone that will provide equivalent or better noise reduction capabilities as the wall itself, without specifying whether it is an embankment or plants, per se, just that it provides equal or better noise reduction.

Commissioner Cox said that, to her, would be a very good motion.

Commissioner Willner said he would amend his motion to say "the buffer zone concept" Commissioner Cox seconded the motion. So ordered.

RE: COUNTY ATTORNEY....DAVID JONES

Investment Resolution: Mr. Jones submitted the following Resolution for the County Commissioners review and consideration, in regards to county funds.

INVESTMENT RESOLUTION, JANUARY, 1984
BOARD OF COUNTY COMMISSIONERS
VANDERBURGH COUNTY

WHEREAS, the Board of County Commissioners of Vanderburgh County (the "Board") pursuant to Indiana Code 5-13-1-1 et seq. (Acts 1975, P.h. 44, 81, p. 222) is vested with authority to direct the County Treasurer to invest county funds under the control of the Board pending distribution to units of government; and,

WHEREAS, the Board desires to provide flexibility in meeting the financial obligations and budgetary considerations of the County while maintaining a maximum interest yield on invested County funds:

NOW; THEREFORE, BE IT RESOLVED, BY THE BOARD:

1. THAT the prior resolutions of this Board concerning investment of County funds are expressly repealed to the extent that they may be in conflict with anything contained herein.

2. THAT the Vanderburgh County Treasurer is hereby authorized and directed to invest the maximum amount of tax collections and individual County funds which are not otherwise governed by Federal or State statute which in the judgment and discretion of

Resolution Continued:

the County Treasurer are not needed by units of local government in such amounts and upon such terms as will at all times maximize the amount of interest to be earned upon such invested funds.

3. The Vanderburgh County Treasurer shall report to the Board of County Commissioners at the first regular meeting of the Board of County Commissioners of each month the amount invested, the term of each investment, the rate of interest, due date and amount of interest to be earned for each investment and such other information pertaining to investment of County funds as may be requested by the County Commissioners.

4. Until further instructed by this Board, the County Treasurer is directed to place all interest monies earned from investment of County funds into the County General Fund until the sum of One Million One Hundred Thousand Dollars (\$1,100,000.00) has been realized and deposited into such fund in the year 1984, or as otherwise directed by the Board.

Commissioner Willner moved the Resolution be approved. Commissioner Cox seconded the motion. So ordered.

Intergovernmental Agreement on Dog Pound: Mr. Jones submitted the following intergovernmental agreement between the City and County with respect to the Dog Pound.

INTERGOVERNMENTAL AGREEMENT

THIS INTERGOVERNMENTAL AGREEMENT made and entered into this ____ day of _____, 1984, by and between Vanderburgh County, Indiana, ("COUNTY") and the City of Evansville, Indiana ("CITY").

WHEREAS, the City and County jointly contribute to the funding and operation of a dog pound in conjunction with the Evansville-Vanderburgh Board of Health; and,

WHEREAS, the County's current contribution to the dog pound includes two (2) employees funded from the County's general fund and one (1) truck funded from the County's general fund; and

WHEREAS, all other dog pound personnel are City employees and the City makes available one (1) truck funded from the City's general fund; and,

WHEREAS, the City and County have determined that the present arrangement creates problems in administration and budgetary functions; and

WHEREAS, the City and County mutually desire to change the present method of allocating the County's contribution to the joint operation of the dog pound;

NOW THEREFORE, in consideration of the premises and the mutual covenants herein contained, the parties do enter into this intergovernmental agreement as authorized by Acts of the Indiana General Assembly of 1980, P.L. 211 §1, upon the following terms and conditions:

1. DURATION: The term of this intergovernmental agreement is for a period of two (2) years and shall be automatically renewed for a period of two (2) years, unless either party gives the other party written notice of its intent to terminate this agreement. Written notice of termination must be received by the other party no later than two (2) months before the expiration or termination.

2. PURPOSE: The purpose of this agreement is to provide for a change in the method of allocation of the County's Contribution to the joint City-County operation of the dog pound.

3. PERSONNEL: The County currently contributes two (2) county employees to the dog pound operation and the City contributes the remaining employees. Each governmental unit includes the salary and all benefits, including Social Security, PERF, uniform rental, clothing allowance and health and life insurance as those amounts are reflected in the City ~~or County~~ budget book, for its respective employees within its own budget.

Commencing with the 1984 budget year and each year thereafter until changed by the parties hereto, the County's contribution to the joint operation of the dog pound shall be the transfer to the City a sum of money equal to the salary and related employees benefits as defined above of two (2) dog pound employees as mutually approved and budgeted by the City and County. Thereafter none of the employees of the dog pound will be deemed County employees. The two (2) dog pound employee positions funded from the contribution of the County shall be considered City employees for all employment purposes.

Agreement Continued:

Further, commencing with the 1984 budget year and each year thereafter until changed by the parties hereto, the City shall hire a new secretary for the dog pound. The starting salary of said secretary shall be Seven Thousand Four Hundred Sixty-one Dollars (\$7,461.00) plus all benefits as defined above. After budget year 1984, the secretary's salary shall be the same as stated in the budget as passed by the City Council. The County shall contribute in addition to the amount determined in the paragraph above fifty percent (50%) of the salary and fringe benefits for said secretary by transferring to the City that sum of money. The payment shall be made by the County to the City on or before March 1, 1984 and on or before January 1, of each year thereafter in order that the City shall have the funds on hand to make the payments provided for in this agreement.

4. VEHICLE: The County currently contributes one (1) vehicle to the dog pound operation and is responsible for the funding of repairs, gasoline and oil and insurance for that vehicle. Commencing with the budget year 1984 and each year thereafter until changed by the parties hereto, the parties shall continue to supply the vehicles as described above and be responsible for funding the repairs, gasoline and oil and insurance on same.

5. AMENDMENT: This agreement may be amended in total or in any part without affecting any other part of this agreement upon written amendment of the parties hereto.

6. EFFECTIVE DATE: This agreement shall be effective as of January 1, 1984.

IN WITNESS WHEREOF, the parties have hereunto set their hands the day and year above written.

Attorney Jones very briefly went over the contents of the above Agreement and submitted it for the Commissioners consideration at this time.

Commissioner Willner moved the Agreement be approved. Commissioner Cox seconded the motion. So ordered.

Ordinance on Public Records: Attorney Jones said in regards to the Ordinance Regulating Inspection and Copying of Public Records, he has received some advanced comments from several of the abstracters with respect to this Ordinance and he would say the comments made were very valid. This Ordinance is basically designed to provide the mechanism in accordance with the new statute that has recently been put into effect to make uniform procedures throughout this building for the public to come in and get records, to know what is open to the public and how they can obtain copies of same. It also provides guidance to the employees so they will know what they can give out and what they cannot. It also provides the ability for each office to recoup the cost of these copies that are requested. One word in this entire Ordinance does make it appear that it could change what he believes is the intended effect and that is the word "shall", as it appears in Section 2. Request for Inspection or Copying. He said the manner of doing business now, for instance in the Records Office, if this Ordinance were to be passed and literally construed would require the abstracters fill out a written application and pay a fee for every single document they lay hands on...and this was not the intent. The Commissioners cannot, by law, interfere with the operation of the office of each of the elected officials and this wasn't his intent when he drafted the Ordinance, that it was simply to carry out what the Legislature put in place and in effect set the table for each office to give them a standard, uniform way of providing records. It would be his recommendation that the Commissioners allow him to change the word "shall" to the word "may". However, with respect to the Sheriff's office, he believes the Sheriff does want to have the people fill out a request application, that they handle very sensitive information. There also is no attempt in this Ordinance to set a uniform fee, that it should be left up to the officeholder since it costs different amounts of monies to operate different copying machines.

Commissioner Cox said she understood that there was a Memo drafted by Mr. Jones that was to go to all officeholders and she wondered if that was done and Mr. Jones said the memo he drafted along with the Ordinance is to go to each officeholder after the Ordinance is approved.

Commissioner Willner moved that the Ordinance be taken under advisement for a period of one (1) month, as requested by the Abstracters. Commissioner Cox seconded the motion. So ordered.

Proposed Settlement Agreement in Jail Class Action Suit: Attorney Jones said he has mailed each of the Commissioners a copy of the proposed settlement agreement in the Vanderburgh County Jail Inmate vs. James DeGroot et al, in the Class Action Jail suit and he has with him today the proposed settlement of the complete settlement agreement. He asked each, the Commissioners, the Sheriff and the County Council, approximately two (2) weeks ago to please advise him of any comments, questions or changes or objections concerning the settlement and to date he has heard none. He originally indicated he would ask for a closed door Executive Session, but since he has heard no comments he does not know that we should have to have the Executive Session. Mark Owen has advised him that the County Council will consider the settlement. This settlement required some additional Deputies and the County Council has already put these deputies in place, in fact, they are presently undergoing training at the academy in Indianapolis. The balance of it would be the construction phase which is being funded by the Marshal Service. He said there is nothing in the agreement that requires additional expenditures of monies, in fact, he knows of nothing in the agreement that the Commissioners do not already know about. He has the original signature page with him and he will assure the Commissioners before it gets attached to the Agreement that he will screen the balance of it.

Commissioner Willner asked Attorney Jones if the Building Authority has already signed the contractor's contract and he said he believes yes.

Sheriff Shepard said he attended the Building Authority's meeting last week at which time they did award the contract to Deig Brothers and we are to meeting with Deig sometime this week to set up a starting date and weather permitting it should be completed in one hundred twenty (120) days.

Attorney Jones submitted the following letter directed to him from the U.S. Department of Justice, United States Marshals Service, dated January 19, 1984.

Dear Mr. Jones,

This is in response to your letter of January 8, 1984, along with six (6) bid tabulations, concerning the need for an additional \$10,000.00 for the Vanderburgh County Jail Improvement Project (CAP 05-28-83).

I have reviewed the bids and noted that the lowest bid exceeds the \$250,000 CAP amount by \$9,802.00. In view of the needs of Vanderburgh County and the United States Marshals Service, I find the request to be justified and therefore have approved a modification to the existing Intergovernmental Agreement (IGA) to raise the level of funding from \$250,000.00 to \$260,000.00. A formal modification to the CAP will be forthcoming within the next few days.

In order to avoid further delay, you may proceed with the award so that the project can get underway as soon as possible.

Sincerely,
Joseph B. Enders, Chief
Prisoner Support Division

cc Ralph Morgan
United States Marshal
Southern District of Indiana

Letter ordered received and filed, with a copy to be sent to Attorney Jones.

Commissioner Cox moved the Settlement Agreement be signed. Commissioner Willner seconded the motion. So ordered.

RE: DAVID GERARD.....EUTS

David Gerard, Director of Evansville Urban Transportation Study was present and submitted the following information for the Commissioner's review.

FY'85 Federal Aid Funds

1. Federal Aid Urban

Approximately \$800,000 - \$1,000,000 available for the Indiana portion of the Urbanized Area

2. Minimum Allocation

A. Evansville:	\$ 200,000
B. Vanderburgh County:	\$2,000,000
Warrick County:	\$2,000,000
Town of Newburgh:	\$2,000,000

FY'1985 Projects....Vanderburgh County

Project	Phase*	Estimated Total Cost	Federal Share	Local Share	Funding Source**
Covert Avenue Extension	CN	\$2,875,362	\$2,156,521	\$304,704	MA
Fulton Avenue Bridge	CN	\$2,210,000	\$1,768,000	\$442,000***	BR
St. Joseph/Schenk	CN	\$ 260,000	\$ 195,000	\$ 65,000	RS
St. Joseph/Meier	CN	\$ 270,000	\$ 202,500	\$ 67,500	RS

*PE - Preliminary Engineering

RW - Right-of-Way

CN - Construction

**FAU - Federal Aid Urban

MA - Minimum Allocation

BR - Bridge Replacement

RRP - Railroad Protection

RS - Rural Secondary

*** - Vanderburgh County's portion of the Local Share to finance the bridge would be \$280,000.00

Mr. Gerard said on February 15th. the applications for federal funds for our road projects, city and county, are due, to the Indiana Department of Highways and in preparation of that he would like to give the Board a little information today and come back next week with all the proper forms to be signed. He said most of our road projects are built with Federal Aid Urban, such as Lynch Road Extension, Green River Road widening and also Covert Avenue Extension and in the coming fiscal year there is about \$3.5 million dollars in Federal Aid Urban available and there are about seven (7) other cities we must compete with to get these funds. In this current fiscal year we got about one third of what was available in Federal Aid Urban funds. He said the minimum allocation funds was really a new category of monies that became available last year and that really refers to the stipulation that every state would receive 85¢ on the \$1.00 that was paid in taxes and the transportation coordinating board, in reviewing the money that is coming in to the state, made the decision that during the four (4) year life of the bill, every local public agency, and the four (4) of them that are in our area are listed, will receive \$2 million dollars. He is showing the city of Evansville as having approximately \$200,000.00 left and that is because of the First Avenue widening project, that it is being paid for with their (City's) minimum allocation money. We received about \$1 million dollars worth of Federal Aid Urban funds and that will go to the Burkhardt Road project. There are two (2) other categories of funds and he is sure the Commissioners are aware of the Rural Secondary category, which is 75% federal and 25% local. The county does have some rural secondary project, that part of the Lynch Road Extension is a rural secondary category. The other funding category we hope to use in the upcoming fiscal year is called Bridge Replacement Funds, which is 80% federal and 20% local. In the past Vanderburgh County has not had any bridges that were bad enough to be funded with these monies, however, we believe the Fulton Avenue bridge will come in under this category, therefore he is recommending we go ahead and apply for it, at which he recommends the estimated cost of \$2,210,000.00, and this came from both the County Surveyor's office as well as the City Engineer's office. His report shows that Vanderburgh County's portion of the local share to finance the bridge will be approximately \$280,000.00.

Mr. Gerard said there are other projects that the Commissioners may want on this list he has submitted and there may be some on the list that the Commissioners do not want on it, he merely wanted the Board to see this to give thought to it and then he will have applications for signatures next week, but between now and then if the Commissioners have any changes he can be contacted.

He would like to say, to clear up any confusion, that the Fulton Avenue is not shown in the Transportation Improvement Program as being funded with federal funds at this time, that it is shown 100% local funds, just as the First Avenue bridge is, so this will enable us to get federal participation on that project.

Commissioner Cox said in the reports the Commissioners have received in respect to the Maryland Street Bridge is that it is deteriorating and needs to be replaced and we also recently received, from the Indiana State Department of Highways, a proposal for a new bridge concerned with the Morgan Avenue improvement, which was quite a bit higher than originally thought so would there be a chance in asking for federal participation money for the Maryland Street project also, so then some of the bridge money would be freed up to use, as necessary, on Morgan Avenue, because she foresees us having to come up with a quarter of a million dollars in bridge funds to actually construct the type of bridge we need for that area, for the traffic it will be carrying.

Mr. Gerard said he previously supplied the Commissioners with a list of the rating of that particular bridge and off hand he does not recall what it is, however, he will be happy to check and see how close it is to the cut-off.

President Borries asked if the pool of funds available on these rural secondaries is still available to us and Mr. Gerard said substantially.

RE: KIM BITZ....VANDERBURGH AUDITORIUM

Mr. Bitz submitted copies of the Auditorium Rental Rate Calssifications to each Board member, for their review and recommendations at a later meeting. He also supplied each one with a copy of last years (1983) rates.

Mr. Bitz supplied each of the Commissioners with a letter from John S. Wright of Technical Directions, Inc. which is comments concerning their site visit to the Auditorium on October 28, 1983. He would ask that the Commissioners take all the documents just submitted under advisement and the Task Force will also receive copies of same, for their review.

Proposal from Ad-Craft for Outside Sign: Mr. Bitz said when the task force started meeting several months ago there were many things put on the "Wish List" which had to be set aside to make way for immediate improvements to the Auditorium. One of the things on that list was an outdoor marquee and the possibility of that has become a reality and at this time he would like to introduce Mr. Arnold Bosse, who is a sales representative of Ad-Craft, with his firms proposal for the purchase, installation and maintenance of an outdoor identification sign and message center for the Vanderburgh Auditorium.

Mr. Bosse said his company is proposing a new electronic message center and identification sign at the corner of Seventh Street and Walnut Street. This system would be controlled completely by a computer which would be located in the Auditorium's manager's office and operated by the manager or authorized staff. They would put this system in at no cost to the Auditorium for a period of nine (9) years and during this period they would recover their cost from the permanent ad panels, which he pointed out to the Commissioners on a large picture of the marquee, which he had with him. He also pointed out that at the top of the sign there would be an aluminated portion that would remain on anytime the bottom portion was on. This system is a 16X80 metric system and is similar to the one at the Stadium (the one inside and the one outside) They would carry all the insurance on it, which in this instance he believes is a \$5 million liability and they also supply the insurance in the event the unit is destroyed and for some reason they were not able to restore it, they would have insurance to replace it. The advertisers would get six (6) minutes each, per hour, on the metric system, so that leaves the county 36 minutes out of every hour whereby you could either sell the advertising or promote the events in the Auditorium. They would also remove the old existing marquee and dispose of it anyway the Commissioners desire. Their proposal also includes all the electric cable that will be run between the marquee and the managers office. He explained what materials all of the marquee would be made of and said the only steel you would see would be the columns that would be holding it up. They agree to take care of all maintenance for the full nine (9) year period, including all the light bulbs. The only one thing they do not take care of is the electric bill received monthly from SIGECO. He said in the event they do not have the four (4) sponsors, that is too bad for them, because that is the only way they will receive any money from this marquee.

Commissioner Willner said he has heard the figure of approximately \$5,000.00 per year for electricity for such a sign and Mr. Bitz replied about \$500.00 per month.

Mr. Bosse said he would have to disagree with that cost, that he believes, because of the amount of bulbs and the bulb sizes, he would say the utility bill would run closer to between \$250.00 and \$300.00 per month, for its operation, however, he would think enough time could be sold to pay for the utility costs.

Commissioner Willner asked Mr. Bosse if he knows the experience of the Stadium, that is, have they sold any time on theirs and he replied that he hates to acknowledge it but that have never sold one (1) ad on theirs, but it is there for the selling.

President Borries asked if the Stadium ran their marquee 24 hours a day and Mr. Bosse said he would estimate it to be more like 12 to 14 hours per day...that is, the outside one.

Commissioner Cox asked the size of this sign they are proposing for the Auditorium and Mr. Bosse said it is 20' high and 18' wide. She then asked what happens to the marquee after the nine (9) years is up and Mr. Bosse said it then belongs to the county to take over everything on, that they will do it only for the first nine (9) years.

Commissioner Willner asked Mr. Bosse if we would be allowed to keep the existing sign where it presently is and he replied yes, that it would make them no difference whatsoever. Commissioner Willner said he can see some of the larger events wanting promotion on the big marquee, but other smaller events may want to remain on the smaller existing sign....free of charge.

President Borries thanked Mr. Bosse for his presentation today and informed him the Board would take the proposal under consideration for a brief period of time.

Commissioner Willner said prior to the Commissioners making a decision on the Ad-Craft proposal he would like for Mr. Bitz to check with other such companies and see if they would like to make a proposal.

Commissioner Cox said she could not see where any other proposal could be more attractive than the one just presented to us, but she understands Mr. Willner's concerns.

Discussion of Acoustics: Mr. Bitz reported that the basic problems with the Vanderburgh Auditorium room acoustic cannot be solved architecturally. The basic fan shape configuration coupled with the low ceiling height creates a problem that cannot be solved without drastically changing the geometry of the space such as by raising the roof, etc. However, it is our opinion that for a much more modest cost an Electro-Acoustic solution can be implemented with better results than even physical changes to the space and their cost estimate for that system is \$100,000.00. He would also inform the Commissioners that the Philharmonic is researching writing a grant for possible payment for the installation of this system. He said ignoring its acoustic shortcomings the Vanderburgh Auditorium is a comfortable, adequately equiped multi-purpose space.

RE: MARK TULEY...BURDETTE PARK

Invitational Bids on Tractor Mower for Burdette: Mr. Tuley said during budget session he discussed the possibilities of upgrading their grounds equipment. They have a tractor out there that they have had a lot of maintenance problems with, as the Commisisoners are aware of. At this time he would submit two (2) bids to the Board for consideration at this time. The bids were as follows:

Hendrickson Enterprise, Inc.....Boonville, Indiana

1984 Ford Model 1100 Diesel	
Manual Transmission 5 Speed	
Undermounted Mower 48"	
Roll Bar and Seat Belts	FLEET PRICE \$6,400.00
Less trade in of YAZOO 48" Riding Mower	\$ 325.00
" " " 78 SATOH BEAVER Riding Mower	<u>\$1,400.00</u>
Making Difference	\$4,670.00

Above prices does not include tax, tax exemption must be furnished

Farmers Equipment Company, Inc....Evansville, Indiana

1110 Ford Diesel Tractor	\$5,905.00	
10 X 2 Transmission		
Roll Bar		
Turf Tires (*Tractor Tires)	149.00	
Freight and set-up	275.00	\$6,329.00
915 Ford 48" mid mounted mower	\$1,208.00	
Freight and set-up	175.00	\$1,383.00
Total New List		\$7,712.00
Trade in		
Satoh Beaver		- \$3,237.00
Woods RM48		
Yazoo Rider #33BS60		
Difference	\$4,475.00	
	* 115.00	
		\$4,360.00

Mr. Tuley said in 1982 they purchased a Ford and they are very pleased with it, therefore he would recommend the bid be awarded to Farmers Equipment.

Commissioner Willner said he has a hard time comparing the bids and Mr. Tuley said they are suppose to be the same tractor.

Commissioner Cox asked if the prices included delivery and Mr. Tuley replied yes.

Commissioner Willner moved the tractor mower bid be awarded to Farmers Equipment, Inc. in the amount of \$4,360.00. Commissioner Cox seconded the motion. So ordered.

Request From Big Ben Council of Boy Scouts: Mr. Tuley reported over the past week end they had the Big Ben Council of Boy Scouts at the park for their winter olympics, that about 400 scouts turned out and they had a very enjoyable time with no problems whatsoever. They are now looking for a spot to have their Scout-O-Rama during the 19, 20 and 21 of May, which is the week-end before Memorial Day and for that event we would be talking about some 2700 scouts plus leaders and counselors. He would want the Commissioners to know they want total control of the park for those three days, that is to say, the entire park would be closed to the public, cabins included. He personally believes this would be a way to get a lot of people to the park that have not visited it for years, or perhaps never, because the Scouts do sell tickets to this event.

Commissioner Cox said what about clean-up and Mr. Tuley said he sees no problem with the Scouts, that any messes would probably come from persons attending the event. Mrs. Cox said it would have to be made very clear that the park would have to be cleaned and left in the same condition that it was when the event started and Mr. Tuley wholeheartedly agreed, as did the other two (2) Commissioners.

President Borries asked what the Scouts would be paying us for the use of the park and Mr. Tuley said a very minimal fee.....\$350.00, but he personally believes this is very good community relations, that it leaves a good taste to the public for us to be a part of this event and it is the Scouts way of raising funds.

President Borries said at this point do we have any cabins rented that we would have to cancel and Mr. Tuley said no....nothing.

Commissioner Cox said she has no problem with allowing this, that these kids are all local kids and their parents also pay park taxes and this would be rather off season, so she could vote for it.

Commissioner Cox moved the request be granted. Commissioner Willner seconded the motion. So ordered.

RE: BILL BETHEL....COUNTY HIGHWAY DEPARTMENT

Weekly Absentee Report: Mr. Bethel submitted the weekly absentee report of the employees at the county garage for the period of January 23, thru 27, 1984...report received and filed.

Weekly Work Report: Mr. Bethel submitted the weekly work report of the employees at the county garage for the period of January 23 thru 27, 1984...received and filed. Attached to the work report was the following work schedule for the same period of time.

<u>Snow Removal:</u>	Seven (7) trucks - Monday and Tuesday
<u>Trash Crew:</u>	Lynn Road, South Weinbach, River Road, Harmony Way, Middle Mt. Vernon and Boehne Camp Road.
<u>Cutting Bleeders:</u>	Union, Scott, Knight, Perry and German Townships.
<u>Grader:</u>	Wendell Street and Swope Road
<u>Patch:</u>	Mill Road, Hogue Road, Baseline Road, Old Petersburg Road and Upper Mt. Vernon Road.
<u>Tree Crew:</u>	Diefenbach and Mann Road.

Cleaned Equipment and Grounds.

RE: BOB BRENNERCOUNTY SURVEYOR

Weekly Bridge and Guardrail Report: Mr. Brenner submitted the weekly bridge and guardrail report of the bridge crew for the period of January 23 thru 27, 1984...report received and filed.

Mr. Brenner said the Commissioners can see from the report that the crew spent the entire week on Bender Road cutting down and burning trees and removing railroad tracks and ties. He said they will start removing dirt this week and his crew will be there for the rest of the winter, removing the two (2) railroad underpasses.

Bridge at Hogue Road and Vanness Avenue: Mr. Brenner said there is a bridge at Hogue Road and Vanness that he would like for the Commissioners to all take a look at, that it was covered with cold mix approximately two (2) years ago and within the past two (2) weeks it has absolutely disintegrated and he would like to use this one as an example that we ought not put cold mix on top of bridges and we need to scrape it completely off and put hot mix on it when the weather permits. A contractor did all the work out there except for the paving of the bridge and we (the County) put the cold mix on it.

Informal Bids for Aerial Surveys: Mr. Brenner said we appropriated \$5,000.00 to do an aerial survey of the north Kentucky bridge and he received two (2) proposals. A flying firm from Indianapolis bid \$4,600.00 and Accu-Air from Seymour said they would do it for \$2,250.00 and after discussing this with the company and the fact they would like our business in the future they agreed to survey the Mill Road railroad overpass at no additional charge, so he instructed them to start on it.

Commissioner Cox said she received some calls from interested citizens wanting to know what the little orange flags were doing out in that area and she told them that was probably what they were for.

Commissioner Cox asked Mr. Brenner how many bridge crews he has and he replied only one (1) which consists of One (1) supervisor and five (5) crew workers.

Commissioner Willner asked if anything further has occurred concerning the abandoning of the bridge at the end of Mill Road and Mr. Brenner said all data was turned over to County Attorney, David Miller, who was to handle it from then.

Request to Clean Culvert on Bosse Avenue: Mr. Roedel, resident of the 900 block of South Bosse Avenue was present and stated he has been trying to get a culvert cleaned out there for several years now and he has always been told its the city and the city tells him its the countys.

President Borries asked him if this is within the city limits and Mr. Roedel replied yes it is and last year he spent something like \$8,000.00 to have the upper part of the ditch cleaned and when he got to the culvert, that wasn't his responsibility, plus the fact he would be trespassing on city property.

Mr. Roedel said the ditch is still closed, that he would estimate it to be about 10% open, that 90% is closed. He said if we ever have a very heavy rainfall in an hour or two, there would be many homes in that area with water in them. He said this culvert was installed in the 30's and is 5' in diameter. He has been told they don't have the men and equipment to do the job but one (1) man with a shovel and a wheelbarrow could do it in a days time.

Commissioner Willner asked Mr. Roedel if the city has been advised of this problem and he replied he has discussed it with Mrs. Cox, Kenneth Palmer and another gentleman who's name he did not give and as far as he knows no one has ever been out to look at it.

Mr. Brenner said there is good reason why this is not cleaned out by the county crew, that being it is in the city and it is city storm drainage, that when they annexed a section of the city that was one of the things they assumed responsibility for. We do their bridges but we stay away from anything under 20', because that becomes a culvert. There are literally thousand culverts inside the city and if we start doing them we will have to continue and if the county will do them he is sure the city would let us. The city has funds to clean out legal storm drains and the county does not. The Department of Public Works is the correct department to handle this matter.

Commissioner Cox asked Mr. Roedel how long he would estimate that culvert to be and he replied about 35' long. She said when she reads what the Cumulative Bridge fund monies can be used for, that we use it to replace culverts not even this size out in the county but the majority of the Cumulative Bridge fund monies come from city people.

Mr. Brenner said yes and we spend the majority of the money in the city too.

Commissioner Cox and President Borries both told Mr. Roedel that they would personally contact Mr. John Vezzoso and see if they could get this cleaned out, and they thanked him for appearing today.

RE: ANDY EASLEY....COUNTY HIGHWAY ENGINEER

Burkhardt Road Widening Project: Mr. Easley said last week he was asked to contact Mr. Ken Hansen and ask for a clarification on the \$250.00 per parcel fee for negotiating for the purchase of right-of-way for the Burkhardt Road Project. At this time he would like to submit the following letter, for the record, dated January 27, 1984.

Dear Commissioners:

Re: Burkhardt Road Widening Project

Pursuant to the above, my letter of January 13, 1984 and a request by Mr. Andy Easley, I am submitting the following information:

1. To date I have been given Twenty-Six (26) parcels to acquire at a fee of Two Hundred Fifty Dollars (\$250.00) per parcel. My total estimated fee would be Six Thousand Five Hundred Dollars (\$6,500.00).

2. In addition to temporary construction easement most of the parcels now have additional right-of-ways to be purchased. This was determined only after my meeting with several property owners. It will now be necessary for me to recontact several property owners that have already signed the temporary construction agreement to negotiate for the additional right-of-way which is needed.

I trust the information in this letter is acceptable.

Sincerely,
CITIZENS REALTY AND INSURANCE INC.
Kenneth F. Hansen

Commissioner Cox said she too spoke with Mr. Hansen and he informed her that it didn't matter if the damages were \$7.00 or \$700.00, that the paper work involved takes the same amount of time to do either one, therefore, she now understands it much better.

Mr. Jim Morley was present and said in regards to the additional right-of-way that Mr. Hansen spoke of in his letter, that when Mr. Hansen approached a Ms. Herdink and a Mr. Holder on their property, they indicated they would not sign the temporary right-of-way for the drive because we had it down at 30' and that footage does not apply to their property and in going back and reviewing this we found them to be correct, that the older parcels on the west side of the road had never had the 15' added, so the map they took

this from in the City Engineer's office is wrong, so there are about eight (8) or ten (10) pieces of 15' strips of right-of-way that will have to be added and he would estimate this to be about \$3,500.00 worth....so it will be necessary for us to go back and acquire these additions. If its not on the deed at 30' then we only have 15', from the original opening in 1869, therefore he would recommend approval of the additional right-of-way, that they need to be given to Vic Funke to get the appraisals on.

Mr. Easley asked if there is any possibility we could have overlooked a conveyance that would show up in an abstract search and Mr. Morley said he had Hoosier Abstract help him with this and they concur with him.

Mr. Morley said there is also the question of the three (3) parcels he has been holding, on the Durchholz and Lemmon property, north oh Hirsch, and he would now request the Commissioners release those three (3) parcels for Ken Hansen, subject to County Attorney Miller's okay, that Mr. Miller was to get with him this past week in regards to the Hirsch settlement and he has not heard from him, to date. We really need to be approaching these people, which are parcels #23, 24 and 25.

Commissioner Willner moved the following three (3) parcels be released for Mr. Ken Hansen, subject to Mr. Miller's approval, and that Citizens be paid \$250.00 for each parcel they negotiate to purchase right-of-way on.

1. Lennon, Margaret J.....\$700.00
2. Albert and Mary Catherine Durchholz
& Mildred Durchholz.....\$759.06
3. Floyd and Margaret Lemmon.....\$ 45.57

Commissioner Cox seconded the motion. So ordered.

Mr. Morley said in regards to the extra right-of-way that is going to have to be purchased, that was discussed earlier, is there to be an additional charge by Citizens for going back and getting these, that there should not be, that it will involve another trip out there and it is from the same people who have already signed right-of-ways and Commissioner Cox said it is \$250.00 per parcel, so she would not think so either.

Letter From Indiana Bell on Equipment Located on Green River and Millersburgh Roads:

Mr. Easley submitted the following letter he recieved from Indiana Bell concerning a facility box at the corner of Green River Road and Millersburg Road, which has been topic of discussion for several months. The letter was dated January 23, 1984.

Dear Sir:

This letter is to advise you that your request to relocate our equipment cabinet located in private easement on the northeast corner of Green River and Millersburg Roads will be done but cannot be started until the ground dries out sufficiently to support heavy machinery.

If you have any questions, feel free to contact me.

Yours turly,
K.R. Peters
Manager-Engineering DSDC

Letter recieved and filed.

Mr. Easley said they are going to rotate that cabinet 90 degrees.

Commissioner Willner said a copy of this letter is on its way to Mr. Melton, the person so interested in getting this done, and he would like to thank Mr. Easley for his part in getting it worked out.

Railroad Switch on Lynch Road: Mr. Easley said he would merely report he is to meet with the Seaboard Systems railroad tomorrow in regards to the switch on Lynch Road and he will report back on his findings.

RE: JIM LINDENSCHMIDT....SUPERINTENDENT OF COUNTY BUILDINGS

Report on Meeting Concerning County's Phone System: Mr. Lindenschmidt reported he attended a meeting of the Building Authority's Board on Wednesday, January 25th. because the subject of the new telephone system was on their agenda. The Board accepted the recommendation of the tenants and rejected all bids and they recommended engaging the help of Mr. Jim Garden, an expert in tele-communications, from Nashville, to review the bid specifications and make necessary changes. They are trying to redo the specs, readvertise and have the bids back in a period of two (2) months, and this may be too short of a period of time, however, they will do it as soon as possible.

Check For Alexander Ambulance Service: Mr. Lindenschmidt said Alexander Ambulance turned over to the county some accounts that are at least one hundred twenty (120) days delinquent and he is in the process of mailing statements to these people. At this time he would turn over a check from Aetna Insurance Company for Mr. James E. Montgomery, in the amount of \$117.76, for payment of account # VC-381. The check was sent to Alexander and they forwarded it on to us, since this particular account had already been turned over to us for payment, and Alexander has already signed it.

Commissioner Willner moved the Commissioners sign the check and deposit it in the General Fund. Commissioner Cox seconded the motion. So ordered.

RE: INVENTORY OF COUNTY PROPERTY IN COMPUTER ROOM

Received and filed and referred to the County Attorney was the following inventory list submitted for the Computer Room.

- 1 Wooden Desk
- 4 Chairs
- 1-2 Drawer Horizontal File
- 1-2 Drawer Vertical File
- 2 Woodgrain Tables
- 2 Woodgrain End Tables
- 1 IBM-PC
- 1 Epson 80 Cal Printer
- 2 8' Bookshelves
- 1 3' Bookshelve
- 1 Tape Rack
- 11 8416 Disk Packs
- 55 Tape Reels
- 1 Black Stool
- 1 Tray Cart and Trays
- 1 IBM Typewriter
- 1 Adding Machine

RE: LETTER FROM CITY PERSONNEL DEPARTMENT (TO MR. GIL RUSTON)

President Borries read aloud the following letter sent to Mr. Gil Ruston from the City Personnel Department, dated January 25, 1984.

Dear Mr. Ruston:

The City of Evansville and Vanderburgh County have agreed to make certain adjustments in the use of office space allocated to each. The proposed changes will necessitate phone changes and possible changes within the various offices. Rental payments to the Building Authority will remain the same for both the City and County during 1984.

Department Heads involved with the moves will contact you concerning specific need. Should you have any questions concerning this matter, you may contact the City Controller. Both parties will agree on any final arrangements prior to actual implementation.

Thank you for your assistance.

Leslie Blenner
Controller, City of Evansville

President Borries said there is a space for the Commissioners to sign, should we agree with the moves and he understands the only moves that will effect the County funding is COG and Purchasing, but that there will be no changes in the rent that we pay to the Building Authority.

Commissioner Cox said we would be responsible for any telephone switching or new electric outlets installed.

County Councilman Bill Taylor was present and asked that with the Purchasing Department now moving in with City Personnel, under Mr. Tom Dorsey, does that mean the County's participation cost goes down, because if they are consolidating the two (2) then our participation should go down.

President Borries said he believes it will next year.

Commissioner Cox said she sees what Mr. Taylor is saying...but we are talking about two (2) different things, that there is shared costs of space and there is also shared costs of department operations, such as salaries, etc. and she believes Mr. Taylor is speaking of the department operations (he acknowledged that he was) and as far as she knows we have not yet signed the Intergovernmental Agreement for 1984, for the Purchasing Department.

President Borries said this is a separate matter therefore he would like to take this letter under advisement for one (1) week for further clarification.

RE: LETTER FROM JUDGE MILLER ON COMMUNITY CORRECTIONS ADVISORY BOARD

President Borries said he received a letter from Judge William Miller, in respect to the Community Corrections Advisory Board, with a copy of the statute attached, and he indicates to the Commissioners the following names are being submitted for the County Commissioners review as members of the Vanderburgh County Community Corrections Advisory Board and the appointments of these individuals are respectfully requested. The names are as follows:

John Harl, Chief Probation Officer of Vanderburgh Circuit and Superior Court.
Raymond Bailey, Principal of Harrison High School.
Scott Danks, Director of the Second Chance Halfway House, Inc.
Robert Spears, Administrator of the Southwest Indiana Mental Health Center, Inc.
Roy Weightman, Ex-offender.
Alan Henson, Director of the Vanderburgh County Work Release Program
Kathy Mann, County Councilperson
Rev. Joseph Trask, Pastor of the Nazarene Baptist Church
Roy L. Vanderford, Director of Southwest Indiana Manpower Consortium

Commissioner Willner moved the above persons be appointed, as recommended by Judge Miller, to the Community Corrections Advisory Board. Commissioner Cox seconded the motion. So ordered.

RE: CLAMS

A claim was submitted for Sperry-Univac in regards to shipping equipment from our premises to the Sperry headquarters, by a freight carrier, in the amount of \$1,949.52.

President Borries said he understands this would complete any obligations that we would have to the Sperry-Univac Company and Attorney Jones said no, it would not and he would recommend this claim be taken under advisement and referred to him, that he knows of no authority for us to pay it. The claim was given to Mr. Jones, for further review.

A claim was submitted for the Indiana Association of County Commissioners for membership dues for 1984, in the amount of \$550.00.

Commissioner Willner moved the claim be approved. Commissioner Cox seconded the motion. So ordered.

A claim was submitted for Larry Raley for a refund on a duplicate permit, through the Building Commissioners office, in the amount of \$70.00.

Commissioner Willner moved the claim be approved. Commissioner Cox seconded the motion. So ordered.

A claim was submitted for A.C. Tilley for a permit refund for work done at 10,000 Middle Mt. Vernon Road, in the amount of \$15.00.

Commissioner Willner moved the claim be approved. Commissioner Cox seconded the motion. So ordered.

Two (2) claims were received for Helfrich Insurance Company, one in the amount of \$374.00 and one in the amount of \$652.00.

President Borries said the one for \$374.00 is for Workmans Compensation Insurance, and covers work release only.

Mr. Lindenschmidt said both claims are for work release and they were referred to the Work Release Department for payment and they sent them back to us saying they did not have the funds available to pay them with, and that they have not paid it in the past.

Attorney Jones said if these were employees of the county it would be different, but they are not. If we would get thirty (30) or forty (40) work release people, it could run into the thousands of dollars.

The claims were referred to Jim Lindenschmidt for further clarification next week.

RE: EMPLOYMENT CHANGES.....APPOINTMENTS

PROSECUTOR

Susan G. Mattingly (Name Change Only)

RE: EMPLOYMENT CHANGES....RELEASES

PROSECUTOR

William E. Riat 6615 Kratzville Rd.	Investigator	\$13,600 Yr.	Eff: 1-27-84
David A. Robinson 3034 W. Indiana St.	Deputy Pros.	\$13,100.Yr.	Eff: 1-30-84
Susan G. Barrett (Name Change Only)			

RE: CERTIFICATES OF INSURANCE

A certificate of insurance was submitted for the Metropolitan Evansville Advertising Club for an Addy Awards Dinner on February 21, 1984, at the Auditorium.

A certificate of insurance was submitted for the Evansville Alumni Chapter of Kappa Alpha Psi Fraternity, Inc for club activities at the Auditorium.

A certificate of insurance was submitted for Gehlhausen Brothers, Inc. for a display and promotion of merchandise show (open to the general public) for a period of Feb. 7, 1984 7:00 a.m. to Feb. 20, 1984, at 12:00 p.m., at the Auditorium.

A certificates ordered received and filed.

RE: OLD BUSINESS TO BE CONSIDERED

Poor Relief Appeal of Ms. Joyce Berry: County Attorney said the poor relief appeal of Ms. Joyce Berry is pending before this body, which concerns the burial expenses for an infant and he would site the following Indiana Code; pertaining to such things. The Code reads as follows:

12-2-1-20 DISTRESSED PERSON; TEMPORARY RELIEF; DEATH; FUNERAL EXPENSES
Sec. 20. It shall be the duty of the overseer of the poor, on complaint made to him that any person within his township is lying sick therein or in distress, without frinds or money, so that he or she is likely to suffer, to examine into the case of said person and grant such temporary relief as may be required. And if any person shall die in any township who shall not leave money or other means necessary to defray his or her funeral expenses, it shall be the duty of the overseer of the poor of such township to provide some person to provide for and superintend the burial of such deceased person, the necessary and reasonable expenses whereof shall be paid by the county auditor upon the order of such overseer, as are other claims for providing and furnishing poor relief to poor persons as herein provided.

Mr. Jones said the statute makes clear that it should be paid and it has nothing to do with the head of the household or anything else. That infant died without any means and the foster parents are not to be called into play here, that the statute calls for payment of the burial expense and that is what the township should do.

Commissioner Willner asked if this decision has been conveyed to the Township Trustee of Knight Township and Mr. Jones said not by him that he learned of this appeal only today. Mr. Willner said that Attorney Miller was to contact Attorney James Kiely and discuss this matter with him.

Mr. Jones said he seen the County Commissioners minutes of January 23rd and we do not want to get into all of that...the statute says the township will pay it, and it has to be paid.

Mr. Taylor said since this is an appeal before the County Commissioners should this board not rule one way or another and Mr. Jones said it is not even a question of the appeal, that the statute says when it is called to the attention of the Trustee, he is to pay it, in fact, he was to have appointed someone to get the burial done. He will be happy to read anyone the law in regards to this.

Commissioner Cox said to clear the Commissioners records she would move the matter of appeal of Ms. Joyce Berry, upon the advice of County Attorney David Jones, be referred to Knight Township Trustee for payment of funeral expenses in the amount of \$350.00. Commissioner Willner seconded the motion. So ordered.

Contracts Between Teamsters and County: President Borries said we have concluded negotiations for the calendar year of 1984 in relation to the proposed contracts between the County and the Teamsters Local 215, concerning employees at the County Highway, Burdette Park and the Auditorium and at this time he would entertain a motion to approve those three (3) contracts.

Commissioner Cox moved the agreement between the Board of County Commissioners of Vanderburgh County and Chauffeurs, Teamsters and Helpers Local Union No. 215 in regards to the Vanderburgh County Auditorium and Convention Center be approved, as negotiated.

Commissioner Willner said he cannot agree with the Agreements as presented, that at the highway department there are eleven (11) individuals that are getting almost twice as much as the average approved by the County Council, which is \$500.00. There is one (1) individual who will receive about three (3) times that amount and he cannot agree with that. It is his understanding if his figures are correct that the national average raises this year was 2.6% and the Vanderburgh County Council saw fit to give everyone an approximate 4% increase, depending upon what their salary was, and the Agreement for the Highway Department would make ten (10) employees get a 7% increase and one (1) person a 14% increase. He does not think that a few should be singled out and get more monetary raises than others and he believes it leaves a bad taste in the other employees mouths and he simply will not go along with it. He would say the only one (1) of the tree (3) before us today that he will agree to is the one for the Auditorium. In regards to the Agreement for Burdette Park, there is a stipulation in it that says the county cannot use the work release program out there and certainly he cannot agree with that either.

Commissioner Cox said her motion is to approve the agreement only for the Vanderburgh County Auditorium and Convention Center. Commissioner Willner said he will second the motion. Motion carried with the following roll call vote.

Commissioner Cox...Yes

Commissioner Willner...Yes

President Borries...Yes

Commissioner Cox moved the Agreement between the Board of County Commissioners of Vanderburgh County and Chauffeurs, Teamsters and Helpers Local Union No. 215, in regards to Burdette Park be approved, as negotiated.

President Borries seconded the motion and stated that one of the more interesting and educational experiences he has had while serving as a County Commissioner has been in negotiating salaries and Burdette Park has been under some very obvious publicity and scrutiny concerning its budget and there have been some rather severe cuts in this area. There are people who are presently layed off at the park and every effort is being made to insure that those employees who are available for recall and who wish to work will be afforded that opportunity but until that time exists it is a concern there may be further cut backs in relation to Burdette Park. He has tried to assure the union employees that every effort will be made towards a complete call-back.

At this time President Borries called for a roll call vote. Motion carried with the following votes.

Commissioner Cox...Yes

Commissioner Willner...No

President Borries...Yes

Commissioner Cox moved the Agreement between the Board of County Commissioners of Vanderburgh County and Chauffeurs, Teamsters and Helpers Local Union No.215, in regards to the Vanderburgh County Highway Department be approved, as negotiated.

President Borries seconded the motion.

Commissioner Cox said Mr. Willner has already expressed his feelings in regards to this Agreement and the salary differentials and she would like to say we are in a unique situation out there, that we cannot compare our highway workers with all other county employees, per se, that our funding depends on gas tax monies and moter vehicle highway at the County Garage. All three (3) of us (the Commissioners) intended two (2) years ago to make some hourly adjustments at the garage and two (2) of the areas we looked at were the heavy equipment operators and the truck drivers because the differentiation between a truck driver and a laborer was 9¢ per hour. We were not able, due to the gas tax and moter vehicle funding, to accomplish all that we requested be done at that time. We did make an ajustment in the heavy equipment and the mechanics on last years basis but we had to forego any differentiation for the truck drivers. This year the council was apprised at budget hearings that we were in negotiations and wanted to scale the wages a little different, so based on the fact we had talked about this but was unable to accomplish it and the funding is presently there, we can now do it to reward the people for a job well done, but also to help the differentiation between the responsibilities that go with the truck driver and the laborer position.

President Borries said in regards to one postion at the Highway, the classification was changed to Utility/Mechanic and the reason was that this person performs a considerable amount of mechanical services to the ungoing nature of the small equipment repair at the Garage.

County Councilman Bill Taylor said is he to understand this Agreement the Commissioners are about to sign and the ones already signed, reflect the Council's budgeted percentage of increases and if these such signed agreements are still subject to a Salary Ordinance change, in other words, these contracts do not reflect a Salary Ordinance and President Borries said that is correct. Mr. Taylor said so eventhough you are signing these agreements they are still subject to the Council approving a Salary Ordinance and President Borries said that is correct.

Commissioner Cox said true, that this is merely an hourly agreement we are approving today.

President Borries called for a roll call vote at this time. Motion carried with the following votes.

Commissioner Cox...Yes

Commissioner Willner...No

President Borries...Yes

Mr. Chuck Whobrey, Local 215 representative was present and stated what the Council did at budget time last July or August was to set the salaries in at the 1983 level, create a new line item at that time, and put the entire \$165,000.00 in that particular line item, with the understanding we would be in negotiations and working with that amount of money to reach an agreement.

Mr. Taylor said but it is still subject to the County Council approving a Salary Ordinance to distribute the \$165,000.00 and President Borries said that is correct.

RE: SCHEDULED MEETINGS

President Borries said the only meeting he is aware of is the regular County Council meeting to be held Wednesday, February 1st at 2:30 p.m.

Mr. Taylor asked if the Union Agreements will be on the Council Call for February and President Borries said he has not seen a Council Agenda at this time, so he could not say if it is or not.

Commissioner Cox said she received a phone call immediately prior to today's meeting which concerned one of the persons who's job was eliminated by the County Council at budget time, that the position was eliminated as of January 1, 1984. This person is unemployed and they are wondering if their insurance could continue, that is, could they continue their insurance on an individual basis, and if so, for what period of time.

President Borries said that may be a question we should ask the County Attorney.

County Auditor Alice McBride said she isn't too sure about whether Blue Cross would let them continue coverage or not, however, she will discuss this with her insurance girl and have her check the possibility out and report back later.

Commissioner Willner said he believes this was checked out some time ago and if memory serves him correctly, they do have to convert, but Blue Cross/Blue Shield has to accept them, however, they will have to pay the regular single plan premium.

There being no further business, President Borries declared the meeting recessed at 5:30 p.m.

PRESENT: COUNTY COMMISSIONERS COUNTY AUDITOR COUNTY ATTORNEY

Richard "Rick" Borries
Robert L. Willner
Shirley Jean Cox

Alice McBride

David Jones

SECRETARY: Janice G. Decker

Richard "Rick" Borries
Robert L. Willner
Shirley Jean Cox
BOARD OF COUNTY COMMISSIONERS

COUNTY COMMISSIONERS MEETING
FEBRUARY 6, 1984

The meeting of the County Commissioners was held on February 6, 1984, at 2:30 p.m. in the Commissioners Hearing Room with President Borries presiding.

This being the first meeting of the month it was officially opened by Chief Deputy Sheriff Lee West.

The minutes of the previous meeting were approved as engrossed by the County Auditor and the reading of them dispensed with.

RE: DAVID GERARD....E.U.T.S.

Mr. Gerard was present and stated last week he appeared before the Commissioners and presented a list of projects for the Board's consideration and recommendations, for federal aid funds for our road projects. The list he submitted last week included the Covert Avenue Extension, Fulton Avenue Bridge, St. Joseph/Meier Road intersection and the St. Joseph/Schenk intersection. Commissioner Cox asked him to check and see if the Maryland Street Bridge was eligible for federal bridge replacement funds and in checking he found that it is, therefore he also has an application for it today, and this would be for 80% federal and 20% local funds. He has given President Borries the original applications and the other two (2) Commissioners have copies of the top page which shows the following information on each application.

- 1). Covert Avenue Extension: Extension of Covert Avenue from Green River Road in Evansville to the Vanderburgh/Warrick County line outside the Corporate Limits of Evansville for construction of a four-lane facility including signalization at the Green River Road intersection. Total mileage is 2.297 miles. Total cost for project is \$1,218,816 with the federal share being \$914,112.
- 2). Fulton Avenue: Fulton Avenue Bridge No. 67 over Pigeon Creek just south of Diamond Avenue in Evansville for construction for replacement of a two-lane bridge with a four-lane structure including approaches and approximately 1600' of roadway to the south to bring approach to a normal touchdown point. Total mileage is 0.400 miles. Total cost for the project is \$2,210,000 and the federal share is \$1,768,000.
- 3). St. Joseph Avenue/Meier Road: Intersection of St. Joseph Avenue with Meier Road north of Evansville, for construction for widening, grading, high bituminous pavement. Total cost for project is \$290,000 with the federal share being \$217,500.
- 4). St. Joseph Avenue/Schenk Road: Intersection of St. Joseph Avenue with Schenk Road, north of Evansville, for construction - intersection will be graded and reconstructed to improve sight distance. Total mileage is 0.520 miles. Total cost for project is \$290,000 and the federal share is \$217,500.
- 5). Maryland Street: Maryland Street over Pigeon Creek between Grove and Buchanan for the construction for replacement of a two-lane structure. Total cost for project is \$375,000 with the federal share being \$300,000.

Commissioner Willner said the Maryland Street structure is presently a two-lane structure and perhaps it should state on the application that it is being replaced with a two-lane structure and Mr. Gerard said he can add that on the application before he sends it off.

Mr. Gerard said the \$375,000 amount for the Maryland Street Structure came from the Surveyor's office.

Commissioner Cox asked Mr. Gerard what is the share on Bridge Replacement Funds and he replied 80% federal.

Commissioner Willner asked when would Maryland Street begin and Mr. Gerard said it would be fiscal year 1985, which starts this coming October, so the construction would be sometime between this October and September 1985 and in the mean time his office would prepare the environmental documentation and then it would have to be designed in-house.

President Borries asked Mr. Gerard how soon he would know if the funding is approved and he replied probably May or June of this year.

Commissioner Cox asked if the up-to-date survey of the two intersections (St. Joe and Meier and St. Joe and Schenk) have been completed, that we ordered an aerial fly-over some time ago and Mr. Gerard said he isn't sure if it is or not, that he believes that is part of the work the city was to do.

Commissioner Willner said St. Joe and Meier should be done, even the plans, but Schenk has not even been started yet.

There being no further discussion of the projects, Commissioner Willner moved that all five (5) of the applications be approved as submitted. Commissioner Cox seconded the motion. So ordered.

RE: KIM BITZ...VANDERBURGH AUDITORIUM

Agreement with Carrier Corporation: Mr. Bitz said some weeks ago he submitted a copy of an agreement with the Carrier Corporation in regards to water treatment at the Auditorium and at that time he was requested to contact other water treatment companies and see what they could do in a like or similar contract for the county. After calling only one (1) other water treatment company they told us that of all the water treatment companies they know of, there are none that would cover the chiller, in the same manner that the Carrier Corporation has offered to do.

Commissioner Willner asked Mr. Bitz if he has money in his budget to cover this expense and he replied he will find it somewhere because he feels this is very important, that we are finally taking some steps towards preventative maintenance for the Auditorium, which has been lacking in the past.

President Borries said he thinks the value of having the tubes in the chiller, as part of this agreement is some real progress because our problems last summer centered around one of those tubes that had cracked and a leak had developed in the chiller and the repairs were of a substantial sum.

Commissioner Willner moved the Service Agreement be approved, in the amount of \$4,560.00. Commissioner Cox seconded the motion. So ordered.

New Equipment for the Parking Lot at the Auditorium: Mr. Bitz submitted some information data that he recieved from Cincinnati Times, in regards to new equipment for the parking lot at the Auditorium, that the figure received was \$6,897.00. Charging 75¢ per day, for 100 cars, this \$6,897.00 could be regained in five (5) months.

President Borries said the Commissioners will need some time to examine the data, but he would assume this would be some type of an arm, would it not.

Mr. Bitz said basically it would be what we presently have installed at the lot, except this new machine would take either coins or tokens and the reason he got an estimate on tokens was the Auditorium could have the tokens in their office and sell them on a weekly or monthly basis to employees of the Civic Center.

Commissioner Cox asked if this company has local maintenance people and Mr. Bitz replied yes they do, that their distributor is B.F. Saunders.

The matter was taken under advisement for further review by the Commissioners.

Problem with Telephone System: Mr. Bitz said they are having a real problem at the Auditorium in regards to their phone system, and he understands this has been a problem in the past with other managers also. When there is an event in the Auditorium, that has more than a one (1) day run, they have a real problem with the phones, that he believes that both line presently in the Auditorium are necessary to run the office and he understands that one (1) of those lines was put in because of this problem some time ago. He believes we should establish a separate line for the ticket office and that it should have an answering machine on it. Last year we had Sesame Street in for eight (8) days and during that time, people trying to call the Auditorium for business were unable to get through, that the event kept the phones tied up almost constantly.

Commissioner Cox^{said} how is it presently handled if a home office should call, trying to contact a user of the Auditorium and Mr. Bitz said we usually take a number and have the user to call them back and he makes very sure they are using a credit card for out of town calls. She asked how many pay phones are installed in the building and Mr. Bitz replied there are six (6) of them.

County Attorney Miller said at one time there was an agreement between a ticket seller and the county and Mr. Bitz said we no longer have that person, that she has moved out of town.

Mr. Miller asked Mr. Bitz if there would be some way he could allocate a charge in the rental for telephone usage and Mr. Bitz said yes, that could be incorporated.

President Borries said the Commissioners will need some time to review this request because as everyone is aware the county is considering a different phone system in the near future.

Mr. Lindenschmidt said the Auditorium is not included in our present phone system, that is to say, they are not on our centrex system, and neither is Burdette Park, but the County Highway is. The new bids recently received also do not include Burdette Park or the Auditorium.

President Borries asked Mr. Bitz if he has any cost estimates at this point and he replied no and Mr. Borries instructed him to research a little further and get some cost estimates to the Commissioners when possible and then a more intelligent decision could perhaps be made on the matter. Mr. Bitz said he will submit those at a later date.

Proposed Rate Increases at the Auditorium: Mr. Bitz asked the Commissioners if they had made a decision regarding the rate increases he submitted last week for the Board's review. He feels like what he submitted is a very fair increase and all he can do is offer his recommendation for approval at this time. He said the Board will find most of the increases in the rates is related to a week-end charge.

Commissioner Cox asked if the Task Force has recommended approval of these increases and Mr. Bitz said no, that the last meeting of that Committee these rates were not topic for discussion, however, he would point out that most of the Task Force members are composed of users of the building.

Commissioner Cox asked if the Task Force Committee members have received copies of the proposed new rates and if so, has there been any feedback.

Mr. Bitz said all members have received copies of the proposed rates and the only response he has received at this point is in regards to the School Corporation rate.

President Borries said he feels the rates should be very clear in regards to the add-ons or the so called extras that use to be a portion of the prior contracts, so that the users will have a clearer understanding of what their rental agreement is, that we do not want any misunderstanding concerning extra charges.

Mr. Bitz said he believes the Commissioners will find that everything is included in the proposed rate schedule except for the possibility of the phone charge that Mr. Miller asked about a few minutes earlier.

Commissioner Cox said she would certainly like to have the Task Force present their recommendation in regards to this increase, and wondered if they could meet sometime this week and give us their recommendation.

Kathy Mann, Councilperson, was present and stated Mr. Joe O'Daniels is out of town and is not expected back until the end of this month.

Mr. Bitz said he will call a special meeting of the Task Force, if the Commissioners so desire and President Borries said that would be appropriate and that the Commissioners will wait to hear their recommendations before making a final decision on the rates for 1984.

Discussion of Proposed Marquee at Auditorium: Mr. Bitz said that Kathy Mann would like to speak at this time in regards to the proposed new marquee at the Auditorium which was presented to the Commissioners during their meeting of January 30th. by Mr. Arnold Bosse of the Ad-Craft Company.

Ms. Mann said she already understands that everyone is not going to be happy with the recommendation of the Task Force in regards to the new marquee proposed by Ad-Craft, at the Vanderburgh Auditorium, but the Force recommends that any decision on the proposed outdoor marquee be postponed until the purpose of the facility can be defined, that there is a definite need for something such as this but without a clear picture of the facilities roll within the new downtown master plan, it is difficult to determine the type of image that such a sign will reflect. There were a lot of the theater people present at their last meeting and they said that a marquee of this type does not identify with the theater. Ms. Mann said she does not think the Downtown Master Plan

has made an issue of the Auditorium one way or another but they have mentioned art or theater facilities in other areas, so the theater people would like for the Downtown Master planners to also look at this sign. She said the Task Force realizes that proceeds from use of the Gold Room account for more than half of the Auditorium's annual income and they are fully aware that the theater people cannot take it over.

President Borries said based on his very limited conversation concerning the Master Plan he understands there has been some discussion relating to the Auditorium of which he was not involved, but that it could be looked at as a center for performing arts, in some capacity, however, as pointed out by Ms. Mann, the Gold Room generates most of the revenue at this point. He also understands the Master Planners have also looked at the old post office along with the coliseum. He asked if the Task Force objects to the kind of sign proposed and Ms. Mann replied they object to the marquee as it is presently designed, identifying the theater group and they are concerned with the ascetic part of the sign. She has also discussed this with Jan Theurbach and they discussed the possibility of the Auditorium receiving a new name and one of the names mentioned was the Evansville Arts and Entertainment Center, and she believes it would benefit grants or donations if it were defined as such, that it would identify all people using it much better than Vanderburgh Auditorium.

Commissioner Cox said if she recalls right from newspaper articles and from Mr. O'Daniels when he appeared before this Board of Commissioners, that even though perhaps it isn't in writing, the message that she got was that the Vanderburgh Auditorium and Convention Center would remain as a multi-purpose center serving small convention groups that weren't interested in larger facilities and she does not recall this actually being specified as strictly a center for performing arts.

Ms. Mann said no, she does not think that to be their intent that as she stated earlier the Task Force realizes this needs to be some sort of a joint endeavor and she is not suggesting they have changed their minds.

Commissioner Cox said she wants this straight in her mind, that what they are objecting to is not exactly the idea of a sign, but rather the running advertisement, or the permanent blocks of advertisements that will be on the sign and Ms. Mann said Mr. Bitz can correct her if she is wrong, but they are saying marquees around the country that identify the theaters are something that has theater pictures, that they really don't feel that advertising is conducive to the theater group, and that somehow it demeans the theater.

Commissioner Cox said she has seen the name "Evansville Philharmonic" floating around on the banks message centers and she sees this as excellent advertisement tool and it can be done in very good taste. If they have problems with the design portion of this marquee, then she is sure that can be changed.

Ms. Mann asked if a decision has to be made on this today that perhaps a wider discussion should be done on this, that perhaps it will need some getting use to.

Mr. Bitz said the Ad-Craft Company is currently working on two (2) other designs that would perhaps be more pleasing to everyone.

Ms. Mann asked what would happen to the existing sign at the Auditorium and Mrs. Cox said Mr. Willner wants to keep it there also.

Commissioner Willner explained that his feelings were, in regards to keeping the small sign there, that perhaps a user of the Auditorium would prefer using it at no additional cost, than to advertise their event on the big marquee.

Mr. Bitz said he would also like to say in his discussion with Mr. Bosse this week that Ad-Craft has agreed to add to the proposed deal, a 5" double matrix display, that would be identical to the one outside, to be placed above the ticket office window and in further discussion they also offered to supply us the small running matrix to place underneath that for us to display a message on to one of the users in the building.

Ms. Mann asked what are the feelings on a name change for the Auditorium and President Borries said he would have no problems with exploring that possibility, that he certainly would not object to it, however, at this time he could not see any theater group that could fund it independently, separate from the county.

Commissioner Cox said she would like the feelings of the other Commissioners, that being if we do want a sign with the designs to be worked out or do we not want a sign.

President Borries said he has no problem with the sign, that he cannot see where the sign would detract from any ongoing activities that the building would offer.

Commissioner Cox said if we agreed today that we wanted the marquee, with the design part to be worked out collectively, she believes this would satisfy all parties. She would hate to see Ad-Craft work and come up with another one (1) or two (2) designs and then us say we don't want any, that it takes time and money on the companies part to do these things.

Commissioner Willner said he isn't opposed to any changes, that he has been looking at this thing as a revenue generator. He is for the sign and he is certainly not opposed to interested parties input as to the design of it and he would be in favor of us selling advertisement for the new marquee even if it takes the secretary's full time to do it. If the small sign staying there makes it look too cluttered, it can always be removed, but these would be some 100' apart.

It was determined there would be a meeting scheduled for Friday, February 10th at 3:00 p.m. at the Auditorium for all parties involved for further discussion. Mr. Bitz is to contact everyone and inform them of same.

RE: COUNTY ATTORNEY.....DAVID MILLER

Poor Relief Bonds:

Mr. Miller handed out three (3) blank sheets of paper and ask each of the Commissioners to sign their names once on each sheet, to be used for facimile signatures on the bonds that are being issued, that they will take the best, most legible copy of the signatures and provide them to the printer of the bonds, that way the Commissioners will not have to individually sign some 300 to 500 documents in regards to these bonds.

Designation of a Paying Agent/Registrar: Mr. Miller said they would like for the Commissioners to designate what is referred to as a Paying Agent/Registrar for these bonds. The Summers and Company, Inc. of Fort Wayne, who purchased the bonds have indicated it will need between eighty (80) and one hundred (100) bonds and they believe there will be a large amount of trading and registration transactions on this, after the bonds are issued. We have four (4) submission of banks and three (3) of them....Old National Bank, National City Bank (both of Evansville) and the Ft. Wayne National Bank have a fixed fee plus variable costs. Citizens National of Evansville quotation is based upon an initial charge plus an annual fixed fee and in reading from a memo from Mr. Paul Wallace, he says, since we can only estimate the number of annual transactions, choosing the least expensive alternative is problematical, however, based on his best estimate he would recommend either National City Bank or Citizens National Bank, that certainly the flat fee from Citizens National Bank would make budgeting for these expenses somewhat less difficult from year to year. The fee from Citizens is \$500.00 annually.

Commissioner Willner moved that Citizens National Bank be designated at the Paying Agent/Registrar for the poor relief bonds, for the amount of \$500.00 annually. Commissioner Cox seconded the motion. So ordered.

Hirsch Property Settlement: Mr. Miller said he indicated to the Commissioners a couple of weeks ago that he has been engaged in negotiations with the attorney for the Hirsch family in regards to the pending condemnation suit concerning an area immediately to the east of Burkhardt Road, between Division Street and Boonville Highway. The law suit is about five (5) or six (6) years old and there has already been a determination, before 1980, that a taking had occurred of approximately 70' in width and the entire length from Division Street to Boonville Highway and the only question remaining is how much damage was the county going to be liable for, for that taking. If we can settle this out of court he believes it is not in the best interest of the county to go to court. The pending project of the improvement of Burkhardt Road presents a good time for us to negotiate a settlement because there is some money that has been put into this contract for the reconstruction of some bridges across a ditch and one of the major complaints that was being made by the Hirschs' was that they were going to have to replace their bridges because the rerouting of the ditch four (4) or five (5) years ago was causing erosion at the base of the bridges. They were estimating the replacement of the two (2) bridges was going to cost them about \$6,000.00. The court appointed appraisers valued the square footage itself at about \$8,000.00. What he is proposing in way of a settlement, and it has been tentatively agreed to by the other side, is a payment of \$12,000.00 in damages for the taking and us build the bridges, or we give them \$18,000.00 and they build the bridges, but he needs authorization from the Commissioners to offer this settlement. He does not know the value of the bridges.

Mr. Andy Easley, County Highway Engineer, said he does not recall hearing the value of the bridges either, however, he would say in his conversation with Mr. Jim Morley that he concurs with Mr. Miller that we keep the bridges in the Burkhardt Road project.

Commissioner Cox said if we give them \$12,000.00 then we would build the bridges and Mr. Miller said yes, in conjunction with the Burkhardt widening project because as the Burkhardt Road improvement is presently planned, the bridges are already in there, so we are going to do it anyway.

Commissioner Willner said if we pay them \$18,000.00 then they build their own bridges and Mr. Miller said that is correct. Mr. Willner asked what fund the \$18,000.00 would come from and Mr. Miller said it would come from the fund used for the maintenance of that particular legal drain because it is an expense of the improvement to that legal drain. If we pay them \$12,000.00 then that amount would also come from the legal drain fund and the other \$6,000.00 would come from the Burkhardt Road project fund. You would not be able to assess the Hirschs' to pay a portion of their own settlement.

Both Commissioners Willner and Cox said oh yes, that everyone on that legal drain is to be assessed.

Mr. Miller said it is part of the deal that they aren't going to pay their own settlement, that it has to come out of the ditch fund, over and above what they pay into that particular ditch fund.

Commissioner Cox said in the future that would have to be added back on to the assessment and Mr. Miller said that is correct.

Commissioner Willner said Burkhardt Road, he thought, was to be widened to the west and not the east, therefore, he does not know why these ditches were even involved. He also needs to know whether the Hirschs' will pay their proportion in the form of a ditch bill and if he is satisfied with those answers he will make a motion for us to settle for the \$18,000.00 because we cannot build those two (2) bridges for \$6,000.00. These are not county bridges, that they are driveway bridges and are on private property, so why should we have to build them or pay the Hirschs' to build them.

Mr. Miller said he has not seen the plans but he was told they were part of the plans from the very beginning.

Commissioner Willner asked Mr. Lindenschmidt to please try to contact the Surveyor, Bob Brenner, immediately and see if he could come into this meeting and answer some questions.

Mr. Easley said if the bridges have been approved by the state to be a part of the project then they are going to pay 75% of the cost to build them, so it would be less money to the county if they are left in the project.

County Surveyor Robert Brenner came into the meeting at this time and Mr. Miller very briefly explained the topic of discussion and brought him up to date on what had transpired to this point, and stated that Mr. Willner's thoughts were that this widening went completely to the west so why are these ditches even involved.

Mr. Brenner said this right-of-way we are buying is needed for the federal project, that they are going to move the ditch further away from the road. The bridges are in the plans but he could not say if they have been approved by the state yet, or not.

Commissioner Willner said then you are telling us we are buying right-of-way on the east side of Burkhardt Road and Mr. Brenner said that is absolutely correct and we are also settling this law suit on the east side of Burkhardt and if we did not settle this suit we would have to buy this right-of-way anyway.

Mr. Miller said he would like to explain that statement, that there is either a 5' or 10' strip of ground between the eastern line of Burkhardt Road and the ditch, about which in his opinion, title is questionable. The Hirschs' would have a claim to make that they own that strip and as part of this settlement we would receive a quit claim deed and a covenant from the Hirschs', as to all ground from the center line of Burkhardt Road to the eastern edge of the 20' that they claim in the condemnation suit.

Commissioner Willner said Oak Grove Road goes to the west of Burkhardt Road and Mr. Brenner said it goes both east and west, that it is about a cow path to the east and that is where we will be replacing a bridge.

Commissioner Willner said but it is not a county accepted road, to the east and Mr. Bill Bethel, County Highway Superintendent, said yes, it is county accepted, that he does have a card on it.

Commissioner Willner said approximately what footage is the bridge and Mr. Brenner replied under 20'.....approximately a 12' box culvert, with concrete rails, and one (1) lane.

Commissioner Willner asked if this will be replaced with a one (1) lane bridge and Mr. Brenner said no, he is sure it will be a new two (2) lane bridge.

Commissioner Willner said to satisfy himself he needs to see a set of plans before he can decide which settlement would be the best for the County, and he explained what the settlement figures are to Mr. Brenner.

Mr. Brenner said give them the bridges, that is settle for \$18,000.00 and let them build the bridges, that they will have to be built to state specifications, however, the only thing that might change that would be the 75-25% federal split. He would really be surprised if the feds would even let the Hirschs' build their own bridges, that he doesn't believe they will be allowed to, and they certainly could not build them until after the Burkhardt Road project is completed.

Commissioner Willner said if we do settle for a dollar figure is it correct this money would come from the Ditch Fund and Mr. Brenner said yes and Mr. Willner said in turn, the Hirschs' would be paying a portion of that and Mr. Brenner said that is absolutely correct also, that the money is there because he has accumulated a balance in that particular legal drain account and he will sign a blue claim and the money will be paid.

Mr. Miller said if Mr. Brenner has the money there will not have to be a special assessment, so he won't have to get an agreement from the Hirschs' that they will pay their share and Mr. Brenner said this is correct, that they have already paid their share.

Commissioner Willner asked Mr. Brenner if he would go immediately and contact Mr. Jim Morley and get his cost estimates to build the two (2) bridges in question and he said he would and if he can reach him, he will report back later in this meeting.

Contract From Ad-Craft for Marquee: Mr. Miller said he has reviewed the contract submitted last week by Ad-Craft and it was very clear they proposed to install the new marquee without any cost to the county. There is some vagueness about the matter of what this sign is going to look like and there is no paragraph in it giving the county any kind of a right of refusal, however, from conversation here today, he believes they would work together concerning the design. The Commissioners may want a paragraph added that requires the ascetic appearance and the architecture of the sign be subject to final approval of the Board of Commissioners.

RE: BILL BETHEL....COUNTY HIGHWAY DEPARTMENT

Weekly Absentee Report: Mr. Bethel submitted the weekly absentee report of the employees at the county garage for the period of January 30 thru February 3, 1984....report received and filed.

Weekly Work Report: Mr. Bethel submitted the weekly work report of the employees at the county garage for the period of January 30 thru February 3, 1984...received and filed.

Attached to the Work Report was the following work schedule, for the same period of time.

Patch Crew: Lynn Road, South Weinbach Avenue, Mill Road, Upper Mt. Vernon Road, Harmony Way, Old 460, St. Wendel Road, Burkhardt Road, Middle Mt. Vernon Road, Schutte Road, Peerless Road, Orchard Road, Mohr Road, Old State Road, Heinlein, Old Petersburg Road, Browning Road, Hillsdale Road, Park Road, Volkman Road, Old Princeton Road, Frontier, Red Bank Road, Baseline Road and Coal Mine Road.

Gradall: Mann Road and Bromm Road.

Repaired Cave-In West Haven Drive.

Tree Crew: Bromm Road and Middle Mt. Vernon Road.

Trash Crew: Lynn Road, South Weinbach and River Road.

Commissioner Willner said in regards to what is called The Frost Law he just asked the attorney to look the statute up and read it to us today and he is also wondering what the law says in regards to weight limits and signing, that would it be possible for the County Garage, during a slack period, to perhaps make some signs.

Mr. Bethel said he will see that they are made because we really do have to get them up, that there are a lot of big vehicles such as oil rigs coming in here and they will tear

up everything that we have worked on. He did not patch everything they came upon, but they did try to get the bigger pot-holes and we will continue to get them as the thawing occurs.

Commissioner Cox said many counties incorporate the statute on a poster, on an outdoor type material and post them, that Posey County does it like that.

Mr. Bethel said on a temporary basis we could even post it on top of existing signs. He said more important than having the signs, we need them enforced.

RE: DISCUSSION WITH COUNTY AUDITOR CONCERNING POOR RELIEF BOND ISSUE

President Borries said he has had a discussion with the County Auditor, Alice McBride, regarding the issuance of the bonds for poor relief and we have been informed there were eleven (11) bidders involved and that Summer and Company, of Terra Haute, Indiana was the lowest bidder and their rate was 6.625%, which is a very good rate, that the State of Indiana estimated it could have gone as high as 10%. County Attorney David Jones and Attorney Paul Wallace both worked very hard toward getting this bond issue settled and they are both to be congratulated for a good job.

RE: BOB BRENNER....COUNTY SURVEYOR

Weekly Bridge and Guardrail Report: President Borries said Mr. Brenner is out of the room trying to contact Mr. Morley at this time, however, he has submitted his weekly bridge and guardrail report of the bridge crew for the period of January 30 thru February 3, 1984....ordered received and filed.

RE: ANDY EASLEY....COUNTY HIGHWAY ENGINEER

Seaboard Systems Railroad Switch at Lynch Road: Mr. Easley said this past week he met with the Seaboard Systems concerning the switch on Lynch Road, which has been topic of discussion for many many months now and he now has an estimate of just under \$23,000.00. He also met with the Creasey Company and they told us they would cooperate with the county in modifying the south end of their building where the cars go in. He took a contractor with him to look at it and after reviewing it we don't believe the modifications would exceed \$12,000.00 but he is going to have to make a little structural design to get an estimate. He has also spoken to Mr. Dilk and if this project does not exceed \$40,000.00 he said he would check with the federal department and see if they will fund it since Lynch was entirely funded in that manner.

Commissioner Willner said the feds have already agreed to participate, along with the State.

Mr. Easley said Creasey Company said they would have quite an insect control problem if we did not get this done by late spring. Also, if this goes to \$12,000.00 would we have to advertise for bids and Mr. Willner said he believes the state will do that. Mr. Easley asked the Commissioners if there would be any problem with the county furnishing the plans for those structure modifications, that he could almost do them himself, that they are not very elaborate and the Commissioners did not seem to have a problem with it.....that none of them spoke up objecting to it.

RE: ORDINANCE RELATING TO THE LICENSING OF TRADESMEN

President Borries said the Commissioners have had first hearing on the Ordinance relating to the licensing of tradesmen and it was properly advertised in the Evansville Courier and Press on 1-27-84 and 2-3-84 and it is back before us for final approval or denial. He said there was a gentleman who spoke before the County Council meeting that felt like the rates were too high, in relation to the increases. This is a joint department and the rates apply to both the city and county and the fees have always been, as he understands it, in general uniformity, therefore if we choose not to change these rates there is going to be a great deal of confusion.

Commissioner Willner moved the following Ordinance be approved.

ORDINANCE TO AMEND SECTION 150.134
OF THE BUILDING CODE OF THE CODE OF
ORDINANCES OF VANDERBURGH COUNTY, INDIANA,
RELATING TO THE LICENSING OF TRADESMEN

BE IT ORDAINED by the Board of Commissioners of Vanderburgh County, Indiana,
as follows:

Section 150.134 of the Building Code of the Code of Ordinances of Vanderburgh County, Indiana, is amended to read, in its entirety, as follows:

§ 150.134 LICENSING OF TRADESMEN

- (A) Instead of separate city and county licenses, the Joint Department of Building Commissioners shall issue to each qualified tradesman a single license authorizing the recipient to practice his trade anywhere in Vanderburgh County, Indiana.
- (B) Licenses shall be issued only upon the authorization of the Department's Board of Examiners. In the case of plumbers' licenses under the statutes of the State of Indiana, no license shall be required, but a certificate of registration shall be issued upon payment of the fee listed in this section.
- (C) Each license, certificate and registration shall expire on December 31 of each year. All renewals thereof shall be obtained before January 31 of the succeeding year.
- (D) The Joint Department of Building Commissioners shall collect fees for the licenses listed in this section; and the Controller's Office shall issue the licenses. The proceeds from those fees shall be distributed between the City and the County in the same manner the cost of operating the Department is distributed between them.
- (E) No inspector for the Joint Department of Building Commissioners need pay the renewal fee for his license so long as he remains an inspector.
- (F) The fees for a joint city-county license for tradesmen shall be:

<u>TYPE OF LICENSE</u>	<u>FEE</u>
Master	
New	\$250.00
Renewal	75.00
Journeyman	
New	\$ 25.00
Renewal	25.00
Apprentice	
First Year	\$ 5.00
Second Year	10.00
Third Year	15.00
Fourth Year	20.00
Limited License	\$ 15.00
Sign Erector	
A	\$250.00
B	125.00
Renewal A	75.00
Renewal B	75.00
Wrecker	
New	\$ 30.00
Renewal	30.00
Movers	\$ 30.00
Registration Plumber (A11)	\$ 25.00

- (G) Late fee for all licenses listed above is \$5.00 after January 31.

Commissioner Cox seconded the motion. So ordered.

RE: PUBLIC NOTICE OF REVENUE SHARING HANDICAPPED REGULATIONS

President Borries said the Board has received, from the County Auditor some correspondence from the Office of the Secretary of the Treasury, that states this notice is published pursuant to the requirements of Section 51.55 of the Revenue Sharing Regulation, as published in the Federal Register on October 17, 1983. Section 51.55 prohibits discrimination against qualified individuals because of their handicapped status.

Vanderburgh County, Evansville, Indiana, advises the public, employees and job applicants that it does not discriminate on the basis of handicapped status in admission or access to, or treatment or employment in, its programs and activities

Vanderburgh County has designated following (person or office) as the contact to coordinate efforts to comply with this requirement. Inquires should be directed to:

President Borries said if this involves discrimination against an individual because of their handicapped status, perhaps this should be referred to the City/County Human Relations Commission.

Commissioner Cox moved this information be forwarded to the City/County Human Relations Commission. Commissioner Borries seconded the motion. So ordered.

RE: MONTHLY REPORT FROM THE VANDERBURGH COUNTY TREASURER

The following Treasurer's report was ordered received and filed.

TO: COUNTY COUNCIL
COUNTY COMMISSIONERS

February 1, 1984

To date \$2,688.89 has been collected and receipted into County Revenue as interest.

Outstanding Investments are:

- 1) Investments \$2,000,000, dated December 28, 1983 due February 3, 1984. Estimated income \$17,500.00. Rate 8.55%.
- 2) Investments \$3,000,000, dated December 28, 1983, due December 27, 1984. Estimated income \$273,700 of which \$22,812 will go to reassessment. Rate 9.125%.
- 3) Investments, \$500,000, dated December 29, 1983 due December 27, 1984. Estimated income \$46,200. Rate 9.25%.
- 4) Investments, \$2,000,000 dated January 4, 1984, due December 27, 1984. Estimated income \$188,000. Rate 9.50%.

When all outstanding investments are collected, income will appear as follows:

COUNTY REVENUE	\$505,276.89
REASSESSMENT	\$ 22,812.00

I fully expect to make a surplus in 1984, for the eighth consecutive year.

Lewis F. Volpe
County Treasurer

RE: APPOINTMENT TO THE ALCOHOLIC BEVERAGE BOARD

President Borries said the Commissioners have forms to sign to reappoint Mr. Jerry Steckler, who is currently serving on the Alcoholic Beverage Board, as a democrat member.

Commissioner Cox moved Jerry Steckler Sr. be reappointed to the Alcoholic Beverage Board as the Democrat member. Commissioner Borries seconded the motion. So ordered.

RE: LETTER FROM PROSECUTOR

The following letter, dated January 30, 1984, was read aloud by President Borries.

Dear Mrs. Cox, Mr. Borries and Mr. Willner:

I am requesting the approval of the Board of Commissioners to begin charging private attorneys for the labor and material, along with the time expended in blood test work on non-welfare cases, in the amount of \$25.00. This money will be deposited into the General Fund.

Please see the attached letter which is self-explanatory and will be distributed upon authorization from your Board.

Sincerely,
Robert J. Pigman
Prosecuting Attorney

President Borries said the attached letter reads as follows:

Dear Attorney:

Please be advised that the Prosecutor's Office will be charging a fee of \$25.00 for processing blood tests for cases where both parties are represented by private counsel.

This fee will apply to all cases scheduled for testing after February 7, 1984. This fee covers the costs of taking pictures for the purposes of identification, procuring kits for testing, processing necessary supplies, and testifying, if necessary, on the chain of custody.

Attorneys may avoid this fee by making their own arrangements with available blood laboratories for testing and drawing of blood.

Information regarding testing is available on request, please call the Prosecutor's Office, IV-D Support Division at 426-5828.

Sincerely,
Robert J. Pigman
Prosecuting Attorney

Commissioner Willner moved the request be granted. Commissioner Cox seconded the motion with the statement that this may require an Ordinance be approved before the Prosecutor can charge this fee. So ordered.

President Borries said we will have our attorneys to check and see if this would require an Ordinance.

RE: BRIEF REPORT FROM BOB BRENNER CONCERNING THE HIRSCHS' SETTLEMENT

Mr. Brenner said he did contact Mr. Jim Morley and they have done their homework very carefully and dollar wise we would not make any money for the county either way we go. There is some advantage in that we would not have to build the bridges if we go the \$18,000.00 settlement and that is what he would recommend the Board do, however, we would have to call a Drainage Board Meeting, because this would be paid from a legal drain account.

Commissioner Cox asked Mr. Brenner if he sees this as interfering anyway with the project if they fail to go ahead and do their part and he replied no, that if they sign an agreement they will put them back in they will do it, besides they need the entrance.

Commissioner Willner said we will hold a short Drainage Board immediately following the meeting.

RE: LETTER FROM HOME INSURANCE COMPANY

The following letter, dated January 30, 1984 was received by the Commissioners, in regards to some of the county's insurance policies.

Re: (a) Policy Number WC-1 32 53 30
(b) Policy Period 1-1-84 to 1-1-85

Dear Policyholders:

We have been notified that the above captioned coverages on your operations have been written through The Home Insurance Company and we would like to take this opportunity to welcome you to our ever-increasing list of policyholders.

For your information your coverage will be serviced out of the Indianapolis, Indiana office through our staff adjusters, supplemented by independent adjusters in the area. We assure you of the finest in claim service.

We are enclosing with this letter a supply of Report Forms so that you may transmit notice to us of any injury, accident or occurrence. These forms are to be completed in duplicate and forwarded to our attention.

In the event of severe accident or occurrence, we request immediate notification by telephone so that appropriate action can be taken. Our phone number for Indianapolis is 848-4100. Our mailing address is 11590 North Meridian Stree, P.O. Box 1940, Carmel, Indiana 46032.

Should you have any questions or problems involving your coverage, feel free to call the undersigned at your convenience.

William J. Irk, Claim Manager
Claims Department

Received and filed and referred to the County Auditor's office to be filed with other insurance records, since this pertains to workmans compensation.

RE: LETTER RECEIVED FROM NATIONAL REVENUE CORPORATION

President Borries read aloud the following letter received from Michael Niemeyer, District Manager of National Revenue Corporation, who appeared before the Commissioners on January 30th and discussed the collecting of delinquent taxes. The letter is dated January 31 and directed to the Board of County Commissioners.

Bob John and I would like to thank you for the opportunity to present the collection services offered by the National Revenue Corporation. However, after reading this morning's addition of the Evansville Courier I feel either I did a poor job of explaining our proposal or the newspaper reporter only listened with one ear. In order to clarify the fixed fees per account as well as the guarantees offered I felt additional correspondence was needed.

The attached chart attempts to categorize the 1,257 delinquent accounts totalling some \$600,000 that the county currently has on the books. The fee per account that NRC proposes to charge ranges from a mininum of \$6.25 for account balances up to \$50.00 to a maximum of \$150.00 per account for those account balances exceeding \$1,500.00. We propose an agreement for collection of 850 accounts in full for the one time fee of \$28,750.00. The remaining 407 accounts that are currently in delinquency could then be used as replacement accounts on those that we were unable to locate or effect full collection on.

The guarantee that National Revenue offers with this service is two fold. The first guarantee states that any account that completes the 90 day collection cycle without satisfactory payment arrangements being made or any skipped account we are unable to locate, may be replaced with an additional account at no fee. That means that with our proposal for 850 accounts we guarantee to collect 850 accounts in full no matter how many accounts we have to work to achieve 100% collection. The second guarantee states when the county issues National Revenue a check for prepayment of the collection service for \$28,750.00 NRC will then issue a bonded bank draft payable to the county of Vanderburgh for the same amount. If the service fails to collect a minimum of \$86,250 representing three times your investment, the county may keep whatever has been collected and deposit the bank draft for a full money back refund.

After reviewing all of the accounts with your treasurer we realistically feel a 50% recovery ratio is possible based on our experience with similar type accounts. This would mean a potential recovery to the county of some \$300,000 for the fee of \$28,750.00. It is also apparent that under current county procedures and personnel budgeting that without outside help this money will never find itself in county coffers. Along with our proposal let me assure the council that Mr. John and myself both pledge our administrative assistance in getting this project started as well as keeping it running smoothly for your staff.

Very truly yours,
Michael Niemeyer
District Manager
NATIONAL REVENUE CORPORATION

After brief discussion it was decided this would have to go before the County Council for appropriation of the \$28,750.00. Commissioner Willner moved the request be put on Council Call in March and that the contract with National Revenue Corporation be approved, subject to Council's approval. Commissioner Cox seconded the motion. So ordered.

RE: DISCUSSION OF OLD BUSINESS

Buffer Zone for Eastland Estates: President Borries said Ms. Debbra Rowland was before the Commissioners last week with a request that the Commissioners draft a letter to the State Department of Highways, supporting the idea of a buffer zone for the residents living in Eastland Estates, in the area where the new I-164 is going to be located. He will report at this time that a letter supporting the buffer zone has been sent to the Hearing Officer in Indianapolis, so that it will reach them by the February 8th deadline.

RE: CLAIMS

A claim was received from County Attorney David L. Jones, in the amount of \$78.00 for contractual services rendered in connection with the H.J. Lubbehusen et al vs. State of Indiana, et al, for the month of January, 1984. (Itemized statement attached).

Commissioner Willner moved the claim be approved. Commissioner Cox seconded the motion. So ordered.

A claim was received from County Attorney David L. Jones, in the amount of \$4,002.99, for contractual services listed for the month of January, 1984 (Itemized statement attached).

Commissioner Willner moved the claim be approved. Commissioner Cox seconded the motion. So ordered.

A claim was submitted for County Attorney David V. Miller for contractual services rendered for the month of January 1984, in the amount of \$720.00. (Itemized statement attached).

Commissioner Willner moved the claim be approved. Commissioner Cox seconded the motion. So ordered.

A claim was submitted for Robert E. Fortune, per consultant's contract, for the month of February, 1984, for the county's share in the amount of \$2,490.00. Commissioner Willner moved the claim be approved and seconded by Commissioner Cox. So ordered.

A claim was submitted for Monica E. Mindrup for attending the County Assessors meeting in Indianapolis on January 25, 26 and 27th., in the amount of \$237.60.

Commissioner Cox moved the claim be approved. Commissioner Willner seconded the motion. So ordered.

A claim for Maxine F. Ginger was submitted for attending the 1984 Indiana State Tax Board Conference on January 25, 26 and 27, in the amount of \$183.00.

Commissioner Cox moved the claim be approved. Commissioner Willner seconded the motion. So ordered.

A claim was submitted for Helen Jane Nicholson, for attending the 1984 Indiana State Tax Board Conference on January 25, 26 and 27, in the amount of \$263.50.

Commissioner Willner moved the claim be approved. Commissioner Cox seconded the motion. So ordered.

A claim was submitted for Jerome R. Zeller for attending the Annual Assessors Conference on January 25, 26 and 27, in the amount of \$183.00.

Commissioner Willner moved the claim be approved. Commissioner Cox seconded the motion. So ordered.

A claim was submitted for Evelyn M. Lannert for attending the County Assessors meeting in Indianapolis, on January 25, 26 and 27, in the amount of \$157.85.

Commissioner Willner moved the claim be approved. Commissioner Cox seconded the motion. So ordered.

A claim was submitted for Ashby-Rauscher Agency, Inc. for the bond for Helen L. Kuebler, Clerk of the Circuit Court, in the amount of \$88.00, for a \$25,000.00 bond.

Commissioner Willner moved the claim be approved. Commissioner Cox seconded the motion. So ordered.

RE: CORRESPONDENCE FROM CITY PERSONNEL DEPARTMENT ON SPACE CHANGE

President Borries said the Board has received additional correspondence in regards to some offices moving on the third floor of the Civic Center. The letter received was as follows and they are asking for the Commissioners approval and signatures.

Effective 2-6-84, we the undersigned approve the following space changes:

Purchasing Department from Room 318 to Room 308

Council of Government from Room 314 to Room 318

City Clerk from Room 323 to Room 314

Hearing Officer from Room 303-A to Room 323 (Part)

T.R.I.P. from Room 304 to Room 323 (Part)

Rentals will remain the same for balance of 1984. However, in 1985, Council of Governments, Room 318, will be charged to County space.

President Borries said after discussions with Mr. Tom Dorsey, we do believe there will be savings to the county in relations to the space that Purchasing will have and also the county's portion of Council of Government will go down, rent wise, in 1985.

Commissioner Willner moved the changes be approved. Commissioner Cox seconded the motion and stated she did voice some concerns about the crowded conditions and Mr. Dorsey assured her he would work on that problem and possibly move the stamp machine along with the Xerox machine and get them under one roof. So ordered.

RE: LUNCHEON NOTICE RECIEVED FROM THE U.S. DEPARTMENT OF COMMERCE

President Borries said he has received notice of a luncheon, from the U. S. Department of Commerce...Bureau of Census, on Tuesday, February 28th. The speaker will be Mr. Arthur Young, Chief of Housing Division of the U.S. Census Bureau and topic of discussion will be concerning the Housing and Homeownership Trends in the 1980's. The luncheon will be at the Executive Inn. (He did not state a time).

RE: EMPLOYMENT CHANGES....APPOINTMENTS

SURVEYOR

Joseph G. Schapker 3228 Folz Lane

Rodman

\$14,192.00 Yr. Eff: 2-3-84

Appointments Continued:BURDETTE PARK

Susan Hites 4428 Chatham Dr. Rink Cashier \$4.00 Hour Eff: 1-27-84

CLERK OF CIRCUIT AND SUPERIOR COURTS

Susan Heberer 3005 Broadway Avenue Deputy Clerk \$412.26 Eff: 2-6-84

RE: EMPLOYMENT CHANGES.....RELEASESCLERK OF CIRCUIT AND SUPERIOR COURTS

Donna J. Perkins 1933 Newton Avenue Deputy Clerk \$412.26 Eff: 2-6-84

RE: SCHEDULED MEETINGS

President Borries said he understands there is to be another hearing in the House of Representatives regarding the ISUE Independence Bill on Thursday, February 9th, at 9:00 a.m. (Evansville time).

Also, it was announced earlier that there will be a meeting at the Auditorium this Friday at 3:00 p.m.

Mr. Bethel asked Commissioner Willner if he found the statute concerning the Frost Law that he was researching earlier in the meeting and he replied no, that he has read it before, but he cannot seem to find it right off hand, but when he does find it he will contact Mr. Bethel.

President Borries said there will be a Drainage Board meeting after a 5 minute break.

There being no further business, President Borries declared the meeting recessed at 4:45 P.M.

PRESENT:COUNTY COMMISSIONERSCOUNTY AUDITORCOUNTY ATTORNEY

Richard "Rick" Borries
Robert L. Willner
Shirley Jean Cox

Alice McBride

David V. Miller

SECRETARY:

Janice Decker

Richard Rick Borries
Robert L. Willner
Shirley Jean Cox
BOARD OF COUNTY COMMISSIONERS

COUNTY COMMISSIONERS MEETING
FEBRUARY 13, 1984

The meeting of the County Commissioners was held on February 13, 1984, at 2:30 p.m. in the Commissioners Hearing Room with President Borries presiding.

The minutes of the previous meeting were approved as engrossed by the County Auditor and the reading dispensed with.

RE: MARK TULEY....BURDETTE PARK

Financial Report: Mr. Tuley submitted the following financial report for the operation of Burdette Park.

1984 Starting Budget

1984 Budgeted	\$396,037.00
1983 Encumbered by P.O.	6,303.94
1983 Encumbered by Contract	<u>70,547.44</u>
Total 1984 Budget	\$472,888.38

Expenditures and Balance 1-1-84 to 1-31-84

Total Expenditures	\$ 52,005.87
Total Balance	\$420,882.51

Income 1-1-84 to 1-31-84

Pool	\$ 0
Rink	4,084.88
Rentals	1,017.00
Misc.	<u>268.00</u>
Total	\$5,369.88

January 31, 1984

Total Expenditures	\$52,005.87
Total Income	5,369.88
Total Deficit	\$46,635.99

Attached to the above report was a breakdown sheet for January.

Report received and filed.

Letter from Evansville Parks Foundation, Inc. Mr. Tuley read aloud the following letter dated January 30, 1984 and directed to Mr. Tuley.

Dear Mr. Tuley:

On behalf of the Evansville Parks Foundation, Inc., I am pleased to inform you that Burdette Park has been awarded \$1,500.00 for a softball backstop. This is contingent on you raising the balance of the funds. In order to receive your funding, please contact Mrs. Carolyn McClintock, Executive Director of Parks and Recreation.

Again, congratulations to Burdette Park, and best of luck in your future endeavors.

Sincerely,

Terry Babb, President
Evansville Parks Foundation, Inc.

Mr. Tuley said he had applied to the Parks Foundation for a softball backstop and he is to meet with the Nut Club tomorrow and hopefully we can get them to pay the remainder of the money to have this put in.

RE: KIM BUTZ....VANDERBURGH AUDITORIUM

Resurfacing of Auditorium Parking Lot: Mr. Bitz said one of the items to be included in the \$160,000.00 the County Council allowed them, was the resurfacing of the parking lot at the Auditorium and he has discussed this matter with Mr. Bill Bethel and he has offered to help draw up the specifications so we can proceed with the awarding of bids for it, since good weather seems to be approaching.

Estimate from AT&T for Improved Phone System: Mr. Bitz said last week he spoke with the Board about the trouble he is having with his present phone system and he was authorized to seek estimates. In speaking with AT&T, the installation for a separate line for the ticket office would run \$65.00 and the additional cost per month would be about \$35.00. In regards to the answering machine they have looked at the one currently installed in the office and it can be fixed, in house, at no extra cost, to run on the new line also. He would like for the Commissioners to approve this as soon as possible, that "Avita" will be coming March 13th and they are already receiving calls for that event.

Summary of Meeting of Task Force of February 13th. Mr. Bitz said for a quick summary of what transpired during the meeting of the Auditorium Task Force last Friday, he would report in regards to the proposed rate increases for 1984 that the Committee recommended we go ahead and approve the new rental rate for the Gold Room, but to temporarily put a hold on any rent increases for the Auditorium, until a meeting on February 22nd, at which time they will try to decide whether to enact or freeze those new rates until such time as improvements can be made to the Auditorium itself. In regards to the new outdoor marquee, the Committee approved the idea, with limitations on the four (4) advertising panels, that they be done in a two color scheme rather than the variety of colors that would belong to each of the individual advertisers. They also left the design of the marquee up to the discretion of the Commissioners. In regards to the stage rigging and the orchestra shell hanging above the stage, it is agreed they would like for John Vezzoso to have some of his men go up inside the rigging house and examine it and see exactly what is wrong. In regards to the name change of the facility, it was recommended "Convention Center" be dropped from "Vanderburgh Auditorium and Convention Center" and any other name changes would be discussed sometime in the future.

Commissioner Cox said they did point out, and she is talking about the Performing Arts, that they expressed concerns over the mounting costs that they are paying for the necessity of having stage hands at all of their performances eventhough they did their own lighting and in some instances the stage hands only stood around and supervised, and they also pointed out the stage hands did not always have the expertise necessary in order to assist with the production. She would like for the Commissioners to meet with the president of the stage hands group and get these concerns opened for discussion.

President Borries said we need to check out any current agreement which currently exists with the stage hands, that he is aware of none that has been signed since he has been a Commissioner, and he really does not know how this works at the present time.

Mr. Bitz said each lessee is required to contact the stage hands union themself and it is up to the lessee and the stage hand union to negotiate how many hands will be used and in which catagory.

President Borries said the lessee signs nothing with the Auditorium in regards to the stage hands and Mr. Bitz said that is correct. President Borries said then is this a requirement and Mr. Bitz said he believes it is more or less a tradition. President Borries said is it possible for someone to schedule in the Auditorium without using the stage hands at all and Mr. Bitz said yes it would be possible, such as the Evansville Civic Theater, who has the technical knowledge to run the equipment. President Borries said who would decide on this matter and Mr. Bitz replied that he, as Manager, would decide if they would require stage hands, and in his absence, the County Commissioners would have to make that decision.

Mr. Bitz said the President of the stage hands union is Mr. Jack Fehr and he would be happy to give the Commissioners Mr. Fehr's telephone number, should they desire it. He would like to add that all Broadway Touring Shows or Professional Shows are required to have union stage hands, but they are the only group coming in here that would be required to do so.

President Borries said in getting back to the stage rigging equipment, Mr. John Vezzoso attended the meeting of the Task Force also and offered to have knowledgeable persons inspect the rigging that at this point is deemed to be dangerous...and who made the decision that the rigging is dangerous and Mr. Bitz said Tiffin Scenic Studios inspected it and made the decision, however, he has yet to receive a full report from them. They are the original contractors who installed the equipment.

Mr. Vezzoso came forth at this time and stated he has contacted the member of Local 103 Union, locally, and this is their line of work, and they have volunteered to go tomorrow and conduct an inspection of the equipment and if it needs to be down they will work with us in doing so. They have helped us many times before and have offered to make this inspection free of charge.

Commissioner Cox asked when is the next time the stage will be used and Mr. Bitz said this Saturday, by the Philharmonic. Commissioner Cox said then not only do we need to authorize someone to go in there, but if we can't give authorization today to go ahead and remove it, then Mr. Bitz should be authorized to take some invitational bids, because it must be down before Saturday....if it requires an emergency meeting between now and then to get it done. She would like to give her thanks to Mr. Vezzoso and Local 103 for the volunteering hand they have stretched forth to the community.

President Borries told Mr. Vezzoso that after he inspects the rigging, should an emergency meeting have to be called, would he please contact him and he will in turn contact the other two (2) Commissioners and he said that he would.

Commissioner Willner moved Mr. Vezzoso be authorized to let Local 103 go into the Auditorium and make their inspection. Commissioner Cox seconded the motion. So ordered.

Commissioner Willner said in regards to the rental rates at the Auditorium that he finds it ironic that the task force members who don't use the Gold Room recommend a rate increase in there, but recommend no increase for the auditorium part....which they do use. He believes it is a little amusing that they are attempting to give us a recommendation on their pocketbooks and he thinks if the rates are going to be raised then lets do it uniformly.

Commissioner Cox said the meeting lasted over two (2) hours and she did not find it amusing, that the points brought up by these people were true concerns. The question was asked....in what condition is the Gold Room and the answer was....in good condition and based on that answer was the reasoning of increase in the rate for it, but the condition of the auditorium is poor and they felt they could not continue to use the facility unless it's updated to meet their needs. She said they are not objecting to a rate increase as long as the auditorium is maintained up to their standards. She said there is problems with the orchestra shell, the sound and lighting and if these things aren't taken care of, they will start looking elsewhere for a better facility.

Commissioner Willner said some of the national shows coming in our Auditorium have said it is one of the finest they have ever played in and he almost agrees with those statements. We have been told the rigging is bad and now we find you have to physically get a ladder and go into the housing...so who said it is bad in the first place, that it seems to him like something is awry here and if someone thinks it is bad, then let him step forward and say why it's bad.

Mr. Bitz said it is all coming in their report, which could be several more weeks.

Commissioner Cox said when we promote a facility with lighting and sound, it should work, and when it doesn't, she can see where the users are concerned.

Commissioner Willner said he was under the impression that the original intent for the Task Force was to come up with alternate ways of financing, but it has really gotten out of proportion and they are now recommending what we should or should not do and this is contrary to what he thought the committee was set up to do. He said the committee was set up to find ways to improve the auditorium without more of a burden to the taxpayers and that certainly has not been forthcoming, in fact, the opposite is true. All he has seen is go back to the County Council for more money and we could certainly have done that without the committee's approval.

President Borries said he understood the committee's job was to identify some immediate needs and to come up with ways to identify them and save money also.

Commissioner Cox said it might be interesting to ask each of the Task Force members if they know what their responsibility is, that she believes there are problems along that line. She said the committee was first set up to decide whether to sell, lease or keep the auditorium for the county and she believes the commissioners should first decide what the responsibility of the committee is to clear up some of the confusion before creating a permanent advisory board for the facility. She personally believes there should be some written guidelines for the committee, but she for one values the suggestions they can give the Commissioners in helping to make some tough decisions. She said this new orchestra shell is going to cost \$50,000.00 and since it is not included in the \$160,000.00 for the first phase, they want the Commissioners approval to use \$25,000.00 from the \$160,000.00 and the Philharmonic will match that amount with their \$25,000.00, and go ahead and get the orchestra shell.

Commissioner Willner said the \$160,000.00 for the first phase is already committed and not to what we want but rather to what the County Council approved it for and there was no shell included in that commitment, as far as he knows, so something is going to have to be dropped if we use \$25,000.00 of the \$160,000.00 for that shell.

Mr. Bitz said there was a \$10,000.00 cushion approved by the council.

President Borries told Mr. Bitz to get the Philharmonic's written statement to the effect they will contribute \$25,000.00 to the orchestra shell and he nodded that he would.

Mr. Bitz said he has nothing else to discuss other than the telephone proposal that he mentioned earlier in his presentation.

Commissioner Willner said he needs some additional information on this matter....deferred for further research.

President Borries said the Board will also try to make a decision on the marquee within a week or two.

RE: BILL BETHEL....COUNTY HIGHWAY DEPARTMENT

Weekly Absentee Report: Mr. Bethel submitted the weekly absentee report of the employees at the county garage for the period of February 6 thru 10, 1984...report received and filed.

Weekly Work Report: Mr. Bethel submitted the weekly work report of the employees at the county garage for the period of February 6 thru 10, 1984...received and filed.

Attached to the work report was the following work schedule for the same period of time.

Snow Removal: Nine (9) trucks, Sunday, Monday, Tuesday and Wednesday.

Patch Crew: Pollack, McCutchan, Church Road, Schillinger Road, Burkhardt Road, Oak Hill Road, Red Bank Road, Happe Road, Upper Mt. Vernon Road, Cemetery Road and Middle Mt. Vernon Road.

Rock Crew: Old Henderson Road, Irene, Pinehurst. Washed all equipment.

Trash: Lynn Road and South Weinbach.

Tree Crew: Baseline Road, East of Old State Road, Bromm Road, Baseline Road, west of Martin Station.

Repair Cave-In: 5620 West Haven Drive.

Request to Dispose of Corroding Barrels of Chemicals: Mr. Bethel said there are forty eight (48) barrels of chemicals at the garage, that some of them are empty, some half full, some three quarters full, etc, but we have been told they are all toxic. They have went through all the proper channels to get this done and right now they are down to the financing part of it. It will cost \$5,227.00 to get this removed and with the \$2,000.00 they will be getting from the courts, we only will have to come up with another \$3,227.00. The \$2,000.00 comes from restitutions through the courts and he would like to recommend the remaining \$3,227.00 comes from his Garage & Motor account #3223. He said Mr. Lee Stuckey has put many hours work in on this and they really need to get it all removed from the Highway Department because it just shouldn't be sitting out there any longer. Mr. Bethel distributed several pieces of correspondence in regards to this matter for the Commissioners review.

Mr. Stuckey came forth at this time and stated he has discussed this with several companies that handle toxic waste and we would get to a certain point and they would drop us. Mr. Johnie Baker, Project Engineer for Process Engineering Group, Inc. has gone further than any other company and has given us an estimate to remove these barrels for an estimated cost of \$5,227.00, which is cheap, because he understands it was earlier estimated to cost somewhere between \$7,000.00 and \$18,000.00 to dispose of them. He would like to get this done before the company backs out of doing it for this cost. He said a motion was granted in Circuit Court last spring to dispose of the barrels and he has been working ever since to obtain state and federal Environmental Protection Agency approval and has finally received it. He said he received the following letter, which explains the three (3) phases this will have to go through, from Process Engineering, Inc. dated January 13, 1984.

Dear Mr. Stuckey:

Process Engineering Group, Inc. (PEG) is submitting the following proposal and cost estimates for the proper disposal of unknown drum wastes from the Vanderburgh County Highway Department. As per our telephone conversation, we understand there are approximately 50 drums of materials. Based on our previous experience with other communities in your same situation, we have found the most economical and safest solution to this problem is to bulk the contents of the drums and ship via transport truck to an E.P.A. approved hazardous waste incinerator. The individual identification of each drum can be very detailed and expensive.

Therefore, Process Engineering Group, Inc. is proposing a three phase program to solve your problems. Phase I will consist of thoroughly sampling each drum. First, the pH will be checked on each drum to differentiate acids and bases so the wastes may be safely mixed in Phase III. Second, equal portions of the samples will be mixed to form a composite sample for the necessary laboratory analysis to receive disposal approval and properly characterize the composited mix. A breakdown of required lab tests and costs is attached for your information. The estimated cost of Phase I is \$1307.00. Of course the contents of the drums must be thoroughly thawed for sampling.

Phase II will consist of obtaining approval for the disposal of the bulk load from the E.P.A. and an approved incineration facility. The nearest facility to Evansville for the incineration of hazardous waste, is Liquid Waste Disposal (LWD) in Paducah, Kentucky. The laboratory analysis you provided us indicates some of the drums are classified as hazardous due to the pH below 2.0 and others above pH 12.5. Therefore, you must submit forms to receive a Generator's Identification number from the E.P.A. PEG will assist you in fully complying with all environmental requirements and regulations including obtaining disposal approvals. The cost estimate for Phase II is \$100.00.

Phase III will consist of pumping the contents of your drums onto our licensed tanker for transportation to the LWD Incinerator provided disposal approval is granted. The actual disposal cost is set based upon the laboratory data collected in Phase I. For estimating purposes, we have assumed a disposal cost of \$1.00 per gallon. A written quotation will be submitted to you prior to conducting Phase III after completion of Phase I. Based upon the assumption, the cost estimate for this phase is \$3,820.00.

Therefore, the total cost for this project is estimated at \$5,227.00. If you should have any questions please do not hesitate to contact our office at AC 317/243-0811.

Sincerely,
Johnie R. Baker
Project Engineer

Mr. Stuckey said the \$5,227.00 could be a little low or a little high, but that figure is in the ball park. He said everyone has to analyse this for themselves, that nobody will take anyone else's word for it.

President Borries said is there a certainty at this point that they will go through all of the phases, that they will take it and dispose of it for us because the letter says Phase II will consist of obtaining approval for the disposal of the bulk load from the E.P.A. and an approved incineration facility.

Mr. Stuckey said Mr. Baker will take care of obtaining any permits and approvals.

President Borries asked Mr. Stuckey if he has all the documentation of the contents from all the other studies already made on these chemicals and he replied he has a complete file on everything that has been done from the very beginning however, it is much too lengthy to report.

County Attorney Jones asked if these are currently in containers and Mr. Stuckey said some of them are in cardboard boxes and the boxes have disintegrated and they fear the plastic bags will burst. Mr. Jones said if we were allowed to buy it then lets hold an auction and sell it, because there is someone out there who will want it.

Mr. Stuckey said there are nineteen(19) empty barrels but we cannot dispose of even one (1) unless we go through the proper channels because we have been told even the empty ones are toxic.

Commissioner Willner said the thing that worries him is that this is an estimated figure they have given us and it could well end up being double that amount.

Mr. Stuckey said that also troubled him and he called Mr. Baker and asked him was he pretty positive this would be the total cost to dispose of these barrels and he said he was sure of it, however, he had to put "estimated" on it.

Mr. Jones said if nineteen (19) of those barrels are empty then it looks like someone could sign on the bottom line and allow us to get rid of them here and Mr. Bethel said there is no doubt they are empty but they are still toxic and we are not allowed, by law, to dump them. Mr. Jones said to him an empty barrel cannot be toxic.

Commissioner Cox said the letter states it will cost us \$1.00 per gallon so if nineteen (19) are empty then it wont cost us anything for those.

Mr. Jones said the E.P.A. regulations on shipment are geared to the substance you are shipping, so once you get by the testing phase, if there is nothing dangerous, we may be able to dispose of them here.

Mr. Stuckey said they have all been tested two (2) or three (3) times, they are all toxic and we will not be allowed to dump or bury them ourselves, that they are all over the toxic limit.

President Borries said can we not get a firm figure, in writing, from this company, in regards to the third phase and Mr. Stuckey said the Commissioners are free to call Mr. Baker themselves but in all his conversations with him, he says the estimated \$5,227.00 figure is all he can give right now.

Mr. Jones said the commissioners may still try to recoup some of the cost because he believes that even if the officials are in jail or the companies involved in these chemicals are bankrupt, that even if the companies have changed names, they are still responsible for disposing of the barrels.

Commissioner Cox said we never did finish paying for these chemicals in the first place, that that is how it was found out, so if the company still owns them, let them come and get them.

Mr. Bethel said all of this reflects seven (7) years work, so he would urge the Board to "Please" let him dispose of them, while the chances are good.

Commissioner Willner moved the Commissioners retain the company of Process Engineering Group, Inc., in the amount of \$5,227.00, to rid the county of the forty eight (48) toxic barrels at the county garage, and if the County Attorney would wish to pursue the cost, he may do so. Commissioner Cox seconded the motion. So ordered.

RE: BOB BRENNER....COUNTY SURVEYOR

No representative of the Surveyor's office was present, however, they submitted their weekly bridge and guardrail report of the bridge crew for the period of February 6 thru 10, 1984, to be received and filed.

RE: ANDY EASLEY....COUNTY HIGHWAY ENGINEER

Report on the Railroad Switch on Lynch Road: Mr. Easley reported that he spoke this afternoon with Mr. Steve Dilk and the Federal Highway Administration told him verbally for us to go ahead and pursue pinning down the price of the building modifications of the Creasey Company, so he assumes the feds have approved the scope of this switch relocation, as presented last week, so it looks like this is going to all fall in place and the feds are going to pay for it.

Burkhardt Road Right-of-Way: Mr. Easley said Mr. Jim Morley is present today and in regards to the purchase of right-of-ways for the Burkhardt Road project he would like to distribute the following list of appraisals.

<u>NAME</u>	<u>APPRAISALS **</u>
Thomas J. and Rosemary V. Hirsch	\$1,000.00
William R. and Margaret Fiscus	300.00
Julius Heerdink and Mildred Heerdink	500.00
Wyman Holder	814.00
H. Nalley and Betty L. Nalley	814.00
Elvis H. Payne, Sr. and Truda E. Payne	300.00
Theodore J. and Anna M. Mercker	300.00
Larry L. and Rosalie T. Hirsch	1,300.00
Edmund, Albert and Irene Unfried	2,200.00
Edmund, Albert and Irene Unfried	3,700.00
Revetta Heseman, William J. Farrand and Dorris Farrand	1,000.00
David W. and Donna S. Hirsch	600.00
Ronnie Edward Underwood and Cherrel H. Underwood	<u>1,000.00</u>
TOTAL	\$13,828.00

**Does not include landscaping cost.

Mr. Easley said as stated, this appraisal fee does not include the landscaping cost, which would probably not exceed \$100.00 per parcel. At this time he is requesting permission to release these to Mr. Ken Hansen, so he can go ahead and purchase.

Commissioner Willner moved the appraisals be approved and forwarded to Mr. Hansen. Commissioner Cox seconded the motion. So ordered.

Pigeon Creek Log Jam: Margie Meeks informed Mr. Easley that the state approval has come back on the \$5,000.00 for the Pigeon Creek log jam, so he can proceed on that issue.

Romaine Subdivision: Commissioner Willner asked Mr. Easley if he has reviewed Romaine subdivision yet and he replied no, that he will try his best to get out there this week.

RE: HOLIDAY CLOSING

County offices will be closed Monday, February 20th, for Washington's Birthday. The next meeting of the County Commissioners will be held on Tuesday, February 21st. at 7:30 p.m.

RE: LETTER AND CHECK FROM EVANSVILLE CABLE T.V. INC.

A check in the amount of \$7,572.94 was received from Evansville Cable T.V. Inc. with the following letter.

February 6, 1984

Dear Commissioners:

Enclosed you will find a check in the amount of \$7,572.94 which represents payment for the fourth quarter of 1983. This represents an increase of \$756.31 over the fourth quarter 1982 payment in the amount of \$6,816.63, and also represents an increase of \$209.41 over the third quarter 1983 payment in the amount of \$7,363.53.

At the present time, we have completed the construction phase of Darmstadt and electronics are now being integrated to make it functional. Marketing will follow in that particular area.

We are reviewing the area coming off of Browning Road, down Hillsdale and out Old State Road that would take in some 200 plus homes out to Ridgeview Heights.

Again, Evansville Cable would like to thank the County Commissioners for giving Evansville Cable TV the pleasure of serving residents of the county with cable TV service. If the Commissioners have any questions, please feel free to call me at any time. My private number is 428-2461.

Best regards,
Robert D. Ossenberg
Vice President and General Manager

Commissioner Willner moved the check be signed and put into the County General Fund. Commissioner Cox seconded the motion. So ordered. A letter of acknowledgement will be sent to Evansville Cable TV, through the Commissioners office.

County Auditor said in 1982 we received a total of \$23,727.75 and in 1983 we received a total of \$27,903.74, so it is continually on the rise.

RE: MONTHLY REPORT OF THE CLERK OF CIRCUIT COURT

Received and filed was the monthly report of the Clerk of the Circuit Court, for the month ending December 31, 1983.

RE: OLD BUSINESS TO BE DISCUSSED

President Borries said he traveled to Indianapolis last Thursday to speak in behalf of some local issues, however, the legislature is not over yet so he cannot report where the issues will end up.

Everyone is aware that there was an Auditorium Task Force meeting last week.

President Borries said he would at this time enter the following letter from County Attorney Jones, in regards to Sperry Univac Contracts, dated February 10, 1984.

Re: Sperry Univac Contracts, claims for moving expense.

Dear Commissioners:

Having reviewed the various contracts of Vanderburgh County with Sperry Univac, all of which were terminated as of December 31, 1983, it is my opinion that each contract provides for the payment of moving expenses of the computer equipment by Vanderburgh County.

Very truly yours,
David L. Jones, County Attorney

BOWERS, HARRISON, KENT & MILLER

Letter received and filed.

President Borries said we ^{have} yet to receive a definite figure, therefore, we do not know at this time exactly what this moving expense is going to cost the county.

RE: CLAIMS

The following three (3) claims were submitted by the Evansville-Vanderburgh County Building Authority for computer cable, all signed by Mr. Gil Ruston.

- 1). Labor to install your 6 pr. computer cable from room 200 to terminal in Judge O'Conner's office area, in the amount of \$32.00, per David Goad.
- 2). Labor to install your old style 23 pr. computer cable from room 200 to room 216, in the amount of \$128.00, per David Goad.
- 3). Labor to run 4 conductor computer cables from above ceiling (at clock) to column next to terminal on counter and down conduit in column - room 216.

Labor to run 12 pr. computer cables from room 205, Computer Services, to east wall of room 208 at terminal. Then install 12 pr. computer cables from above termination in 208 to east wall of room 210-B and drop from ceiling to terminal in room 208.

Total amount due for the third claim is \$372.00, per David Goad.

Commissioner Cox moved the above three (3) claims be approved, which should be paid from the \$5,000.00 set aside for installation. Commissioner Willner seconded the motion. So ordered.

A claim was submitted for Pulse Systems for Voter Registration tapes. Also attached was an invoice for data processing service from 4-1-84 thru 6-30-84.

President Borries said he believes since we pay them quarterly, he thinks this should be merely received and filed.

Commissioner Cox said they are not even up to full service yet, so they should not be charging us a fourth of the full amount allotted for this service.

President Borries said he will contact both Mr. Fortune and Mr. Goad and get a clarification on this claim and report back his findings.

A claim was submitted for Glen E. Koob, Chief Deputy to the Perry Assessor for travel to Indianapolis to a state called meeting (state certificate attached), in the amount of \$183.00.

Commissioner Willner moved the claim be allowed. Commissioner Cox seconded the motion. So ordered.

A claim was submitted for Harry Tornatta, Perry Assessor for travel to Indianapolis to a state called Assessors Conference (state certificate attached), in the amount of \$272.70.

Commissioner Willner moved the claim be allowed. Commissioner Cox seconded the motion. So ordered.

A claim was submitted for Joyce Fields for transportation to the State Tax Board meeting in Indianapolis on January 25, 26 and 27, 1984, in the amount of \$151.10, signed by Alvin Stucki, Center Township Assessor.

Commissioner Willner moved the claim be approved. Commissioner Cox seconded the motion. So ordered.

The following three (3) claims were submitted by Helfrich Insurance Agency.

- 1). Public Official Bonds 1-1-84/1-1-85, for Richard J. Borries, Robert L. Willner and Shirley Jean Cox, in the total amount of \$90.00.
- 2). Public Official Bonds 1-1-84/1-1-85, for Mark Owen, William Taylor and Harold Elliott, in the total amount of \$90.00.
- 3). Public Official Bonds 1-1-84/1-1-85, for Robert Lutz, Kathy Mann, Curt Wortman and Larry Lawrence, in the total amount of \$120.00.

President Borries said the above policies are all through the Indiana Insurance Company.

Commissioner Willner moved the claims be approved. Commissioner Cox seconded the motion. So ordered.

RE: EMPLOYMENT CHANGES.....APPOINTMENTS

SHERIFF

S. Lee West	1710 Cass Ave	Chief Deputy	\$23,223.00	Eff: 2-11-84
Timothy Lennartz	2001 Clayton	Sergeant	\$19,846.00	Eff: 2-11-84
Sandra J. Shuler	51 Taylor	Corporal	\$18,494.00	Eff: 2-11-84
Steven R. Clark	7577 Michael Lane	Probation Patrol.	\$15,743.00	Eff: 2-11-84

AREA PLAN COMMISSION

Chris Forney	3807 Pollack Avenue	Planner (End of Probationary Period)	\$17,413.00	Eff: 2-13-84
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RE: EMPLOYMENT CHANGES.....RELEASES

SHERIFF

S. Lee West	1710 Cass Ave.	Sergeant	\$19,846.00	Eff: 2-10-84
Timothy Lennartz	2001 Clayton	Corporal	\$18,494.00	Eff: 2-10-84
Sandra J. Schuler	51 Taylor	Patrolman	\$17,243.00	Eff: 2-10-84
Donald R. Humston(Deceased)		Chief Deputy	\$23,223.00	Eff: 2-10-84

AREA PLAN COMMISSION

Chris Forney	3807 Pollack Ave.	Planner	\$17,000.00	Eff: 2-13-84
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RE: SCHEDULED MEETINGS

President Borries said attorney Miller has received correspondence from Mr. Nussmeyer's attorney, regarding the problem on the Hirsch Road Bridge, involving litigation and Mr. Miller has suggested he would like to have an Executive Session with the Commissioners, however, we do not have a firm date yet.

There is to be a Soil and Water Banquet and the 4-H Center tomorrow evening. President Borries has made other plans and cannot attend it. Commissioner Cox said she will be attending.

President Borries reported there will be an Ambulance Task Force meeting on Thursday at 3:00, in the Mayors office and he would encourage all the commissioners to try to attend.

Commissioner Cox reported on Thursday at 2:00 p.m. there will be a special Area Plan Commission meeting to consider two (2) ordinances. One is the Thoroughfare Set-Back Ordinance and the other one is a Subdivision Ordinance. The meeting will be in room 303, Civic Center. These Ordinances will be coming before the Commissioners very shortly for consideration.

President Borries said he has received correspondence from the Indiana Association of Counties informing us they are going to have their district meeting in Bedford, Indiana, sometime next week. (No date was available).

Commissioner Cox said she understands the German Township Booster Club is going to send in a letter concerning a four-way STOP at Mill Road and Happe Road, that they said there was one there a long time ago. She looked through the traffic code of ordinances, and she could find no posting of either one, so we will be hearing from those residents.

Commissioner Cox said we also have another problem, between Old Highway 460 and Highway 66, that there is this little stretch in there right at the Cason Junction, which used to be Highway 65 or Big Cynthiana Road, but they have diverted that and they have a connector road between Old 460 and 66. This road has no name, that people call it by different names and there is a problem in that there is some building going on out there at the present time. We really need to have our people look at this little stretch and see what exactly it is going to be named, that in checking the Vanderburgh County Highway records she finds they call it "a section of Harmony Way". In checking with Lillian at the County Garage, we are maintaining it, that it is a county accepted road, that the state dedicated it back to us. She would like for Mr. Bethel to do some research on this and he indicated that he would check it out.

President Borries told Mr. Bethel to contact Mr. Easley and have him take a look at it also.

There being no further business, President Borries declared the meeting recessed at 4:15 p.m.

PRESENT:

COUNTY COMMISSIONER

COUNTY AUDITOR

COUNTY ATTORNEY

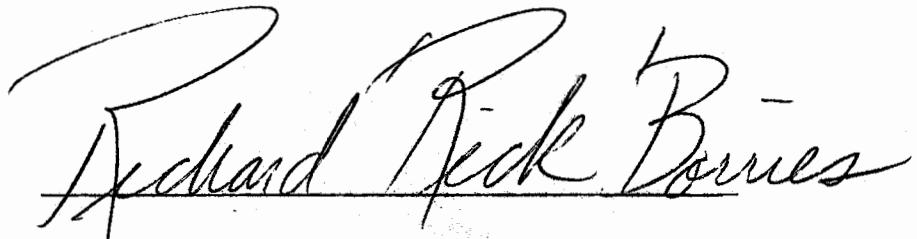
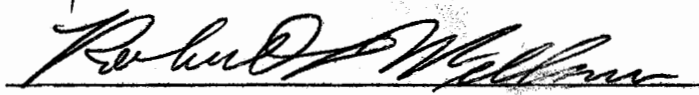

Richard "Rick" Borries
Robert L. Willner
Shirley Jean Cox

Alice McBride

David L. Jones

SECRETARY:

Janice Decker




BOARD OF COUNTY COMMISSIONERS

COUNTY COMMISSIONERS MEETING
FEBRUARY 21, 1984

The meeting of the County Commissioners was held on February 21, 1984, at 7:30 p.m. in the Commissioners Hearing Room with President Borries presiding.

The minutes of the previous meeting were approved as engrossed by the County Auditor and the reading dispensed with.

RE: REZONING PETITION...VC-12-83...THIRD READING

Petitioner: Busler Enterprises, Inc..401 Diamond Avenue, Evansville, Indiana
Owner of Record: Same

Premises affected are situated on the east side of St. Joseph Avenue, on the south side of the corner formed by the intersection of St. Joe Avenue and Diamond Avenue. The common address is 2331 Buchanan Road and the above described real estate is presently zoned C-4. The requested change is to M-1. The present existing land use is restaurant, warehouse, office and service station and the proposed land use is same with addition of Class III Sanitary Landfill.

Mr. Roger Lehman, of Six Sons Contracting, was present to represent the petitioner, Busler Enterprises. They are requesting the property be changed from C-4 to M-1 to allow them to apply for Special Use #20 - Class III sanitary landfill. The Class III landfill will only allow demolition debris and it will be operated by Six Sons. Enclosed in the file was the following Area Plan Commission Staff Field Report:

Zoning Recommendation: (For rezoning VC-12-83)

"Petitioner is requesting this C-4 property be zoned to M-1 to allow them to apply for Special Use #20 - Class III sanitary landfill. Class III land will only allow demolition debris. Application has been made to the Department of Natural Resources for this landfill. This is an area of mixed zonings. Present legal includes rezoning entire property which includes restaurant, warehouse, service station and offices to M-1. (See special use staff field report)."

The Special Use Staff Field Report for the petitioner reads as follows:

"This special use is for a Class III Sanitary Landfill. Application has been made to the Department of Natural Resources for a landfill permit. Written evidence of property zoning is a requirement of State for a solid fill sanitary landfill. Tentative plans call for using the site for dumping of Division Street demolition debris. Control should be instituted to check the type of fill not allowing solid waste since this is a flood prone area. The State has allowed a Class III landfill variance from Regulation SPC-18 primarily for the land disposal of demolition debris. Policy states that a Class III Sanitary Landfill application be filed with the State, that it may only be demolition debris with all other solid waste unacceptable, and that construction in the 100 year floodway must have approval of the Natural Resources Commission in addition to approval of the Indiana State Board of Health. It also states approval shall be valid for a period of two (2) years from the approved effective date. Class III landfills are inspected by the State Board of Health if complaints are filed. If Special Use Permit is granted it should be contingent on the State Board approval. It should be limited in both time and scope of landfill. It should be designated as a Class III Landfill and limited to two (2) years from the time of State approval."

Mr. Lehman said perhaps it would be most proper if he were to answer any questions at this point and time.

Commissioner Willner asked if the entire site needed to be rezoned for this landfill and Ms. Barbara Cunningham, Director of the Area Plan Commission, was present and stated no, it would not be necessary and this was discussed with the petitioner prior to this meeting and she believes the petitioner felt like it was too difficult to cut down the size, however, we did recommend they do so.

Mr. Lehman said at the present time they repair their own diesels and in the future they plan to expand to allow outside vehicles to be repaired.....and they understand that will also require an M-1 zoning. The major problem with the splitting up of the lot is the boundary of the landfill is somewhat meandering.

Commissioner Cox said at the end of the two (2) years the company would be willing to petition this back to C-4 and Mr. Lehman said yes, they said they would be willing to discuss it.

Ms. Cunningham said the Commissioners can initiate that action.

Commissioner Willner said he may not disagree with the M-1, however, he may disagree with what they would be allowed to put in there.

Mr. Lehman said Mr. Finch, Vice President of Busler Enterprise, Inc. is present tonight and he stated at the Area Plan meeting that there are no plans for any type of constructions on the site, other than the landfill.

Commissioner Cox asked what will be allowed on this.

Ms. Cunningham said this would be a Class III Landfill, which would be limited to demolition debris and it should be limited to a two (2) year permit, and it should be stated they should have the necessary state and federal permits before they are allowed to dump anything.

Commissioner Cox said could we not limit the M-1 use and Ms. Cunningham replied no, you cannot put limitations on zonings, only on special use permits.

Commissioner Willner said he does not want to put the hurt on Buslers and he personally believes this will look much better after it is filled, that it will be greatly improved but he does not want to end up with something less desirable on the site, in the future, therefore, he hates to rezone the entire area, and he wonders if the applicant would split the rezoning.

Mr. Lehman said if that is their only choice they would have to, but they would rather not because of the time and money involved, with the time element being most critical with Division Street demolition currently going on, that the only place they have to dump the debris is BFI.

Commissioner Willner said there is no question....it would serve a useful purpose.

Mr. Lehman said they applied for the state permit on the 4th of December, 1983 and they have already received written approval from the Department of Natural Resources. The state is holding that permit pending action taken here tonight, that it must have the proper zoning before they will issue a state permit.

President Borries asked if there is dumping going on at this site now and Mr. Lehman said sometimes people will sneak in there and dump something, but it is not sanctioned by Buslers and it is now cabled off to try to keep the dumping out, making it much more controlled.

President Borries asked if there were any remonstrators present...there were none.

Commissioner Cox moved Rezoning Petition VC-12-83 be approved on third reading. Commissioner Willner seconded the motion which carried unanimously in the affirmative.

RE: SPECIAL USE PERMIT 5-84-APC...THIRD READING

Applicant: Busler Enterprise, Inc.

President Borries said this is in connection with the rezoning just approved and asked if there were any remonstrators regarding the special use permit...there were none.

Commissioner Cox moved Special Use Permit 5-84-APC be approved, subject to a two (2) year time limit, also that it be limited to a Class III Landfill and subject to the necessary state and federal permits.

Commissioner Willner seconded the motion which carried unanimously in the affirmative.

RE: REZONING PETITION VC-13-83...THIRD READING

Petitioner: William Jack Nellis...6526 Old State Road, Evansville, Indiana
Owner of Record: Same

Mr. Roger Lehman was present to represent the petitioner, William Jack Nellis.

Premises affected are situated on the west side of St. Joseph Avenue, on the south side of the corner formed by the intersection of Diamond Avenue and St. Joe Avenue. The common address is 2520 N. St. Joe Avenue and the above described real estate is presently zoned A, and the requested change is to C-4. Present existing land use is none and the proposed land use is for a car wash and an office.

Mr. Lehman^{said} St. Joe was moved when the Diamond Avenue expressway went through and Mr. Nellis obtained a little more property and he would like for the entire parcel to be zoned C-4, and this is relatively small as shown on the site plan. Mr. Nellis has informed him since the meeting with Area Plan, that he would be renting Ryder trucks from the premises also. There will be no repair work on them, they merely will be sitting there for rental purposes. They are currently seeking a commercial drive-way permit from the state, which he understands may or may not be necessary, depending on the status of a portion of St. Joe Avenue that they understand will revert back to the county in the future. He said this property is directly across the street from Busler Enterprises, Inc. and is currently being filled with all solid materials, which does not require a landfill permit.

The Area Plan Commission Staff Field Report is as follows:

Zoning Recommendation:

"Property is in an area of mixed zoning at the SW corner of Diamond and St. Joe directly across from the Busler property in the vicinity of the zoo. Research shows on September 17, 1951, Board of Commissioners minutes state approval has been given to rezone and classify as "C" commercial a portion of the property that owner is petitioning for rezoning. The APC has no record of this action and it is not recorded on our books.

To clarify records, petitioner is seeking to rezone entire property to C-4. This includes a portion that is no longer needed for right-of-way for the Old Highway 460. Petitioner requests C-4 for a proposed car wash and an office building. C-4 is necessary for a car wash but not needed for an office building which is an allowable zoning for such. C-4 allows outside storage. At the present time owner is raising the level of his property with solid fill. EUTS recommendation should be followed as to curb cuts and acceleration-deceleration lanes. Property is in the area of Locust Creek and drainage needs to be addressed."

President Borries asked if there were any questions from the Commissioners....there were none.

President Borries asked if there were any remonstrators...there were none.

Commissioner Willner moved Rezoning Petition VC-13-83 be approved as presented on third reading. Commissioner Cox seconded the motion, which carried unanimously in the affirmative.

RE: REZONING PETITION VC-14-83...THIRD READING

Petitioner: Citizens National Bank...20 NW 3rd, Evansville, Indiana
Paul K. Neville....P.O. Box 2359, Evansville, Indiana

Owner of Record: Citizens National Bank

Premises affected are situated on the east side of North Green River Road, a distance of 1500 feet north of the corner formed by the intersection of Theater Drive and North Green River Road. The common address is 2600 N. Green River Road and the above described real estate is presently zoned A and the requested change is to R-3. Present existing land use is agricultural and the proposed land use is to build a 264 unit apartment complex.

Attorney Leslie Shively was present to represent the petitioner, Paul Neville, and stated the purpose of this rezoning is to construct a new 264 unit apartment building. At this time he showed an aerial photo to the Board and pointed out the location of the proposed site in question, and the surrounding zonings. He showed a site plan to the board, pointing out how the apartment complex will be laid out and also pointing out the retaining ponds. Since they will have access off of Green River Road they have already consulted with Mr. David Gerard and we have agreed to build a turn blister into the apartment complex (this will be a right hand turn) and this will be built to comply with good highway standards. At the last Area Plan Commission meeting unanimous approval was given to this project and the drainage plans have already been approved by the Vanderburgh County drainage board.

Ms. Cunningham, Director of the Area Plan Commission, stated when they get their finalized plan they will be reviewed by the Subdivision Review Committee.

Commissioner Cox said Mr. Jim Morley presented the drainage plans to the Drainage Board a couple of weeks ago and she understands there is to be four (4) retention lakes and Mr. Shively replied that is correct.

Mr. Jim Morley was present and stated immediately following the drainage board meeting where the board requested the pipe be oversized for the drain, on the outside, he relayed that request to Mr. Neville and he agreed to the request.

President Borries asked if there were any remonstrators present...there were none.

Commissioner Willner said can the Commissioners be assured there will be no development until the lakes are in place and Ms. Cunningham replied they will have to comply with all the regulations before they will be issued a zoning use permit and they will have to be reviewed by Subdivision Review with their site development plan and it will have to work before they can get a permit, and they are aware of that.

Commissioner Willner asked if we have sufficient right-of-way for the widening of Green River Road and President Borries said he believes so.

Mr. Shively said should Green River Road ever be widened at that point, there would be only land to acquire, that there would be no structures in the way.

Ms. Cunningham said this would present no problem, that they would not have to move a lake or building for the widening of the road.

Mr. Morley said there would be plenty of room for a four (4) lane highway without interfering with the lake location, that he believes the county has acquired 40' on each side, so there would be no conflict.

Commissioner Willner asked how high they would be allowed to build and Mr. Shively said 35', however, the apartments will be only two (2) story gabled buildings, so that would present no problems.

Commissioner Willner moved Rezoning Petition VC-14-83 be approved on third reading. Commissioner Cox seconded the motion which carried unanimously in the affirmative.

RE: SPECIAL USE PERMIT 7-84-APC....THIRD READING

Applicant: Turris Coal Company

This is for Special Use #19 - for mineral extraction, storage and processing, limited to that reasonably related to the preparation for sale of the type of minerals primarily extracted from the site; limited process shall not include the refining of oil products.

Area Plan Commission Staff Field Report is as follows:

Zoning Recommendation:

The definition of Special Use #19 follows "Mineral Extractions, Storage and Processing limited to that reasonably related to the preparation for sale of the type of mineral primarily extracted from the site; limited processing shall not include the refining of oil products." This application for Vanderrick mine is for approximately 500 acres as shown on your site plan. Surface facilities will occupy 80 acres, the remaining 420 acres will be used for topsoil stock piles, slurry and sediment ponds and coal refuge disposal. At the time of completion of mine operations, the structures will be removed, topsoil replaced and the land returned to its still designated agricultural zoning. This mine site was previously operated by Ingle Coal Company and was abandoned in 1946. The operation of the mine is regulated by Federal, State and local agencies, a summary sheet in the information packet presented by Turris Coal denotes responsibilities and inspections by each agency. The area is primarily agricultural zoned farm land and single family residences with M-2 and C-4 to the south and west across highway. The site is divided by Highway 57 and the entrance of the site will be off this highway. Plans for the proposed I-164 show that the proposed highway will cross the eastern part of this property and might entail moving building #33. The petitioner has begun a landscaping plan to help mitigate noise levels. A portion of the mines facilities is within the 100 year flood plain. Drainage will need to be

designed to meet the requirements of the 100 year flood plain. Design has been submitted to the Indiana Department of Natural Resources for approval. Utilities can be provided by extension of the existing services. The mine will potentially employ approximately 500 people. Waste disposal may be on site and the sewer will be provided only if necessary. This is regulated by the State Board of Health.

Mr. Ed Sumner, President of Turris Coal Company was present and spoke at this time. He stated Turris is a fully owned subsidiary of Shell Oil Company, engaged in underground mining and they currently have a mine in operation in Springfield, Illinois. His purpose before the Commissioners tonight is to request approval of a Special Use Permit to permit Turris to move ahead with their development of an underground mine, located in Vanderburgh County, just north of Daylight. In an effort to save time he has given to each of the Commissioners a site map, plus a packet of pertinent information concerning the mine itself. He had, on easel, an enlarged artist's rendering of the mine and he would discuss any questions anyone might have. Construction of this mine would take approximately two (2) years and during that period they expect to have about two Hundred and fifty (250) people involved in that construction, who would be local people, and for those people, materials and supplies for those two (2) years, they estimate it to cost Turris about \$60 million dollars. At the completion of this construction and as the mine comes up to full production they would expect to create some five hundred (500) permanent jobs, with a payroll of about \$23 million dollars and in addition to that they expect to spend some \$13 million dollars on supplies and services from people in this local area, therefore they feel the total impact on this area would be roughly \$90 million dollars. This will be a long term thing, that the mine itself would last some twenty five (25) to thirty (30) years, and perhaps longer, that it depends upon the extraction rate. They intend to use local people to the fullest extent possible and they would develop the mine in a slow manner and this way they can maximize the local people they employ and they would not have to have previous mining experience. The people they would bring in from out of town would be only managers, professionals and a few experienced miners to precede the initial group and this is necessary and required by law to have a certain number of experienced people in the mine. Once all of the permitting is obtained they will move ahead with construction, consistent with finding a customer, that they would not move ahead with the mine until they have found a substantial customer and executed a contract with them, however, they feel that is very likely within a short time frame. To show their commitment to this project they have already invested over \$17 million dollars and about one hundred and twenty (120) man years of work and effort of pre-development activities. Their preliminary activities are well underway and they hope to have all the necessary permits by mid-year and can start construction. Based on all studies made they realize they cannot build a mine without it having an impact on the neighbors and they will try to minimize those impacts to the greatest extent possible. In regards to the traffic, the mine itself would probably create an additional load on Highway 57 of approximately 250-300 vehicles per day and that highway currently carries about 9100 vehicles per day, therefore we would be looking at about a 3% increase, which would be insignificant, especially should I-164 go on through. If in the event the coal is sold and is to be transported by truck, they will work with their customer and the city traffic department to try to alleviate the problems that might occur. They would point out however that Conrail runs through their property and they intend to put in a railroad spur and he would venture to say that seventy five (75) percent of the coal will be hauled by rail. In regards to the noise issue, they find they will be able to operate their plant facilities without raising the level of noise in the area, that the background noise is already higher than that which they will generate, however, he will admit there will be a couple of vehicles working on the refuge pile that will be heard by persons living in the nearby vicinity. They have designed all of their facilities so that all the coal is completely enclosed from the time it comes out of the mine until it goes into the truck or train and even then it is in shoots that lower it into the vehicles to reduce any dust that might generate. The coal contains quite a bit of moisture and does not create dust. They intend to pave the roads, to the greatest extent possible on the mine side, however, there will be some roads in the refuge disposal area that it would not be practical to pave, therefore they will have to carefully water these roads to keep down dust, or perhaps use chloride. He realizes there will be some dust during construction and again they will do everything possible to keep it down to a minimum. In regards to the drainage, a portion of the facility lies within the backwaters of the Little Blue Grass Creek and they have retained what they feel is a very professional, competent hydrologic consultant to look at the situation and to try and design a drainage system that will not adversely impact the area. The state law requires that we cannot build in a flood plain without making some adjustments so that we do not create any additional backwaters and they believe they have done this and the state will check the calculations and if they are not correct it will have to be changed until it is correct.

Mr. Sumners said he realizes there are persons present here tonight that have many concerns for their area, drainage, water, dust, etc. and he is here to answer any of those concerns.

Commissioner Cox asked if the proposed mine will be operated as the one in Springfield is and Mr. Sumner said it will be very similar. She said concerning the proposed hiring of 500 local people, once the mine is in full swing, and probably 250 local people during the construction period, but in regards to the 500 people....how many will be brought in and how many will be local.

Mr. Sumner said their plans are to bring in management personnel and also some professional engineers who are familiar with the mining business. They will start out with about 100 employees, but to give a firm answer he would say out of the 500 they would bring in about 60, leaving about 440 jobs open to local residents, and these are good paying jobs, as everyone knows, that starting salaries in their Illinois mine is about \$30,000.00 per year with many good benefits and he feels sure the same would hold true for this area.

Commissioner Cox said in looking at the drawing before us tonight, is this what the site would be like for the entire twenty five (25) or thirty (30) years and Mr. Sumner pointed out the portion that would remain the same for the full thirty years and said the other portion showing would be for about a ten (10) year level. He very briefly pointed out on the drawing the operation and how it would work.

Commissioner Cox said then the settling basin will be there for the thirty (30) year period and Mr. Sumner replied that is correct.

Commissioner Cox said the dirt you remove from underground and put on top, how high will that reach and Mr. Sumner said it could eventually reach 100' high, however, it will be done in stages and he explained how that would work.

Commissioner Cox asked for an estimated time that it would lay mounded and naked dirt and Mr. Sumner said to start with he would have to say two (2) or three (3) years, however, there will always be a certain part of it that will not have grass or trees on it until the end of the thirty years when it can all be replanted and put into a wild life refuge.

Mr. Sumner said another plus for the people in the community is that they intend to contract with the City of Evansville to get city water out there, and they would be able at some point in time to tap into that city line also, which he is sure some of the people out there would appreciate because he understands about all the people out there have problems with their water wells.

Commissioner Willner asked if the underground mining will be done to the north, west, east or south and Mr. Sumner replied it will be mostly to the west.

Mr. Sumner said they currently have about 10,000 acres under lease and they have considered under their mine plan, approximately 13,000 acres, so they have yet to acquire all the leases and if they don't acquire all of them then they will have to mine around their property, because they could not take any coal from someone else's property. He would report that they will take half of the coal that is in the ground, that they will leave between 50-60% of the coal there. in place, to support the ground above, that we will have no subsidence.

President Borries said in regards to the drainage, the plant, as it is invisioned on the drawing, is it in the flood plain and considered by the Department of Natural Resources (DNR) and Mr. Sumner pointed out where the flood plain is and said their consultant has supplied quite a few documents to the DNR and they are also working with the Highway Department on the calculations for the new interstate.

Commissioner Cox asked if the plant area would remain the same over the thirty year period and Mr. Sumner replied there will be no further expansion with the exception that they may have to build a second silo right next to the proposed existing silo (he pointed the location out on the sketch). Mr. Sumner said they presently have a fan in operation out there and the new one they will install will make much less noise than the present existing one makes.

Commissioner Cox asked what shifts would be working and Mr. Sumner replied on some occasions they would be working around the clock and he would doubt they would have to install temporary lights up because the equipment itself has lights. Commissioner Cox said then you would not have to store the equipment if they were working around the clock and Mr. Sumner replied they will have a small modest type building to put the machines in if they should have to repair them or get them out of the weather for

one reason or another.

Commissioner Cox asked if there is a proposed drainage plan and Mr. Sumner replied yes and the whole thing has to be approved by the DNR, and has already been submitted to them.

Commissioner Willner said he understands a piece of property was purchased on the west side of Old Petersburg Road and he is wondering why that purchase was made.

Mr. Sumner said this is true and they are negotiating another parcel, that someday they would like to straighten that road and be able to utilize more land

Mr. Leonard Thompson, 14,841 Old Petersburg Road, was present and came forth at this time and stated he has lost water due to the pumping of the mine water, that his well is 104' deep and he has discussed this with them and they have been very nice to him but he is one of the nine (9) that lives right behind the hill where this machinery will be running twenty four (24) hours a day. They have Scott School in their area and they feel it is one of the best systems anywhere and many of them have built their homes and lived out there for years and many are retired and one thing for sure....we can't live without water.

Mr. Paul Eissler a resident of Old Petersburg Road, between Green River and Baseline Road, was present and came forth at this time and stated he would like to present a petition to the Board opposing this mine.

President Borries said to let the record show a petition has been received from Mr. Eissler with approximately 50 signatures (no addresses shown) and that it states the following:

"We, the undersigned, petition the Vanderburgh County Commission to carefully consider the rezoning and use permit for Turris Coal Company's Vanderrick mining operations.

The operation of said mine, as proposed, will force the surrounding property owners to deal with:

1. Drainage problems
2. Dirt
3. Air pollution
4. Noise pollution

The above factors will adversely affect the quality of life of the surrounding property owners. In addition, the property in the area of the mine will, as determined by an independent appraiser, devalue by as much as fifty percent (50%).

Forty six (46) signatures followed the above statement:

Mr. Eissler said there are many points to consider on this issue....and as far as the economic issues stated by Turris, that is good, because there would be economic advantages, but why should we, as property owners and taxpayers and who have been out there for many year, be forced to put up with the afore mentioned problems, when there is a very simple solution, if they would only do it. As to the recommendations from the hydrology engineer, he would take nothing away from the gentlemen, however, in a meeting with him in their office, he did not say it would work, he said it might work, but he begs to differ with him....it just flat won't work, because water will not run up-hill and he personally will be under water every time it rains, along with about seven (7) other property owners. In regards to the wells in the area, well he for one has not had any problems with his, but he has one of the deepest wells in the area, but he is having problems with settlements coming into his water that he never had before and it has been there for over thirty (30) years. He checked with a couple of engineers from some university's and was told there is a direct relationship in the amount of underground water which is pumped out will lower the water table, and by Turris' own admission, they have lowered the water table. It is also well and good that they tell us they will get us city water, but talk is cheap and action cost money and all we have got from these people is a lot of talk. Basically what he is asking is that Turris deals with these problems affectively before you (the Commissioners) issue any permits, otherwise we are asking this only be postponed for now because why should the residents out there have to suffer this 100' gob pile next to them, along with all the noise, dirt, drainage problems, etc. and let them take away from our properties value.

Commissioner Cox said the company representative has addressed the problem of the dirt in the area that you seem concerned about and she is wondering if Mr. Eissler has any suggestions as to what else could be done to alleviate this problem.

Mr. Eissler said you can't alleviate it and the only thing that can be done would be for Turris to purchase their properties.

Commissioner Cox said so then that is the bottom line, that there is nothing more we can do, however, you do have the dirt problem when farmers plow for crops.

Mr. Eissler said true, but that is for a limited time and with this mine you are talking about seven (7) days a week, twenty four (24) hour a day.

Commissioner Cox said you are taking issue with the loud machines they will be running also and Mr. Eissler said there will be several large pieces of loud equipment and probably a drag-line to...and they say this will be wet, but when it hits whatever they plan to haul it with, it has to raise dust....no way about it, and the fan they will have to operate will be a noise factor.

Commissioner Cox said these points were addressed by Mr. Sumner and Mr. Eissler said that remains to be seen, that there will be a lot of noise and dirt, and it is going to operate around the clock, that it will never be shut down.

Mr. Eissler said he would also like to point out that at no time has Shell Oil Company or Turris Coal Company ever contacted us, in any respect, to get a feeling of what the residents in the area felt, all they ever said was they would be good neighbors and they told us what they would do for us. His personal feeling is that if the Commissioners pass this tonight the residents will get the shaft.

President Borries said there are thirteen (13) agencies that have regulatory powers over this operation (he listed a few of them), so do you, Mr. Eissler, believe they have not complied with all regulatory permits.

Mr. Eissler said he has spent a good deal of time on the phone calling some of these agencies and he found out from some of them that they didn't even know about this going in, in fact, some of them had to search their records and call him back, so apparently they have not applied for all of their permits and they said they have, or at least the people he talked to weren't aware of the applications for permits. He also would take issue with the statement they have invested some \$17 million dollars, that perhaps they have spent that much but they also gained a lot of valuable top ground and this is a lot of recoverable expense, so common sense tells him there is a lot of difference in what they are saying and what is reality and he personally is dealing with reality. All he wants is something in writing...something concrete, because they no longer believe in what they are being told.

Commissioner Cox said she has no further questions or comments but that she would like to make two (2) letters she received a matter of record, in regards to this issue. The letters were as follows:

Dear Ms. Cox,

As you are well aware there are several homeowners on Petersburg Road who have a real problem concerning Turris Coal Company. We are not asking in anyway to try to stop the coal company because we know they think it will be of great help to the community, if they hire local people and do the things they say they will, but this too can be questioned. We realize the income it will give to the community, but it is also going to bring property value down for tax purpose for people who have always been on time paying taxes in Scott Township and who have lived in the neighborhood for many, many years. Yes, some of us were in the community when Ingle Coal Company put this shaft down but they did not plan to do all the things this coal company is doing and they also were willing to work with the people in the neighborhood. As to zone agricultural to mining which I realize at this time they are not doing but when you have lived across the road from a tractor running 10 to 12 hours a day for maybe two days to big heavy equipment running 15 to 20 hours a day, this is a big difference. We were aware when we built this was a agricultural neighborhood but we also have animals and a garden which is one reason we wanted to stay where we are. We had a home where our children could enjoy the outdoors and animals and had hoped our grandchildren could do the same thing but with the dirt dust and noise this will be impossible. If the mine does not realize this they had better use some common sense.

We are asking for your help in getting the mine to realize we are ready to try to relocate if they will help us. It sure will not be very pleasant to live just across the road from the general refuge and materials brought out of the mine and across highway 57 to this 80 acre field which has been a holding pond for water from heavy rains for many years. We all know that trees do not grow overnight and by the time the trees are big, the gob pile will be way above the height of the trees.

I realize we must make way for progress in the community but why does it have to be at the expense of a neighborhood who are willing to relocate to another area. Yes the mine has bought some property but they paid a very large price for land that was of very little use as it was flooded a lot and not very good farm ground and now will not do anything about people who have nice homes in a very nice community. We are not asking for more than just what we have now.

So I am asking for your help in getting Turris Coal company to see what they are doing to people in a community that has been home for many years and just want to be where the air will be good and noise at a level where we can stand it. Yes, and water is becoming a problem to all in the area, as wells are going dry and water is a source of life.

Earl and Mabel Kiefer

Dear Commissioners:

This letter is to inform you of my concerns about the activities of Turris Coal Company in the vicinity of my home. The Area Plan Commission was informed of my position and yet, on February 1, 1984, approved the permit allowing Turris Coal Company to store and extract minerals at the Vanderrick facility near Daylight, Indiana.

Turris Coal has indicated that their plans include the following points.

1. Diversion of existing drainage ditches.
2. Re-channeling of Blue Grass Creek
3. Removal of approximately eighty (80) acres of land which now ponds and holds surface and backwater during hard and/or prolonged rains.

When the Ohio River backs up in Pigeon Creek, it forces Blue Grass Creek to back up in the adjacent low areas. The proposed diversion of drainage ditches will cause the resulting backwater to flood several pieces of property in the area.

The dirt and air pollution caused by mining operations is also a great concern for all property owners in the area. Not only will these environmental factors decrease the quality of life for those living adjacent to the mine, but according to an independent appraiser, property in this area will devalue by as much as fifty percent (50%), when mine operations begins.

I have contacted Shell Oil Company, which owns Turris Coal, at various times to discuss the company purchasing my property. Company officials responded that they have no interest in buying "at this time". I, as well as other owners in the areas, want only a fair price for the property and settlement before mine operation devalues our land.

Thank you for your time and consideration in this matter.

Sincerely,
Paul E. Eissler

Mr. Sumner said he would only further state that Turris must have ALL of the necessary permits from the appropriate agencies before they could operate a mine, that he does not know why certain agencies could not find record of their applications, but he would assure everyone they simply could not operate if they failed to get even one (1) of the needed permits. He would also say they will be having no drag-lines, that they would not be necessary in their system.

Commissioner Cox said we cannot ask Turris Coal to correct the problems that are out there now, but we can ask them to not add to them, because it would be a total disaster for the residents out there. She asked Mr. Sumner if in the future should Turris decide to purchase these additional nine (9) or so parcels, what would be the estimated cost.

Mr. Sumner said he would not have a figure, but a guess would be upwards toward a million dollars, depending on how much ground and how many homes would be involved.

Commissioner Cox asked Mr. Sumner if they would be willing to once again meet with the residents in the area and discuss what they propose to do because she feels like a lot of these people do not understand fully what to expect.

Mr. Sumner said if he really thought it would do any good he would be very willing, but the bottom line with Mr. Eissler is.....he wants us to purchase his property, regardless of what our plans are for the mine.

Commissioner Cox asked what a two (2) week delay could do to this and could they meet with the residents during that brief period of time.

President Borries said subject to action of this board he would request that Mr. Sumner forward any correspondence from any of the permit agencies to our local Area Plan Commission and he said that he would be happy to do so.

Commissioner Cox again asked what a two (2) week delay would do and Mr. Sumner replied they had hoped to have their permit considered by the DNR at their meeting next week, that the staff reports are done and have been submitted to them for that hearing, however, they will not allow us a permit if they do not have approval from this Board of Commissioners that the zoning is correct. DNR already have the drainage plans before them and they are reviewing them at this time.

Mr. Sumner said to repeat himself he does not think talking will change their minds but he will give the Commissioners his word that he will meet with the residents and negotiate with them and address their many concerns and work out a satisfactory solution. Not only will he meet with these people, but he will make some sort of a proposal to them that will perhaps alleviate their concerns.

Commissioner Cox said the concerns of the people are that once we give you an okay for this Special Use Permit, there is really no assurance, other than your word, so would you give us (the Commissioners) a letter to this effect and Mr. Sumner said he certainly would.

Mr. Eissler said in this letter are you, Mr. Sumner, willing to state that yes we will address these following things...noise, dirt problem, well problems, drainage problems, etc, etc. etc.

Mr. Sumner said they will discuss them and Mr. Eissler said no, not discuss them....but solve them.

Mr. Sumner said he really believes he can work out the problems with Mr. Eissler's neighbors, but not with Mr. Eissler, because the bottom line is he wants Turris to buy his property.

Commissioner Willner said some ten (10) years ago this Board of Commissioners addressed the coal mining situation in Vanderburgh County very thoroughly and at that time we passed an Ordinance banning strip mining from Vanderburgh County and we did so knowing full well that probably that Ordinance was a little bit outside of the law, but what we tried to do was discourage the strip mining going on in Warrick County from coming over into Vanderburgh County and there was probably good reason why that was never questioned, that when you get into Vanderburgh County, the coal goes down 500 feet and is impractical to strip mine. We did understand at that time that there was an underground mine in Vanderburgh County and that sooner or later we were going to have to face it. There are people sitting in this audience tonight that he has known for years and he really hates to vote for this and he knows how he would feel if he lived in that area because he too feels there is some devaluation of their property but he feels we are dealing with a company that will try to minimize the problems and as far as a gob pile sitting next to them, if you will look off into the distance you will see a large hill, much higher than 100' and it looks very nice, so he is not saying that will be done, but it can be done in this instance also. He feels like it is his responsibility to let Turris move along with this, show good faith and do a good job and if they don't, he will be sitting on their doorsteps. He spent a good deal of the day this past Friday in that particular area and tried to look at all the problems and he agrees that there are some. He does not think drainage is a problem out there, however, he does agree there is a water problem.

Commissioner Willner moved that Special Use Permit 7-84-APC be approved as submitted.

Commissioner Cox said she would second the motion with the understanding that Shell has agreed to meet with these property owners and treat them fairly and equally whenever problems do arise.

Commissioner Willner said he will make Mrs. Cox' comment a part of his motion. Motion carried with three (3) affirmative votes.

Mr. Sumner said he appreciates the Commissioners action and they will do what he has said they will do and they would welcome all three (3) of the Commissioners to sit in on any or all meetings they have with the residents to see that what he has said will be done.

All three (3) Commissioners said they would be very much pleased to be allowed to sit in on such meetings.

Commissioner Willner said he is sorry that everyone has left concerning the Turris Coal Company issue, but he did want to state that he understands, from the business predictions, that there is to be a coal boom very soon, that some of the plants are going to have to switch to coal because we find oil and gas too expensive to continue to use at our present rates. He understands that the coal that Turris is going to mine is much lower in sulphur than some of the strip mining now in operation and that quite possibly in the long run we might do a little bit of good by using a lower sulphur coal.

RE: SPECIAL USE PERMIT...8-84-APC...THIRD READING

Applicant: Howell Dock Corporation

Mr. Fred Folz, attorney at law, was present to represent Howell Dock Corp. and explained this is a Class III Landfill request, for demolition materials. We are located behind the Howell freight yards, bordered on the east by the Ohio River, on the west by Dixie Flyer Road, on the north by Standard Oil and on the south by Con-Agri Grain.

There were no remonstrators present.

The Area Plan Commission Staff Field Report was submitted as follows:

Zoning Recommendation: Petitioner requests Special Use to enable them to fill property with Division Street demolition debris in order to install a parking area. State acknowledges demolition debris presents unique problems. The State has allowed a Class III landfill variance from Regulation SPC-18 primarily for the disposal of demolition debris. Policy states that a Class III sanitary landfill application be filed with the State, that it may only be demolition debris with other solid waste unacceptable, and that construction in the 100 year floodway must have approval of the Natural Resources Commission in addition to approval by the Solid Waste Management Section of the State Board of Health. It also states approval shall be valid for a period of 2 years from the approved effective date. Class III landfills are inspected by the Board of Health if complaints are filed. The Special Use #20 allows any type of landfill. Therefore, if the property is to be used only for demolition debris and not for other sanitary fill, the application must be amended to limit this property to a Class III landfill (demolition debris only), must be contingent on State approval, and must be limited to a two year period. At the present time it appears that the property is being used for solid waste material. The surrounding zoning is entirely W-1, waterfront industrial.

Commissioner Willner said he has no problems with the request therefore he would move Special Use Permit 8-84-APC be approved on third reading, for a Class III landfill; subject to a two (2) year time limit and obtaining the proper state and federal permits.

Commissioner Cox seconded the motion.

Mr. Folz asked if the renewal is with the state people or will they have to come back here and Ms. Cunningham said they need to come back here at the end of the two (2) year period.

Motion carried with three (3) affirmative votes.

RE: SPECIAL USE 11-84-APC...FIRST READING

Applicant: Denise and Alan Corressell

President Borries said before us tonight is the first reading for special use permit 11-84-APC for Denise and Alan Corressell for a one-operator beauty shop. Property is presently vacant and he asked if there was anyone present to speak for or against the request.....no one was present.

Commissioner Willner moved Special Use Permit 11-84-APC be approved on first reading and referred to the Area Plan Commission.

Commissioner Cox seconded the motion. So ordered.

RE: COUNTY ATTORNEY....DAVID MILLER

Alexander Ambulance Service Contract for 1984: Mr. Miller said he has the original and five (5) copies of the contract between Alexander Ambulance Service, Inc. and the Board of Commissioners and explained there are a few changes from the original draft that was agreed upon. On Page 8, the third line now reads "the first billing, if the account has not been paid for." One page 8, the sixteenth line now says "15" days instead of 10 days. He said there is a substitution of words on page 10, the sixth line, that "by Provider during the term of the agreement", that the concept here is that if Alexander Ambulance Service experiences an operating profit during the calendar year, then within forty five (45) days after the end of the calendar year the profit they make will be turned over to the county to the extent of the \$134,000.00 subsidy.

Mr. Miller said there are now three (3) ambulances instead of two (2) and they are subsidized to the extent of \$134,000.00 and Alexander and the County have been acting upon the faith of this agreement, eventhough it has not been executed, since January 1, 1984 and it is now his recommendation that it be signed, that it has already been signed by the authorities of Alexander.

Commissioner Cox said it mentioned in the agreement...Exhibit "A" and Exhibit "B" and she would like to see both of these documents.

Mr. Miller said Exhibit "A" is a collection letter, written on the Board of Commissioners letterhead, signed by himself, that will go to all persons in the county to whom services have been rendered by Alexander. He said Exhibit "B" consists of two (2) sheets which show the basis of charges and the summary of income on one of the sheets and it shows the quarterly report on the second sheet.

President Borries said there had been some questions as to why the Board of Commissioners letterhead was used and Mr. Miller said it was used for two (2) reasons, one being the initial letter which was provided last year was written on the letterhead of his own personal law firm and his law firm may or may not always be the legal representative of the County Commissioners and also the county has some interest in the repayment of the indebtedness and this letter takes the form of notifying these people who have not paid after a long period of time, that not only is the ambulance service a private enterprise interested in whether or not payment is made but also the arm of government is interested.

Commissioner Willner moved the contract be approved and signed. Commissioner Cox seconded the motion which carried with three (3) affirmative votes.

Also ordered received and filed was the monthly report from Alexander Ambulance Service, Inc. for the month ending January 31, 1984.

Settlement on Hirsch Property: Mr. Miller reported the Hirsch's have accepted the proposed settlement offered to them from the county and they do want Vanderburgh County to build their bridges for them.

RE: ORDINANCE ALLOWING FEE TO BE CHARGED FOR BLOOD TEST....PROSECUTOR'S OFFICE

Mr. Miller said in checking out the matter of a Ordinance allowing the Prosecutor to charge a fee from private attorneys for blood tests, he finds it does not take one.

RE: BILL BETHEL....COUNTY HIGHWAY DEPARTMENT

Weekly Absentee Report: Mr. Bethel submitted the weekly absentee report of the employees of the county garage for the period of February 13 thru 17, 1984...report received and filed.

Weekly Work Report: Mr. Bethel submitted the weekly work report of the employees at the county garage for the period of February 13 thru 17, 1984...received and filed.

Attached to the weekly work report was the following work schedule for the same period of time.

Gradall: Baseline..east of Old State, Baseline...west of Martin Station and Lynn Rd.

Grader: Outer Darmstadt, Nuebling, Sensemeier, Old Henderson, Golden Rule, Roth Road, Shore Road, Cypress-Dale, Melody Lane, Wright Drive, County Line, Huebner Lane, Moffet, Heerdink, Calf Lane, Kissell, Seib, Wallenmeyer and Bixler.

Patch: Upper Mt. Vernon, St. Joe Avenue, Broadway Avenue, Selzer Road, McCutchan, Cemetery Road, Green River Road, Mill Road, Big Schaefer Road, Boonville-New Harmony, Caranza, Pollack Avenue, Lincoln Avenue, Wolcott Avenue, Cypress Dale, Cunningham, St. George Road, Harmony Way, Meadow-Lark Lane, Bayou Creek Road.

Painted barricades.

RE: BOB BRENNER....COUNTY SURVEYOR

Bridge and Guardrail Report: Mr. Brenner submitted the weekly bridge and guardrail report of the bridge crew for the period of February 13 thru 17, 1984...received and filed.

Mr. Brenner said they have taken Bender Road down about one and a half foot with jack hammers and now they are going to have to rent a crane with a wrecking ball.

Mr. Brenner said he would also like to report he has received authority to move forward on the bridge inspection, that it will be federally funded as of today and we will start the inspections tomorrow.

Claim: Mr. Brenner said he has a claim for the Department of Natural Resources for the permit for reconstruction of Maryland Street Bridge, over Pigeon Creek, in the amount of \$50.00, that we have to pay the state \$50.00 to look at our plans now.

Commissioner Cox asked if we paid them to look at First Avenue and Mr. Brenner replied no, that this just went into effect last year.

Commissioner Cox moved the claim be allowed. Commissioner Borries seconded the motion. So ordered.

Engineering Work on Green River Road: Mr. Brenner said he would like to say in regards to the engineering work that is being performed by the city on Green River Road. It comes as no great shock to us since we did the survey on it to lay out for the aerials, and Mr. South was well aware of what was going on and perhaps in the switch over between Mr. South and Mr. Easley it got lost, but it has been no secret that the city has been working on it all along. He took exception from the statement made in the newspaper that we really didn't know what kind of job we would get from the city because they do a good job and we have done four (4) or five (5) projects together and they have all worked out very well and he would encourage the county to use them.

President Borries said his point simply was that he does not think the Commissioners were properly informed as to the nature of what they were doing at that time.

RE: REQUEST FROM I.S.U.E. TO USE COUNTY ROADS FOR ANNUAL RUN

Indiana State University Evansville submitted the following request, dated February 13, 1984 and directed to the Board of County Commissioners.

Gentlemen:

We are planning to host the Fifth Annual Citizens-ISUE 15K and 5K Runs on March 24, 1984. I am requesting permission to use county roads for this event.

The Sheriff's Auxiliary, Civil Defense and REACT personnel will work together to provide traffic control. I have enclosed maps that outline the proposed course.

Thank you for your consideration of this request.

Sincerely,
Bill Stegemoller
Cross Country Coach

Commissioner Cox asked if they plan to close off any of the roads and President Borries said there are no road closings listed.

Commissioner Cox moved the request be granted. President Borries seconded the motion. So ordered.

RE: LETTER FROM COUNTY CLERK REQUESTING LEAVE OF ABSENCE FOR AN EMPLOYEE

President Borries read aloud the following letter from the County Clerk, dated February 6, 1984 and directed to the County Commissioners.

Attached, you will find a letter from Doctor Lutz regarding an employee, Rose Smith, who is on Leave of Absence from this office.

Due to her illness, Rose has had to take a leave of absence as of July 24, 1983.

According to the personnel policy, Section 4.12, Health and Life Insurance, I hereby, respectively request Rose be eligible for one year Leave of Absence, if necessary.

Your consideration of this policy will be greatly appreciated.

Thank you,
Helen L. Kuebler,
Clerk of Circuit and Superior Courts

Attached was the doctors statement.

Commissioner Cox moved the request be approved. President Borries seconded the motion. So ordered.

Commissioner Cox said since the leave started on July 24, 1983, then it will carry through until July 24, 1984...correct.

President Borries said since the leave is now being approved it could possibly be effective immediately and carry to February, 1985.

Commissioner Cox said she understands the personnel policy to state that a leave can be permitted up to one (1) year, with medical insurance coverage, with the employee paying their portion and the county paying its portion, so she would move the insurance be paid as stated in the personnel policy. President Borries seconded the motion. So ordered.

RE: TELEPHONE REQUEST FROM VOTER REGISTRATION

President Borries said there is a request from Mr. Paul Bitz of the Voter's Registration office to move two (2) floor outlet phones, four (4) feet to the east, with an estimated installation cost of \$30.00 and he has indicated he has sufficient funds to cover the request.

Attached was the following note from Margie Meeks, Commissioners secretary:

"AT&T has a minimum of an hour and a half for any work done such as this, at \$60.00 per hour. This job will only take about a half hour, so rather than charging Voters Registration the minimum cost of \$90.00, it was agreed to wait until another county department (s) needs an hour's work. Voters Registration will be billed for a half hour's work at the time and the other department or departments will be billed for the balance.

Mr. Bitz is aware of this and Mr. Higdon has agreed to handle it this way in order to save the county some money."

Commissioner Cox moved the request be approved. Commissioner Borries seconded the motion. So ordered.

RE: CERTIFICATE OF INSURANCE

A certificate of insurance was submitted for Theatre A Corporation, DBA Aiken Management for the theatrical performance "AVITA" on March 13, 1984.

A certificate of insurance was submitted for Frank Martino dba Rainbow City, for a motorcycle swap meet on February 12, 1984 at the Auditorium.

All certificates received and filed.

RE: CLAIMS

A claim was submitted for Morley and Associates, Inc. for the Burkhardt Road Improvements, with attached statement, in the amount of \$1,072.76 and is signed by the County Highway Engineer Andy Easley.

Commissioner Cox moved the claim be approved. President Borries seconded the motion. So ordered.

A claim was submitted for Robert T. Dorsey, Pigeon Township Assessor, for travel to Indianapolis for State Assessor Conference, in the amount of \$288.04. State certificate was attached to claim.

Commissioner Cox moved the claim be approved. President Borries seconded the motion. So ordered.

A claim was submitted for Judith E. Stricker for travel to the Indiana State Assessor's Conference, in Indianapolis, in the amount of \$152.10.

Commissioner Cox moved the claim be allowed. President Borries seconded the motion. So ordered.

A claim was submitted for David L. Fox, for travel to the Indiana State Assessor's Conference in Indianapolis, in the amount of \$277.00.

Commissioner Cox said Mr. Fox is also from the Pigeon Township Assessor's office and it is the policy of the Commissioners to pay only one (1) mileage claim from any one (1) office and Mr. Dorsey has mileage on his claim also.

The claim was referred to Ms. Meeks to get further clarification on, from the Auditor.

A claim was submitted for the Evansville Postmaster for pre-sort first class permit for 1984 for the Treasurers office, in the amount of \$40.00.

Commissioner Cox moved the claim be approved. President Borries seconded the motion. So ordered.

A claim was submitted for Pulse Systems and President Borries said it should be noted it was received and the invoice regarding Voter's Registration tapes has been removed, that they were expenses to be paid by the political party...\$100.00 each. The data processing services are listed and as mentioned before he will try to contact Mr. Leich, for further clarification.

RE: EMPLOYMENT CHANGES....APPOINTMENTSVANDEBURGH COUNTY ELECTION OFFICE

Susan Kirk	8302 Spry Road	Supervisor	\$5.05 Hour	Eff: 2-6-84
Edna Henry	305 N. Tekoppel	Deputy Clerk	\$4.05 Hour	Eff: 2-7-84
Clara L. Berry	1308 Bellemeade	Deputy Clerk	\$4.05 Hour	Eff: 2-21-84
Fred C. Roeder	8744 Big Cynthiana	Bal. Super.	\$4.72 Hour	Eff: 2-7-84

CIRCUIT COURT....WORK RELEASE

Kenneth A. Henson	4603 Mesker Pk. Dr.	Bail Bond Comm.	\$2,160.00	Eff: 1-1-84
Harris Howerton	3801 E. Negley Ave.	Asst. Bail Bond.	\$3,083.00	Eff: 1-1-84

PROSECUTOR

Angela Mitchell	605 E. Gum	Secretary	\$10,760.00	Eff: 2-11-84
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RE: EMPLOYMENT CHANGES....RELEASESPROSECUTOR

Angela Mitchell	605 E. Gum	Juv. Secretary	\$9,780.00	Eff: 2-11-84
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RE: SCHEDULED MEETINGS

President Borries said there is to be a meeting at the Vanderburgh Auditorium, tomorrow, at 12:00 noon.

President Borries said Attorney Miller has not yet set a definite date, but there will soon be an Executive Session to discuss the litigation of the Southwest Engineer/Hirsch Road suit, and when that is available he will announce it.

There being no further business, President Borries declared the meeting recessed at 10:10 p.m.

PRESENT:COUNTY COMMISSIONERSCOUNTY AUDITORCOUNTY ATTORNEY

Richard "Rick" Borries
Robert L. Willner
Shirley Jean Cox

Pat Tuley (Chief
Deputy Auditor)

David Miller

SECRETARY:

Janice Decker

Richard Rick Borries
Robert L. Willner
Shirley Jean Cox
BOARD OF COUNTY COMMISSIONERS

COUNTY COMMISSIONERS MEETING
FEBRUARY 27, 1984

The meeting of the County Commissioners was held on February 27, 1984, at 2:30 p.m. in the Commissioners Hearing Room with President Borries presiding.

President Borries said Mr. Paul Eissler of Old Petersburg Road has received a printed copy of the minutes of February 21st. and he has voiced some concerns and objects to what he feels is an incomplete transcript concerning the Turris Coal Company matter that was discussed during that particular meeting of the County Commission. Mr. Eissler was instructed to make contact with the County Auditor's office and speak personally with the person who transcribed those minutes, therefore we will hold off on approval of those minutes until this is cleared up, and Mr. Eissler has had time to review the tape.

RE: POOR RELIEF...PIGEON TOWNSHIP

Applicant: Mr. Wayne Hobbs, 614 Main Street, Evansville, Indiana

Mr. Hobbs, nor anyone to represent him was present today, therefore President Borries said this matter will be postponed and referred back to the Trustee.

RE: LETTER FROM PROSECUTING ATTORNEY

President Borries read aloud the following letter received from Nancy G. Hankins, Supervision Attorney, Child Support Division and Robert Pigman, Prosecuting Attorney, dated February 21, 1984 and directed to the Board of County Commissioners.

Dear County Commissioners:

The Prosecutor's office is requesting a clarification of § 4.5 of the Vanderburgh County Employees Policy as reviewed February 24, 1982 and amended March 1, 1982.

The specific language in question is found in the last sentence of that section at the top of page 13, to wit: "upon return to employment, the employee will, for the purpose of accrual and eligibility for benefits, be reinstated in the position the employee has at the commencement of the leave of absence." On its face that language states that if an employee qualifies for leave of absence (having been a county employee for over six months and receiving appropriate permission), they will be reinstated as a county employee in the same position they were in before the leave was taken. The "same position" refers to their status with respect to seniority and other benefits. An example would be that if an employee took an unpaid leave of absence beginning April 1, 1984, and on that date the employee had 5 years seniority and was covered by life and health insurance, the same employee returning to work six months later on October 1, 1984, would be reinstated at 5 years seniority with life and health insurance.

We are not questioning whether the employees benefits continue during the leave merely whether they will be reinstated as required by your personnel policy.

Thank you for your attention to this matter.

Very truly yours,
Nancy G. Hankins
SUPERVISION ATTORNEY, CHILD SUPPORT DIVISION

Robert J. Pigman
PROSECUTING ATTORNEY

President Borries said he has been in contact today with County Attorney David Jones, who was unable to be present today, and he indicated to us that he saw no reason at this time to withhold benefits from that person, when they return from their leave of absence.

Mr. Pigman said the problem is with the Auditor's office who informed Ms. Hankins this person, when returning from her leave of absence, cannot be reinstated with the health insurance until the following sign-up period.

Commissioner Willner asked what the leave was for and President Borries said it was a maternity leave.

Commissioner Cox asked how the Auditor's office handles new employees that come in in the middle of the year, in regards to the insurance coverage.

Mr. Pat Tuley, Chief Deputy Auditor was present and said he is not certain how this is handled by Ms. Gugin in the Auditor's office, but he would not think this person would have to wait until the following year to pick up the insurance. He spoke to Ms. Gugin about this particular matter, however, he did not understand it from Ms. Gugin as it is presented here today, so he would really need to do further research on it before he could give a clearer answer.

Commissioner Willner asked if there was any reason why the employee would want to drop the insurance during that period and Ms. Hankins said she really doesn't want to drop it, but she would have to pay the entire premium, which would be some \$225.00 per month. The Blue Cross insurance policy that her husband has does not pick up the infant after birth, where the HMO policy would cover the benefits of the child.

Commissioner Willner said this is a medical leave and during the time of leave, all the employee has to pay is his or her share and the county pays its share, regardless of how long it is, as long as it is when the doctor releases them, but if the doctor releases a person to come back to work and they choose to be off longer, then is when that person has to start paying the full premium themselves.

Commissioner Cox said with a normal pregnancy there are usually no problems, but if the doctor says that this is not a normal pregnancy and she is going to have to take off before the birth of the baby, for medical reasons, then she would fall not under maternity leave, but rather under medical leave. She does not think the county can carry anyone on a leave, other than a medical leave, with insurance coverage, but she sees no reason that when that person returns to work why they would not be allowed to go back onto the county insurance program, maybe not that same day, but perhaps the next pay period or next month, whichever would be best for the Auditor's office. She feels another thing the Commissioners should address is the statement that when a person returns to work, they are reinstated to their job that they left from....well this kind of ties the officeholders hands, because this should be providing they are able to do that job because in some instances they may not be able to do it.

President Borries asked Mr. Tuley to please research this matter so that a clearer understanding of the policy can be given to the Prosecutor and he replied that he would.

President Borries thanked Ms. Hankins and Mr. Pigman for appearing today and said the matter would be researched further with the insurance clerk, in the Auditor's office.

RE: ORDINANCE REGULATING INSPECTION AND COPYING OF PUBLIC RECORDS.

President Borries said the Board has before them again today the Ordinance regulating the inspection and copying of public records. The Ordinance has been revised by County Attorney David Jones after his discussing it with various officeholders and the abstract companies personnel, who do make many copies of such records daily and they had voiced many concerns with the Ordinance.

Commissioner Willner said we drafted this ordinance because of a state law and he has no problems with it.

Ms. Meeks said the Ordinance has been properly advertised, therefore President Borries called for a motion for approval.

Commissioner Willner moved the Ordinance be approved as amended and presented today. Commissioner Cox seconded the motion. So ordered.

Commissioner Cox, after looking through the Ordinance had some question regarding the manner used to request documents for inspection or copying, therefore she did not sign the Ordinance and asked Mr. Tuley to please clarify a portion of the Ordinance for her at the Commissioners next meeting, which he told her he would do.

RE: BILL ZIMMERMAN....BUILDING COMMISSIONER

Request to Move House to 6216 Kratzville Road: Mr. Zimmerman said he has a request from Elmer Butcha to move a house from 6407 Kratzville Road to 6216 Kratzville Road, which is only about two (2) blocks and he sees no problems with allowing this and he will see that everyone is notified, who should be.

Commissioner Willner moved approval be given. Commissioner Cox seconded the motion. So ordered.

Request to Condemn House at 1417 Florence Street: Mr. Zimmerman said he is requesting to have a house at 1417 Florence Street condemned, that it is in extremely poor condition. At this time he submitted the inspection report made on February 15, 1984. It probably is a repairable house and the weeds need to be cut down along with the trash needing to be hauled off from both the front and back yards. The problem is that this piece of property was deeded to the county in December 1983 because of taxes owed on it. We do however believe there is someone living in the house and there is a dog on the premises also. We need to secure the house, that is, board it up, since it does belong to the county now.

Ms. Meeks said a Mr. Giles Robinson appeared before the Commissioners some time ago and said he owned the house at that time and whenever he received some type of a settlement from the Post Office that he would pay the taxes owed on it but when all the procedures have been followed this will go up for sale on the County Commissioners auction.

President Borries said there has been a complaint filed in regards to this property, by Mr. Arnold Schmidt, Principal of Cedar Hall School, that it is a vacant house and children are running in and out of it and that it is open and unsecured.

Commissioner Cox asked who will secure this house and Mr. Zimmerman said they have a private contract with a contractor to secure such buildings in the city.

Commissioner Willner asked when this would be secured and Mr. Zimmerman said he will try to contact the firm and have it secured this week, if possible. Commissioner Willner said he would like to have a week on this to find out just where the auction is at, before they secure it, that we might be able to sell it like it is. He asked Ms. Meeks if she knows when the next Commissioner's auction will be and she replied they were referred to the County Auditor for recording and then to the County Assessor for appraising and she is not sure where they are at this point in time.

President Borries said he is concerned about the children running in and out of that property and Mr. Zimmerman said he has not definitely determined if there is someone living there or not.

President Borries asked Mr. Zimmerman to go out and check and see if someone is living in the house, take pictures of the premises and report back next week.

President Borries asked Mr. Tuley to check with the County Assessor and see if the appraisal is ready on this particular piece of property yet and report back next week.

RE: KIM BITZ....VANDEBURGH AUDITORIUM

Phone System for Auditorium: Mr. Bitz asked the Commissioners if they have reached any sort of a decision regarding the phone system at the Auditorium.

Commissioner Willner said he is probably the reason this was held up but he would like another week on it, unless the other Commissioners have reached a decision on it.

President Borries said he can see a need for it and he asked Mr. Bitz if he has the money available for this and he replied he has all of the equipment but there will be a small installation charge plus the added monthly charge of about \$35.00.

Commissioner Cox said it shouldn't be very much money for installation, probably somewhere between \$60.00 and \$90.00.

The matter was deferred for one (1) week.

Report on Task Force Meeting: Mr. Bitz said as everyone is aware of, there was a task force meeting held last week and it was opened with discussion of the report received from Tiffin Scenic Studios in regards to the rigging at the Auditorium and it was decided that one of the major priorities that we must address is the state of the stage house and that the problems association with that should be corrected immediately. Also during that meeting Mr. O'Daniels made a brief report on what has already been done and what their goals for the future are. The recommendation was also made that the County Commissioners set up a temporary Advisory Board for the Auditorium and that sometime later a permanent Capital Improvement Board be set up by the Commissioners. The task force also agreed to the concept of a new outdoor marquee with the final design to be approved. It was also agreed that we should immediately get busy on specifications and advertise for bids for new parking lot equipment at the Auditorium parking lot.

Commissioner Cox asked what is meant by parking lot equipment and Mr. Bitz replied a new coin box mechanism, gate, etc.....all equipment that is needed at the entrance and exit of the parking lot. The task force also recommended we ask the County Council to establish priorities for the \$160,000.00 we already have and they highly recommend the stage house and lighting system be repaired.

Commissioner Cox said she had the impression that out of the \$160,000.00, they would like to see the resealing of the parking lot done immediately, and we were talking about \$4,000.00 to \$5,000.00 for this work. Also, concerning the shell, did we get a written letter from the Philharmonic that they would put up matching monies to buy this orchestra shell and they are also investigating the possibility that rather than this being a permanent structure, that it could be temporarily stored somewhere else and used only for the Philharmonic and this seemed to have a lot of appeal to the task force committee because that would open some additional rigging area up above for shows coming in. She thinks one of the important things that came out of this meeting is the cooperation and the helpful attitude of the performing arts toward helping to raise some monies, through benefits, to provide for these improvements. But they do want assurance that things like the sound and lighting is going to be corrected, otherwise they would not be able to use the facility. She does support the concept of establishing an advisory board and she thinks we should move immediately to ask our county attorney to draft an Ordinance to do so. They did suggest this be limited to five (5) members or no more than seven (7) members and at least one (1) person with some theatrical expertise be appointed. She thinks it would also be good to have someone on there that would know how to figure to get the best cost control. They also said they would see the objective of such a committee being there to work on the problems of improvements, funding and an overall maintenance program. Therefore, Mrs. Cox moved the County Attorney immediately investigate and establish the Commissioners an Ordinance that would give us an Auditorium Board Authority.

Commissioner Willner seconded the motion and stated he does not believe it has to be an Ordinance, but rather a Resolution. So ordered.

President Borries said concerning the number of persons to serve on the board and also, do we want to confine those appointments to be made by the County Commissioners or should the County Council also make some, perhaps two (2) of those appointments.

President Borries said he believes the initial phase is completed and in looking at the structure of the Robert Stadium Board, it is a citizen board and not necessary compiled of users of the stadium.

Commissioner Cox said there may be some legal requirements for establishing such a board and perhaps the County Attorney could help us along this line.

President Borries said he will instruct the County Attorney to proceed with this matter and have either a Resolution or an Ordinance ready to submit to us within forty five (45) days.

President Borries said in regards to the local option matters that are still being tossed about through the Indiana Legislature, he noticed recently that there are different versions of the bill and he believes today will be the twenty ninth (29th) day of a thirty (30) day session and so what will finally come out of it at this time, he is not aware but he seen where at least one (1) version did have a Cumulative Fund that would be a possibility for local counties to set up. We at one time had a Cumulative Fund, but the state board said that it was not right so we had to abolish those funds, so there still may be some options left open for us and for the County Council in regards to funding needs at the Auditorium.

Commissioner Willner moved the rental rates for 1984 be approved as presented by Mr. Bitz and that they become effective the first of March, 1984.

Commissioner Cox asked Mr. Willner if he would take the recommendations from the task force that the people from the performing arts, who depend on the stage, lighting and sound, that they not pay the new rate, or at least to expect a refund on their rate.

Commissioner Willner said no, he just believes the Commissioners should try their best to live up to the commitment, but he is not willing to reduce the rate because we may need the increase in rates before we can repair some of these things.

President Borries said he attended the Philharmonic's news conference which was held on Saturday afternoon and there was an impressive list of corporations there that have agreed to underwrite an expanded Philharmonic program celebrating their 50th year in

existence. These various corporations have apparently granted significant endowments to not only underwrite some of the expense of each performance, but he believes also secured the services of a number of artists who are nationally and internationally known in their respective fields, so are we saying at this point that we would favor some modification to the original county council appropriations, because he would need approval if he should present this to the council.

Commissioner Cox said this has nothing to do with the rate increase, that Commissioner Willner has made a motion concerning the new rates for 1984, but what you, President Borries are saying, is in regards to the shell and not the rates. She said that Commissioner Willner does not want to exempt anyone from the new rate, however, she will second his motion.

Commissioner Willner said he feels like the county should rearrange the \$160,000.00 to certain peoples liking, however, we may not be able to please everyone, but as far as the rate is concerned he does not feel like certain people should get a reduced rate because we cannot get certain things done at the Auditorium. He said the new rates will not take effect until March 1st, therefore they have these next few days to rent the facility at the old rate and perhaps Mr. Bitz could call the Philharmonic and tell them that.

Motion carried with the following roll call vote:

Commissioner Cox...No Commissioner Willner...Yes President Borries...Yes

Commissioner Willner moved the new marquee be approved, in principle, and that the Commissioners meet and approved the new sign design. Commissioner Cox seconded the motion. So ordered, with three (3) affirmative votes.

Commissioner Willner asked Mr. Bitz if he was aware of the fact that the Council gave us \$11,000.00 to produce a money making show, in the year 1984, for the Auditorium and he replied yes. Commissioner Willner then asked if any leg work has been done toward this, and what show we might be able to afford and make a profit on and Mr. Bitz said there are several possibilities and that he is working on them.

Commissioner Cox said there was a suggestion that the Civic Theater might give excerpts from their performances that are coming up and that the Evansville Dance Theater group and the Evansville Ballet would be willing to put on a benefit, with the monies going into the promotional funds, but unless the lighting and sound is fixed they will not be able to do those things over there.

Commissioner Willner said there is a possibility we may be able to bring in someone who has their sound and lighting with them and Mrs. Cox said that is true. He said if we are going to try to make some dollars he does not believe we need a local benefit.

Mr. Bitz said he will try to have some concrete ideas for next meeting.

Mr. Bitz said one other thing the task force recommended was that the Commissioners set up a meeting with the local stage hands union.

President Borries said he talked to the County Attorney about this and he will make contact with Mr. Fehr and try to set up such a meeting.

Commissioner Cox said before Mr. Bitz leaves, what's the Commissioner's feeling about establishing a Capital Improvement Fund.

Commissioner Willner said he thought we would wait for the Advisory Board to be set up and get their recommendation.

Commissioner Cox said she is not sure we could set up a Capital Improvement Fund for the Auditorium alone, that it might have to be for the entire county.

President Borries said this would be something our County Attorney should research.

Commissioner Cox said can we go ahead and give authority to get the parking lot resealed as soon as the weather permits.

President Borries said he believes funds for this was in the original appropriations so he does not know if we have to give another approval. All three (3) Commissioners agreed that Mr. Bitz should secure bids on the resealing and present them to the Board.

President Borries said we also should contact companies who would be interested in installing the new parking lot equipment, that we have heard from only one (1) firm on this.

Mr. Bitz asked if the Commissioners want general specifications drawn up by us or ask for individual specifications drawn up by the particular equipment companies and President Borries said we should check with Tom Dorsey in Purchasing and have a set of specs drawn up for this.

RE: BILL BETHEL.....COUNTY HIGHWAY DEPARTMENT

Weekly Absentee Report: Mr. Bethel submitted the weekly absentee report of the employees at the county garage for the period of February 20 thru February 24, 1984. Report received and filed.

Weekly Work Report: Mr. Bethel submitted the weekly work report of the employees at the county garage for the period of February 20 thru February 24, 1984...report received and filed.

Attached to the weekly work report was the following work schedule for the same period of time.

Gradall: Bender Road, Barton Road, Boonville/New Harmony Road, Detroy Road, Boehne Camp Road, St. Joe Avenue and Fisher Road.

Grader: Long Road, King Road, South Weinbach, Moffet Lane, Sensemeier Road, Cypress Dale, Schutte Road, County Line Road (East), Heerdink, Green River Road, Outer Darmstadt, Eisterhold, Schissler, Lyle Road, Baehl Road, Montgomery, Maasberg Road, Denzer Road, Buente Road, Emge, Trapp, Wallenmeyer, Bixler Road, Mann Road and Schmitt.

Patch: Meadow Lark, Schutte, Middle Mt. Vernon, Mesker Park Drive, Allen Lane, Old State Road, Millersburg Road, Boonville-New Harmony Road, Red Bank, Mahrenholtz, Old Henderson, Pollack Avenue, Burkhardt Road and Dusseldorf Drive.

Tree Crew: Huebner Lane

Front Loader: Bender Road

Commissioner Cox said there needs to be some pot-hole fillings on Smith-Diamond Road, west of West Franklin Road, when the weather permits and she thinks that would be a good one to put on the list for resurfacing.

Commissioner Cox said she mentions this every year as the flood season is upon us, but lets not forget our barricades and have experienced people who know where and how to set them up do it.

President Borries said he had a gentleman on Red Bank Road to call him regarding a tree in the county right-of-way and he would like this to be checked out (he gave Mr. Bethel the note with name and address on it).

RE: BOB BRENNER....COUNTY SURVEYOR

Weekly Bridge and Guardrail Report: Mr. Brenner submitted the weekly bridge and guardrail report of the county bridge crew for the period of February 20 thru 24, 1984...report received and filed.

Mr. Brenner said he received a letter from Posey County and they requested us to buy 42' of 12" corrugated pipe, for a street called Olivia. It is a county accepted road and they (Posey County) are upgrading County Line (west)...ditching, etc. and our road going onto it would be like a driveway pipe and they would like for up to purchase the pipe and have it delivered to their job site.

Commissioner Willner moved the request be approved. Commissioner Cox seconded the motion. So ordered.

Mr. Brenner said as the Commissioners know, we have funds approved for replacing Millersburg Road Bridge #77 and in working on this site, we find it is not posted, that it had an 8 ton load limit in our bridge book, but somehow the signs have disappeared. They would like to lower the weight limit on it, that it is going to be replaced this summer. They have seen semi's and loads of crushed cars pass over it and the footings are starting to give on the bridge, therefore they would like to lower the weight limit to 6 ton, which would allow only pick-ups and automobiles on it.

Commissioner Cox asked if there are any school buses that use this structure and Mr. Brenner said he would think so. She said then what will this do to them and Mr. Brenner said he doesn't know, but he really feels like the bridge is unsafe. Mrs. Cox said we certainly need to notify the School Corporation if we decide to lower the limit on it.

Mr. Brenner said they are working on the survey of this new bridge because this is going to be a straightening project also and to truly get it out of the low water we need about 300 more feet.....and we can draw up the plans but we cannot use Cumulative Bridge funds beyond 500' of the bridge, but maybe we could work it out with the Highway Department.

Commissioner Cox said then you are asking that the approaching road be elevated also and Mr. Brenner said yes, in order to get it out of the flood plain.

Mr. Brenner said he believes the weight limit reduction is an emergency and the Commissioners should approve it and have the Traffic Department to install the signs.

Commissioner Willner moved the load limit on Millersburg Road Bridge #77 be reduced to six (6) tons. Commissioner Cox seconded the motion. So ordered.

Commissioner Willner moved the Surveyor draw up the necessary paperwork and give the Commissioners an engineer's estimate before proceeding on the right-of-way and participation by the Highway Department. Commissioner Cox seconded the motion. So ordered.

Commissioner Cox said regarding the posting of this six (6) ton limit, is it enforceable.

Mr. Brenner said he believes it is enforceable on bridges, but not on roads.

** Discussion of Accident on Bender Road: Mr. Brenner said as everyone is aware, there was a tragic accident on Bender Road, on Thursday, February 23rd and we are currently going through an investigation in regards to the accident. On Friday he had all of his crew in his office and they were all interviewed by the Sheriff's Department. Accident reports have been filed with the appropriate agencies. They had three (3) men injured and they were mostly minor, bruises for two (2) men, a twisted ankle and a fractured left leg and we had one (1) man killed. As he stated, he has filed an accident report with the state and with workmans compensation for the county employees.

President Borries said he knows this has been a time of great stress for Mr. Brenner and family members and he asked the other two (2) commissioners if they had anything they wanted to say.

Commissioner Cox said she had not had a chance to meet with Mr. Brenner nor the other two (2) Commissioners in order to get some updated information. She did talk to Mr. Brenner at his home on the eve of the accident and he told her they would discuss it this morning. She is very touched by the accident, that it has touched us all and she feels like we, as Commissioners, did not go far enough to really delve into this project, like whenever we build a bridge, we have designs approved, but in tearing down, perhaps we have not been as demanding for a design, and she would like to know if there was an engineer's design made for demolition.

Mr. Brenner said yes there was, but it was a single item, we did not specify steps. We did show our plan to the railroad and there were agreements on certain limitations, that is, we could not use explosives on the job. We had planned to use our hydraulic impactor and we have trained men on other jobs to use this, but after two (2) days on the job it broke down and we were having it repaired. We have removed two (2) or three (3) other bridges and have taken down many many headwalls off arches (just line on Bender Road) with this hydraulic impactor, but we had to store it in the county garage while waiting for a part that had to be ordered for it. Using the jack hammers were becoming

futile, that they had removed all the soft concrete and he told the Commissioners on the night of the 21st, during the Commissioners meeting that he was going to have to rent a crane with a wrecking ball on it, but in checking with all the crane rental companies, he could not find one to rent because they were all on the Division Street site working on the planned expressway.

First he would say that he is responsible, that there is no way out of it...he is responsible for his crew, but they elected to cut the arch, to facilitate knocking it down with the construction ball. He said normally there are two (2) construction joints which should hold such an overpass arch span together, but when his workers cut through the center of the arch on Bender Road, the joints were not there, therefore the center and one side of the overpass collapsed. He has police powers on the county roads and he made the decision, with the Sheriff, that if he would keep people away from the bridge until 7:00 the next morning, that he would somehow have someone out there to remove the remaining portions, because there was no telling when the remainder would fall. Friday, he got Floyd Staub pulled off of the job downtown and he went out and removed the remaining hazard for us. Mr. Staub said he has worked downtown for months without any breakdowns and the Friday he was on our job site, his crane broke down twice, so we need to get back out there and finish the job.

Commissioner Cox said concerning the plan for demolition, were there certain steps you had to set up on what you did to demolish....for the county employees and Mr. Brenner said no step plans, only a single plan.

Mr. Brenner said the real failure in the accident was the victim's mistake of walking under the bridge and he understands several of the crew at one time or another did also walk under the structure, but one of the first rules of construction is to never walk under the site.

Commissioner Cox said that is true and the men probably knew not to walk under it, but we all do things we shouldn't, but the Cumulative Bridge Fund is a designated responsibility for administration to the County Commission and we have in turn delegated the responsibility for overseeing the Fund to the County Surveyor. Mr. Brenner is a technical person and she relies on his decisions very much. If we would have had a plan for the crew to follow and they did not do so, then that is one thing, but if we had nothing for them to follow, a step by step plan, and the crew had never done work like this before, then that is another thing. She seen two (2) of the crew on television and they stated they expected for the bridge to fall, but not at the time that it did.

Mr. Brenner said his crew has done hundreds of jobs and we have a good safety record and even private companies have had this to happen to them, that Deig Brothers had one to collapse with them, that we were supervising on.

Commissioner Cox said she will admit that accidents will happen, but when it happens in the private sector it doesn't fall on the Commissioners and she thinks we have to do something here to either defend our position or to substantiate what we did and to look and be constructive to see if we can do things differently in the future to keep something like this from happening again. She does not know what it would have cost to hire an outside private contractor to come in and take this bridge down by themselves, but she does know from the bridge and guardrail reports that we have been out there since January 30, for the most part, the entire bridge crew. She also would want to know if there was a supervisor and inspector out there the entire time men were out there working. An inspector is present at all times when we build a bridge so it seems to her an inspector should be present at all times when we demolish one.

Mr. Brenner said an inspector was not there at the time of the accident, although there were former inspector's present at the time.

Mr. Brenner said this started as a CETA program, that is people unemployed, that we hired and trained and we made it through two (2) years and eventhough government jobs are also patronage jobs, a person must be able to do the job first of all.

Commissioner Cox said she agrees and she also has no quarrel with patronage. She said one of her complaints in the past is that the crews have worked without proper signage on the country roads, that a person comes around a curve or over a hill and the crew is painting or repairing a guardrail and there is no sign saying "men at work". If they have been properly trained, that is one thing, but if they are not following properly trained procedures, then that makes us liable, that we must make sure they do.

Mr. Brenner said this is absolutely correct, and they (the crew) know to put the proper signs out when they are working and these signs are all in the work vehicles and they also have orange vests to wear while working, along with hard hats.

Commissioner Willner said he was on the job site before the accident and also since then and it seems to him that this particular bridge had somewhat of a quirk in the design when it was built, and he is not sure that overpasses of this nature being built today hasn't the same problem. It would seem to him that the joints on either side of the arch might have been there for freezing and thawing of the dirt above it but he does not think it was realized that this kind of construction was what we had out there and he does not believe there was anything that might have told us before we started that this was the case. He agrees it certainly is against all rules and regulations to walk under anything that is being torn down. He does not see where we have been negligent in anyway, at least, as far as our knowledge went. He feels very bad that this happened and he certainly would not want anything like this to happen again. We removed a steel bridge from Union Township and took it to Armstrong Township and reconstructed it without any problems and we built the arch out on Wallenmeyer with this crew and he believes the crew is probably as knowledgeable as any persons found in Vanderburgh County, at least the men who worked on the two jobs he indicated.

Mr. Brenner said probably half of his present crew is the same people as on those other two (2) jobs mentioned.

Commissioner Willner said in his opinion, this crew has done more for Vanderburgh County than any crew he knows of, that anyone can drive through the county and see their work and it good. This was one of those terribly unfortunate things and we need to go on and try to see it never happens again.

Mr. Brenner said he would say one of the reasons we have been out there so long is because of the wide area, that it was a logging job, that we had to go out there with chain saws and work and it was all very time consuming.

President Borries said again it goes without saying that we all have great sympathy for the Weidner family and friends, as well as the Surveyor's crew and staff and it would be good if we had a guarantee of risk free jobs, but we do not have, with the hazardous work this crew has to do. We should look at a technical committee to sort of brainstorm with the Surveyor whenever there are questions that may arise so that we can avoid things like this in the future. He is very concerned about the Boonville-New Harmony bridge because after going out and looking at it just yesterday, it appears to him that it is in worse deterioration than the one on Bender Road was.

Mr. Brenner said this is true, we picked Bender to do first because it is a low traveled road, that Boonville-New Harmony is more deteriorated and more highly traveled.

President Borries said on Boonville-New Harmony, there was a vehicle traveling west to east who would not even go under the bridge as long as there was another one even close by, that it is really hazardous.

He said we will await reports from the various agencies at this time.

Sheriff Shepard was present and stated he needs two (2) more statements from Mr. Brenners' work crew and he has requested an executive session with Mr. Brenner, the Commissioners and anyone else involved in the accident. We have taken over fifty (50) still photographs of the scene and he has about fifteen (15) minutes of video tape that he would like to show, along with the statements from people involved.

Commissioner Willner moved we get the debris cleaned up on Bender Road and get the road opened and put Boonville-New Harmony on hold until we get future direction.

Commissioner Cox said before doing anything with Mr. Willner's motion, she needs to know what equipment will be needed out there now to get the job completed.

Mr. Brenner said we will need Staub for one (1) day to finish wrecking the debris, we will need the rear end loader, trucks from the county garage and the gradall.

Commissioner Cox asked how long this will take to finish and Mr. Brenner said he would estimate a week or so. Commissioner Cox said our trucks aren't too good and she does not know if they can carry those large chunks of concrete or not and also when we have to rent large equipment to do a job she thinks we should really check very closely to see what it would have cost to have a private firm do all the work, because as she stated earlier, we have been out there since January 30th, making this the fifth week

on the job and now perhaps another week or so, so will this be \$20,000.00....or what. She thinks if we don't have the equipment that is not ordinary equipment issued by or through the Surveyor's department, then she would not think we would have the expertise to work with other things, because there are safety regulations that go around a job site when there is a crane and wrecking ball there and we cannot expect our people to automatically know these rules. She would like to just let Staub go ahead and clean up all the mess and get out of there, because not only could there be more physical danger out there, but she is sure there would be psychological and emotional impact on our crew and before she will ever again support any project, other than our guardrail repair, painting and maintenance on such, she would want to see an estimate from a private sector as to how much it would cost compared to what we would have to spend to do it with the county crew.

President Borries said what exactly has to be done out there yet and Mr. David Guillaume replied we have about a day left with Staub and possibly another day with the gradall and possibly a couple of days shaping the slopes up, that one (1) week to ten (10) days should finish everything up. The highway trucks would be used to haul the debris away. President Borries asked Mr. Bethel if he felt like his county highway trucks could handle the debris from out there and he replied yes, they could handle it.

Commissioner Willner said he would again move the Surveyor's crew finish the Bender Road project, using the county highway trucks to haul debris and to wait on the Boonville-New Harmony Bridge until further information is received.

Commissioner Cox asked who will be out there supervising this crew and Mr. Guillaume said it will either be Johnson or himself, or possibly Tom Goodman, and they will want the crane from Staub plus one (1) more of Staub's laborers, for the one (1) day period.

Commissioner Cox said she simply cannot support this that she does not believe it is the way to go, that she would rather see the private sector go out there and do it.

President Borries asked Mrs. Cox if she has seen the site since the accident and she replied no.

Mr. Guillaume said the two (2) construction joints that Bob mentioned earlier was up approximately five (5) feet from the roadway and everything overhead, with the exception of a real small piece a couple of feet wide, is down on the ground. At this point we have nothing that could tumble down and catch anyone.

Commissioner Cox said you have a piece of heavy concrete that could roll out of a truck on a person and eventhough she knows some of these people have been on the job for a long time, she is still not convinced they are experienced enough in the type of work they are doing, and she is reluctant to let them finish. It is going to cost us money now to rent the equipment and she just doesn't have that much confidence in our crew at this time, because all she has ever seen is a name, an address and a salary of the crew members, and she doesn't know them as well as she does the men at the highway garage.

Mr. Brenner said that is who would be doing the rest of this job, and they would be reimbursed by Cumulative Bridge funds.

Commissioner Cox said she isn't sure if the County Highway employees would be experienced enough to do it either. She asked Mr. Bethel that since his men would be working around a crane and a wrecking ball, does he feel his men know about the safety enough that they could do this and he replied yes he does. Commissioner Cox said fine, because Mr. Bethel is another technical person that she needs to rely on.

Mr. Guillaume said he wants to clarify one point, no demolition would be done by the highway department, only clean up would be done by them, that the concrete would be crushed by Staub and hauled away by the highway department.

Commissioner Cox said she will second the motion. So ordered.

RE: ANDY EASLEY....COUNTY HIGHWAY ENGINEER

Mr. Easley said the hour is late and he really has nothing to report other than the fact he and Mr. Bethel toured Romaine Subdivision on the 15th. and a few items have been missed on the letter, so that recommendation will be forth coming.

He has had conversations with the Elmridge Drive Homeowners Association and he is also continuing to work on the Lynch Road crossing project.

He would also report he has heard nothing concerning the right-of-way purchases for the Burkhardt Road project, that is presently with Mr. Ken Hansen.

RE: LETTER FROM ALLAN HENSON, COUNTY WORK RELEASE PROGRAM

President Borries read aloud the following letter, dated February 23, 1984 and directed to the County Commissioners

Re: Vehicle Surplus

New vehicles have been purchased for the Work Release Program's use. The vehicles are now in full service, licensed and insured. Old vehicles, a '75 Chevrolet serial #I L 35U5112S179, and '75 Dodge serial #LL41C5D385105, and a '77 Ford serial #7H43S1123782, are now surplus.

The old vehicles are no longer licensed or insured. The Chevrolet and Ford are parked in the general parking lot, the Dodge is parked at the City garage. The program requests that the County Commissioners dispose of these surplus vehicles.

Allan Henson, Director
Vand. County Work Release Program

Commissioner Willner suggested we write Mr. Henson and ask him to take the vehicles to the County Highway Department so they can be evaluated and we will await their report before we try to dispose of them, and he would so move.

Commissioner Cox seconded the motion. So ordered.

RE: LETTER FROM THE INDIANA STATE ELECTION BOARD

President Borries read aloud the following letter dated February 20, 1984 and directed to the Board of County Commissioners.

Please allow this letter to serve as formal notification that all of the precinct boundary changes that were proposed by your recent ordinance have been approved as submitted by a meeting of our Board on February 17, 1984.

Therefore, these new precincts will be in effect for the 1984 elections and proper notice must be given to your county clerk's office or board of voter registration in order for such offices to prepare the precinct poll books for election.

Sincerely,
Laurie Potter Christie
Executive Director

President Borries said copies of this letter and all data have been forwarded to the County Surveyor, County Clerk, Voters Registration, Democrat Headquarters, Republican Headquarters and the League of Women Voters. President Borries said we will soon be receiving all new precinct maps.

RE: APPOINTMENT TO HUMAN RELATIONS COMMISSION

President Borries said he has received correspondence from Jackie LaGrone, Director of Human Relations Commission, regarding the City/County Human Relations Commission, that there has been a vacancy there for awhile. He has a young person who has served on the Mayor's Youth Council at Central High School, and he has expressed interest in serving on this board and he personally felt it important for a young person to be represented. After having Ms. LaGrone research the matter, she informs us there is no minimum age limit for an appointment. This person he has in mind is sixteen (16) years old and is a junior high school student and he would be serving throughout the full two (2) year term. He asked the other Commissioners if they objected to having this young man serve on this board.....there were no objection. President Borries entered the name of Mr. Patrick John Garnett of 1200 April Drive, Evansville, Indiana to fill the vacancy.

Commissioner Willner so moved and Commissioner Cox seconded the motion. So ordered.

RE: DISCUSSION OF OLD BUSINESS

President Borries said he has been in contact with Mr. Robert Leich, concerning the Pulse Agreement and he is in the process of accumulating certain figures regarding how many hour each of his employees have put in concerning this conversion and he is to get back in touch with us. We will also be expecting a report from Mr. Robert Fortune at our next meeting in regards to the computers.

Commissioner Cox asked if we have received any correnspondence from Turris Coal Co. regarding a meeting which is to be held with the residents in Scott Township, where the new mine is going in and both Commissioner's Willner and Borries said they have received nothing.

RE: CLAIMS

A claim was submitted by William H. Miller, Judge of Circuit Court, in the amount of \$131.40 for a trip to Indianapolis.

Attached note informed us Judge Miller transferred money to his 1983 travel account to pay this bill, however, the money wasn't incumbered and he did not submit the bill until 1984....can it be paid from account 130-313.

Commissioner Cox said if this is where Judge Miller traveled to appear before a medical association, she remembers we wanted him to ask and see if that association would pay a portion of the expenses.

Ms. Meeks said the Medical Association would not pay a portion of it.

Commissioner Cox moved the claim be approved. Commissioner Willner seconded the motion. So ordered.

A claim was submitted for the Evansville-Vanderburgh County Building Authority for labor to run three (3) computer cables from County Room 205 to terminals in County Clerk's office (2) and to Support office (1). Per verbal authority of Betty Denk. Per attached incoice...in the amount of \$272.00.

Commissioner Cox moved the claim be approved. Commissioner Willner seconded the motion. So ordered.

There was also a claim from Helfrich Insurance Agency that the Commissioners did not fully understand therefore it was deferred pending additional clarification. President Borries did not state the amount of the claim.

RE: EMPLOYMENT CHANGES....APPOINTMENTSPROSECUTOR

John Gurnsey, Jr.	1652 John St.	Investigator	\$13,100.00	Eff: 2-27-84
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RE: EMPLOYMENT CHANGES....RELEASESWEIGHTS AND MEASURES

David B. Acker	1666 S. Governor	Deputy Inspect.	\$30.00 Day	Eff: 2-21-84
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President Borries said before closing this meeting he would like to express his gratitude to the para-medics who were at the accident scene on Bender Road and also the units from the Scott Township Volunteer Fire Department, the German Township Volunteer Fire Dept., the units from McCutchanville and also Perry Township. The Sheriff's department was also on the scene and it was very well co-ordinated. He personally feels like the emergency was handled very well by all participating units.

He has also spoke with the City/County Civil Defense, and Mr. Fred Hermann gave the following numbers incase the snow becomes so critical that people need to contact the CD. The numbers are 426-5507 and 426-5565. The National Guard and Community Center can be used for emergency shelter should the situation become very critical.

President Borries said perhaps the Commissioners would like to send a letter to the Bosse High School Girls Basketball Team, that although they did not come back from Indianapolis with the state championship, they certainly represented our county well.

Commissioner Cox said she would concur, that just because they did not come back the state winners, they certainly went to the finals and they should be commended for doing so well, that it was quite an accomplishment.

Claim: Mr. Pat Tuley said last week there was some question about two (2) people in the Pigeon Township Assessor's office being allowed mileage to attend the Assessor's Conference in Indianapolis. In checking this out, he found that no one in the Center Assessor's office could make the trip, therefore one of the deputies in Center rode with David Fox, from Pigeon Township. There was not enough room for everyone to ride in one vehicle so that is why two from the Pigeon Assessor's office claimed mileage.

Commissioner Cox said we would have had to allow one mileage for Center anyway, therefore she would move the claim for David Fox be allowed. Commissioner Willner seconded the motion. So ordered.

There being no further business, President Borries declared the meeting recessed at 4:30 p.m.

PRESENT:

COUNTY COMMISSIONERS

COUNTY AUDITOR

COUNTY ATTORNEY

Richard "Rick" Borries
Robert L. Willner
Shirley Jean Cox

Pat Tuley (Chief
Deputy Auditor)

SECRETARY:

Margie Meeks
(for Janice Decker)

Richard Rick Borries

Robert L. Willner

Shirley Jean Cox

BOARD OF COUNTY COMMISSIONERS

COUNTY COMMISSIONERS MEETING
MARCH 5, 1984

The meeting of the County Commissioners was held on March 5, 1984 at 2:30 p.m. in the Commissioners Hearing Room with President Borries presiding.

This being the first meeting of the month it was officially opened by Sheriff Shepard.

President Borries said in regards to minutes being approved, we have the minutes of our last meeting held on February 27th. along with the minutes of the meeting of February 21st. The minutes of the 21st have not yet been approved because Mr. Paul Eissler, a resident in Scott Township had voiced some objection to the matter pertaining to the Special Use Permit requested by Turris Coal Company. Mr. Eissler had felt like the minutes were not complete enough for him. Mr. Eissler had been instructed to contact Mrs. Janice Decker, in the County Auditor's office, that she is the recording secretary in charge of preparing the minutes of the Commissioners meeting.

Mrs. Decker stated Mr. Eissler did come into the Auditor's office and get the cassette tape recorded during the meeting of the 21st. of February. Mr. Eissler made him a recording of the tape and then returned it to the Auditor's office and stated to her that he would keep the tape he made for future references should he decide to file a law suit but he would let the Commissioners go ahead and approve the minutes with perhaps later additions or deletions pertaining to Turris.

President Borries asked Mrs. Decker if Mr. Eissler gave her a written list of objections or concerns he had in regards to the minutes of February 21st and she replied no, he gave her nothing.

Commissioner Willner said he understood Mr. Eissler's objections to be that it was not typed verbatim and he felt like some of the vital information was condensed and should not have been.

Commissioner Willner moved the minutes of February 21 and February 27, 1984, be approved as submitted and the reading of same dispensed with.

Commissioner Cox said pertaining to the minutes of February 21st, page 12, under the portion pertaining to Alexander Ambulance Service Contract for 1984, she would like it made part of the minutes that she did request, and Mr. Thomas Vachet agreed to supply us with statistical information concerning the number of paramedic runs and the number of basic life support runs, as part of his report. This was not part of the agreed contract, it was a portion that was deleted from the report that was to be sent in each month to the Commissioners, but he stated he would be happy to submit this additional information each month to the Commissioners.

Commissioner Cox said pertaining to the minutes of February 27, 1984, page 7, under the portion pertaining to Discussion of Accident on Bender Road, on the third paragraph it states she did talk to Mr. Brenner the eve of the accident. This should read she spoke with Mr. Willner the eve of the accident. Also, regarding the same minutes, on page 10, still discussing the accident on Bender Road she understood at the meeting when she asked who would be supervising the clean-up operations at the site, that Mr. Brenner said that David Guillaum would be supervising.

President Borries said on page 10, the fourth paragraph down, Commissioner Cox asked who will be out there supervising this crew and Mr. Guillaum said it will either be Johnson or himself.

Commissioner Cox said Mr. Brenner stated that Mr. Guillaum would supervise the crew.

Mr. Brenner was present and stated Mrs. Cox is correct, that he did make such a statement during that meeting.

Commissioner Cox said with the above corrections she would second Mr. Willner's motion to approve the minutes of both the 21 of February and the 27 of February, 1984. So ordered.

President Borries said prior to this regular meeting of the Board of Commissioners, they had a meeting with the Sheriff pertaining to information, reports and statements and also a video tape made by the Sheriff's department, concerning the accident at the Bender Road Bridge. A report has been submitted to each of the County Commissioners for review and he appreciates the co-operation of the Sheriff and his staff regarding this matter.

RE: COUNTY ATTORNEY

President Borries said we have with us today, Mr. Cedric Hustace, attorney from the firm of Bowers, Harrison, Kent and Miller and he will be representing the County Attorney for us today.

Ordinance Regulating Inspection and Copying of Public Records: Mr. Hustace said this proposed ordinance relates to the inspection and copying of public records and as it is presently drafted, the entire ordinance is discretionary on each department in the county. Each department can either accept the procedures that are provided for in the ordinance or any portion of the procedures, or if they already have a procedure with respect to the inspection and copying of such records, they can continue with those procedures and he believes that would take care of the problems with the abstract companies and some of the problems the departments might have.

This Ordinance was properly advertised on January 20 and 27, 1984, and signed with two signatures (Borries and Willner) on February 27, 1984 and Commissioner Cox had a question at that time, therefore she did not sign it, however, she affixed her signature on it at this time.

The Ordinance was submitted to the County Auditor to be taken before the County Council at their next meeting on March 7, 1984.

Commissioner Willner said again he would move the Ordinance be approved. Commissioner Cox seconded the motion. So ordered.

Foreclosure of Mortgage: Commissioner Cox said she received a notice of a foreclosure of mortgage, which would simply mean an appearance on the part of the county attorney, therefore she would submit it to Mr. Hustace at this time to be forwarded to the county attorney.

RE: BOB FORTUNE....COMPUTER SERVICE CONSULTANT

President Borries said we have Mr. Robert Fortune, our computer service consultant before us today to give a status report in regards to the gigantic conversion of one data processing service to another (from Sperry-Univac to Pulse Systems).

Mr. Fortune said he would like to sort of go back through the history of what we've got here and what we are going to approach is a facilities management concept and the fact that both the city and county have to understand what they are going to get out of it and your vendor has to understand what you're going to get out of it. You are going to be in a relationship with the vendor that has to be very close and the vendor has to be very close to the departments. During the conversion we did encounter some problems with Univac and at the end of 1983 we had to get everything moved out and new equipment moved in. They cut all the files over on the night before so that we have all information as it was on December 27th. on the prior system. During the conversion there were technical problems with files, changing types, etc., that Pulse thought they could make it faster on their system. They set up on the Honeywell and we did checks and payrolls and it didn't skip a beat, other than in the support office, that their's was the first one to go, between Christmas and New Years and we were trying to see which file technique would be the best to use, and because of that they ran into some problems, however, even that one was a good cut over after the first two (2) weeks. Since then some other miscellaneous items have come up, that they have switched to a more current technology base....a controller and a thirty two (32) bit machine, therefore you now have the very newest technology, in terms hardware. In terms of software, they have taken the existing programs and tried to use whatever they could with whatever modifications required for their hardware. Eighty (80) to ninety (90) percent of everything is up and running in the county and in the city they have the parking meter department converted and they are starting on their accounting, which could be done in the next couple of months. One of the problems he noticed during the conversion was the fact there were three (3) or four (4) parties involved in it, that you had a hardware vendor and their agent and in the shuffle a couple of things were dropped, one (1) being the hook-up to the IV-D office, (located on Main Street) plus there were problems with the wiring throughout this building, that he thought it could be done without running all new wire, however, if he had it to do again, he believes he would recommend we just run new wiring, however, this way it did save the County about \$5,000.00 and he explained how the wiring was done throughout this building, that it all had to be grouped and matched. He would like to talk for just a minute about all the things that are going to have

to be done, in regards to the county's relationship with Pulse, that the Commissioners will have to stay on top of everything, because they (Pulse) are not a government agency, or even part of it, yet they are going to be performing services exclusively for the county and city. One of the things he would recommend is that the Commissioners get involved, in terms of the various departments and make sure you get a meeting with Pulse at least once a month, and perhaps more often than that. Pulse should come in and talk to the individual department every month also, or perhaps every two (2) weeks. The Commissioners need a relationship with Pulse, so that if need be, you can go to them and say "I need so and so"....and they do it for you. You want it to be different than a service bureau relationship and you need to understand at all times where they are, because they have a very strong hold on all county information, your processing possibilities, and your future for the next five (5) years.

Another thing he would strongly urge is some sort of a controlment board, that the Commissioners have such a large amount of items to control, that he personally feels a board should be set up to follow-up on the techniques of the system.

Commissioner Cox said are you recommending the appointment of a joint city/county data processing board and he replied yes, that he believes there should be some sort of a central control board and he does believe it should be joint...City and County, since both will be on the same system, that way during budget session the city won't go off and do their budgeting and say that is what they planned on and tell the county you will have to pick up X number of dollars. He believes a joint board should sit down and say that Data Processing has a budget of X number of dollars and we are going to re-evaluate our percentages and here is what the city is going to have to pay and here is what the county is going to have to pay, in order to be able to continue their own functions.

President Borries said there is an obvious concern as to what groups or what persons should be involved from the county's standpoint, in order to make sure that we have an accurate cross section of users, that some offices use the system more than others.

Mr. Fortune said he believes that can be covered in terms of demanding meetings every week or two with individual departments, and this can be a joint meeting if the Commissioners desire, and then you can have this other joint board that is going to administrate and control the overall functions of Data Processing in terms of budgeting, splitting it up, giving approval of new applications, etc., so there would be two (2) different levels. A lot of things the commissioners could handle on their own, but because of the relationship and this being a joint city and county system, he believes a board should be established.

President Borries said our county attorney's are currently preparing such a thing and we will need to get the city attorney's involved in this also because as it relates to the percentages, as per contract, they are subject to yearly negotiations and we will have to get this settled before the annual budget session.

Commissioner Cox said her concern is that we received a statement and a blue claim from Pulse for X number of dollars, which is broken down on a percentage basis for a quarter. Her question was that were all services that were promised on line and should they be paid or were there some adjustments that needed to be made to the bill. Since then, we have received another bill for April, May and June and the Commissioners need some answers before we can okay those bills.

Mr. Fortune said his feeling about that is that he does not know the final details of the negotiations of the contract, but while he was involved, he felt like the intent was we were all going to work on the conversion together, that we knew there were going to be problems but for the bill for the first quarter, he does not know if Pulse felt like they bid and could write that off or not. He personally can see both sides and perhaps the county felt like they did not receive all services promised during the first three months...and if this is the case perhaps you should have them come in and you could try to negotiate a sum with them, or perhaps trade some services.

President Borries said in regards to their exact formula, he would say he has met with Mr. Leich and he is in the process of collecting and organizing their records of how long their employees worked in this conversion and he understands they have worked many long hours in trying to convert over and trying to implement things as soon as possible. We based much of this contract on sixteen (16) hours per day for five (5) days per week and they certainly had to work people longer than those hours. As far as everything being on line as of January 2nd, Mr. Fortune could probably comment on that better than he can, but he personally would think that would be pretty unbelievable.

Mr. Fortune said you are talking six (6) to twelve (12) months.

Commissioner Cox said her question is....are all services that were previously provided by Data Processing, now being provided by Pulse.

Mr. Fortune said yes, however, there may be some little separate programs that have to be picked up, that are ad-hoc programs.

Commissioner Cox said no, she does not mean anything new, she means is this system, as of March 5th doing everything that our system did during the year 1983.

Mr. Fortune said there are no systems or functions that he knows of that are not running now. There are however changes because of the hardware, for instance Mrs. McBride has a little function that is not working on her system and he is sure there are others that may have this same thing that have to be worked out.

Commissioner Cox said she is just thinking of the process that we had to go through to make this change and that it wasn't an easy one and she realizes that people put in some long hours, but they also bid with the understanding that they would provide these services for us and she knows there has been trouble not only with the support division but also with the garnishee system in the Clerk's office and it was not on line until February, that they couldn't even get a check printed from the system until then and these are some of her concerns. She feels the Commissioners have to substantiate that they are providing the services that they are billing us for. If they provided the promised services then they should be paid, but if not, then she thinks an adjustment should be made to the bill.

Mr. Fortune said he thinks one of the things that have to be looked at is they have a learning curb also because they aren't bringing in systems and packages.

Commissioner Cox said this is correct, but they bid in on that program and they promised us this...this...and this, and even the things we have talked about but weren't doing yet. Her quarrel is the things that aren't being done now that were done by the prior system. They may very well be doing all these things now, but when she first raised her questions, she knew for certain some of those things weren't being done.

Commissioner Willner asked if there were any programs that cost the individual departments overtime of some extra dollars and Commissioner Cox said they don't get paid overtime, they just work over.

Commissioner Willner said they then get compensatory time and Commissioner Cox said the Clerk is three (3) people short right now, that the County Council cut three (3) people out of there effective January 1, 1984, so they will have a hard time trying to take their compensatory time off. It has been a re-education and a training for her people and it has been rough. She just wanted an answer to her question, because we did have competitive bids and when we approve a bill, she didn't want one of the other bidding companies to come in and complain that Pulse is not giving us what they bid to give us.

Mr. Fortune said this was a major conversion and he would admit he was unexpectantly pleased that we met our first payroll because there were a number of things that came up near the end, that we weren't prepared for.

President Borries said a normal conversion, based on past experience, he would ask Mr. Fortune, in his opinion, in looking at a conversion of this magnitude, what length of time frame would be normal.....six (6) months.

Mr. Fortune said yes, at least, because what you have is a long period of developing a plan, the hardware requirements, etc. even before you go into the beginning of the conversion, but we didn't have that time, because it was the middle of October before the decision was made that there was a certain type system we should start working on, so we were really way behind and just the software conversion should have taken from six (6) months to a year because of the applications the county has. You still have functions that have not been paralleled and tested and they won't be until the end of the quarter or the end of the year when that particular processing comes up to be done.

President Borries said Pulse is aware of our concerns and Mr. Leich has indicated to him that in the near future he will submit his report.

Mr. Fortune said he knows January and February wasn't any fun, but he believes as of March, the county is in real good shape.

President Borries asked Mr. Fortune, in his opinion, does he feel like we have significantly approved our capabilities at this point and a way to look at the city and county's needs in the near future, and again we aren't going to talk about days, hours, minutes and seconds, because it is such a rapidly changing field.

Mr. Fortune said yes, in fact, the Commissioners need to get the organization set up administratively, so that you can get Mrs. McBride's machine out and save that amount of money, because you are going to need six (6) months to work on that, but yes, you have excellent capacity. There are days when it is good and fast, days when it is good and cheap and days when it is good and slow, and until they get themselves stabilized you will have that, but he believes that will be over in the next month or so.

President Borries thanked Mr. Fortune for appearing and giving his report and stated the following letter was also submitted by him.

Dear Commissioners:

March 5, 1984

This is notice of cancellation of the agreement between the City of Evansville, Vanderburgh County and Robert Fortune for Consultation. The effective date of the termination shall be May. 31, 1984.

I expect that all phases of the county conversion and the major portion of the city conversion to be complete by this time. You should also complete your organizational design and implement some board function to assure continued computer services for the county and city.

Sincerely,
Robert E. Fortune

Letter received and filed.

President Borries commended Mr. Fortune for all the efforts and many hours work he put into the conversion of our system and for all the work done for the county in the past, and ask him if he would continue to keep the Commissioners informed until such time that he leaves and he assured them that he would.

RE: BILL ZIMMERMAN...REPORT ON PROPERTY AT 1417 FLORENCE STREET

Mr. Bill Zimmerman, Building Commissioner, was present and stated he appeared before the commissioners last week and asked permission to have a house at 1417 Florence Street condemned and at that time there were some questions that needed to be answered, so he is back.....along with one of his inspectors who made an inspection of the premises just today. Mr. Zimmerman presented a set of photographs to the Commissioners that were taken outside the premises in question.

Mr. Ron Miller, Inspector, came forth at this time and stated the house at 1417 West Florence was inspected on February 2nd. by Terry Calkin, who is another Inspector in the Building Commissions department. Mr. Calkin inspected both the interior and the exterior of the property. This morning, about ten (10) o'clock, he personally went out and inspected the property and took the photographs just submitted by Mr. Zimmerman. He inspected only the exterior of the premises, that he understands there is a dog inside the house, eventhough he did not hear one this morning when he was there. When the inspection was made by Mr. Calkin on February 2nd there was a dog inside, therefore, he did not get to go into every room. Mr. Miller said this is a repairable house and should by no means be razed. A lot of the repairs are cosmetic and it would take a few thousand dollars to bring the house up to code, but it would be worth it. Several floors are in need of repair, and the floor structure should be replaced. The roof over the kitchen area will definitely have to be repaired, but other than those two major repairs, everything else is minor....mostly fix-up, clean-up and paint-up things. You will see from the photographs that there is an adjacent lot on the corner and he understands that is part of the property also, so it is quite a large lot when you combine the two of them.

Commissioner Willner asked if there is anything there of any dangerous nature and Mr. Miller replied right now it is a danger as it stands, that the house is open and unsecured. He tried the front door and it appeared to be locked, but he is sure someone could force it open, and as shown on the photographs, the rear door is off making access to the house very easy. He understands some of the children in the neighborhood have been playing in and around it and this could be a very serious thing and a fire hazard also. This property has been deeded over to the county for taxes owed and should a child be injured in the house, the county could be liable for letting it remain open.

Mr. Miller said this house should be boarded up since no one is living in it and it is in dire need of repairs, that their office procedure is to have all first floor windows and doors sealed. Often times people go into houses like this and remove the sink or bathroom fixtures and then it costs much more to make repairs when they are made.

Commissioner Cox asked if they know the whereabouts of the gentleman who previously lived there and Mr. Miller said no. Commissioner Cox said could he be in the house and Mr. Miller said that is open to question. Commissioner Cox said the Commissioners wanted to know that before an order was given to board the house up, that there was no one living in it and is the dog locked in there or is it free to run in and out.

Mr. Miller said that Mr. Calkin could not determine if someone was living in there or not and as for the dog....we sometimes run into some vicious animals; therefore he did not venture inside the house too far and Commissioner Cox said she could certainly understand that. When he went out there today he did not even try to go inside and as he earlier mentioned, he did not see anyone in there, nor did he hear or see a dog inside.

Commissioner Cox asked the Auditor when these properties will be ready to have the sale on and she replied she has not yet received the appraisals from the County Assessor and when she does they will have to be advertised for four (4) consecutive weeks and then go up for sale on the fifth week.

Mr. Miller said he cannot imagine anyone living in the house, that there is no back door, the sink is completely unusable, it rains in the house and he really believes it is vacant. He believes all utilities to the house has long been shut off, and nothing in the house appears to have been used recently.

Commissioner Cox said if the previous owner can not be reached perhaps something could be put in the media and we could contact him.

Mr. Zimmerman said he would have to recommend we seal the house up as an unsafe building at this point.

Commissioner Cox said she knows how dogs adhere to their masters and before we give an order to board it up, we have to know that that man is not in there sick or perhaps expired in there.

Mr. Miller said no, he does not believe this to be the case that he does not personally know Mr. Robinson, but he sees him fairly regularly in the downtown area. He does not believe Mr. Robinson is living in that house but he is concerned that other people are using it for shelter or perhaps for a night, in other words, it could be being used by vagrants.

Commissioner Cox said then that changes the situation, if Mr. Robinson is aware that he lost the property in December 1983 and he has vacated the premises and Mr. Miller said he assumes the gentleman is well aware of that.

Commissioner Willner asked what it would cost to have the house sealed and Mr. Zimmerman said approximately \$300.00, that it depends upon how many windows and doors the building has, that we are charged on that basis. Mr. Willner said he really hates to spend \$300.00 to have a house sealed and then sell it in a month or so and also someone may want to go into the house and look at it before they bid on it.

Mr. Miller said there would be one (1) access to the house available for people to enter should this be the case.

Commissioner Cox said she would like for the police to check and see if there is anyone on the premises and if so, remove them and also have the dog pound remove the dog if it is still in the house.

Commissioner Willner said he is not for sealing the house up right now, that he would rather wait for the tax sale.

Mr. Miller said he really sees a problem with a child getting hurt in that house and it would mean a law suit for the county should something like this happen, that it certainly is dangerous and it is a fire hazard.

County Auditor Alice McBride, said she will have the appraisal for this particular parcel by next Monday for the Commissioners to approve for advertisement.

Mr. Hustace, acting County Attorney said as far as removing an individual from the premises, if it is ascertained it is a vagrant and the condition of the house is dangerous, then he would see no problem with having the police to remove such a person and most certainly the dog can be removed by the dog pound. However, if the place remains open there would be nothing to prevent someone else from entering it, but that would be something the police would have to monitor until such time the property is sold, which would mean repeated trips to the house to make sure no one is back in it.

Commissioner Cox moved the police be asked to vacate any person (s) from the premises and the dog pound remove any animals from it and that we request the Building Commission office to seal the premises.

Mr. Miller suggested when this property is advertised, that it state there will be one certain day when there will be an open house for anyone wanting to go inside, that way we can have someone there to let them in, without someone having to make several trips.

President Borries seconded Commissioner Cox' motion. So ordered.

Mr. Zimmerman said his office will contact the police department and the dog pound.

RE: KIM BITZ...VANDERBURGH AUDITORIUM

Phone System for Auditorium: Mr. Bitz said he is present to ask if a decision has been reached concerning the addition of one phone line to the Auditorium.

President Borries asked Mr. Bitz if he has money available in his budget to pay for the installation of this line and he replied yes. President Borries asked if the phone bills are paid through the Auditorium budget or through the Commissioners budget and Mr. Bitz replied through the Commissioners budget.

President Borries asked for a brief explanation for the need of this additional line and Mr. Bitz explained basically what he is requesting is the addition of a telephone line so that we may free one of our telephone lines for the specific use of the ticket office and we would have that line hooked up to our answering machine and whoever calling in would receive the recording and hear the information concerning the event from it and at the end of the recording there would be a short message that if the caller needed additional information they should call the main office (and it would give that number).

President Borries asked who will update the recording and Mr. Bitz said that he would, as the events change.

Commissioner Cox asked what number will the recording be used on and Mr. Bitz said he planned on using the one in the book (426-2279) for the ticket office and the new number would be for the main office.

President Borries said we may run into some problems in terms of advertising that new number but he does see a need for this additional line, to free up Kim and Jerri.

Commissioner Cox moved the request be approved. Commissioner Willner seconded the motion. So ordered.

Proposed Changes in Lease Forms for the Auditorium: Mr. Bitz said one of the things he and Mr. O'Daniels was looking at, concerning office management, is redoing the front page of the lease form. He would like to present the proposed change to the Commissioners at this time...and explain none of the legal terminology has been changed, only the information they use in the office. The pages have been rearranged to two (2) pages instead of three (3) pages, that the old form had a place for the lessee to sign on the back of page one and they were not signing it and we were spending a lot in postage mailing it back and forth. Also we are now bringing the contracts to the Commissioners for signatures first and then mailing it to the lessee, whereby it use to go to the lessee first, then the Commissioners, then back to the lessee, so we are now saving half of our postage.

Discussion of New Marquee for the Auditorium: Mr. Bitz said representatives of Ad-Craft met with the three (3) Commissioners and presented the latest design for the new marquee and he has a picture of that design with him to show the public and he is requesting formal approval of the sign at this time. He explained to the audience, the size of the sign and the unique features of it and stated all provisions in the contract are the same, only the design changed. The exact location of the sign will be determined after discussing it with Mr. Andy Easley. Commissioner Willner moved the the specific design as presented today be approved. Commissioner Cox seconded the motion. So ordered.

RE: BILL BETHEL...COUNTY HIGHWAY DEPARTMENT

Weekly Absentee Report: Mr. Bethel submitted the weekly absentee report of the employees at the county garage for the period of February 27 thru March 2, 1984. Report received and filed.

Weekly Work Report: Mr. Bethel submitted the weekly work report of the employees at the county garage for the period of February 27 thru March 2, 1984...received and filed.

Attached to the weekly work report was the following work schedule for the same period of time.

Snow Removal: Seven snow plow, two gradalls, one front loader, three trucks, hand shovel intersections, three graders and two back-hoes. (Monday, Tuesday, Wednesday, Thursday and Friday).

Built barricades and painted same.

Specifications for two (2) New Tandem Trucks: Mr. Bethel submitted specifications for two (2) tandem type trucks and they are exactly like the last ones they purchased.

Commissioner Willner asked Mr. Bethel if he has sufficient funds to purchase two (2) of these trucks and he replied he isn't sure, that he will have to wait and see how the bids come in.

Commissioner Willner moved the specifications be approved and forwarded to the Purchasing Department for advertising of bids. Commissioner Cox seconded the motion. So ordered.

Bender Road Clean-up Operations: Commissioner Cox asked if any of the Highway crew was out at the Bender Road accident site this week to help clean-up and Mr. Bethel said not prior to today, however, they are out there today cleaning up and hauling it off.

RE: BOB BRENNER...COUNTY SURVEYOR

Pipe Installation on Western Avenue: Mr. Brenner said he has had a request from the City Engineer's office to install a pipe on Western Avenue and he personally believes this would be a good thing. He presented a map to the Commissioners and showed the location of the proposed pipe and stated that SIGECO is going to dredge all the way down to Carpenter Creek and as he earlier stated he believes it would be a good thing, except for one (1) thing.....we don't do storm drainage.

Commissioner Willner asked if this is private property and Mr. Brenner replied yes and he doesn't believe it is in the duties of the county to do this.

Mr. Brenner said there will be an open ditch there, in fact, there is an open ditch there now....a huge one. The property owner on one side of the road does not want this done because he knows if it is piped and they keep developing out there and go over the pipe size, then he is going to be flooded.

Mrs. Betty Jarboe was present and stated she believes the contractor did the job wrong, so let him go back and correct his mistake, that it was staked out and he went too far to the south. If the city or county makes a mistake they have to correct it...so can he.

President Borries asked Mr. Brenner if he will notify them and he replied certainly.

Mr. Brenner said when it is flooding a county road we can go out and fix it and there is some flooding out there, but we don't do storm drainage.

President Borries asked if this is a legal drain and Mrs. Jarboe said there are no legal drains on the west side.

Mr. Brenner said his recommendation would be that we not approve the request, because it is out of our (county) scope of work.

Commissioner Willner moved the request from the City Engineer's office be denied. Commissioner Cox seconded the motion. So ordered.

Maps of the Precinct Changes: Mr. Brenner presented new maps showing the precinct changes made a couple of months ago, and has since been approved by the State Election Board. He said they split K-2 right down Burkhardt Road and he pointed out the portion they changed in K-1, as it effects Indian Woods Apartments. He said they have done all the changes for the Registration office and this now requires the Commissioners signatures and certification by the County Auditor. He also pointed out the changes that were made in the First Ward. He said after all the signatures are affixed he will see the maps are sent to the state.

Commissioner Cox had one small objection concerning a line that due to the small scale of the map it was very hard to see and Mr. Brenner agreed and said he will try to get it changed to look clearer before he sends it to the state. He said APC will be the keeper of the original. All three (3) Commissioners and the County Auditor affixed their signatures on the maps.

Weekly Bridge and Guardrail Report: Mr. Brenner submitted the weekly bridge and guardrail report of the bridge crew for the period of February 27 thru March 2, 1984. Report received and filed.

Mr. Brenner said, as stated on the report, the crew was in the office on Monday and Tuesday, filing reports, with the Sheriff's Department and OSHA, regarding the fatal accident on Bender Road.

Wednesday and Thursday they worked on Ohio Street, that there was something like fifteen (15) boards missing from the walkway on the north side of the bridge...they are all bolted down now.

The repairs to guardrail on both Oak Hill at Millersburg and the 9100 block of Darmstadt are accident claims so he will be chasing the insurance company on these.

Inhouse Safety Committee: Mr. Brenner said stemming from our accident on Bender Road he is proposing to form an inhouse safety committee to serve as a body to review and formulate safety guidelines to protect our employees against hazards on the job sites. He would like for the Commissioners to look at the proposal he just submitted to each Board member, get everyone's input and he would like to see this expanded to the Building Commissioner and the County Highway Department. He has no further comments on this committee at this time, but he would like for the Commissioners to study the idea and perhaps discuss it next week.

RE: ANDY EASLEY....COUNTY HIGHWAY ENGINEER

Burkhardt Road Project: Mr. Easley said he has a cover sheet for the Burkhardt Road Improvement plans, drawn by Morley and Associates. He (Mr. Easley) has signed them and it is now time for the Commissioners to approve the plans and affix their signatures on same. He said he believes the County Attorney is in the process of preparing a form letter to be used by the right-of-way purchaser if a person did not want to accept the amount offered to them, that he believes there is one parcel they are having trouble with at Division and Burkhardt, that it also involves a state condemnation. He needs to know if the county attorney, Miller, he believes, has drafted such a piece of paper, that we really need it now, to speed up the process.

Commissioner Willner said this should be a standard form that the realty company would have on hand and Mr. Easley said no, he doesn't believe so.

Mr. Hustace said he would remind Mr. Miller of this letter.

Commissioner Willner suggested that Mr. Easley contact either Mr. Miller or Mr. Jones personally, and he said that he would.

Mr. Easley said time is of the essence because in order to make the July letting we have to have everything in by the 27th. of March.

President Borries asked Mr. Easley if he has reviewed the plans and finds them to be in order and he replied yes, that he went over it sheet by sheet with Jim Morley and finds everything in order.

Commissioner Willner moved the plans be approved and signed. Commissioner Cox seconded the motion. So ordered.

Lynch Road Project: Mr. Easley said we have received more correspondence from the State concerning Lynch Road, as he understands.

President Borries said yes that he did meet with the consultants, Sebree, Craig and McKnight, who are doing design work on the Lynch Road Extension and there are several modifications and one (1) major modification that the Federal Highway Administration is seeking from them is to remove a 16' grass median on that road, that instead we would have a continuous strip, without a median, that he assumes they would be like four (4) 12' lanes, much of what we would have on the current Lynch Road Extension once we get the current problem with the railroad switch resolved. He said if this is not approved the Feds would probably not want to fund the project when it comes due. The other modification is that past the proposed interchange at I-164, they recommended the road be an improved two (2) lane road, that the traffic volume, according to figures submitted on this project into Warrick County did not warrant a four (4) lane highway going into Warrick County, as part of the Telephone Road Extension into Warrick County, however, he personally would like for us to purchase enough right-of-way so that if sometime in the future it should warrant four (4) lanes, we would have sufficient room for it. The state highway also wants a letter from the Commissioners stating that there has still not been a decision made on the grade separation between where Lynch Road would intersect with I-164. He believes Commissioner Willner had originally suggested that the interchange or grade separation at Boonville-New Harmony be moved to accommodate Lynch Road.

Commissioner Willner said no, not at Boonville-New Harmony, but rather at Old Boonville Highway.

Mr. Easley said do we need to formally request that and President Borries said yes and he believes that David Gerard's office is working on this matter so perhaps you can contact that office to gather further information.

Mr. Easley asked if there is anything in writing concerning these modifications and President Borries said they did leave us with a set of plans and he believes Mr. Gerard has those also.

RE: JIM LINDENSCHMIDT....SUPERINTENDENT OF COUNTY BUILDINGS

President Borries welcomed Mr. Lindenschmidt back, that he has been off work recovering from surgery to his shoulder.

Three (3) Restitution Checks Received: Mr. Lindenschmidt reported that Mr. Tuley, Manager of Burdette Park, has submitted three (3) checks he received from the Vanderburgh Superior Court for restitution for an incident which occurred on June 24, 1983, involving the burglary of a concession stand at Burdette. Each of the checks are in the amount of \$12.50 each and should be placed in the County General Fund.

Commissioner Willner moved the checks be endorsed. Commissioner Cox seconded the motion. So ordered.

Two Checks Received for Ambulance Service: Mr. Lindenschmidt reported the County Commissioners have received two (2) more checks for Alexander Ambulance Service, one in the amount of \$104.28 and one in the amount of \$265.14.

Commissioner Willner moved the checks be endorsed and submitted to the County Auditor. Commissioner Cox seconded the motion. So ordered.

Mr. Lindenschmidt said on the 31st. of January, twenty one (21) letters were mailed from the County Commissioners office to persons with delinquent accounts, that were turned over to the County, from Alexander Ambulance Service. Seven (7) were returned to us as undeliverable, two (2) sent in checks, (the two he just submitted), two others have called us saying due to problems they are encountering or perhaps waiting on their insurance companies, that they will try to pay us at a later date. Ten (10) persons did not respond at all. We had given them until March 1st to pay these delinquent accounts so now we are at the 5th of March and he needs to get some direction from the Commissioners on whether or not he should proceed with court action.

Commissioner Cox said what did the letter state and Mr. Lindenschmidt replied that they had until March 1st to pay them or legal action would be pursued.

Mr. Lindenschmidt said he would like to first contact Alexander, that he has some questions about some of the accounts and also, perhaps some of these people have contacted Alexander.

President Borries said subject to what Mr. Lindenschmidt learns from Alexander, he would think we should act on the ten (10) that were delivered, to check our system at this point.

Commissioner Cox moved that as of March 9, 1984, we proceed with court action against those persons who have not paid their bill. Commissioner Willner seconded the motion. So ordered.

Condolences Offered to Margie Meeks: President Borries informed everyone that the Commissioners Secretary, Margie Meeks, lost her brother, through death, this past week and the Commissioners want to offer their condolences to her and family members and friends.

RE: LETTER FROM RESIDENTS OF CHAR-MAR LANE ESTATES

President Borries read aloud the following letter received by the Board of Commissioners, dated February 22, 1984.

Gentlemen:

This letter is a plea for the County's help to the residents of Char-Mar Lane and Char-Mar Estates Subdivision located in German Township, Vanderburgh County, Evansville, Indiana.

We have a road surface problem within our subdivision. We have put up with this problem for the past six years. The problem is now getting worse due to the fact that our subdivision is growing. The growth of our subdivision of course means the road is traveled more and more each day.

The developer of the Subdivision, Charles D. Koring residing on Char-Mar Lane, verbally promised each property owner that he would provide the subdivision with a paved blacktop surface once 60% of the lots were built on. The lots are nearly 90% built on and have been for some time. Mr. Koring has no intention of paving the road. He has been asked about the paving many times. We, the residents now realize he does not intend to pave the road. During the winter months, the road is a muddy mess. During the summer months the road is like a dust bowl. The poor road surface also makes for several safety hazards.

We the residents are proud of our homes and properties. Your inspection of the subdivision would certainly reveal the fact that all the properties are well maintained. The road condition is an eyesore and very much degrading to the properties located in the subdivision. We can find no other street, lane or roadway in German Township that is not properly paved. We would certainly like to have our roadway in like condition. As taxpayers of German Township, Vanderburgh County, with this letter we ask for the help and assistance of Vanderburgh County to hopefully resolve this problem.

We would certainly appreciate your attention to this matter and any help that might be provided by the County.

Sincerely,
Residents of Char-Mar Lane Estates
c/o R. Dean Ashby
5100 Char-Mar Lane
Evansville, Indiana 47712

Attached to the above letter was a petition signed by approximately thirty five (35) residents of Char-Mar Estates Subdivision.

President Borries said this is not a county accepted road.

Commissioner Cox said could we handle this the same way we handled Elmridge Drive, that is, to have Mr. Easley go out and look at it and make recommendations as to what needed to be done to bring them up to meet county specifications and then we could consider accepting them.

Commissioner Willner said there are many roads in Vanderburgh County that the people living on them would like for the county to go in and pave their road, but before we can do that those private roads must be brought up to all county specifications. He would suggest we send a letter to the residents of Char-Mar Estates, stating the

county code to them and he would not mind Mr. Easley going out there and reviewing it and making a recommendation and estimate, but this is not a fight to the county it is a fight that should be handled through the courts against the developer. If the residents decide they would like to bring their roads up to standards with their dollars then the county could consider it for county acceptance, but he would not want us to get involved in a private dispute.

Commissioner Cox said she believes the residents know it is not the county's responsibility to maintain these roads, and the letter is worded a little differently than what she thought it would be, that this resulted from a German Township Booster Club meeting and they wanted to know what they could do to get their road improved and she informed them that they should write a letter to the Board of Commissioners. Commissioner Cox moved the request be referred to the County Engineer for his inspection and then a reply back to Mr. Dean Ashby. Commissioner Willner seconded the motion. So ordered.

RE: LETTER FROM THE GERMAN TOWNSHIP BOOSTER CLUB

President Borries read aloud the following letter received from the German Township Booster Club, dated March 4, 1984 and directed to the Board of County Commissioners.

I am writing to inform you of a situation that presently exists in my neighborhood - a dangerous intersection at the junction of Happe and West Mill Roads. There is, in my opinion and the opinions of my neighbors, a need to replace the two stop signs presently in place on the Happe Road with a four-way stop sign intersection.

I live at 6709 West Mill Road, just four houses from the intersection. I have lived at this address for five and a half years, and during this time have seen several "near misses" of cars and human beings colliding. My own children have come dangerously close to becoming accident victims because of cars sailing down Mill Road and across Happe with no traffic signs to slow them down.

It has been suggested by some to eliminate the small knoll, approximately 75 feet east of Happe Road on Mill Road, from the roadway as a possible solution to the problem. I, however, personally feel this will only serve to increase the excessive speed at which cars are traveling down this stretch of road. The best way to insure the protection of our adult and child bike riders on Mill Road is by the hasty implementation of much needed four way stop signs at this potentially dangerous intersection.

I am currently a member of the Board of Directors of the German Township Booster Club. Having been a part of several discussions of this issue with other board members and the full club membership at the monthly meetings, I feel positive action on your part should be forthcoming as soon as possible.

Your prompt attention to this matter will be greatly appreciated.

Sincerely,
Ron Jesop

Letter received and filed with copies to be forwarded to Andy Easley and David Savage for their review and recommendations.

RE: LETTER FROM HELEN KUEBLER, SECRETARY OF THE COUNTY ELECTION BOARD

President Borries read aloud the following letter, dated March 2, 1984 and directed to the Board of County Commissioners.

Re: Polling place for Ward 4, Precinct 9 and also Ward 4, Precinct 10.

In October 1983, we discussed the necessity of separating the polling place for Ward 4, Precinct 9 and also Ward 4, Precinct 10.

Previously, these two precincts voted together at Tepe Park. The Election Office was called to the Tepe Park in both Primary and General Elections of 1983 on complaints.

We ask the Election Board member, Paul Black to investigate this polling area and make a recommendation. Mr. Black did suggest these two precincts should be separated as the area is very confining and congested.

Therefore, the Election Board hereby recommends moving Ward 4, Precinct 10 to the Lodge School, or other convenient polling areas in Precinct 10.

Helen L. Kuebler
Secretary County Election Baord

President Borries said he believes they have also talked about moving this to Culver School and he understands there is not complete agreement from both political parties in regards to moving this so we will have Mr. Black to investigate the matter and refer it to his attention.

RE: DISCUSSION OF OLD BUSINESS

President Borries said this week he will try to arrange a meeting with the representative of the stage hands union at the Auditorium.

Commissioner Cox said she would like to thank the Auditor for her copy of the Vanderburgh County budget book for 1984 and she assumes these will be distributed to all county officeholders.

Mrs. McBride, County Auditor, said we no longer give an entire budget book to every officeholder, that we have what is known as a "tear out book" and we give each office their own budget only. Several years ago we used the tear out system and then somehow and somewhere along the line every officeholder started getting an entire book, but with county money being as tight as it is, we have decided to go back to the tear out system and give each one only their own budget and try to save the county some money.

Commissioner Willner said that sounds reasonable to him.

Commissioner Cox said she has received calls from three (3) different officeholders concerning the little sheets of their budgets they received and she told them to be patient that she is sure a book will be forthcoming. She was County Clerk for eight (8) years and she recieved an entire budget book every year during that period of ti. How much money are we talking about to have these printed?

Mr. Pat Tuley, Chief Deputy Auditor, stated it cost, from the County Auditor's budget, \$109.50 for twenty five (25) books, and they were done by the City-County Purchasing Department.

Commissioner Cox said that would be approximately \$4.00 each, so if the officeholder would agree to pay for one out of their own supplies account, could they then have one and Mrs. McBride said she would see no reason why not. Commissioner Cox said she wouldn't think there would be many more than twenty five (25) to distribute them to and Mrs. McBride said each of the county council members get one, which would be seven (7), three (3) would go to the Commissioners, two (2) to the County Attorneys, so we are talking about twelve (12) right there.

Commissioner Cox said she is sure some offices would be willing to pay for a book.

Mrs. McBride said she would see no reason for each officeholder to have an entire book but if they are willing to pay for one, they can buy it. She will see that each officeholder is notified through her office and informed they can purchase one, for \$4.00.

RE: CLAIMS

A claim was submitted for County Attorney David Jones, in the amount of \$760.79, for the month of February, 1984, in his capacity as attorney for the County Council, with additional discovery to be completed.

Commissioner Willner moved the claim be approved. Commissioner Cox seconded the motion. So ordered.

A claim was submitted for County Attorney David Jones, for a series of litigations he represented the county in, (Itemized statement attached), in the amount of \$2,336.05, for a total of 34.90 hours at \$60.00 per hour.

Commissioner Willner moved the claim be approved. Commissioner Cox seconded the motion. So ordered.

A claim was submitted for Patrick A. Shoulders, Attorney, for services rendered for the County in the Complete Lumber vs. Board of Commissioners suit, in the amount of \$35.00.

Commissioner Willner moved the claim be allowed. Commissioner Cox seconded the motion. So ordered.

A claim was submitted for Patrick A. Shoulders, Attorney, for legal services rendered with regard to the Southern Railway Company vs. Board of Commissioners, in the amount of \$60.00.

Commissioner Willner moved the claim be approved. Commissioner Cox seconded the motion. So ordered.

A claim was submitted for Robert E. Fortune, computer consultant for the county, in the amount of \$2,490.00, as per contract.

Commissioner Willner moved it be approved. Commissioner Cox seconded the motion. So ordered.

RE: EMPLOYMENT CHANGES.....APPOINTMENTS

SURVEYOR

Joseph Schapker	3228 Folz Lane	Laborer	\$14,192.00	Eff: 3-5-84
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KNIGHT TOWNSHIP ASSESSOR

Marge Humphrey	3512 Vogel Road	Deputy	\$30.00 Day	Eff: 2-8-84
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AUDITORIUM

Terry G. Walthall	1420 S.E.2nd. St.	Part Time	\$4.10 Hour	Eff: 2-27-84
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SHERIFF

Michael D. Austin	2707 N. Shore Dr.	Patrolman	\$15,743.00	Eff: 2-25-84
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CIRCUIT COURT

Shirley Roll	1709 S. Vann Ave.	Law Librarian	\$11,560.00	Eff: 1-1-84
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RE: EMPLOYMENT CHANGES.....RELEASES

Joseph Schapker	3228 Folz Lane	Rodman	\$14,192.00	Eff: 3-5-84
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AUDITORIUM

Margorie A. Starks	501 Olive St.	Part Time	\$4.10 Hour	Eff: 12-31-83
Thomas K. Klipsch	850 E. Gum St.	Part Time	\$4.10 Hour	Eff: 12-31-83
Carolyn S. Hayes	811 E. Gum St.	Part Time	\$4.10 Hour	Eff: 12-31-83

SHERIFF

Thomas Overfield		Patrolman	\$17,243.00	Eff: 2-24-84
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CIRCUIT COURT

Shirley Roll	1709 S. Vann Ave.	Law Librarian	\$10,260.00	Eff: 1-1-84
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Commissioner Cox questioned the new salary of the Law Librarian, that she is being released at \$10,260.00 and appointed at \$11,560.00, which is a \$1,300.00 increase in her salary.

Mr. Lindenschmidt said he heard Judge Miller explain this to the County Council and he understood him to say that someone else, perhaps the Bar Association, is going to make up this \$1,300.00 difference, that the county will not be paying it.

RE: SCHEDULED MEETINGS

The regular meeting of the Vanderburgh County Council will be held on March 7, 1984, at 2:30 p.m., in the City/County Council Chambers.

RE: BRIEF DISCUSSION OF PERSONNEL POLICY REGARDING INSURANCE

President Borries said the Prosecutor and Ms. Nancy Hankins appeared before the Commissioners last week and had some concerns about people being on a leave of absence and getting there insurance reinstated when they return to work and the County Auditor was to check it out and report back today. The Auditor has left the meeting, however the Chief Deputy Auditor is present and perhaps he has the answer for us.

Mr. Pat Tuley stated it is not a policy established by the Commissioners, but rather a policy established by the Blue Cross Insurance Company, that the only way this could be done is to treat that person as having been terminated and bring him/her back in as a new employee and put them immediately back on the hospitalization program.

Commissioner Cox said we will need to talk to Mr. David Stumpf about this, because if that is the case she will say right now that we are in trouble with our union agreement.

President Borries agreed that Mr. Stumpf will have to be contacted, that the county needs to discuss this policy with him, and that he will contact him.

There being no further business, President Borries declared the meeting recessed at 4:45 P.M.

PRESENT:COUNTY COMMISSIONERSCOUNTY AUDITORCOUNTY ATTORNEY

Richard "Rick" Borries
Robert L. Willner
Shirley Jean Cox

Alice McBride
Pat Tuley (Chief
Deputy Auditor)

Cedric Hustace
(Acting County
Attorney)

SECRETARY:

Janice G. Decker

Richard "Rick" Borries

Robert L. Willner

Shirley Jean Cox

BOARD OF COUNTY COMMISSIONERS

COUNTY COMMISSIONERS MEETING
MARCH 12, 1984

The meeting of the County Commissioners was held on March 12, 1984, at 2:30 p.m. in the Commissioners Hearing Room with President Borries presiding.

The minutes of the previous meeting were approved as engrossed by the County Auditor and the reading of same dispensed with.

RE: JOHN WASSON OF MARBLE CONSTRUCTION - CABLE TV FRANCHISE

Mr. Wasson said he has copies of a contract that he would like to distribute to each County Commissioner, concerning the area of Wells, Indiana, which is primarily Wells Town and Country Estates, a mobile home park, and some subdivisions which are zoned and under construction in that immediate area. This area has been denied service by Evansville Cable TV, inc., because of economic reasons and it is isolated from their trunk lines, therefore they have been unable to extend service to these residents of Warrick County, so as a small cable operator in Warrick County, having constructed Elberfeld Cable TV and Lynnville Cable TV and in Pike County, Winslow Cable TV, we undertook to build the private cable system of Wells Mobile Estates. The difference between a private cable system and a franchised cable system is a three percent (3%) revenue to a granting agency. Wells is unincorporated therefore it is under the County Commissioners jurisdiction, therefore he is requesting the Board review the contract and rule on it within a reasonable time period. These franchises are non-exclusive and tender the maximum federal rate of three percent (3%) of revenue to the county, which would be payable quarterly.

Commissioner Willner moved the contract be referred to the County Attorney for his expertise. Commissioner Cox seconded the motion. So ordered.

County Attorney David Jones asked Mr. Wasson if it is his position that the existing franchise between this county and Evansville Cable TV is not an exclusive franchise and he replied yes. Mr. Jones said then are you saying that under federal law that it is mandated that it be wide open...that they be not exclusive and Mr. Wasson replied that wide open is not a good word, but it is a recent court decision that franchises of cable carriage are non-exclusive and he believes he can give some documentation where this year, in Boulder, Colorado, that the city and county had a common franchise let at the same time, that is, they had an existing cable franchise and it went the full legal distance.

Mr. Jones said he is aware of that case, and he would ask if either Mr. Wasson or his counsel has reviewed the existing franchise agreement between this county and Evansville Cable TV and Mr. Wasson said his attorney is also Prosecutor and is presently involved in a murder trial in Warrick County, so right now he does not have Mr. Jones' expertise in this matter.

Mr. Jones said he also is not an expert in this matter so this matter may take awhile for him to come up with a recommendation to the Commissioners.

Commissioner Cox said she understands Mr. Wasson does have the right to go into any private area at this time, to hook up a private type of cable TV service, so if the Commissioners do allow this franchise to operate in Vanderburgh County, would those areas you have serviced on a private basis become part of the overall operation so that we could receive the three percent (3%) of the gross accrued revenues, or do they remain private and Mr. Wasson said yes they would become part of the overall operation, and the only possible exception that he can think of would be if he were to receive a franchise in the city of Evansville and in that case, the City would be the franchise granting agency, even though he would be in Vanderburgh County.

Commissioner Cox said her point is that if you go outside of what is termed "Wells, Indiana", and she has never heard of it, to the outlying areas which are not private, in nature, like this is, then would the percentages of the revenues go into the county coffers and Mr. Wasson replied yes, it would, that it is a benefit to the subscribers that their system not be private, that their system be franchised and under the county's jurisdiction, as would the rates and increases.

Commissioner Cox said Evansville Cable TV is affiliated with General Electric and she asked, before this meeting, what company this firm is affiliated with and her purpose for asking this is that she has faith in General Electric, that it has been around many

many years and what she does not want to see, as a Commissioner, is if we do grant this operating franchise, is to have dissatisfied customers because of improper service to the area, because not only will it reflect on us as Commissioners but it will also reflect on the cable TV service we presently have, on a negative impact, so we should use extreme care in finding out if this company is one that is competent in nature and one that we can have confidence in, so could we fill free to contact the other users that was mentioned earlier.

Mr. Wasson said that would be fine and he would furnish a subscribers list to the Commissioners and he might further state that when the Commissioners review this contract they will find they can also revoke the franchise for lack of technical performance, that there are technical standards mentioned in the contract.

President Borries said that Mr. Wasson said there are other areas where this is already the case and Mr. Wasson said in Warrick County there are three (3) existing cable franchises, four (4) counting his own.

President Borries thanked Mr. Wasson for his presentation and informed him this would be studied by our county attorney and opened for further discussion at a later meeting.

RE: COUNTY ATTORNEY...DAVID JONES

Chemicals at County Highway Garage: Mr. Jones said the Indiana Environmental Management Board has sued the County Highway Department, in an administrative action, over the chemicals being stored out there. He has entered an appearance on behalf of the county and asked for a continuance, but we will have to go to Indianapolis for a pre-trial conference with the Administrative Law Judge and then probably go up for a trial on the matter, that the county is subject to civil penalties and he assumes some other administrative orders, but until he gets a chance to discuss it in some detail with people in Indianapolis he really cannot report much more at this time, but it should be considered new litigation.

Also, with respect to recovery, in talking to the Prosecutor, and other sources, it is his understanding that at least one (1) of the chemical companies is still solvent and doing business and some of the people that sold these chemicals to the county are still out there. It would be his recommendation that we refer this matter of recovery against the person(s) responsible for a contingent fee suit, to outside counsel, that standard fee would be 33-1/3% if they recover and if they don't recover, they get nothing. It may be possible that the Organized Crime Statute was in effect when this took place, he just doesn't know. We should seek recovery of the costs of storage, removal, treatment or whatever the county is going to have to incur in having to dispose of those chemicals, which we now know is going to be in excess of \$20,000.00 and there are no monies appropriated in the budget this year to do that, and there has been only \$2000.00 made in restitution from Mr. Seibeking's case, so there is a shortfall there.

Commissioner Cox asked if all the chemicals came from the same place and Mr. Jones said it is his understanding....no, that there were two (2), three (3), or possibly even more different places that they came from, and the individual salesman could also be held liable.

Commissioner Cox said we have \$2,000.00 and now you're talking about opening this all up again, it getting tied up in court again, along with more legal fees.

Mr. Jones said he is not suggesting additional legal fees, that there will be no monies paid to counsel unless he recovers.

Commissioner Cox said could we contact this one (1) company that is still in business and ask them to come here and for the \$2000.00 we have, take these chemicals off of our hands, because if their company manufactures that stuff they ought to be able to have a disposal place for them. We talked about this in the very beginning....let the company have the chemicals back, because we aren't going to be able to sell them to anyone.

Mr. Jones said for all practical matters, there are no chemicals there that can be utilized, that from what he has seen of the reports, they cannot be reused, that they have degenerated and in some instances they are toxic and pose a risk. They must be properly contained and packaged in accordance with regulations and that is why we are in violation every day that they sit out there. Secondly after they are in proper containers, they have to be properly transported and thirdly, transported to an acceptable site. If the Commissioners so desire he can fire a letter off to the company but he personally does not think they are going to get any response from them.

Discussion of this matter continued on page 5.

Shortage in Commissary Fund in Sheriff's Department: Mr. Jones said concerning the shortage in the commissary fund in the Sheriff's Department, he sent a letter to the one insurance company that provided the employees liability policy to the county and they have questioned whether or not there was a bond in effect on the Sheriff at that time, or someone else and they have declined to do anything until that decision has been made. In the meantime he has been contacted by certain vendors who are prepared to take action to recover their monies and because that comes out of the Sheriff's commissary account he has advised the Sheriff, in the interest that's running statutorily, that if and when he's got the money, the bills should be retired and would then recommend those amounts again be referred to outside counsel, on a contingent fee basis to recover those sums. A court can decide what bonding company or what individuals, if any, are responsible for those amounts.

Commissioner Willner said he personally thinks it is unfair for the current Sheriff to make restitutions for errors made beyond his control. He has no problems with him paying on these bills whenever he can, but if we are bonded for such things he believes we should try to recover, therefore, he would move we hire outside counsel, on a recovery fee basis, in regards to this matter.

Commissioner Cox said she does not understand the purpose of this, that you talk about shortages and she assumes there was a state board audit, so what did it show.

Commissioner Willner said it showed there was a shortage.

Commissioner Cox said what did it show and who is responsible.

Mr. Jones said the state audit did not attempt to put responsibility anywhere, in fact, they dodged the whole thing.

Commissioner Cox said how much has been sold out of the inventory that was there since the first of the year, 1983, that was really stock in there that should have gone to pay these bills that were up front for the merchandise before it was sold.

Commissioner Willner said no matter what the inventory was when the current Sheriff took over...there was a shortage in that office, and even if he were to have sold all the inventory and paid for all the outstanding bills he would then have to go to his budget to restock that supply, or he would have had to gone before council for additional money. No matter how you stack it, there was a shortage. He is not saying there was blame and he does not want to bring that issue up, he is merely saying we ought to try and see if we can recover this amount of money.

Commissioner Cox said recover it from whom and Commissioner Willner said the bonding capacity.

Commissioner Cox said if you are going to recover...you have to name a person. She has sat on this Commission for three (3) years and been labeled as political by both you Mr. Willner and by Mr. Borries and to her, this is nothing but a political kick at Jim DeGroote, who has signed as a Commissioner candidate and she can see nothing else in it except a strict political kick.

Commissioner Willner said then you, Mrs. Cox, do not want to see the dollars recovered that were lost to Vanderburgh County and Mrs. Cox said she has no assurance that the dollars were lost.

Commissioner Cox said she has operated commissaries at little league ball games and your margin of profit in those are very limited, whereby, if someone steals a candy bar you have lost your profit on almost an entire box of candy and she is not sure if the commissary even runs in the black, if it even pays for itself and she thinks they are making a political football out of this...and this is her position.

Mr. Jones said there is an excess of \$11,000.00 cited in the audit as not be accounted for.

Commissioner Cox said this is over what year's period and Mr. Jones said from January 1, 1980 to December 31, 1982. Sheriff Shepard was present and stated it didn't come under the State Board of Accounts jurisdiction until 1981.

Commissioner Cox asked when was the audit completed and Mr. Jones replied June 2, 1983.

Commissioner Cox asked what inventory was there that was sold after the first of the year and before the audit was completed, that they had to verify those amounts.

Sheriff Shepard said on January 1, 1983, the day he took office, he went up and inventoried the commissary, in the presence of five (5) officers, who attested to the fact they had X number of potato chips, pretzels, etc. and X number of monies in the bank and X number of monies in the petty cash fund. He had all of this in writing and each of the five (5) officers signed the documents and the next day he took this inventory to Jim DeGroote's house and discussed it with him and he did not realize it was that short in accounts payable. They asked the State Board of Accounts to come in and they told us that taking away the inventory we are still about \$11,000.00 short of monies to pay our bills. In essence what they had done was buy things out of the commissary and pay for it, but didn't pay the bills owed for those items sold. He felt it was unfair for him to have to assume the \$11,000.00 liability and that is why he asked the State Board of Accounts to come in. He has discussed this with Jim DeGroote and Jim is aware of the shortage.

Commissioner Cox said you are telling us they took the money that came in from the sale of commissary items and used it for something else in the department and didn't pay the bills.....then there is no shortage. When she took office from Joe O'Day, she had outstanding bills from 1972, that totaled way up there, but they came in after the first of the year, when she took office, but she didn't go to the news paper and say that Joe O'Day left a shortage in his office and she believes this is being totally unfair. She asked if this commissary fund ran in the black and Mr. Jones said according to statute it is supposed to run in the black, but that is the problem, that someone wasn't paying for the items purchased, but instead, using it for something else, and as a practical matter several people pointed their finger at someone else and the bonding company and insurance company is doing the same thing, and that is what the court is for, to decide who, if anyone, is at fault, and he personally cannot do anything to get this settled because he is still defending Jim DeGroote in several jail suits. He is not pointing his finger at anyone but there is an amount that is not there that should have been and there are vendors beating on our door that furnished goods to the county and weren't paid for them and they want their money.

Commissioner Cox asked the Sheriff if he is still buying from those same vendors and he replied yes, he feels obligated to buy from them, since we owe them monies.

Commissioner Cox asked the Sheriff if he has changed his commissary procedures and he replied yes, he has met with the State Board of Accounts and they now have a new accounting system, in that he pays cash on delivery, or he does not buy anything. He does have some additional monies and this Wednesday he is going to pay off a few more bills owed and then he will only owe about \$6,000.00 worth.

Commissioner Cox said where do you direct that the commissary profits go and he replied the monies are spelled out by state statute, you can buy equipment, training for the department, or anything used by the department...the Sheriff makes no monies out of the commissary fund any more, that those monies can be used for anything to better the department.

Commissioner Willner said when there is a profit, not before, that the bills have to be paid first and then the profits can be used for the betterment of the department.

The Sheriff said it doesn't spell out whether or not it is profits, but the State Board of Accounts did tell him it had to operate in the black, it couldn't run in the red and Commissioner Cox said she too does not know if the statute specifies profit....so really there is no shortage.

Mr. Jones said according to the State Board of Accounts, there was, because the State Board of Accounts said that it had to operate in the black and it was not. Moreover, the law only authorizes a commissary fund and in this case there was two (2) funds set up, and one (1) of them was an unauthorized fund in a private deposit in a bank, which is not authorized by law and that is part of the problem here.

Commissioner Cox said that may very well be, but no one ran off with the \$11,000.00, that it was used to buy other things for the department.

Sheriff Shepard said true, no one ran off with the \$11,000.00, but we were that much short on paying our bills for commissary items, that the money was used for other departmental needs.

Sheriff Shepard said he is merely trying to get the bonding company to pay us back so we can start off even.

Commissioner Cox said she cannot see how a bonding company would pay anything, because no one walked off with the money.

Mr. Jones said it is in an unauthorized account, that if it's unauthorized by law then they've violated other laws which could trigger the bonding situation.

Commissioner Cox said she isn't sure that the money Judge Miller puts in for the ten percent (10%) bond and all these things are authorized by law either, but it's being done. She just does not see how the insurance company bond would cover this unless someone committed a theft and it has been openly admitted here today that that is not the case in this matter. We in Vanderburgh County have used monies that should have been used for "Change of Venue" bills, to pay other bills with. She thinks the best thing for the Sheriff to do is to pay what he has toward the bills and then go to Council and ask for additional monies to pay the rest of them.

Sheriff Shepard said this is a separate account spelled out by statute that says "the Sheriff shall maintain a commissary fund" and he is in charge of it and responsible for it. It is an account unto itself and it is now spelled out that it is covered by the State Board of Accounts. He has no bones to pick with Jim DeGroot, he only wants to get his money back into the commissary.

Commissioner Willner said he has a motion on the floor to hire outside counsel to try to recover these shortages in the Sheriff's Department's commissary account. President Borries seconded the motion. So ordered.

Continued Discussion on Chemicals at County Highway Garage:

Commissioner Willner said he thinks that there are a lot of unanswered questions, that it seems strange to him that the state EPA knew those chemicals were at the county garage for the past seven (7) or so years and under the auspices of the courts and it seems to him like they would have done something about them at that time. It's a little late in the day, since they are partially disintegrated, and he just does not understand their action at this time, but he supposes there isn't anything he can do about that now, except go along with Mr. Jones' recommendation that we try to recover something, or at least get to the break even point.

Mr. Jones said he feels fairly certain the county is going to be ordered, and in a very short period of time, to do something with those chemicals and it would be his recommendation that we get on Council as quickly as possible and get some monies to get the system started, because even if there is a recovery, and it's litigated, its going to take several years. This notice of violation has a preliminary finding in it already and they are not going to just sit and wait for us. He believes we have something of a defense because the state, in effect, through the Prosecutor's office, had this tied up and the county wasn't responsible for the deterioration of the containers because we weren't allowed to touch them because they were being held as evidence, so it may be that we can get the state involved and get some help, that he certainly will attempt to negotiate with them in anyway that he can. He just believes when it is all said and done we are going to be ordered to do something about them and its not going to be a question of who caused it...it is sitting in our lap and we've got to do something with it.

Commissioner Willner moved the Commissioners hire outside counsel, contingent on a recovery fee only basis, to represent the county in this matter, and that we also write a letter to the existing company(s) involved asking them to try and help us out.

Commissioner Cox said we really do need their help, that we aren't blaming them and we don't expect them to pay us anything, or at least she doesn't, we just need their help in learning how to dispose of the materials that are at the garage. She does not think we can hold that company liable....did the company do it, or did an individual within the company do it.

Mr. Jones said that goes back to criminal case and it is his understanding the principles of the company, as a company, was involved. One of the companies involved has defunct and that one is not going to come and get the chemicals so we still have half the problem and he believes the company still in business has no liability to come and get the chemicals of the other defunct company.

Commissioner Cox said she is sure they aren't liable either, but she would still like to have this company contacted and since Mr. Willner made that a part of his motion...she would second it. So ordered.

RE: BILL BETHEL.....COUNTY HIGHWAY DEPARTMENT

Chemicals at County Garage: President Borries asked Mr. Bethel, in regards to the company that was approached about the removal of the chemicals, prior to this catch 22 suit by the Indiana agency, that has not been a rejection at this point, has it. Mr. Bethel replied no that there is still some possibility that that company might still move the chemicals, but nothing can be done until the matter with the State EPA has been settled.

Commissioner Willner asked what is the date we have to make an appearance and Mr. Jones replied it was set for this Friday, but we received a continuance on the matter and he does not know when the new date is going to be. Commissioner Willner said we should have outside counsel by that time and Mr. Jones said he can handle the environmental management board part of it, but in terms of any recovery, you will need outside counsel.

Weekly Absentee Report: Mr. Bethel submitted the weekly absentee report of the employees at the county garage for the period of March 5 thru 9, 1984...received and filed.

Weekly Work Report: Mr. Bethel submitted the weekly work report of the employees at the county garage for the period of March 5 thru 9, 1984, with the attached work schedule for the same period of time....both received and filed.

Front Loader: Three (3) trucks, and one (1) gradall. (Worked on Bender Road for three (3) days).

Grader: Oak Grove Road, Fisher Road, County Line Road (east), Lynn Road, Motz Road, Motz Lane, Emge and Buente Road.

Patch Crew: Baseline (east), Coal Mine Road, Evergreen Road, Darmstadt Road, Upper Mt. Vernon Road, Marx Road, Boehne Camp Road, Burkhardt Road, Kuebler, Mill Road, Whetstone Road, Petersburg Road, Heinlein Road, Mesker Park Drive, Pine Ridge, Peerless, Ward Road, Knob Hill, Aspen Drive, Old State Road, Koring Road, Hogue Road, Booker Road, Kleitz Road, 12th. Avenue and Allens Lane, St. George Road, Pollack Avenue and Lynn Road.

Tree Crew: Big Schaeffer, Hillview, Graff Road, Nurrenbern Road, Baseline Road and Fisher Road.

Washed and polished trucks and built and painted barricades.

President Borries asked Mr. Bethel if he had received any type of written correspondence regarding the possible litigation of a portion of Mann Road and he replied no.

RE: ANDY EASLEY....COUNTY HGIHWAY ENGINEER

Mr. Easley said he has nothing that needs Commissioners' action today, however, he would report he talked with the Creasey Company this morning and they are considering asking the county to ask the Seaboard System railroad, that instead of relaying the track right where it is, to shift it west to their building and he has contacted the Seaboard and they will have to make a new survey to see if it can be done. He personally believes it can be, and he doesn't believe it makes any difference to the county as long as the switch is out of the roadway and if they want to see the money spent in that manner he would like to see the county cooperate with them. Their boxcars would then be outside the building instead of inside it.

Commissioner Willner said in other words they want to increase the building size and use the siding outside and Mr. Easley said this is correct, and he sees nothing wrong with it as long as it gets that switch changed.

In regards to Char-Mar Estates, he has not had a chance to get out there yet.

He has been busy sizing culverts for persons getting ready to build new homes.

Mr. Jones said concerning those barrels out on Lynch Road around the railroad switch, they need to be turned 180 degrees, because the portion facing the traffic is filthy and you cannot see the white and orange on them.

They belong to the county and Mr. Bethel will see they are rotated or cleaned.

Mr. Easley said he has not been able to reach Attorney Miller in regards to the release forms for persons relating to the Burkhardt Road improvement project, however, he will continue on the matter. He informed Mrs. Cox he is still trying to work out the problem with Mr. Tubbs, that he needs to talk to the Traffic Engineer first and he will then get back with Mr. Tubbs.

President Borries said he would like to inform everyone he received a report from Mr. Ken Hansen of Citizens Realty and Insurance, Inc. regarding Burkhardt Road and he is proceeding in relation to purchasing that right-of-way. There may not be a complete agreement by all persons but it is proceeding smoothly so Mr. Easley may want to talk to Mr. Hansen concerning the expiration time when all those persons who have been contacted and had offers made to them, will expire, because at that time the county may want to pursue some litigation.

Mr. Easley said he will give Mr. Hansen a call.

RE: BOB BRENNER... COUNTY SURVEYOR

Weekly Bridge and Guardrail Report: Mr. David Guillaum, Chief Deputy Surveyor was present and submitted the weekly bridge and guardrail report of the bridge crew for the period of March 5 thru 9, 1984....report received and filed.

Commissioner Cox said the report states there was some guardrail stolen on Old Green River Road and Mr. Guillaum said this is correct, that when it is hit they can usually find it lying around in the near vicinity, but this was gone, so someone must have taken it and this and this happened once before, not at the same location, and they replaced it.

Discussion of Bender Road: Mr. Guillaum said concerning Bender Road, the Commissioners are all aware of the fact that Staub has been working out there the past week or so with the wrecking ball taking down the remaining portion of the bridge structure and as he goes down further it is continuing to get wider, with more concrete. The point they are at now is a decision needs to be made by the Commissioners on whether to put another piece of equipment in there, in addition to the wrecking ball. We have to move the dirt behind the abutment and get it out of there before we are going to fully realize the benefit of the wrecking ball. In effect, it is going to cost us a lot more money if we don't get that dirt behind that abutment as he is taking it down. He does not have the equipment with just the one (1) rig, even with the clam bucket, to take it down, that we need another loader of some sort. We can put our county back hoe in there and dig behind the wall and keep the dirt out or have Staub put another one of his machines out there. Right now, cost wise, we are coming in somewhere around \$4,000.00 and with another piece of equipment we could be talking another \$2,000.00 or \$3,000.00, so the decision is up to the Commissioners.

Commissioner Willner asked wouldn't the gradall be better for that than the back hoe and Mr. Guillaum said he almost has to get in on the side and with the gradall it is hard to get over the top of something and get the dirt behind it...we almost need something with a front loader bucket or a back hoe where we could come in along side it and with the gradall we could only go so far.

Commissioner Cox asked if these people would be working on an incline to remove the dirt and Mr. Guillaum said he believes they can get most of it by coming right around the abutment itself, without getting over the top of it, but he won't say for sure because situations can change very fast on a project such as this, whereby you can't reach something and you have to move the equipment to get to it. He said another thing we could possibly do is put one of our machines out there and have one of Staub's operators run it, but probably the simplest and fastest way would be to put a crawler in there.

Commissioner Willner said that is the way he would like to go, therefore he would move permission be granted to hire a small crawler and operator to work on the Bender Road site. Commissioner Cox seconded the motion. So ordered.

RE: APPRAISALS ON COUNTY OWNED SURPLUS PROPERTY TO BE ADVERTISED

The following described real estate is owned by Vanderburgh County and needs the Commissioners approval to be advertised for a public auction to be held by the County Commissioners, at a time to be set after they are properly advertised.

County Auditor, Alice McBride, said originally there were sixteen (16) parcels, but on tax code 11-31-24-77-7, 1253 E. Franklin Street, the School Corporation had purchased it

and failed to have it recorded, therefore we did not know they owned it and we put it up for tax sale. The School Corporation has now recorded it and we need our County Attorney to prepare a Quit Claim Deed from the County to the School Corporation. The School Corporation has paid all back taxes on it also.

Mrs. McBride submitted the Tax Title Deed to President Borries to forward to the County Attorney for the preparation of the Quit Claim Deed.

Commissioner Willner moved the following county owned property be properly advertised for tax sale. Commissioner Cox seconded the motion. So ordered.

<u>PARCEL #</u>	<u>TAX CODE</u>	<u>DESCRIPTION</u>	<u>* APPRAISED VALUE</u>
1.	11-10-21-86-6	Blackford Grove L. 9 B.3 930 South 6th. Street.....	\$ 1,000.00
2.	11-11-22-7-10	A.L. Robinson Add. L. 7&8 B.1 412 Adams Avenue.....	\$ 2,000.00
3.	11-12-22-30-11	Parrett's Enl. R.R. Roberts Sub. SE ½ L.4, L.5, B1. 12-13 1223 S.E. Second.....	\$ 3,000.00
4.	11-14-22-48-2	Parrett's Enl. Altheide Sub. L.2, B1.7 1502 Judson.....	\$ 1,000.00
5.	11-15-22-61-22	Cross Place, L. 1&2 B1. 1 1706 South Governor.....	\$ 1,500.00
6.	11-16-22-78-13	Maple Grove, L.14 & ½ L. 13, B1. 1 1700 South Garvin.....	\$ 1,100.00
7.	11-19-23-31-13	Columbia Add. Koester & Korff Sub. L.34 & Pt.L.35, B1. 16-17 732 E. Blackford.....	\$ 1,500.00
8.	11-26-24-22-3	Garvin & Browers Add. ½ L. 13 Pt. L. 14 B1.3 627 E. Sycamore Street.....	\$ 1,500.00
9.	11-27-24-36-29	Rietman & Schultes Add. L. 33 B1. 6 421 South Linwood.....	\$ 1,000.00
10.	11-27-24-38-47	Rietman & Schultes Add. L. 37, B1. 9 515 South Linwood.....	\$ 1,000.00
11.	11-28-24-45-10	Gordon's Add. L. 12, B1. 2 670 E. Cherry Street.....	\$ 1,000.00
12.	11-56-28-59-9	Blankenburgh L. 8 B1. 10 1413 Florence.....	\$ 1,020.00
13.	11-56-28-59-10	Blankenburgh L. 9 B1. 10 1417 Florence.....	\$ 3,500.00
14.	11-56-28-59-11	Blankenburgh L. 10 B1. 10 1419 Florence.....	\$ 1,080.00
15.	11-77-32-41-16	Ingleside, L. 26 L. 27 B1. 6 2771 Broadway.....	\$ 2,700.00

RE: COUNTY TREASURER'S FINANCIAL REPORT

The following Treasurer's financial report was ordered received and filed, dated March 5, 1984.

TO: COUNTY COUNCIL
COUNTY COMMISSIONERS

To date \$22,263.89 has been collected and receipted into County Revenue.

Outstanding investments are:

1. Investments, \$3,000,000, dated December 28, 1983, due December 27, 1984.
Estimated income \$273,700, of which \$22,812 will go to the Reassessment Fund.
Rate 9.125%.

2. Investments \$500,000, dated December 29, 1983, due December 27, 1984. Estimated income \$46,200. Rate 9.25%.
3. Investments \$2,000,000, dated January 4, 1984, due December 27, 1984. Estimated income \$188,000. Rate 9.50%.
4. Repo, \$900,00, dated February 3, 1984, due March 13, 1984. Estimated income \$8,110.20. Various rates, of which \$2,500 will go to Federal Revenue Sharing.
5. Repo, \$500,000, dated March 1, 1984, due March 12, 1984. Estimated income \$1,241.32. Rate 8.125%.

When all outstanding investments are collected, income will appear as follows:

County Revenue	\$514,203.41
Reassessment	22,812.00
Federal Revenue Sharing	<u>2,500.00</u>
	\$539,515.41

Lewis F. Volpe, Treasurer
Vanderburgh County, Indiana

RE: BUILDING COMMISSIONERS REPORT

The Building Commissioners report for the month of January, 1984 was ordered received and filed..

RE: TWO LETTERS RECEIVED FROM THE DEPARTMENT OF NATURAL RESOURCES

The Commissioners received two (2) letters from the State of Indiana, the Department of Natural Resources informing them that DNR has received applications for the following properties to be placed on the National Register of Historic Places.

1. 700 Helfrich Lane
Michael D. Helfrich House
Evansville, Indiana
2. The Culver Historic District, roughly bounded by Madison Avenue, the alley west of Emmett Street, Riverside Drive and Venice Street, Evansville, Indiana.

Letters ordered received and filed.

President Borries said any comments may be sent to James M. Ridenour, State Historic Preservation Officer, Indianapolis, Indiana and should be received before the State Review Board meeting on April 10, 1984.

RE: LETTER OF COMMENDATION FROM EARL AND MABEL KIEFER

President Borries read aloud the following letter from Earl and Mabel Kiefer, dated March 6, 1984 and directed to the Board of County Commissioners.

Once again I just want to thank each of you for helping the people of our community to deal with Turris Coal Company.

I feel very strongly that your concerns in asking questions at the Commission meeting made them realize we had a community of people who would work with them if they would listen to our side of the coin. At this time we feel they have offered us a chance to make a decision that will be to our advantage.

The support you gave us by being at the meeting last night when you all have such a busy schedule and so many things to be concerned about was just great.

You are a group of concerned people who care about the people you were elected to serve and in the community today this is just wonderful. If we could only elect more people who are as concerned as you three are.

Earl and Mabel Kiefer

Letter received and filed.

RE: LETTER FROM SEABOARD SYSTEM RAILROAD REGARDING NURRENBERN ROAD

President Borries read aloud the following letter, dated March 12, 1984 and directed to the Board of County Commissioners.

Gentlemen:

The Seaboard System Railroad would like permission to close Nurrenbern Road, at railroad track to rework crossing.

This work will take from March 19, 1984 until March 30, 1984, if weather permits.

Yours truly,
R.J. Boles
Division Engineer

Commissioner Willner said he received a call from Mr. Boles and wanted to close this without the Commissioners input and he asked him to please not do that and during the discussion of the closing Mr. Boles hung up on him. He tried to explain to him that the biggest problem was with emergency vehicles in that part of the county and that we would grant their request if they would assure the Commissioners that all materials would be on the site before the job begins and he asked him to note that in the written request....which he sees is not noted, however, he would move the request be granted subject to all necessary materials being on the job site and that we have no material hold up for the completion of the job, that he wouldn't want to see it closed and them tell us they have to order the materials. Commissioner Cox said that is a ten (10) day period and she does not think that is unreasonable, but she understands what Mr. Willner is saying. She seconded the motion. So ordered..

President Borries asked Mr. Easley to inform the Seaboard System of this decision and for him to keep informed of the project.

Mr. Easley said one of their personnel called him and he too told them to write us a letter and he also asked them if there was anyway they could work half of the crossing at a time and they said no. He also told them to make sure all necessary materials are on hand so that we would not end up with a thirty (30) day closure. They informed us they are going to be doing several of these reworks and he told them to give us a separate letter on each one as they intend to do them.

RE: THREE (3) LETTERS CONCERNING TRANSFERS OF TYPEWRITERS

The following letters were received concerning the transfers of typewriters within county offices.

March 7, 1984

County Commissioners,

Since the implementation of the Task Force the office work load for the Auditorium has increased by a significant amount. As the Advisory/Capital Improvement Board becomes a reality this work load is sure to remain high.

Therefore, I find definite need for a second electric typewriter in our office. This letter is to inform you that the office of Voter's Registration has a typewriter (Royal SE 5000 C) they are willing to loan the Auditorium. I respectfully request your approval of this temporary equipment transfer.

Sincerely,
Kim P. Bitz, Manager
Vanderburgh County Auditorium

Letter received and filed.

The second letter received was as follows.

March 9, 1984

Commissioners:

Voter's Registration has two electric typewriters that are surplus, the serial number are Royal Electric 1208245 and Royal Electric 471872. We would like to exchange two manual typewriters, the serial numbers are: Royal 440 #2911-50041 and Olympia #7-290060.

Sincerely,
Harry A. Tornatta, Assessor
Perry Township

Letter received and filed.

The third letter was as follows:

March 12, 1984

Commissioners:

We have three (3) surplus Royal Electric Typewriters. Mr. Tornatta, the Perry Township Assessor has requested two (2) of them and the manager of the Vanderburgh Auditorium has requested the other one, since they really have need of them. This meets with my approval.

The serial numbers on these typewriters are #1208245, #4718972 and the other one is a Royal SE 5000 C.

The Perry Township Assessor is going to exchange with us, the first two, for two manual typewriters, serial numbers Royal #2911-50041 and an Olympia #7-290060, which we will loan the Auditorium.

Paul Bitz,
Voters Registration Board Member

Commissioner Cox said about three (3) months after she took office we sent the Auditorium a good typewriter from the Commissioner's office.

Ms. Meeks said no, that was Weights and Measures we loaned that to and we do at this time have it back in the Commissioner's office, in the County Attorney's room.

Commissioner Cox asked what the Auditorium now has and President Borries said he believes an electric typewriter, but Mr. Kim Bitz' letter states with the implementation of the Task Force they have a need for a second typewriter. She asked what the Perry Assessor wants with two and what do they presently have and Ms. Meeks said they now have two (2) manual typewriters they want to exchange for the two (2) electric machines from Voters Registration and those manuals would be made surplus property.

Commissioner Cox said there are probably other offices that would have liked to have known about these typewriters from Voter's Registration, the Sheriff for one and Mrs. McBride would like to have known about them also.

Commissioner Willner moved the transfers of typewriters be approved. Commissioner Cox seconded the motion but stated she does not approve of the procedure used, that if anyone has office machines they no longer need, they should report it to the Commissioners and let it be handled from there. So ordered.

RE: CLAIMS:

A claim was submitted for Helfrich Insurance Agency, signed by John Hodge, in the amount of \$398.00 for Auto Policy with Home Insurance Company to add vehicle #87, a 1984 Chevrolet Van for Work Release.

Commissioner Willner moved the claim be approved. Commissioner Cox seconded the motion. So ordered.

A claim was submitted for Larry Raley for a refund on a duplicate permit for work at 1931 Burdette Avenue, from the Building Commission office, in the amount of \$38.75.

Commissioner Willner moved the claim be approved. Commissioner Cox seconded the motion. So ordered.

RE: SCHEDULED MEETINGS

Commissioner Cox said she will be in a Subdivision Review meeting in the morning at 9:30 a.m.

RE: EMPLOYMENT CHANGES.....APPOINTMENTS

KNIGHT TOWNSHIP TRUSTEE

Emarie S. West	1710 Cass Avenue	Supervisor	\$14,412.00	Eff: 3-10-84
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RE: EMPLOYMENT CHANGES.....RELEASES

KNIGHT TOWNSHIP TRUSTEE

Judy Bensman	1405 Lilac Lane	Supervisor	\$14,412.00	Eff: 3-9-84
Emarie S. West	1710 Cass Avenue	Investigator	\$11,500.00	Eff: 3-9-84

Commissioner Cox said seeing the effective date on Ms. Bensman's release raises a question in her mind, that she thought she was released before March 9th.

Mrs. McBride said she had vacation time coming to her, two (2) weeks, she believes, and also, by law, she does not think this pink slip from the Trustee even has to come before this Board of Commissioners...Mr. Saulman just preferred that it did.

Commissioner Cox said how can she have a two week vacation coming when we aren't even a third of the way through the year and Mrs. McBride said Ms. Bensman worked in 1983 for this vacation time she is getting paid for now.

Commissioner Cox said didn't she get a vacation last year and Mrs. McBride said she would have to check on that, but as an example, if one of her girls should quit on her right now, if she worked all of 1983 she would have her vacation earned and could take it before she leaves.

Commissioner Cox said what does our personnel policy say about vacation and Commissioner Willner said the Trustee's aren't in on our personnel policy and Mrs. Cox said they sure are in on our insurance programs that we have to fund. She said if this is a vacation period for the year 1984 she cannot see how she would be entitled to it.

Mrs. McBride said the Trustee's fund their own insurance programs.

RE: ACKNOWLEDGEMENT OF STUDENT PRESENT:

President Borries said we have with us today Ms. Lisa Hays, from the University of Evansville and we would like to welcome her to the meeting.

There being no further business, President Borries declared the meeting recessed at 3:50 p.m.

<u>PRESENT:</u>	<u>COUNTY COMMISSIONERS</u>	<u>COUNTY AUDITOR</u>	<u>COUNTY ATTORNEY</u>
	Richard "Rick" Borries	Alice McBride	David Jones
	Robert L. Willner		
	Shirley Jean Cox		
<u>SECRETARY:</u>	Janice G. Decker		

Richard Rick Borries
Robert L. Willner
Shirley Jean Cox
 BOARD OF COUNTY COMMISSIONERS

COUNTY COMMISSIONERS MEETING
MARCH 19, 1984

The meeting of the County Commissioners was held on March 19, 1984, at 2:30 p.m. in the Commissioners Hearing Room with President Borries presiding.

The minutes of the previous meeting were approved as engrossed by the County Auditor and the reading of same dispensed with.

RE: REZONING PETITION VC-1-84...FIRST READING

Petitioner: Erwin and Elene Deig....4024 Rose Avenue, Evansville, Indiana
Owner of Record: Same as above.

Premises affected are on the south side of Westwood Drive, a distance of 650 feet south of the corner formed by the intersection of Westwood Drive and Harmony Way. The commonly known address is 4340 Westwood Drive. The above described real estate is located in the Zone District designated as agricultural and the requested change is to C-2. Present existing land use is a party house/resort recreation home and the proposed land use is a party house/resort recreation home.

There was no one present to speak for or against the rezoning petition.

Commissioner Willner moved that rezoning petition VC-1-84 be approved on first reading and referred to the Area Plan Commission. Commissioner Cox seconded the motion. So ordered.

RE: REZONING PETITION VC-2-84...FIRST READING

Petitioner: Michael G. and Linda Carr....3125 Old Henderson Road, Evansville, Indiana.
Owner of Record: Same as above.

Premises affected.....the west side of Old Henderson Road a distance of 350-400' north of the corner formed by the intersection of Old Henderson Road and Nurrenbern Road. The commonly known address is 3125 South Old Henderson Road. The above described real estate is located in the Zone District designated as residential and the requested change is to C-4. Present existing land use is residential and the proposed land use is for a boat repair, retail sales and residential.

There was no one present to speak for or against the rezoning petition.

Commissioner Willner moved that rezoning petition VC-2-84 be approved on first reading and referred to the Area Plan Commission. Commissioner Cox seconded the motion. So ordered.

RE: REZONING PETITION VC-3-84...FIRST READING

Petitioner: William E. Hamsley....9011 Whetstone Road, Evansville, Indiana
Owner of Record: Evansville-Vanderburgh School Corporation...1 S.E. Ninth Street, Evansville, Indiana.

Premises affected are the intersection of Burkhardt Road and Old Boonville Highway. The commonly known address is 2750 North Burkhardt Road. The above described real estate is located in the Zone District designated as agricultural and the requested change is to County M-2. The present existing land use is a former school building and surrounding property and the proposed land use is office, warehouse and fenced equipment storage area for a construction company.

There was no one present to speak for or against the rezoning petition.

Commissioner Willner moved that rezoning petition VC-3-84 be approved on first reading and referred to the Area Plan Commission. Commissioner Cox seconded the motion. So ordered.

RE: SPECIAL USE PERMIT 18-84-APC....FIRST READING

Petitioner: William A. Gowin
Owner: Same as above

The present zoning is M-2 and the applicant is requesting a special use permit #26 for a mobile office not for living or sleeping quarters, for this property that is located in an industrial subdivision. Trailer is to be used as office on this vacant piece of property. Time limit could be imposed. The location is 5300 Agri Court, Evansville, Indiana.

There was no one present to speak for or against the Special Use permit request.

Commissioner Willner moved Special Use 18-84-APC be approved on first reading and referred to the Area Plan Commission. Commissioner Cox seconded the motion. So ordered.

RE: SPECIAL USE...11-84-APC...THIRD READING

Petitioner: Denise and Alan Corressell

President Borries said this special use request will not be heard, that it has been withdrawn by the petitioners.

RE: JOHN WASSON - MARBLE CONSTRUCTION CO. REGARDING CABLE TV FRANCHISE

Commissioner Willner said Mr. Wasson appeared before the Commissioners last week and left a contract with us, which was referred to our County Attorney for his expertise.

County Attorney David Miller said the question that was referred to him was that since the county has already granted a non-exclusive cable franchise to Evansville Cable TV, can a similar franchise be granted to Marble and the answer is yes, it can be, that the county's contract with Evansville Cable TV grants only a non-exclusive right to the use of public rights-of-way and easements and the proposal submitted by Marble Construction Company seeks only a similar non-exclusive right. The federal law that governs telecommunications encourages competition and discourages creation of monopolies and those particular statutes applies specifically to cable TV franchises, so we are satisfied that federal laws encourages this kind of grant and it is our opinion that even if the county wanted to grant an exclusive franchise, it might not have the authority to do so because ordinances that have purported to grant exclusive franchises in the past have been held to be void in a number of jurisdictions, although there are no Indiana cases on the point. He had a number of authorities (written documents) that could be referred to by future applicants and future county attorney's, if necessary. He also has copies of the rules and regulations of the appropriate federal agency. He has reviewed the contract as submitted by Mr. Wasson and there are no legal objections to the contract as it is drafted. There are some places where he personally might have done things slightly differently, but it is not a matter of legal qualification, in any respect, therefore, if the Commissioners are satisfied with the proposal, there is no legal reason why it cannot go forward.

Commissioner Cox asked if this franchise contract should state "Non-exclusive" and Mr. Miller said, he believes it does, that on page 1, Section 1.01-D states "Franchise" means the non-exclusinve rights to construct, operate and maintain a cable television system.

Commissioner Cox said on page 2, under Article II-Grant of Authority, it states the county hereby gives and grants to the Operator of franchise to use the public ways of the County for the purpose of construction and operating a cable television system in the Territory during the term of this contract, but are you, Mr. Miller, telling us the definition on page 1 takes care of this and he replied yes, it does.

Commissioner Cox asked how they planned to build this system, will it be underground or hooking onto utility poles, or both.

Mr. Wasson said whichever way is most economically feasible, that the system that has been constructed within Wells Mobile Manor is entirely underground. The only utility poles near the area are owned by SIGECO and in order to attach to their poles he would need to obtain an agreement with them, which he currently does not have, however, SIGECO's pole rental rates are \$6.60 per pole, per year, and that is at least \$4.50 higher than anywhere else in the state of Indiana. The FCC will step in if he files suit and ask them to justify their rates, but frankly he finds SIGECO's poles uneconomical, that it would be cheaper for him to go underground.

Commissioner Cox said in regards to the first paragraph (b) on page 4 of the contract, it states "if the disturbance of any public way is necessary, the Operator shall comply with all provisions of the Board relevant to such disturbance. Specifically, Operator shall replace any asphalt which Operator disturbs with sand and compacted aggregate in the trench and asphalt to the depth of the road base." She said we do have county specifications that when anyone makes a cut in the road, they have to fill and repair, so does this cover those county specifications and Attorney Miller said yes it does, that it is very specific as to the replacement of asphalt.

Commissioner Cox said she would also like to know how the service and maintenance of this system will be handled and Mr. Wasson said they respond within twenty four (24) hours to any sort of service outage. There will always be extenuating circumstances such as fire or flooding, or another June 8th storm, but normally they will be on it within twenty four (24) hours and have it back in full service.

Commissioner Cox said she is not familiar with all the language of a contract, but there is something that appears several times in this one and it sort of bothers her and that is on page 2, under Section 2.03 - Operation - (b), it states "should such interference occur the Operator shall employ whatever measures are necessary to eliminate such interference". What bothers her most are the words "whatever measures".

Mr. Wasson said cable TV operates in and around over-flying air traffic frequencies and FM radio bands and in most instances the offending device, or the things that are causing interferences are generally located within someone's home and he can trace that to the back of their set, usually a loose connection and the same person might own a short wave transmitter and he has inadvertently, through broken shielding in his house, caused a short wave transmission to go out on the system. He can find leaks within a matter of hours, in fact, they use those leaks to determine illegal connections.

Mr. Miller said when you compare the draft of this agreement with the draft of Evansville Cable, which has been a good Operator, you will find this agreement before us today is much more extensive in it's terms than is Evansville Cable's agreement.

Commissioner Cox said she does not question that, but when we dealt with Evansville Cable, we were dealing with a company, a parent company, which was very well known. As she pointed out last week, we owe protection to the consumers so that we won't be railroaded with complaints, which could also reflect negatively on the other cable television companies. These are just some questions she picked up while reading through the contract and she would hope Mr. Wasson does not mind her asking them.

Mr. Wasson said certainly not, that he too, wants to be very specific, but if this phrase seems vague it is because of the sheer number of things that could cause interference, that there are literally hundreds of things that could cause it.

Commissioner Cox said the same paragraph on page 2, that she just stated a portion of, also states "the Operator shall so operate the system as not to interfere with the direct broadcast or reception of other signals, whether television, radio or otherwise, or with the transmission of telephone or telegraph signals, or with the distribution of electric or electronic signals or energy by others whether by air, wire, cable, conduit or otherwise". To her, this is talking about this company interfering with these things and Mr. Wasson said yes, this is correct and that is his intent, or the FCC will revoke his license.

Commissioner Willner asked Mr. Wasson that at the present time is he planning to put anyone else on this system, outside of the mobile home park and will you be using county right-of-way and he replied yes to both questions, that they will connect a very short section of Everglade Road. Commissioner Willner said then Mr. Wasson will have to get a cut permit from the County Engineer's office and Mr. Miller said this is correct.

Mr. Wasson said he can proceed along the road, that he doesn't necessarily have to cut the pavement and they also have a technique of pushing cable under roadways, that they do not make pavement cuts unless it is absolutely necessary.

Commissioner Cox said she also understands that Indiana Bell has installed a lot of underground telephone cables, so before anything like this is started she thinks Mr. Wasson should check with the City Engineer's office.

President Borries said he feels at ease with this contract and if there are no more questions from the Commissioners he would entertain a motion for approval at this point.

Commissioner Willner moved the Franchise Contract before the Board today be approved as submitted. Commissioner Cox seconded the motion. So ordered.

RE: COUNTY ATTORNEY....DAVID MILLER

Amendment to County Code of Ordinance: Mr. Miller said he has with him today an amendment to amend Section 35.47 of the Code of Ordinance, relating to Medical or Maternity Leave.

** There was a correction made to this paragraph in the minutes of March 26, 1984.

President Borries said there was some questions arising from the Prosecutor's office in regards to insurance benefits.

Mr. Miller said the only change in the Ordinance is a provision on the continuance of insurance during a leave period. He said the newly proposed amendment provides that continuance of insurance during a leave period is subject to any existing condition of the county's medical insurance plan in effect at that time, provided that the county shall continue to pay it's portion of any premium attributable to the employee during such period. He believes this is the only change in the Ordinance, however, if the Board so wishes he will briefly summarize the other sections. Section A provides that an employee may use accrued or existing sick leave and vacation leave for a maternity or medical leave. It provides the employee (or relative) must complete a "request for a leave of absence" form, and furnish a statement from the attending physician to establish the reason. Section B provides if the employee intends to continue employment during the latter state of the pregnancy, the department head may request a date which, in the opinion of a licensed physician, a cessation of employment would be advisable. Section C provides that during the leave of absence the employee shall provide statements from the attending physician (and this doesn't relate only to pregnancy, but also to other kinds of medical leave) as may be required by the department head or supervisor, in order to verify the continuing need for the employee's absence. Section D is the continuance of insurance during a leave period and Section E provides a maternity leave will be treated as elective, unless such leave must begin early or must be extended because of medical complications, and to the extent the maternity leave begins unusually early in the pregnancy or to the extent maternity leave must be extended due to medical complications, the maternity leave will be treated as an illness or disability, if the necessity for it is certified to the County in writing by a licensed physician.

Commissioner Willner said he sees hardly any changes in the Ordinance and Mr. Miller said the only change is in Section B and this should be properly advertised twice in the Evansville Courier and Press. Commissioner Willner asked if this change will take care of our problems with the personnel policy and President Borries said yes, he believes so.

Mr. Miller said the problems was whether or not insurance benefits were going to continue to be paid and all this says is if it's available under our existing policy and if it is indeed a leave of absence, then the county will continue to pay it's portion of the premium.

Commissioner Cox said she doesn't believe that was the problem, that she doesn't believe there was ever the question of the county paying for that six (6) weeks, that the question was when a person was off on leave and they dropped the county insurance, then when that person returned, that couldn't he immediately go back on the insurance program.

President Borries asked Mr. Lindenschmidt that according to what he understands the problem to be, would the following language rectify it....."continuance of insurance during a leave period is subject to any existing conditions of the County's Medical Insurance Plan in effect at that time, provided however, the County shall continue to pay it's portion of any premium attributable to the employee during such period." and Mr. Lindenschmidt said as he understands the problem, this language should rectify that.

Mr. Lindenschmidt said some people elect to take a six (6) months leave, and that person has to pay the entire premium themselves, beyond the six (6) weeks, and this is covered under Section A.

Commissioner Willner said he is not fully convinced that this amendment will take care of our problems, therefore he would like for the signing of this to be deferred for a period of one (1) week, at least, so that he can get some of his questions answered.

Matter deferred for at least one (1) week.

Lease Agreement for Facilities at Vanderburgh Auditorium and Convention Center: Mr. Miller said a lease agreement was submitted by Kim Bitz, in regards to the Auditorium and Convention Center and he has made minor revisions to the language, but other than that, we simply adopted the ideas submitted to the Commissioners. Since Mr. Bitz is not present tonight.....he would recommend the Commissioners review it this week and perhaps discuss it with Mr. Bitz and take action on it at a later meeting, perhaps next week.

Problem with Sewer Grate Bars Being Removed: Mr. Miller said he would report that he has received from two (2) different sources, that in regards to the storm sewer grates on Eastbrooke Drive, that they occasionally get stopped up with straw, etc. and he now has received word that crews from some governmental body were sent out there to cut some of the bars out of the grate, in order to prevent clogging of the grates and in the

process of cutting out the bars, he is told that has created a hazard of the possibility of children putting their foot down where there once was a grate and it could cause their entire leg to be swallowed up in this grate. He does not know who sent the crew out but if it was in fact a county crew sent out there in response to residents complaints, he would urge someone, or Commissioners to have someone go back out there and check it and if there is a large opening there should be some corrective action taken before something really bad happens to some child. He has not been out there but was told it is in Aspen Ridge Subdivision, off of Oak Hill Road.

The Commissioners asked Mr. Bethel to contact Mr. Andy Easley and for them to both go out and check it immediately in the morning.

RE: MARK TULEY....BURDETTE PARK

Monthly Financial Report: Mr. Tuley submitted the following monthly financial report, covering the period through February 29, 1984.

1984 Starting Budget:

1984 Budgeted	\$396,037.00
1983 Encumbered by P.O.	6,303.94
1983 Encumbered by Contract	<u>70,547.44</u>
Total 1984 Budget	\$472,888.38

Expenditures and Balance 1-1-84 to 2-29-84:

Total Expenditures	\$ 79,928.94
Total Balance	\$392,959.44

Income

Pool	\$ -0-
Rink	7,703.03
Rentals	2,178.00
Misc.	<u>268.00</u>
Totals	\$ 10,149.03

February 29, 1984:

Total Expenditures	\$ 79,928.94
Total Income	\$ 10,149.03
Total Deficit	\$ 69,779.91

Attached to the above report was a page of total breakdowns:

Report received and filed.

Commissioner Willner asked Mr. Tuley how this report compares with this same time last year and he replied the income is running very close to being the same and the deficit is down about \$30,000.00 from what it was last year.

State Employee Program: Mr. Tuley said he recieved a letter from Mr. Borries, who had received it from the State, in regards to a state program that is being offered this year which is entitled "New State Work Study Program" and he is going to make application to the state to be included in it. Incentive funds are now available to employers who wish to hire collage students during the summer months of 1984. The state of Indiana, through the student assistant commission will provide 50% of the wages for salaries of students we employ. It states who would be eligible for this and he feels that Burdette will qualify for the program. He will also contact Mr. Bitz, at the Auditorium, that perhaps he too will qualify. He will keep the Commissioners informed of his findings in regards to this matter.

Mr. Tuley said he would also inform the Board there is to be a Skate-A-Thon at the park's rink this coming Saturday. It is a state skate-a-thon and Burdette is part of it again this year, for the Diabetes Foundation and the hours are from 1:00 p.m. to 5:00 p.m. and everyone is welcome to come out and skate for charity.

RE: BILL BETHEL.....COUNTY HIGHWAY DEPARTMENT

Weekly Absentee Report: Mr. Bethel submitted the weekly absentee report of the employees at the county garage for the period of March 12 thru 16, 1984...report received and filed.

Weekly Work Report: Mr. Bethel submitted the weekly work report of the employees at the county garage for the period of March 12 thru 16, 1984....report received and filed.

Also attached to the Weekly Work Report was the following Work Schedule, for the same period of time.

Gradall: St. Joe Avenue, Nisbet Station Road and Baseline Road
 1 Front Loader)
 1 Gradall) Bender Road for two (2) days.
 4 Trucks)

Grader: King Road, Happe Road, Baehl Road, Schmitt Road, Armstrong Road, Roth Road, Cypress-Dale Road, Bixler Road, Wallenmeyer Road, Marx Road, Outer Darmstadt and Schutte Road.

Patch: Coal Mine Road, Baseline Road, Old Petersburg Road, Bob-Court Road, Shoulders on Darmstadt Road, St. George Road, Old Princeton Road, Boonville-New Harmony Road, Old State Road, Hillsdale Road, Felstead Road, Red Bank Road, Laubscher Road, Arla Jane Drive, Sweet Gum Road, Browning Road, Schlensker Road, Oak Hill Road and St. Joe Avenue.

Tree Crew: Nurrenbern Road, Hillsvew Drive, Martin Station, Mill Road, Browning Road, Baseline (east) and Fisher Road.

Annual Operating Report: Mr. Bethel submitted the Annual Operational Report for the County Highway Department, for the year ending December 31, 1983....report received and filed. The report also covers the Cumulative Bridge Fund.

Commissioner Cox asked Mr. Bethel if he is using cold mix for the patching and he replied yes and in some instances, where we have large holes, during the rain, he put #53 rock in them until he can get them patched.

RE: BOB BRENNER....COUNTY SURVEYOR

Weekly Bridge and Guardrail Report: Chief Deputy Surveyor David Guillaum submitted the weekly bridge and guardrail report of the bridge crew for the period of March 12 thru 16, 1984....report received and filed.

Request to Obtain Invitational Bids for Boonville-New Harmony Overpass: Mr. Guillaum said he would like the Commissioners approval to obtain invitational bids for the demolition of the Boonville-New Harmony Overpass. Bids for the project would include the following:

1. Necessary dirt for demolition only shall be removed.
2. Concrete and dirt shall be hauled away and disposed of by contractor.
3. Contractor shall proceed within 10 days of receiving award and shall have project completed in 30 working days.
4. Signs, barricades shall meet state specifications and shall be included in project cost.

Mr. Guillaum said if the Board chooses to approve this request he will contact some contractors and try to have some bids in by next Monday's meeting.

Commissioner Willner said he is not saying this is the way we will go on this project, however, he would like to get someone else's ideas on the amount of dollars, therefore he would move invitational bids be obtained for the removal of the Boonville-New Harmony Overpass. Commissioner Cox seconded the motion. So ordered.

Bender Road Overpass: Mr. Guillaum said they have quite a bit of mud on the site of the Bender Road Overpass, but they are coming right along with getting the remainder of the structure cleared away and cleaned up. They are going to try to have the road reopened by Wednesday or Thursday. The problem has been they have had a lot of lag time in getting the trucks emptied and back to be filled up again and he does not know if Mr. Bethel could spare anymore trucks or not.

Mr. Bethel replied no he could not, that they are presently using three (3) out there, but he will have four (4) out there tomorrow.

RE: MONTHLY REPORT FROM ALEXANDER AMBULANCE SERVICE, INC.

Ordered received and filed was the monthly report from Alexander Ambulance Service, Inc. for the month ending February 29, 1984. Also attached to the report was the "Basis of Charges" and "Summary of Income" forms, completed by Mr. Thomas Vachet, as requested by the Board of Commissioners. Also attached was a list of County Receivables as of February 29, 1984 to be received and filed with the monthly report.

RE: AGREEMENT BETWEEN COUNTY CORONER AND DEACONESS HOSPITAL LABORATORY

President Borries stated the Commissioners received a Letter of Agreement, signed by both David Wilson, M.D., Coroner of Vanderburgh County and also Thomas Kramer, Executive Vice President of Deaconess Hospital, and it is in regards to autopsies being scheduled at Deaconess Hospital with Deaconess Pathologists and is effective March 1, 1984 thru December 31, 1984, both dates inclusive.

Since the County Attorney had not yet had a chance to review the agreement it was referred to him and discussed later in the meeting.

RE: APPOINTMENT TO THE COUNTY HOSPITAL BUILDING AUTHORITY

President Borries said in regards to appointments, we need to make one to the County Hospital Building Authority. He read a memo from Margie Meeks stating that the Commissioners should rescind the appointment of Dr. Patrick Corcoran to this board since he is affiliated with Welborn Hospital and therefore cannot serve in this capacity. The appointment of Dr. Corcoran was made by the Commissioners on January 3, 1984. Dr. Corcoran's previously unexpired term was filled by Dr. Minot P. Fryer, of 408 South Riverside, P.O. Box 3907, Evansville, Indiana and he has consented to serve a full term if re-appointed. This is a four (4) year term and would expire on December 31, 1987. We had not received information on this matter from Circuit Court who had previously made this appointment and learned of this error only this past week.

President Borries said he understands that Dr. Fryer has served in Dr. Corcoran's place and is willing to continue serving.

Commissioner Willner said he would like a week to check on this.

Commissioner Cox said she would like to see it checked out because truthfully she does not know what the County Hospital Building Authority Board is and what its duties are, therefore she would like to defer it for a week also.

President Borries said he has additional information stating this is called the Hospital Authority of Evansville (HAE) and they had a meeting on October 19, 1982, at which time Dr. Fryer was appointed.

Commissioner Cox asked who appointed him and President Borries replied Circuit Court.

Mr. Lindenschmidt said this use to be a Circuit Court appointment but since January 1, 1984 it became a Commissioner's appointment, when the new law went into effect.

Commissioner Cox asked who some of the other members of this board are and President Borries said there is Mr. Robert L. Hart, George Carl Riecken, Jeanne Harl, John W. Street and also Dr. Fryer.

President Borries said the Indiana Code pertaining to this board is IC 5-1-4-1.

Attorney Miller said he would go into his office and look this up and report later in the meeting his findings.

RE: SPECIFICATIONS AND NOTICE TO BIDDERS FOR PIPES FOR SURVEYORS OFFICE

Submitted for approval, from the Department of Public Purchasing were minimum specifications for pipes for the County Surveyor's office, to be properly advertised on March 23 and 30, 1984 and bids to be opened on April 16, 1984.

Commissioner Cox said she sees these are all aluminum pipes....do we not have anything for concrete pipes, because we do install concrete pipes and if we aren't putting some in we should be, especially down in Union Township and Mr. Willner said he didn't think so.

Commissioner Willner moved the specifications and notice to bidders be approved and advertised. Commissioner Cox seconded the motion. So ordered.

RE: CERTIFICATE OF INSURANCE

A certificate of insurance was submitted for Richard Borries for Commissioner Committee for use of the Vanderburgh County Auditorium for reception on April 12, 1984...received and filed.

RE: DISCUSSION OF OLD BUSINESS

Settlement Concerning the Mann Road Project: President Borries said we have discussed a settlement concerning a matter along Mann Road, between the County and Mr. Adler. This suit concerned drainage of certain properties out there and he believes there has been a sum of \$5,000.00 discussed as a settlement on the Adler property and could lead to the elimination of one (1) bridge. He does not know if this amount will be accepted by the party involved, however, if the proposal was made to them, they possibly would accept it. We must go before the County Council and ask for additional appropriations in this amount of money.

Commissioner Cox moved the Commissioners be placed on Council Call for the amount of \$5,000.00 from the Cumulative Bridge Fund.

Commissioner Willner said we must have the money to offer the settlement but if we have to go before Council, it won't be until May and by that time the crops will be planted, so perhaps we could take the monies from another account, such as Judgements and Refunds, in the County Commissioners budget.

The 1984 budget book showed the amount of \$20,000.00 was approved for the Judgement and Refund account during the budget session, however, they did not know how much money has been expended thus far.

Commissioner Cox said she would amend her motion for the \$5,000.00 to come the County Commissioners budget, account #130-323...Judgements and Refunds, so that the County Attorney could proceed with offering the settlement. Commissioner Willner seconded the motion. So ordered.

RE: DISCUSSION OF THE HOSPITAL AUTHORITY OF EVANSVILLE

At this time Attorney Miller very briefly skimmed over the Indiana Code pertaining to the Hospital Board, as mentioned earlier in the minutes and he briefly explained the policy, the definition and some of the functions. He said the Common Council of the City of Evansville can have it's own. Some of the powers of this board is to have perpetual succession as a body politic and corporate and to adopt by-laws for the regulation of its affairs and the conduct of its business. To adopt an official seal and alter the same at its pleasure. To maintain an office at such place or places as it may designate. To sue and be sued in its own name and plead and be impleaded. To determine the location and character of any project to be financed under the provisions of this chapter. One of the main functions of this board is that it has bonding authority and it can determine whether in its own name or through any other participating hospital if bonds

should be issued to finance the construction of a hospital facility or some portion of the hospitals facility in the governed area, It can conduct studies to determine the needs for these facilities. He said basically what this body does is determine the need for and the availability of public financing for hospital facilities, that essentially it is an economic development board for the purpose of health facilities.

Commissioner Cox said perhaps they could help us to get a morgue and Mr. Miller said he did not think that was included in this, however, it wouldn't hurt to ask.

Commissioner Willner said he would still like a week to consider this appointment and to get some of his questions answered.

Hiring of Mr. Pat Shoulders for Two (2) County Fund Matters: Commissioner Willner said last week the Commissioners discussed the hiring of an outside attorney to try to recoup some money for the county in regards to the Sheriff's commissary account and also the chemicals at the county garage and he would like to move they hire attorney Pat Shoulders to represent the county in both of these matters, and that this would be done on a contingent fee basis, that is, if no monies are recovered, Mr. Shoulders would receive nothing.

Mr. Miller said he would say that most of these arrangements are on the basis that the client will reimburse for actual out of the pocket expenses that the attorney might have and perhaps he should get approval for those.

Commissioner Willner said he would want him to come in and get authority for those expenses.

President Borries seconded the motion. So ordered.

RE: CLAIMS

A claim was submitted for Victor L. Funke, Appraiser for 41 temporary and/or permanent right-of-way appraisals for the Burkhardt Road project, in the amount of \$1,230.00. Blue claim was approved and signed by Mr. Andy Easley.

Commissioner Cox moved the claim be approved. Commissioner Willner seconded the motion. So ordered.

RE: EMPLOYMENT CHANGES.....APPOINTMENTS

WEIGHTS AND MEASURES

Raymond E. Kahre	2617 W. Indiana St.	Deputy Inspector	\$30.00 Day	Eff: 3-5-84
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COOPERATIVE EXTENSION SERVICE

Linda J. Thomas	9730 Fischer Road	Part-time	\$20.00 Day	Eff: 3-12-84
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SHERIFF

David Wires		Patrolman	\$15,743.00	Eff: 3-10-84
Linda S. Euler	213 Tyler Ave.	Civ. Jailer	\$12,308.00	Eff: 3-10-84
David Wedding		Patrolman	\$17,243.00	Eff: 3-10-84
Bryan Klaser		Patrolman	\$17,243.00	Eff: 3-10-84

CIRCUIT COURT

Beverly Corn	1025 Covert Ave.	Law Clerk	\$5.00 Hour	Eff: 2-27-84
Karen Sue Miller	926 N. Fairlawn Cir.	Special Intern	\$3.35 Hour	Eff: 3-5-84
Leah Ann Seib	4965 Sycamore St.	Special Intern	\$3.35 Hour	Eff: 3-5-84

RE: EMPLOYMENT CHANGES...RELEASES

CIRCUIT COURT

Leora J. Riesbeck	3712 Van Meter Court	Special Intern	\$3.35 Hour	Eff: 3-2-84
Sara K. Willett	2837-B Washington Ave.	Special Intern	\$3.35 Hour	Eff: 3-2-84

Employment Changes ContinuedSHERIFF

Margaret Smith	504 Stanley	Patrolman	\$17,243.00	Eff: 3-9-84
David Wires		Civ. Jailer	\$12,308.00	Eff: 3-9-84
David Wedding		Pro. Patrolman	\$16,243.00	Eff: 3-9-84
Bryan Klaser		Pro. Patrolman	\$16,243.00	Eff: 3-9-84

RE: CONTINUED DISCUSSION OF AGREEMENT BETWEEN CORONER AND DEACONESS HOSPITAL

County Attorney Miller said this agreement between the County Coroner and Deaconess Hospital does not pay the Pathologist, that it pays only Deaconess Hospital for the use of their facility to perform the autopsy. There is a separate contract between the Coroner and the Pathologist for their services. He said this is simply a thirty (30) day agreement that can be terminated by either party with written notice and it is not very binding in any other respect and he would have no objection to the Commissioners approving it, however, he believes Mr. Lindenschmidt should contact the County's insurance and see if they cover the indemnification that appears in the last paragraph of the Agreement. That we should get a letter from our insurance company to that affect.

Commissioner Willner moved the agreement be approved subject to our confirming with our insurance company that we have the proper coverage as it relates to this matter, at no extra cost to the county. Commissioner Cox seconded the motion. So ordered.

There being no further business, President Borries declared the meeting recessed at 9:00 p.m.

<u>PRESENT:</u>	<u>COUNTY COMMISSIONERS</u>	<u>COUNTY AUDITOR</u>	<u>COUNTY ATTORNEY</u>
	Richard "Rick" Borries Robert L. Willner Shirley Jean Cox	Pat Tuley (Chief Deputy Auditor)	David Miller
<u>SECRETARY:</u>	Janice G. Decker		

Richard Rick Borries
Robert L. Willner
Shirley Jean Cox
 BOARD OF COUNTY COMMISSIONERS

COUNTY COMMISSIONERS MEETING
MARCH 26, 1984

The meeting of the County Commissioners was held on March 26, 1984, at 2:30 p.m. in the Commissioners Hearing Room with President Borries presiding.

The minutes of the previous meeting were approved as engrossed by the County Auditor, with the following correction to be made..under the heading "John Wasson - Marble Construction Company Regarding Cable TV Franchise" on page 3 about three fourths of the way down the page it states Mr. Wasson should check with the City Engineer's Office and it should be the County Engineer's office.

RE: BIDS FOR DEMOLITION OF BOONVILLE-NEW HARMONY OVERPASS

President Borries said invitational bids have been received for the demolition of the Boonville-New Harmony Overpass.

Commissioner Willner moved the bids be referred to the County Attorney to proceed with the opening of them. Commissioner Cox seconded the motion. So ordered.

RE: JOHN STASER- REQUEST TO VACATE A PORTION OF TENNESSEE STREET

Mr. John Staser, Attorney, was present and stated he is before the Commissioners today on behalf of Arthur R. and Mary L. Rasure, that they own a building and property at 1400 N. Cullen Avenue and they are requesting that a portion of East Tennessee Street just immediately adjacent south of their building be vacated, as well as that portion immediately adjacent to the property right across the street from them. This street has never been improved and was layed out when the Industrial Foundation originally platted the property. He has talked to the County Surveyor about this matter and at this time none of us can foresee that this street would ever be used for any purpose. Mr. and Mrs. Rasure are now putting up a second building on their property and they want to use the vacated portion of this street in order to construct a parking lot for the new facility they are erecting.

Commissioner Cox asked if we have any reports from either the Area Plan or EUTS staffs and Ms. Beverly Behme, representing the Area Plan Commission was present and stated there are no objections from either one of them, as long as the one portion of Cullen stays open (she pointed it out on the map).

Mr. Staser said they are aware of that and it will remain open.

President Borries asked if there was anyone in the audience wanting to speak for or against this request to vacate.....there were none.

President Borries informed the other Commissioners he had received proof of publication where this was properly advertised in both the Evansville Courier and Press.

Commissioner Willner moved that portion of East Tennessee Street, as submitted to the Commissioners, be vacated, as requested. Commissioner Cox seconded the motion. So ordered.

RE: ATTORNEY PAT SHOULDERS - IOSHA REPORT ON BENDER ROAD

President Borries said during a meeting this morning the Commissioners met with and received a report from IOSHA, regarding an accident which occurred on Bender Road, during the demolition of an overpass located there. Attorney Pat Shoulders also attended that meeting and represented the County, since both County Attorneys David Miller and David Jones' firm has been involved with legal counsel for the railroad, therefore they could not represent the county in this matter of Bender Road. Mr. Shoulders came forth at this time.

Mr. Shoulders said he has nothing to report other than that after the Executive Session held this morning with representatives of IOSHA, the report became public record and both Mr. Willner and Mrs. Cox indicated the desire to have the document made a matter of the minutes. He is present simply as counsel for the Commissioners should there be any other questions in regards to this document. The Public Sector Safety Order for the Indiana Division of Labor/IOSHA is as follows:

180.

PUBLIC SECTOR SAFETY ORDER

Indiana Division of Labor/IOSHA
1013 State Office Building
100 North Senate Avenue
Indianapolis, IN 46204

Notice of Unsafe or Unhealthful Working Conditions

(2)

1. ISSUANCE DATE	2. IOSHA NUMBER	
3/26/84	S8109 20684	
3. REGION	4. AREA	5. PAGE
05	1807	1 OF 2
The violations described in this Notice are alleged to have occurred on or about the day the inspection was made unless otherwise indicated within the description given below		

TYPE OF VIOLATION(S) NOTICE NO.	
6. SERIOUS	7. 1

INSPECTION DATE: 3/5/84-3/26/84

INSPECTION SITE: Bender Road Bridge

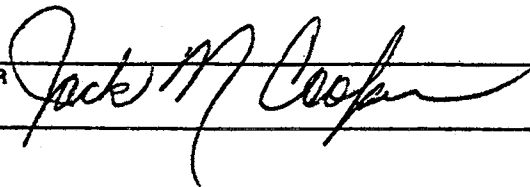
TO: Vanderburgh County Commissioners
Vanderburgh County Surveyor's Office
Room 305 - Civic Center Complex
Evansville, IN 47708

nent place at or near the location of
the violation(s) cited below. This
Notice must remain posted until

he unsafe or unhealthful working conditions have been corrected, or for 3 working days whichever is longer. This
Notice describes violations of State Regulations. You must correct the violation(s) by the date(s) listed below, or in
accordance with an established abatement plan.

ITEM NUMBER STANDARD, REGULATION, OR SECTION OF THE STATUTE VIOLATED; DESCRIPTION	Abatement Date
1-A IC 22-8-1.1 Section 2: Failure to establish and maintain conditions of work which are reasonably safe and healthful for employees, and free from recognized hazards that are causing or are likely to cause death or serious physical harm to employees, in that, Vanderburgh County did not establish and maintain safe and healthful working conditions which were free from recognized hazards for county employees demolishing the Bender Road Bridge by barricading and prohibiting entry under the bridge arch to protect county employees from falling debris and unplanned collapse	3-27-84 575
1-B 29 CFR 1926.850 (a): Failure to make an engineering survey of the structure by a competent person to determine the condition of the structure and the possibility of unplanned collapse of any portion of the structure, in that, Vanderburgh County did not have an engineering survey made of the Bender Road Bridge to determine its condition and the possibility of an unplanned collapse before county employees began demolition of the bridge	3-27-84 575
1-C 29 CFR 1926.859 (g): Failure to provide continuing inspections by a competent person as the work progresses during demolition operations to detect hazards resulting from weakened or deteriorated floors, or walls or loosened material. No employees shall be permitted to work where such hazards exist until they are corrected by shoring, bracing or other effective means, in that, Vanderburgh County did not provide continuing inspections by a competent person as the demolition work by county employees progressed on the Bender Road Bridge to detect hazards resulting from the deterioration of the bridge and loosened material and permitted employees to work under the arch of the bridge which was not braced to prevent an unplanned collapse	3-27-84 575
1-D 29 CFR 1926.21 (b)(2): Failure to instruct each employee in the recognition and avoidance of unsafe conditions applicable to his work environment to control or eliminate any hazard or other exposure to illness or injury, in that, Vanderburgh County did not instruct county employees in the recognition and avoidance of unsafe conditions to control or eliminate any hazards or exposure to illness or injury while demolishing the Bender Road Bridge	3-27-84 575
Total: 4	

5. DIRECTOR



PUBLIC SECTOR SAFETY ORDER

Indiana Division of Labor/IOSHA
1013 State Office Building
100 North Senate Avenue
Indianapolis, IN 46204

(3)

Notice of Unsafe or Unhealthful Working Conditions

1. ISSUANCE DATE	2. IOSHA NUMBER	
3/26/84	S8109 20684	
3. REGION	4. AREA	5. PAGE
05	1807	2 OF 2
The violations described in this Notice are alleged to have occurred on or about the day the inspection was made unless otherwise indicated within the description given below		

TYPE OF VIOLATION(S)	NOTICE NO.
6. SERIOUS	7. 1

INSPECTION DATE: 3/5/84-3/26/84

INSPECTION SITE: Bender Road Bridge

F

DETACH
THIS
SECTION
BEFORE
MAILING
OR
FILING
IN
CASE FILE

TO: Vanderburgh County Commissioners
Vanderburgh County Surveyor's Office
Room 305 - Civic Center Complex
Evansville, IN 47708

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the violation(s) cited below. This
Notice must remain posted until

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notice describes violations of State Regulations. You must correct the violation(s) by the date(s) listed below, or in
accordance with an established abatement plan.

ITEM NUMBER STANDARD, REGULATION, OR SECTION OF THE STATUTE VIOLATED; DESCRIPTION	9. Abatement Date	10. DATE BY WHICH VIOLATION MUST BE CORRECTED
2 29 CFR 1926.500 (d)(1): Failure to guard every opensided floor or platform 6' or more above the adjacent floor or ground level by a standard railing or the equivalent, as specified in paragraph (f)(1) of this section, on all opensides, except where there is entrance to a ramp, stairway or fixed ladder. The railing shall be equipped with a toe-board wherever, beneath the open sides persons can pass, or there is equipment with which falling materials could create a hazard, in that, the opensided deck of the Bender Road Bridge, 41' long and 14' above the adjacent roadway, was not equipped with a standard railing or toe-board on either of the open sides to protect county employees working on the bridge or below its arch	3-27-84 SSS	
3 29 CFR 1926.28 (a): Failure to require the wearing of appropriate personal protective equipment in all operations where there is an exposure to hazardous conditions, in that, the employer did not require the wearing of eye and face protection equipment by employees using a jack hammer and a cutting torch on top of the Bender Road Bridge and for employees walking below bridge	3-27-84 SSS	
4 29 CFR 1926.102 (a)(1): Failure to provide employees with eye and face protection equipment when machines or operations present potential eye or face injury from physical, chemical, or radiation agents, in that, the employer did not provide eye and face protection equipment for employees using a jack hammer and a cutting torch on top of the Bender Road Bridge, and for employees walking below bridge	3-27-84 SSS	
5 29 CFR 1926.100 (a): Failure to provide protective helmets to employees working in areas where there is a possible danger of head injury from impact, or from falling or flying objects, in that, the employer did not provide and enforce the use of protective helmets to protect employees, jack hammering above and walking below the Bender Road Bridge arch, from flying or falling concrete and rebar debris	3-27-84 SSS	
Total: 4		
DIRECTOR	16.	

Jack M. Cooper

182.

Indiana Division of Labor/IOSHA
1013 State Office Building
100 North Senate Avenue
Indianapolis, IN 46204

(4)

Notice of Unsafe or Unhealthful Working Conditions

1. ISSUANCE DATE	2. IOSHA NUMBER	
3/26/84	S8109 20684	
3. REGION	4. AREA	5. PAGE
05	1807	1 OF 1
The violations described in this Notice are alleged to have occurred on or about the day the inspection was made unless otherwise indicated within the description given below		

F

TYPE OF VIOLATION(S)	NOTICE NO.
6. NONSERIOUS	7. 2

INSPECTION DATE: 3/5/84-3/26/84

INSPECTION SITE: Bender Road Bridge

DETACH
THIS
SECTION
BEFORE
MAILING
OR
FILING
IN
CASE FILE

TO: Vanderburgh County Commissioners
Vanderburgh County Surveyor's Office
Room 305 - Civic Center Complex
Evansville, IN 47708

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the violation(s) cited below. This
Notice must remain posted until

the unsafe or unhealthful working conditions have been corrected, or for 3 working days whichever is longer. This
Notice describes violations of State Regulations. You must correct the violation(s) by the date(s) listed below, or in
accordance with an established abatement plan.

8. ITEM NUMBER STANDARD, REGULATION, OR SECTION OF THE STATUTE VIOLATED; DESCRIPTION	9. Abatement Date	10. DATE BY WHICH VIOLATION MUST BE CORRECTED
1 29 CFR 1926.50 (d)(1): Failure to make first-aid supplies, approved by the consulting physician, accessible when required, in that, first-aid supplies were not accessible to employees working at the Bender Road Bridge site	3-27-84 SJS	
Total: 1		

DIRECTOR

Jack M. Cooper

16.

Commissioner Willner moved the report be taken under advisement for a period of one (1) week, that he understands the Commissioners have fifteen (15) days in which to make a decision on the matter.

Mr. Shoulders said this is correct, the Commissioners have fifteen (15) days within which to decide whether the county wishes to contest any of the nine (9) allegations contained in the order.

Commissioner Cox said she feels very strongly about one item, that being that an IOSHA representative indicated to us that a Mr. Harold Mills, of the Bureau of Safety Education and Training, out of the division of labor, would be available to us in helping establishing a safety program and in order to gain help from him we (Commissioners) need to send a letter requesting this, so could we go ahead and proceed with this letter today and take the rest of it under advisement, because if we wait a week to send the letter we may not get a response back in time.

Mr. Shoulders said his only input in that would be that it is a service provided by the state, free of charge, and whether there were pending violations or not, that would be a good idea and he would see no reason why the Commissioners could not go ahead and put that in action as you have already taken action on the nature of the abatement of the nine (9) allegations.

Commissioner Cox moved the Commissioners proceed with a letter to Mr. Harold Mills. Commissioner Willner seconded the motion. So ordered.

Commissioner Cox seconded the motion that the report be taken under advisement for one (1) week. So ordered.

President Borries stated the Commissioners will draft a letter to go to Mr. Mills.

RE: COUNTY ATTORNEY....DAVID JONES

Inter-governmental Agreement - Data Processing Review Board: Attorney Jones said he has in his possession today an inter-governmental agreement, between the City and County, with respect to Data Processing, that it is the creation of a Data Processing Review Board and it is the intent, basically, the agreement to create a board which consists of the users of the Data Processing services, jointly with the City and County. It provides for nine (9) members, of which the County Auditor, City Contoller, County Clerk, Prosecutor, City Clerk and representative of the Court system would be automatic members of and the remaining members would be appointed by the Commissioners and by the Mayor. They would serve for two (2) years and would meet as often as deemed necessary, but in no event less than once per month and they shall serve without any additional compensation and any expenses incurred would have to be approved jointly by the City and County. It is the direct purpose that this board, first of all, become the repository of knowledge as to the Data Processing operations, as much as possible, for both the City and the County and that they act as the liaison between the contractor (Pulse Systems) on the existing contract and the actual departments that use it and that they then report back to the City and County, make recommendations, perform any studies they deem necessary and also actively encourage any office that is having problems to participate in those meetings in an attempt to resolve them. He has not forwarded any copies to the city at this point pending any additional changes that the county would desire to the extent that it is an inter-governmental agreement it would require the approval of the respective councils of the City and the County.

Commissioner Cox said she thinks this is an excellent step in the right direction and when the Commissioners consider the two (2) appointments to this board, she feels they should select people who are knowledgable and have expertise in the world of computers.

President Borries said as rapidly as the technology in computerization is changing, that knowledge might be quickly outdated, but he would concur with that. He has met with Mr. Jones and also Mr. Fortune concerning this agreement and he would like for the Commissioners to examine it this week and make a final decision on it next week. He believes the structure of this board would be such that the nine (9) members involved would not be too large to get anything done at this time. He too believes this is a very significant step in the right direction.

Agreement deferred for a period of one (1) week.

Reading Aloud of Invitational Bids on Demolition of Boonville-New Harmony Overpass:

Mr. Jones read aloud the following bids received on the demolition of the Boonville-New Harmony Overpass.

Deig Brothers Lumber & Construction Co., Inc......\$14,670.00

Floyd I. Staub, Inc......\$11,900.00

John Mans, Inc......\$8,392.00

Art's Remodeling Happe's Inc......\$12,571.00

Rig-Mar Contracting, Inc......\$13,500.00

Mr. Jones stated the above should be termed as informational bids because they are not formal bids, that they are not acceptable as bids....simply informational.

Commissioner Willner moved the proposals be referred to Mr. Bob Brenner, County Surveyor, who is presently in the audience and perhaps he can bring in a recommendation before this meeting is over. Commissioner Cox seconded the motion. So ordered.

Jail Class Action Settlement: Mr. Jones said very briefly concerning the class action suit between the jail inmates and the Sheriff, the court had a conflicting schedule and the date has to be changed, that he does not yet have the new date, however when that is set and heard, the inmates will then have another thirty (30) days to consider it and then another court date will be set, so we are still probably two (2) months away from a complete settlement.

Sheriff Shepard said with respect to the construction, it should begin April 1st, weather permitting, and be finished by July 30th.

RE: MR. HUGH MCGEE - PROPOSAL FOR BATTING CAGES AT BURDETTE PARK

Mr. Hugh McGee was present and asked for approval from the Commissioners to construct and operate seven(7) batting cages at Burdette Park, that they would be constructed and operated by Da-Mac, Inc. who currently operates concessions at the park. He explained the cages would be lighted and would be adjacent to the Bishea Building and would cover approximately one (1) acre.

Commissioner Cox asked Mr. McGee if this would be comparable to the batting cages at Wesselman Park and he replied yes, but that Wesselman's have nine (9) cages.

Commissioner Willner asked if there are any amounts estimated for this and Mr. Tuley, Park Manager, replied yes, that Mr. McGee does have some amount for this, however, in talking to the County Attorney, they understand this might have to be advertised for bid letting, therefore, he would not like to disclose his amount.

Mr. Tuley said they have appeared before several groups trying to raise money for this project and they will continue to do so, but even if this is approved and the batting cages are constructed, they will not be ready for league play until 1985.

Commissioner Willner moved the Commissioners give approval of the idea of the batting cages, but the legality of bids will have to be researched. Commissioner Cox seconded the motion, stating this is one thing she has been wanting at Burdette for a long time. Motion approved.

RE: KIM BITZ....VANDERBURGH AUDITORIUM

New Phone Line: Mr. Bitz reported the new phone line the Commissioners approved a couple of weeks ago will be ready and working by April 3rd and that the number listed in the phone book (426-2279) will be the one with the recorder on it and this recording will give the new number to anyone wanting to contact the main office.

Tiffin Scenic Studios, Inc. Mr. Bitz reported that representatives from Tiffin Scenic Studios, Inc. was in the Auditorium this past week and that he should receive a written report in regards to that visit within a week or ten (10) days, that he will get it to the Commissioners when it is received.

Lease Agreement for Facilities at Vanderburgh Auditorium and Convention Center: Mr. Bitz said he understands the County Attorney would like another week to review the Lease Agreement in regards to the renting of the Auditorium, so perhaps that can be approved next meeting.

Lease Agreement Between the Auditorium and Convention Bureau: Mr. Bitz said he would like for one of the county attorneys to proceed with drafting a lease agreement between the Auditorium and the Convention and Visitor Bureau, that he does not believe there is a written agreement and there should be. He said this has been a rather in-kind service and the Bureau has been paying him \$700.00 per month for use of the facility, but there should be a signed agreement somewhere.

Commissioner Willner moved the County Attorney be authorized to prepare such an agreement. Commissioner Cox seconded the motion. So ordered.

RE: BILL BETHEL....COUNTY HIGHWAY DEPARTMENT

Weekly Absentee Report: Mr. Bethel submitted the weekly absentee report of the employees at the county garage for the period of March 19 thru 23, 1984...received and filed.

Weekly Work Report: Mr. Bethel submitted the weekly work report of the employees at the county garage for the period of March 19 thru 23, 1984....report received and filed. Attached to the work report was the following work schedule for the same period of time.

One (1) Gradall, One (1) Front Loader and four (4) trucks were on Bender Road for three (3) days.

Grader: County Line (east), Young Road, Lynn Road, Old Green River Road, Seib Road, Wright Lane, Staub Lane, Buente Road, Maasberg Road, Seven Hills (east), Charles Road, Old Henderson Road, Boonville-New Harmony Road, Trapp, Ridge Top Drive, Grace Lane, Roesner Road and Tanglewood.

Patch Crew: Green Briar, Harmony Way, Old 460, Diefenbach, Hogue, Middle Mt. Vernon, Fuquay Road, Green River Road, Pollack Avenue, Nurrenbern, Cypress-Dale, St. George, Rode Road, Oak Hill Road, Peerless, Kansas, Burgdolt Road, St. Joe Avenue, Mill Road, Eichoff Road, Fischer Road, Mt. Pleasant Road, West Haven, 11th. Avenue, Allen Lane and 12th. Avenue.

Tree Crew: Nurrenbern Road, Boonville-New Harmony, St. Joe Road, Marx Road and Hill View Drive.

Commissioner Willner asked Mr. Bethel when he could start mixing aggregate and he replied he would like for it to be at least fifty (50) degrees.

Two Requests from Commissioner Cox on County Problems: Commissioner Cox said there are a couple of items she would like for Mr. Bethel to look into, one being just north of Highway 62, on Red Bank Road, that the condition of the holes are really terrible and need attention from us.

Also, she received a call from a Ms. Grace Cobb of 401 N. Woods Avenue (Phone 422-2276) who complained about the drainage problem, and said that about three years ago the county cleaned out a small culvert in the area and Ms. Cobb believes it is all stopped up again and would like for the county to try to clean it out again.

Mr. Bethel indicated he would check out both problems and report back his findings.

Money for Paving in 1984: President Borries said in regards to the 1984 paving budget, he would ask Mr. Bethel if he believes it will hold out and will we have enough money to do much paving this year and he replied no, that he intends to ask permission from the Commissioners to appear before the County Council with a request for additional monies again this year.

Commissioner Cox said lets not forget we are already \$300,000.00 in the hole to Local Roads and Streets, eventhough we are all aware of the fact the Wheel Tax and Excise Surtax was approved by County Council and will be coming in to help maintain our county roads

Mr. Bethel said with the money allowed at budget time, they could probably do eight (8) miles this year, but not over that.

Commissioner Cox asked Mr. Bethel if he is considering hot mix and he replied no, that he can do two (2) times as much using cold mix. Mrs. Cox said yes but hot mix would last many years longer than the cold mix.

Commissioner Willner said in the future he would still like for the county to purchase a hot mix factory, that it doesn't seem likely this year but maybe eventually we can.

Mr. Bethel said the county's equipment can lay hot mix, it's just that it is so expensive to buy.

Commissioner Cox asked Mr. Bethel to prepare a priority list again this year so that the Commissioners can make some decisions on that and also she would like for him to contact Mr. Gerard and get in-put from him also concerning this matter. Mr. Bethel said he would do this and submit it as soon as he completes it.

RE: BOB BRENNER.....COUNTY SURVEYOR

Awarding of Bid for Boonville-New Harmony Overpass: Mr. Brenner said in reviewing the five (5) bids received today for the demolition of the Boonville-New Harmony Overpass, he would recommend the job be given to the lowest bidder, John Mans, Inc., in the amount of \$8,392.00.

Commissioner Willner moved the bid be awarded to John Mans, Inc. in the amount of \$8,392.00. Commissioner Cox seconded the motion. So ordered.

Mr. Brenner said he will contact Mans, Inc. and inform them of the acceptance and have them to start within ten (10) days and finish the job within thirty (30) days.

Weekly Bridge and Guardrail Report: Mr. Brenner submitted the weekly bridge and guard-rail report of the bridge crew for the period of March 19 thru 23, 1984....report received and filed.

Commissioner Willner asked if Bender Road is going to be opened this week and Mr. Brenner said he sure hopes so, however, the rain we've had certainly hasn't helped matters out there.

Request to Obtain Invitational Bids from Blacktop Contractors: Mr. Brenner said he would like permission to obtain invitational bids from the three (3) blacktop contractors in Evansville, for paving of a list of bridges, that cold mix simply will not stick to the bridge surfaces. He has money available for this and he would like for hot mix to be put on the bridges as long as the money holds out. Each bridge will be different, but where they can help out on the roads, they will, that they are allowed to go five hundred feet (500'), but they probably won't do that. They would however like to compile a list of bridges to present to the Commissioners next week and then go for invitational bids.

Commissioner Cox asked Mr. Brenner why he said he probably wouldn't go the five hundred (500) feet and he replied he doesn't believe the Bridge Fund has enough money to do the full five hundred (500) feet on every bridge, however, that decision would be one the Commissioners would make, not him. On his report he submits he will show how many feet he recommends on each bridge.

Commissioner Willner moved the Surveyor proceed with a list of bridges, showing the number of feet on each one, and that he proceed with obtaining invitational bids, and submit them with the list for the Commissioners determination at the earliest time possible. Commissioner Cox seconded the motion. So ordered.

Letter from Barnett Brothers in Regards to the First Avenue Bridge Project: Mr. Brenner said he has received a letter from Barnett Brothers concerning settlement on both sides of the floodwall closure on the south end of the bridge, that the approach slab on both sides is dropping anywhere from 1½" to 2" and he wrote Barnett a letter and told them to fix it and the following is the answer he received from them, dated March 21, 1984 and directed to Mr. David Guillaum, Chief Deputy Surveyor.

As per your request, we visited the First Avenue Bridge Job to look at the settlement on both sides of the floodwall closure on the south end of the bridge. There is up to 1½" of settlement directly adjacent to the floodwall closure (Sta. 159+88).

Letter Continued:

Our suggestion would be to place a bituminous surface wedge against the floodwall closure and feather it out to eight feet beyond the closure on each side (See attachment #1).

Your letter implied that our work was responsible for the settlement that occurred. We do not agree for the following reasons.

1. The area twenty feet either side of the floodwall closure was included in the Corp Contract for the installation of the floodwall closure. The Corp Contractor had a large trench dug across First Avenue for the closure installation and backfilled this trench up to subgrade level. The settlement that occurred was due to backfill placed in the Corp contract.
2. The concrete floodwall closure is built on piling and therefore does not settle. The pavement adjacent to the closure is placed on flexible material that does settle no matter how well the material has been compacted. When this situation does occur, there is generally settlement near the structure supported on piling. You can see this occur at every bridge where the abutment is on piling and the approach slab is on fill. The normal solution is to wedge the settled area with blacktop.

We are awaiting your reply.

Very truly yours,
BARNETT BROS., INC.
Owen Barnett, President

Mr. Brenner said he feels like the fault lies with Barnett Brothers and he feels like they should fix it if it isn't right, that they had the engineering contract for taking compaction tests and he believes they are responsible, even though they (Barnett) are attempting to put the blame on the Corps of Engineers, but there is no way we will ever get the Corps of Engineers to come back and fix our road, and you can bet money on that.

Commissioner Cox asked Mr. Brenner if Barnett still has their bond posted with us and he replied yes they do and we are also holding \$30,000.00 of their money.

Mr. Brenner said the south side is blacktopped and we can wedge it and that would be the proper way to repair it but on the north side of the levee wall we have the option of telling them to jack the concrete up and he believes this is a 38' slab....it can be done even though it is expensive and we will be in for a fight. The provision of the contract they signed says if they do not do it within thirty (30) days of the date he sent them the letter (approximately March 14th) then we can do it ourselves, or contract it out to be done, and then attempt to collect the money for it.

Commissioner Willner said he has looked at many bridges in the past and the approaches always sink to some extent and he is not going to say who is and who isn't at fault, but he would like to have some communications with Jim Morley, who is the engineer for the Corps, that perhaps he could attend the next Commissioners meeting, but he would not like to make a decision today, that he would like input from Morley.

Mr. Brenner said he knows what we will hear from the Corps....that they compacted their fill adequately. We put dirt on top of the Corps dirt and the compaction tests and the engineering was run by Barnett and be it as it may we have a two (2) year guarantee from Barnett Brothers, from the day the job is completed, and as of today the job is not completed. As a matter of fact, they (Barnett) started tearing out the sidewalks today that have settled and are putting them back in and he personally believes we can get them to put the blacktop in too. This is an important item that needs attention and it needs it now, but he cannot see where it would help to talk to the Corps, that he doesn't know what to talk to them about, because their levee walls aren't going anywhere and they compacted theirs and they can show us unbelievable specifications that they compacted it to, then we put dirt on top of theirs and compacted it and then a concrete slab and blacktop on the south side...so it's our problem.

President Borries said he also spent a few hours out there and he found the Barnett firm very good to deal with and he believes they did an outstanding job within the time frame they had to operate in, so perhaps we should defer this matter for a week and let everyone think about it and make a decision next week.

Commissioner Willner said wasn't it the same compaction that was done on the north end of the bridge and it did not sink and Mr. Brenner said that is true nor did the south end approach to the bridge sink.

Commissioner Willner asked how many feet down is the footing of the levee wall and Mr. Brenner said probably 48'....down to rock. Mr. Willner said this is Deig that done that and how many feet on either side did he have to compact and Mr. Brenner said he isn't sure. Mr. Willner said these are some things he needs to know before he can make a decision.

Mr. Brenner said how about if we go out and put some cold mix on it now and Commissioner Willner said he wouldn't care if we put hot mix on it now to feather it out. Mr. Brenner said he does not want to wait a week before doing something because there is no way a vehicle can swerve and avoid hitting it, that you hit it with all four tires.

RE: LETTER FROM SHERIFF'S DEPARTMENT ON SURPLUS VEHICLES

President Borries read aloud the following letter dated March 20, 1984 and directed to the Board of County Commissioners.

We have three (3) vehicles that were used in the Sheriff's Department that are no longer of any value to our department. I am requesting that you declare these vehicles as surplus property so that they can be sold. I do not believe that they would be usable by any other department of county government.

The three (3) vehicles are described as follows:

1. 1974 Ford sedan. VIN #4U53S137046. Some parts removed for use on other vehicles. This vehicle is in very poor condition and is at Walt's Towing Service.
2. 1976 Ford sedan. VIN #6U53S140550. This vehicle is in running condition and is at the Sheriff's Substation, 5601 Highway 41 North.
3. Tan 1976 Ford Van-VIN #E14HHC00022. This vehicle is in poor condition and is at Walt's Towing Service.

I am enclosing certificates of registration and photographs of each vehicle. If you need further assistance from this office, please call me.

Sincerely,
Lee West, Chief Deputy
Vanderburgh County Sheriff's Dept.

Commissioner Willner moved the County Highway Superintendent pick up these three (3) vehicles and take them to the county garage and the Commissioners can look at them out there a make a decision as to what we want to do with them. Commissioner Cox seconded the motion. So ordered.

RE: ANDY EASLEY...COUNTY HIGHWAY ENGINEER

Approval to Proceed on Eichoff/Koressel Project:

Mr. Easley said on January 23, 1984, the Commissioners signed the agreement with United Consultants Engineers and the State has now returned this contract to us, therefore he would like permission to give United a letter to proceed.

Commissioner Cox moved the request be granted. President Borries seconded the motion. So ordered.

Claims: Mr. Easley presented the following two (2) claims from Morley and Associates for the Commissioners approval of payment and stated Mr. Morley had agreed to do the twenty eight (28) parcels, the easements and drawings, for \$1,680.00, which averaged about two (2) hours per parcel, but as it turned out, there was additional right-of-way parcels to be obtained and Mr. Morley has done a total of fifty one (51). He has personally reviewed these claims and signed them and recommends payment. They relate to the Burkhardt Road Project.

Mr. Easley said the parcels on today's claims were not included with the original authorization on Burkhardt Road and there are attached detailed statements on both of the blue claims.

Commissioner Willner moved the claims for Morley and Associates, in the amounts of \$1,296.25 and \$551.25 be approved for payment. Commissioner Cox seconded the motion. So ordered.

Letter From Mr. Ken Hansen to Attorney Miller: Mr. Easley said he does not know if the Commissioners have seen a copy of a letter sent to David Miller from Mr. Kenny Hansen or not, but it concerns the Euler property, on Burkhardt Road and is dated March 22nd. It appears that Mr. Euler is not going to grant us an easement. He has given Mr. Jones a copy of the letter and he would ask that he (Jones) stay in touch with Mr. Hansen.

Mr. Jones said that Mr. Miller is the attorney involved in the Burkhardt Road project, that he has had it from the beginning and he will not step in.

Mr. Easley said that is fine, he will communicate with Mr. Miller regarding this matter.

Check Received on Red Bank Road: Mr. Easley reported he received a check in the amount of \$5,814.98, along with the following letter, from the State of Indiana

Re: Project #RRP - 9982(3)

Red Bank Road and L&N R.R.

March 19, 1984

Dear Mr. Easley:

Enclosed is a State of Indiana Voucher 6250777, in the amount of \$5,814.98 which represents the 10% reimbursement of local monies used to upgrade the Red Bank Road/L&N grade crossing in Vanderburgh County, Indiana.

For your information, the Transportation Section of the Public Service Commission has moved. Our new address is:

309 West Washington Street
Suite 601 Old Trails Building
Indianapolis, Indiana 46204

Sincerely,
Sharon Polk
Assistant Director
TRANSPORTATION DEPARTMENT

The check has been given to the County Auditor to be put back into the Local Roads and Streets budget.

Letter Concerning Elmridge Drive: Mr. Easley said the Commissioners received a letter from the people on Elmridge Drive and they are still working to see if they can find a way to come up with the finances to do what has to be done out there.

Commissioner Willner asked Mr. Easley if he has been working with the group of people that they received the letter from and he replied that both he and Mr. Bethel marked the pavement to be repaired and yes, he has been in touch with this group of people. Mr. Willner said this person is asking for our help and we have been helping all this time so he finds it strange she didn't mention that in her letter.

Mr. Easley said he marked the pavement to be repaired but has done nothing toward the sewer system because that is not under his jurisdiction, but he has had conversations with Mr. McGill. The one bid he seen to repair the road out there was around \$20,000.

Commissioner Cox said they are also asking us, as County Commissioners, to really take a look at development that goes on out there in the future, especially in subdivisions and make sure it is good development and adequate with regards to storm sewers, sanitation sewers or septic tanks and also roads.

Commissioner Willner said he would agree with that and while we are on this subject he would like to state that he believes our standards for our subdivisions roads and streets should be changed to grades of over 2% should not be installed with concrete, because we have had trouble for the past fifty (50) years with concrete streets in high hills area. It just never works because the ground beneath the concrete washes out and the concrete will hold until there is absolutely nothing there but a void and then it has to fall through and it is impossible to repair. If it were blacktop it would subside with the washing and you would simply come back in and fill the void like you would a chuck hole and then you are back in business again. He would like to the county specifications changed to reflect this and if he would have support on this idea he would so move.

President Borries asked if the new subdivision specifications, issued by Area Plan, include bonding now.

Commissioner Cox said after they are approved through Area Plan Commission, it then goes to the City Council and then it will come before us and this is certainly one of the modifications we can do when it does come before us for approval.

Commissioner Willner said that is well and good, a bond is, but if they are allowed to pour concrete it will still cause problems, with or without a bond.

Mr. Easley said he will check and see about specifications including that beyond a certain grade there will be no concrete streets in subdivisions.

Problem with Sewer Grate Bars Being Removed: Commissioner Cox asked Mr. Easley if he had a chance to go out on Eastbrooke Drive and check on the complaint about the sewer grate bars being removed, as reported by David Miller last week.

Mr. Easley said he did not attend last week's meeting and this was not called to his attention, however, he understands Mr. Bethel did go out and look at it.

Mr. Bethel reported he did go out and check it out and this was a situation where the people in the area had turned the covers upside down (they are into the curb) and his crew went out there and put them back...right side up and the people complained the water would not then drain into them properly, so they did cut one (1) bar out of the grate, but in order for anyone to get their foot in it, they would have to sit completely down and push their foot in it.

Commissioner Cox said she thinks we should have an engineering opinion on whether this is hazardous or not because the county could very well be liable.

Mr. Bethel said this would be wise and he would take Mr. Easley's advice.

Commissioner Cox said then the county crews did cut the bars out and Mr. Bethel replied yes.

RE: BILL ZIMMERMAN....BUILDING COMMISSION

Report on 1417 Florence Street: Mr. Zimmerman reported the house at 1417 Florence Street has been boarded up and the Commissioners will soon be receiving a bill in the amount of \$186.76.

RE: REQUEST TO TRAVEL - AREA PLAN COMMISSION

The following request to travel was received from Area Plan Commission, dated March 22, 1984 and directed to the Board of County Commissioners.

I am requesting travel to attend both the Indiana Conference for Local Planning Officials on April 4th and 5th and the HERPICC Seminar on storm drainage with emphasis on subdivision drainage and erosion control to be held April 3rd. Both conferences are to be held on consecutive days at Purdue.

I feel these conferences are necessary for the performance of my job.

Sincerely,
Barbara L. Cunningham
Executive Director
AREA PLAN COMMISSION

Commissioner Willner said he discussed this with Mrs. Cunningham this morning and she said she felt it is very essential for him to attend this seminar and since they were in Indiana he would move the request be granted.

Commissioner Cox said she feels the Commissioners should send someone with some technical background on drainage to these meetings, that she does not know what the Area Plan Commission will be able to do, because they don't review the plans, they refer them to the City or County Engineer or County Surveyor for their expertise and recommendations so it looks to her like these would be the people going instead of the Executive Director of Area Plan and she personally does not see where this is a necessity.

President Borries said the letter says it is for Local Planning Officials and although it does not specify it is for what is called technical people he assumes the information disseminated would be of use to planning. We could contact someone in the Surveyor's office or the County Engineer and see if either are interested in attending. We could ask Mrs. Cunningham to bring back a report on what topics were covered at these meetings and with that in mind he will second the motion, which carried with two (2) affirmative votes. Commissioner Cox voted no.

RE: JIM MORLEY - CONCERNING THE FIRST AVENUE BRIDGE PROJECT

Mr. Morley said last Wednesday he had a meeting with the Corp of Engineers about other matters on the levee and during that meeting he brought up this subject of the problem on First Avenue and the reaction from Dick Boarman, the project Engineer, in charge of the project was that they had compaction tests all the way up to the prior existing grade and from that point on they were not responsible for any of the work and that they had tests on their portion of the work and as far as they were concerned they felt they were clear and under no condition would they accept responsibility for settlement of the asphalt on either side of it, that it was Barnett's responsibility for bringing the grade there on up. He would not know if the Commissioner could change the Corps mind or not, but that is the position they took on the matter. He has had conversations concerning this matter with Mr. Brenner about the possibility of hot asphalt overlay or mud jacking of the slab on the north side and it has been his experience that mud jacking meets with mixed success, that sometimes it will work and sometimes it won't because you begin pumping under pressure and sometimes when it finally does begin to lift, it will lift too much and you may crack the slab somewhere else. It would be safer in the long run to go with a hot asphalt overlay wedging up to that point than to mud jack it.

Commissioner Cox asked Mr. Morley if he has any estimation of the life of this asphalt plug, in other words, how often are we going to have to go back in and put that plug in and he replied unless there is dirt on the pavement or problems with the bond, you won't have to come back, that it should last.

Commissioner Cox said don't you see it chipping out of there and Mr. Morley replied no, only a little raveling of the edge perhaps, but if you have a competent contractor who knows what he is doing there should be no problems with it. The positive alternative is to tell Barnett to take the slab up and repour it to grade.

Commissioner Cox said are we reasonably sure that all the settlement has taken place and Mr. Morley said no you do not. He said it is reasonable to assume that most of the settlement occurs in the first year and the amount of settlement from here on out would be much less than what has settled to date, that the settlement is a time increment and the water we have had recently is really not much of a factor as is a lack of compaction at that point, so in lieu of them repouring it you could ask them for a guarantee on the asphalt overlay.

Commissioner Willner asked what is the consistency of concrete asphalt like is used on the air strips and Mr. Morley said it is a different mix than what is used on the highways and it is a higher density mix, but it would not be advantageous for this small of job, that it would cost thousands of dollars to even set up to make that type of mix.

Mr. Morley said he believes the approach to the contractor should be either you repour the slab or give us a long term guaranteed overlay, and you might get a better time limit out of the sub-contractor that did it for Barnett.

Commissioner Willner asked Mr. Brenner if he agreed with that and he replied it is reasonable.

President Borries asked Mr. Brenner if he will draft a letter to this effect and he replied he would, but if he won't fix it then the county will and then he will go after them for reimbursement.

RE: APPOINTMENT TO THE HOSPITAL AUTHORITY BOARD

Commissioner Willner moved that Dr. Minot P. Fryer be appointed to the Hospital Authority Board for a term of four (4) years. President Borries seconded the motion. So ordered.

RE: MONTHLY REPORT OF THE CLERK OF THE CIRCUIT COURT

Received and filed was the monthly report of the Clerk of the Circuit Court for the month of January, 1984.

RE: QUIT CLAIM DEED FOR THE SCHOOL CORPORATION

President Borries said the County Attorney has prepared a quit claim deed for property at 1253 East Franklin Street, that it was erroneously put up for tax sale, that it belongs to the Evansville-Vanderburgh School Corporation.

Commissioner Willner moved the Commissioners approve and sign the quit claim deed and that it be forwarded to the School Corporation for recording. Commissioner Cox seconded the motion. So ordered.

RE: CERTIFICATE OF INSURANCE

A certificate of insurance was submitted for Fureal LTD for a leather sale on March 23, 24 and 25, 1984, at the Auditorium.....received and filed.

Commissioner Cox said she recieved a letter from the Chamber of Commerce concerning a Transient Merchants Statute (I.C. 25-37-1 thru 12) which she believes was passed for consumer protection.

County Auditor Alice McBride said she too received a copy of the same letter from the Chamber and she checked with the state and was told by them that they are not aware of any counties in the state of Indiana doing this and she was told to contact the Association of Indiana Counties, which she will do tomorrow. The county will not get to keep the money, that it will go to the state, but if we are suppose to be doing this, then she wants to do it, therefore she will continue to check into it.

Commissioner Cox said Mr. Bitz should also be made aware of this and perhaps a copy of this letter can be forwarded to him.

RE: REPORT FROM INSURANCE AUDIT AND INSPECTION COMPANY

Received and filed was a lengthy report from the Insurance Audit and Inspection Company in regards to the county's insurance, that this company comes in annually and publishes a detailed summary of the County's insurance policies.

RE: EMPLOYMENT CHANGES.....APPOINTMENTSSURVEYOR

Dan V. Gossman	27 W. Oregon St.	Rodman	\$14,192.00	Eff: 3-26-84
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CLERK OF CIRCUIT COURT

Angel Delgman	3000 W. Franklin	Deputy Clerk	\$432.87	Eff: 3-26-84
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RE: EMPLOYMENT CHANGES.....RELEASESCLERK OF CIRCUIT COURT

Joyce Fields (L/A)	824 Adams Ave.	Deputy Clerk	\$432.87	Eff: 3-26-84
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There being no further business, President Borries declared the meeting recessed at 4:15 P.M.

PRESENT: COUNTY COMMISSIONERS COUNTY AUDITOR COUNTY ATTORNEY
Richard "Rick" Borries Alice McBride David Jones
Robert L. Willner
Shirley Jean Cox

SECRETARY: Janice Decker

Robert L. Willner

Shirley Jean Cox
BOARD OF COUNTY COMMISSIONERS

194.

COUNTY COMMISSIONERS MEETING
APRIL 2, 1984

The meeting of the County Commissioners was held on April 2, 1984, at 2:30 p.m. in the Commissioners Hearing Room with Vice President Robert Willner presiding. President Borries was absent from today's meeting.

This being the first meeting of the month it was officially opened by Sheriff Clarence Shepard.

The minutes of the previous meeting were approved as engrossed by the County Auditor and the reading dispensed with.

RE: OPENING OF BIDS FOR TWO (2) DUMP TRUCKS FOR HIGHWAY DEPARTMENT

Mary Goodman, of the City/County Purchasing Department was present and submitted seven (7) bids to be opened by the Commissioners on the two (2) dump trucks for the County Highway Department, which were advertised on March 12 & 19, 1984.

Commissioner Cox moved the bids be given to the County Attorney to proceed with the opening of them. Commissioner Willner seconded the motion. So ordered.

RE: KIM BITZ...VANDEBURGH AUDITORIUM

Letter Requesting Transfer of File Cabinets: Mr. Bitz submitted the following letter dated April 2, 1984 and directed to the Board of County Commissioners.

Dear Commissioners:

Please allow the transfer of the following item from surplus from Voter's Registration to Vanderburgh Auditorium.

Four (4) Drawer Cabinets

These cabinets were to be placed in surplus county property.

Sincerely,
Kim P. Bitz, Manager
VANDEBURGH AUDITORIUM

Mr. Bitz said the cabinets he refers to are old ones that used to hold the metal plates for printing, in the Voter's Registration office and they are no longer of any use to them and he would like to have four (4) of them for use in the Auditorium.

Mr. Lindenschmidt informed the Commissioners that the Voter's Registration no longer can use these cabinets and they are to be stored away and he suggested that Mr. Bitz write a letter to the Commissioners requesting he be given four of them, if he can use them.

Commissioner Cox moved the request be granted. Commissioner Willner seconded the motion. So ordered.

Request to Change Location of New Marquee at the Auditorium: Mr. Bitz said Ad-Craft and the advertisers for the new outdoor marquee have met with each other and looked at the widening of Walnut Street and the location the sign will take on with that widening and they have decided to move the sign around to the Seventh Street side of the Auditorium and with that they have requested we remove the old marquee presently located there and all the cost and work will be done by Ad-Craft.

Commissioner Willner asked which way the new sign will be facing and Mr. Bitz replied east and west, so it will still be seen from Walnut Street. Mr. Willner said he did go over today and look at the place marked off for the new sign and he would have no problems with it being placed there, which is about half way between the present sign and Seventh and Walnut Streets.

Commissioner Cox moved the request to relocate the new marquee be granted and also that the old sign be taken down when the new one is installed. Commissioner Willner seconded the motion. So ordered.

RE: BILL BETHEL.....COUNTY HGIHWAY DEPARTMENT

Weekly Absentee Report: Mr. Bethel submitted the weekly absentee report of the employees at the county garage for the period of March 26 thru 30, 1984....report received and filed.

Weekly Work Report: Mr. Bethel submitted the weekly work report of the employees of the county garage for the period of March 26 thru 30, 1984...received and filed.

Attached to the work report was the following work schedule for the same period of time.

Front Loader (1)
Gradall (1) Bender Road - Two (2) Days
Trucks (4)

Gradall (1)
Trucks (3) Bender Road - Two (2) Days

Patch Mt. Pleasant, Cypress Dale, Larch Lane, Camelia Drive, Fisher Road, Mesker Park, Old Petersburg Road, Old State and Caranza, Raintree, Harmony Way, Seven Hills, Coal Mine, Chestnut Street, Oak Hill Road and Ridgewood Drive intersection, Darmstadt at Evergreen, Mill Road, Red Bank Road and 12th. Avenue.

Tree Crew Nurrenbern Road, Hogue Road, Koressel and Red Bank Road

Grade and Rock Volkman Road, Schroeder Road, Barton Lane, Bender Road, St. Joe Avenue, County Line Road, Herdink Road, Schissler Road, Lutterbach Road, Schmidt Road, Baehl Road, Folz Road, Staub Lane, River Road, Bixler Road, Wallenmeier Road and Mann Road.

Placed barricades at high water points.

Problem with Sewer Grate Bars Being Removed: Commissioner Willner said he would like it stated that concerning the bars removed from a sewer grate on Eastbrooke Drive, that Mr. Bethel informed him his crew went back out and re-welded the grate bar back in and perhaps we should ask the neighbors to help us keep them free of straw, leaves, etc. and to not turn them upside down again.

Mr. Bethel submitted some photographs of the grates, which show they are no more than 2" apart and that is really a little close and catches a lot of debris.

Commissioner Willner said perhaps Mr. Bethel could check with companies that make these grates and see if they make them with more room between the bars.

Commissioner Cox said she would like to thank Mr. Bethel for taking care of the problem on Red Bank Road and now she would like for Bayou Creek Road to be put on the list that it is in very poor condition. She also asked Mr. Bethel if he had a chance to check with Ms. Cobb on Woods Avenue in regards to her drainage problem and he replied he did not get in contact with them, however, he did go out there and seen where the problem is and we will repair it.

RE: BOB BRENNER.....COUNTY SURVEYOR

Weekly Bridge and Guardrail Report: Mr. Brenner submitted the weekly bridge and guardrail report of the bridge crew for the period of March 26 thru 30, 1984....report received and filed.

Mr. Brenner said concerning the Big Schaffer Road project stated on the report, it was quite a washout and we rebuilt the bank with guardrail and also filled in with rip rap.

Letter Concerning the Maryland Street Bridge: Mr. Brenner submitted the following letter to the Board of Commissioners and stated there are two (2) attachments to it that he would call the Commissioners' attention to also. The letter is dated March 30, 1984 and directed to the Board of County Commissioners.

Re: Maryland Street Bridge Crossing of Pigeon Creek at mile point 0.75.

The Maryland Street Bridge complies with the Department of Army definition of a "minor road crossing." This is, it will require less than 200 cubic yards of discharged

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(3)

4-2-84

Letter Continues:

fill material below the ordinary high water elevation. The fill material will consist of 91 cubic yards of concrete and 100 cubic yards of rip rap.

A "minor road crossing" such as Maryland Street is already authorized under Department of Army regulation 33CFR 330.5.

Sincerely,
Robert Brenner
COUNTY SURVEYOR

Mr. Brenner stated the Corps of Engineers have told us if we reduce the amount of fill material we put into the Maryland Street Bridge, it will not require their approval, that approval is already granted under 33 CFR 330.5, provided the structures are bridged or culverted to allow for expected high flows. The Department of Natural Resources also granted us approval earlier this week.

Commissioner Willner asked if these revisions have been put in the plans and Mr. Brenner said yes, that all he has to do is reduce the amount of rip rap he puts in.

Commissioner Willner said he understands that David Gerard is to let us know if we will have federal funds available for this project or not.

Commissioner Cox said she understood that Mr. Gerard will not know until about June, however, he informed us a few weeks ago that this would qualify for federal funds.

Commissioner Willner asked Mr. Lindenschmidt to go immediately and try to contact Mr. Gerard and see if he knows yet about the funding.

Mr. Lindenschmidt came back into the meeting and said in his conversation with Mr. Gerard, he informs us he has not heard anything on the federal funding as of today.

Mr. Brenner said we have the engineering completed, but basically it is unfair to the engineer.....to have his work put out without someone checking it and he would like to travel to Indianapolis and get the plans run through the State Highway Department, at whatever cost it takes. It is just not reasonable for that magnitude of a job to not be checked, even if he has to hire a private engineer to check it. If you have a big enough office you have a checker in it, but we do not.

Commissioner Willner said he agrees that it should be checked, and he asked Mr. Brenner when would be convenient for him to go, that does it have to go on the State's agenda, or how should it be handled and Mr. Brenner said he will just have to work it out with the state and see if they will do it, that it might take some political muscle for us to get them to do it for us, since it is not a federal highway project, that it is a "minor road crossing".

Commissioner Willner asked Mr. Brenner to correspond with the state by letter and keep the Commissioners informed.

Bender Road: Commissioner Willner said Bender Road is now open and the county highway department will resurface the roadbed as soon as it settles.

Mr. Brenner and Mr. Bethel both agreed this is correct.

RE: MONTHLY FINANCIAL REPORT - COUNTY TREASURER

Lewis F. Volpe, County Treasurer submitted the monthly report, dated April 2, 1984.

<u>Collections to Date Are:</u>	County Revenue	\$30,650.13
	Federal Revenue Sharing	<u>2,500.00</u>
	TOTAL	\$33,150.13

Outstanding Investments are:

1. Investments, \$3,000,000, dated December 28, 1983, due December 27, 1984. Estimated income \$273,700.00, of which \$22,812.00 will go to the Reassessment Fund. Rate 9.125%.
2. Investments, \$500,000, dated December 29, 1983, due December 27, 1984. Estimated income \$46,200.00 Rate 9.25%.

Treasurer's Report Continues:

3. Investments, \$2,000,000, dated January 4, 1984, due December 27, 1984. Estimated income \$188,000.00. Rate 9.50%.
4. Repo, \$500,000, dated March 29, 1984, due April 9, 1984. Estimated income \$1,413.19. Rate 9.25%.
5. Repo, \$500,000, dated March 20, 1984, due April 9, 1984. Estimated income \$2,534.72. Rate 9.125%.
6. Repo, \$900,000, dated March 27, 1984, due April 9, 1984. Estimated income \$2,884.38. Rate 8.875%.
7. Repo, \$900,000, dated March 30, 1984, due April 9, 1984. Estimated income \$2,312.50. Rate 9.25%.

When all outstanding investments are collected, income will appear as follows.

County Revenue	\$524,882.92
Reassessment	22,812.00
Federal Revenue Sharing	<u>2,500.00</u>
	\$550,194.92

Lewis F. Volpe,
County Treasurer

Report received and filed.

RE: REQUEST TO GO ON COUNCIL CALL - COUNTY COMMISSIONERS

Commissioner Willner said the Commissioners have been informed by Gloria Evans, bookkeeper in the Auditor's office, that she is holding a claim from the state for expenses of juvenile offenders, in the amount of \$56,192.63, for account 130-305, (Patient and Inmate Care). We only have \$37,937.89 left in the 1984 budget, so we need \$18,254.74 to pay this bill.

Commissioner Cox asked if all the claims have been approved by Judge Lensing and Mrs. McBride said she would imagine that he has, because when they come to us the first thing Ms. Evans does is give them to the Judge and she does not process any of them until they come back from the Judge.

Commissioner Willner asked if Mrs. McBride is aware of any other account that this could come from, in other words, could some monies be transferred and she replied she is not fully aware of what is in the Commissioners budget, however, she would be happy to check the accounts and see, that it would be great if it could be transferred from somewhere within the budget.

Commissioner Willner asked how much money is left in the General Fund, unappropriated and Mrs. McBride replied she believes there will be about \$32,000.00 left, assuming the telephones and data processing requests are approved.

Commissioner Willner said we have until the 15th of this month to get it on the May Council Call, so perhaps we could defer it for a week and let Mr. Lindenschmidt check the funds available within the Commissioners Budget and if we cannot transfer it then we can approve it to go on Council Call next meeting.

Commissioner Willner said he would like to ask Mr. Brenner a question concerning the Maryland Street Bridge project and also the Morgan Avenue project, that do we have enough in our Bridge Fund to go ahead with Maryland Street, on our own and Mr. Brenner replied it is already appropriated. He asked if we have enough money for Morgan Avenue and Mr. Brenner replied yes. Mr. Willner said if we won't know about the funding on the Maryland Street project until May or June, then we won't be able to start construction in 1984 and Mr. Brenner said he would proceed with it because it will take us that long to get it approved by the state.

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(5)

4-2-84

RE: TELEPHONE REQUEST - DATA PROCESSING

Commissioner Willner said the following telephone request was submitted by Data Processing

5382 Taken out.

5233 To ring in systems and programming and in operations offices

5245 To ring in 207D (inside room 205)

Both phones to be clustered.

Both phones to have call pickup

Both phones to have call transfer

No buttons on either phone

Commissioner Willner said there is a \$90.00 installation fee, and the monthly increase for Pulse will be \$3.30. He needs to know if Pulse is going to pay the \$90.00 installation fee and Mr. Lindenschmidt said he assumes they will.

Mrs. Meeks said all charges and costs will be paid by Pulse Systems.

Commissioner Cox moved the request be granted, provided Pulse pays all costs. Commissioner Willner seconded the motion. So ordered.

RE: LETTER TO THE BUREAU OF SAFETY EDUCATION AND TRAINING DIVISION OF LABOR

Commissioner Willner said last week the Commissioners decided to set up a safety program with the help and expertise of the IOSHA people and the following is a copy of a letter sent to Mr. Mills requesting his assistance.

Mr. Harold Mills
Bureau of Safety Education and Training
Division of Labor
1013 State Office Building
Indianapolis, Indiana 46204

March 29, 1984

Dear Mr. Mills:

We are asking for assistance from your office regarding our safety programs in Vanderburgh County. As we proceed in our planning, we will include Mr. Wayne Fox, Loss Control Consultant, from the Hartford Insurance Company. Prior to this year, the Hartford had been our County's Liability and Property Insurance carrier. We retained him to assist us in our on-going safety efforts when we changed insurance carriers. We will look forward to hearing from you soon.

The above letter was signed by President Richard Borries.

RE: BIDS READ ALOUD ON THE DUMP TRUCKS FOR THE COUNTY HIGHWAY DEPARTMENT

County Attorney David Miller said there were seven (7) bids received for the two (2) dump trucks for the county highway department and that all seven (7) were in order, that is to say there is no technical problems with any of them.

Bids were as follows:

Hendrickson & Sons Motor Company, Inc. Boonville, Indiana.

\$15,643.15 per unit, without the dump package.....\$31,286.30 for two (2) units.

Perfection Dump Body Package #PC25.....\$2,995.00

Peabody Gallion Dump Body Package #81.....\$3,256.00

The above is for a Chevrolet C70 Cab and Chassis...1984

Asher Truck & Trailer, Inc. Evansville, Indiana

1984 International "S" Series 1924 Cab/Chassis, Conventional Cab.

Sale Price Per Unit----Chassis only.....\$15,716.60
 Perfection Dump Body.....\$2,995.00 Total per unit...\$18,711.60
 Total for two (2) Units.....\$37,423.20

Tom Wood Pontiac GMC, Inc. Indianapolis, Indiana

1984 GMC Model TC7D042 Cab and Chassis

\$20,275.00 Per Unit

\$40,550.00 for Two (2) Units

The above is with Perfection Hoist and if Heil body and hoist is desired please add \$500.00.

D-Patrick, Inc. Evansville, Indiana

1984 or 1985 Ford F 700 Dump Trucks with 10' Peabody Gallion Model #81 dump body and hoist. Net per unit.....\$18,399.00. Total bid two (2) units...\$36,798.00

Kenny Kent Chevrolet Co., Inc. Evansville, Indiana

1984 Chevrolet Trucks, cab and chassis, model C7D042. Price per unit.....\$18,119.00
 \$36,238.00 for two (2) units.

Bellessa Motor Co. Mt. Carmel, Illinois

1984 GMC Cab and Chassis Model #C7D042. Price per cab-chassis unit...\$15,544.00
 Price per dump body \$ 3,256.00

Price per unit....\$18,800.00. Total bid for two (2) units.....\$37,600.00

Hendrickson Enterprise Inc. Boonville, Indiana

1984 International S-1654-Model AA16542

Mr. Miller said it is hard for him to determine which dump body they are including in this bid, but it looks to him like the total bid for two (2) units is \$39,289.20 for cab and chassis and then you would add an additional \$6,512.00 for the two (2) dump bodies, however, he could be reading this wrong, that it could be for an alternate dump body.

Mr. Miller said that is all the bids received, and they should go to the Purchasing Department to be reviewed by them and Mr. Bethel, who has expertise in these matters.

Commissioner Cox moved all seven (7) bids be referred to the Purchasing Department and Mr. Bill Bethel for their review and recommendations at the next meeting. Commissioner Willner seconded the motion. So ordered.

RE: LEASE AGREEMENT FOR FACILITIES AT THE VANDERBURGH AUDITORIUM

Mr. Miller said he has reviewed the agreement as submitted by Mr. Bitz and have made a few minor changes and this document, in his opinion, is satisfactory for use by the Vanderburgh Auditorium and if Mr. Bitz and the Commissioners are all pleased with it he would recommend approval.

Commissioner Willner asked if the changes have been initiated in the document before us today and Mr. Miller replied they are.

Mr. Bitz said he has seen the changes, agree to them and would recommend approval also.

Commissioner Cox moved the lease agreement be approved. Commissioner Willner seconded the motion. So ordered.

RE: INTERGOVERNMENTAL AGREEMENT.....DATA PROCESSING REVIEW BOARD

Mr. Miller said he has today, a joint agreement between Vanderburgh County and the City of Evansville, concerning Data Processing Services and the creation of a review board. We have reviewed this document and in his opinion it is in order and ready for the signatures of the County Commissioners. Mr. Jones has already signed his approval and it is ready.

Commissioner Cox moved the intergovernmental agreement in regards to the Data Processing Review Board be approved as to form and signed. Commissioner Willner seconded the motion. So ordered.

RE: SETTLEMENT ON THE HIRSCH PROPERTY

Mr. Miller said concerning the settlement on the Hirsch property, he personally believes this is a drainage matter and should be discussed during a regular Drainage Board meeting.

RE: MINIMUM SPECIFICATIONS FOR A BATTING RANGE AT BURDETTE PARK

Mr. Miller said that Mark Tuley has submitted to him the minimum specifications for a batting range at Burdette Park and after reviewing them they appear to be satisfactory and they are very much in the same form as the minimum specifications that we used on the concessions last year. He believes that anything given to potential bidders that has the descriptions on them ought to be marked more clearly so that these people know exactly what area they are bidding on, but other than that they are in order.

Commissioner Cox moved the batting cages at Burdette Park be advertised for bids. Commissioner Willner seconded the motion. So ordered.

Commissioner Willner said the specifications are to be advertised April 3 & 10, 1984 and Mrs. Decker, recording secretary, informed the Commissioners she could not get it to the Courier and Press and have it advertised on the 3rd, that it would be at least the 6th. & 13th.

Mr. Tuley said he took the liberty to send it on to the newspaper and hoped it would pass today, that time is of the essence, and if the Commissioners would not have approved them all he would have to do is call and have it not printed.

Commissioner Cox said she realizes time is of essence, but she would not do that anymore were she Mr. Tuley.

Mr. Tuley said he understands Mrs. Cox concerns, it was just he felt like he didn't have much other choice.

RE: ATTORNEY GENE JOHNSON IN REGARDS TO ALFRED & JULIA EULER PROPERTY

Gene Johnson....Attorney at law was present to represent Alfred and Julia Euler in regards to property in the area of the Burkhardt Road project. He stated he has with him a letter from Citizens Realty, directed to Mr. and Mrs. Euler and he is wondering if the Commissioners also received a copy of it. Commissioner's Willner and Cox both said they have not and Mrs. Meeks said it was not delivered in today's mail.

County Attorney David Miller said we have a complaint that is ready to file for the appropriation of a strip of real estate along Burkhardt Road, on the south side of Division and the east side of Burkhardt Road and he has been advised by Mr. Hansen, of Citizens Realty and also people in our Surveyor's office that time is of the essence because of our desired construction schedule and now he is told that a new offer taking into account some shrubbery, was made, dated March 30, 1984.

Mr. Brenner said he doesn't believe it is an offer, that the county's appraiser went out and re-appraised the trees, or shrubbery that would be in the right-of-way.

Mr. Johnson said under "other damages" on the statutory offer, it has "zero", that it was for the taking of land and nothing else, so when they went back out and re-appraised it they took into consideration the shrubbery.

Mr. Miller said in regards to the letter from Citizens to the Euler's, there is also a letter attached to it from Vic Funke, addressed to the Commissioners, dated March 29, 1984, which adds \$522.00 to the previous proposal. Obviously it is in the county's interest to get this thing going as soon as possible and get it resolved as soon as we can. There is however one other problem and that is the culvert and where it is going to be located.

Mr. Brenner said as an interested by-stander, to him, it should be located at the end of his property, as far away as possible from the intersection and that would be to our (county's) advantage.

Mr. Johnson stated he is sure the Commissioners, or someone representing this body has had contact with the Euler's, and he doesn't want to say there is a stalemate, but the state has come back and offered to put the culvert back at the same point where the existing drive way is, which is some 45-50 feet from the intersection of Burkhardt and Division Street, and to him, that is absolutely ridiculous, that it is a severe safety hazard and endangers lives, that he believes it should be moved some 100' south of where it presently is and that would put it right at the end of the Euler property and Mr. Euler is asking that while that is being done, that rock is put in there so he can get to his house.

Mr. Brenner said he agrees with that, but where ever we move it from or to, he wants a driveway so many feet deep and so many feet wide, so for rock we are probably talking \$200.00, and he would recommend we go along with this.

Commissioner Willner said he has no problem with parcel #1, but he would like to talk to the appraiser in regards to parcel #2, which is also owned by the Euler's.

Commissioner Cox said she thinks we ought to look at all of them and get a report back because she asked the question when the original appraising was done, did they look at the trees and the landscaping and the answer they gave her was yes, and now they say that they did not.

Mr. Miller said they didn't include anything in their price.

Commissioner Cox said she had asked if the total appraised damages included that and she was answered yes, therefore, she needs to talk to the appraiser.

Mr. Miller said basically what we have discussed is the present proposals, plus \$880.00 and move the culvert back to the back line. He will contact Vic Funke this week and perhaps this can be resolved at the next Commissioners meeting.

RE: MARK TULEY....BURDETTE PARK

Brief Closing of Skating Rink for Repairs: Mr. Tuley reported he will have the skating rink closed from April 9th through 12th, for floor repairs, that it hasn't been coated for about five (5) years and it needs it desperately.

Commissioner Willner asked if the Burdette employees can do this work and Mr. Tuley said no, that it will have to be done by specialists in that field, that it is a complicated procedure even though it is not very expensive.

New Lease Agreement for Burdette Rentals: Mr. Tuley said he would like authorization to talk to the county attorney about drafting a new lease agreement in regards to the rental of facilities, that right now we have a very loosely worded agreement. One of the problems we have is people renting a building from us and the day before, they will cancel out and we have no provision in our present contract to keep a portion of their money, that we must return it or give them another date. Another problem is that if a facility is damaged by a renter we have no recourse, other than suing, for payment. He just feels it would be better business to have something concrete and the people renting the facilities would know exactly what is expected of them, as per agreement.

Commissioner Willner said he would agree with this, because he is sure we have lost some revenue because of cancellations at the last minute.

Both Commissioners Willner and Cox agreed for Mr. Tuley to proceed and work with one of the County Attorney's toward drafting this agreement, for the Commissioners approval at the time of completion.

RE: CERTIFICATE OF INSURANCE

A certificate of insurance was submitted for the State Convention of Baptists in Indiana for a dinner on April 5, 1984.

A certificate of insurance was submitted for the U.S. Sheet Metal and Roofing Company, Inc. for...roofing, heating, ventilating, air conditioning, building and general construction.

A certificate of insurance was submitted for Cawther Temple #118 Prince Hall Shriner, for a Potentate Ball on March 31, 1984.

All certificates ordered received and filed.

RE: CLAIMS

A claim was submitted for William A. Reising for a duplicate permit issued through the Building Commission office, in the amount of \$50.00.

Commissioner Cox moved the claim be approved. Commissioner Willner seconded the motion. So ordered.

A claim was submitted for Helfrich Insurance Agency for coverage for 2 police dogs being used in the Sheriff's Department, effective 1-1-84 - 1-1-85. Attached to the claim was the following letter of explanation.

Commissioners: March 27, 1984

Due to a misunderstanding, the Law Enforcement Professional Liability coverage for the Sheriff did not include coverage for the two dogs now in use by the department.

Coverage for these dogs has been added and a premium change of \$330.00 is necessary. This is still a savings of about \$4,000.00 compared to 1983's premium.

Please call at any time if you have any questions, or if we can be of any service.

Very truly yours,
John D. Hodge
HELFRICH INSURANCE AGENCY

Commissioner Cox moved the claim be approved. Commissioner Willner seconded the motion. So ordered.

A claim was submitted for Bob Fortune, Data Processing Consultant, in the amount of \$2,490.00, as per contract, which is 83% for the county share.

Commissioner Cox moved the claim be approved. Commissioner Willner seconded the motion. So ordered.

RE: OLD BUSINESS TO DISCUSS

Bender Road Report: Commissioner Cox asked if they were going to do anything concerning the Bender Road Report they received last week from IOSHA.

Commissioner Willner said he is not prepared himself, that he did not contact Mr. Pat Shoulders. We do have fifteen (15) days to make a decision, therefore, we can take it up again next week.

Commissioner Cox said she has nothing to add.

County Clerk Present Inquiring about precincts 4-9 and 4-10: County Clerk, Helen Kuebler was present and asked if a decision has been made regarding precincts 4-9 and 4-10, which is presently located in Tepe Park.

Commissioner Willner said he believes Mr. Borries has some additional information on this matter, but he is not at liberty to give out that information, however, Mr. Borries should be at next Monday's meeting.

Mrs. Kuebler said this matter was discussed at today's meeting of the Election Board and all three (3) of the members agreed the polling area should be divided, that there should be one for 4-9 and one for 4-10, since there is a public building in this area for them to divide in. If this is to be changed, it must be done before the closing date for advertising of the polling places.

Commissioner Cox said she has no problem with this being changed and she asked Mr. Willner if he did.

Mr. Willner said he has no problem, however, he has not discussed this with the committee persons, therefore, he is not prepared to discuss it today.

Mrs. Kuebler said Mr. Paul Black is one Election Board attorney and always on election day he is called out to this polling place because of problems, therefore, they thought it wise to divide 4-9 and 4-10.

Commissioner Willner said he will inform Mr. Borries of the discussion today and perhaps a final decision can be given next Monday.

RE: EMPLOYMENT CHANGES.....APPOINTMENTS

BURDETTE PARK

Jennifer Oberhausen	4218 Tremont Road	P/T Ground Crew	\$4.00 Hour	Eff: 3-27-84
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VANDERBURGH SUPERIOR COURT

Robert Carithers	Juv. Referee	\$18,463.00	Eff: 1-2-84
Paul Partington	Bailiff	\$ 8,054.00	Eff: 1-2-84
James E. Cole	Bailiff	\$ 8,054.00	Eff: 1-2-84

PROSECUTOR

Debbie Wallace	816 W. Idlewild	Para. Secretary	\$11,500.00	Eff: 3-26-84
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CLERK OF CIRCUIT COURT

Ella Mae Sheets	3307 Bayard Park	Deputy Clerk	\$412.26	Eff: 4-2-84
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SHERIFF

Kenneth Mitz	Patrolman	\$17,243.00	Eff: 3-26-84
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RE: EMPLOYMENT CHANGES.....RELEASES

CLERK OF CIRCUIT COURT

Susie Garrett	1801 S. Weinbach	Deputy Clerk	\$412.26	Eff: 4-2-84
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PROSECUTOR

Debbie Wallace	816 W. Idlewild	Para. Secretary	\$11,000.00	Eff: 3-23-84
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VANDERBURGH SUPERIOR COURT

Robert Carithers	Juv. Referee	\$17,963.00	Eff: 12-31-83
Paul Partington	Bailiff	\$ 7,804.00	Eff: 12-31-83
James E. Cole	Bailiff	\$ 7,804.00	Eff: 12-31-83
Debra M. Settle	Riding Bailiff	\$13,491.00	Eff: 3-23-84

SHERIFF

Kenneth Mitz	Pro. Patrolman	\$16,243.00	Eff: 3-23-84
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VOTERS REGISTRATION OFFICE

Ella May Sheets	3307 Bayard Park	Deputy	\$10,760.00	Eff: 4-2-84
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RE: SCHEDULED MEETINGS

There is to be a regular County Council meeting on April 4, 1984, at 2:30 p.m. in the City/County Council Chambers.

RE: LETTER FROM TOM WOOD PONTIAC/G.M.C. INC.

County Attorney David Miller said he was just now advised by the Purchasing Department that they discovered a letter pushed to the bottom of the Express Mail Package that the Bid of Tom Wood Pontiac was delivered in. The letter was dated March 31, 1984 and reads as follows:

Addendum to Bid for City of Evansville, Indiana

To Whom it May Concern:

Due to additional factory assistance we are able to reduce the bid amount for the dump trucks bid an additional \$2,000.00, or a total for two units of \$4,000.00 less. Therefore our bid should now read per unit \$18,275.00 or a total of \$36,550.00 for two units.

David T. Maloney, SLS Mgr.

Mr. Miller said this bid is with the Perfection Dumpbed. He said although this is not on a county form, he would have to say that if this bid were accepted we could hold them to this price on the basis of attached documents, in the same envelope.

Commissioner Willner asked if Tom Wood Pontiac is the one who bid on police cars and did not get the bid because they were not located in Evansville. He understands the Board of Public Works took a higher bid from another firm because Tom Wood is not located in Evansville.

There being no further business, Commissioner Willner declared the meeting recessed at 3:55 p.m.

PRESENTCOUNTY COMMISSIONERSCOUNTY AUDITORCOUNTY ATTORNEY

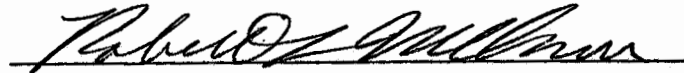
Robert L. Willner
Shirley Jean Cox


Alice McBride

David Miller

SECRETARY

Janice Decker




BOARD OF COUNTY COMMISSIONERS

205.

COUNTY COMMISSIONERS MEETING
APRIL 9, 1984

The meeting of the County Commissioners was held on April 9, 1984, at 2:30 p.m. in the Commissioners Hearing Room with President Borries presiding.

The minutes of the previous meeting were approved as engrossed by the County Auditor and the reading dispensed with.

RE: POOR RELIEF...PIGEON TOWNSHIP

Applicant: Mr. Richard Kelly....614 Main Street, Evansville, Indiana

Mr. Kelly stated he has lived at the Main Street address for about three (3) months and he is requesting help from the Trustee toward his rent. He is on state parole until this September. He is asking for rent until he can start to work, that he has been hired by a construction company, but cannot start working until the weather breaks. He gave the Trustee's office the telephone number of his employer and when they contacted him, she said she was informed he had worked three (3) days already and had made too much money. He informed the Trustee's office he had not worked any at all, but he did not want to argue the point, therefore, he filed an appeal to appear before this board. He said in February he worked for four (4) days for Joe Bassmeier, cleaning some brass and then back in October of 1983 he did some carpenter work for a firm on Main Street, but that was only for one (1) week also and that is all the work he has had. He was incarcerated for twenty six (26) months and prior to that he lived in Kansas City and worked for a labor union called Ready-Help, located on 19th. Street in Kansas City, Missouri, that he was employed at a grain company for about two (2) weeks. The Evansville Prosecutor's office brought him back to Evansville, by plane, and prosecuted him in regards to some problems over a relative's car and now that he is on parole, his parole officer told him he is not allowed to leave Evansville.

President Borries asked Mr. Kelly how his rent is currently being paid and he replied through the Trustee. His parole officer sent him to a Mr. David Kimbrough at OAR (Offender Aid and Restoration) of Vanderburgh County and he gave him a referral to one of the churches they are connected with and they paid his rent for one (1) week and said they might possibly be able to help for one (1) more week, but not more than that. Mr. Kimbrough has helped him find work and he will begin working as soon as it warms up.

Investigator Louise Hall, from the Pigeon Township Trustees' office was present and stated this is her first encounter with Mr. Kelly, and said Pigeon paid Mr. Kelly's rent in January (for supposedly one month), however, they have paid it for three (3) straight months and each time they tell him this is the last time they will pay it for him. Mr. Kelly came into the office on the 3rd of April and said he had a job with Jerry Hoffman Construction Company, building apartments at ISUE. She called Jerry Hoffman and was informed that Mr. Kelly had worked two (2) days the week before, for approximately \$5.00 per hour and that he had worked the day before, on the 2nd of April, for around \$5.00 per hour and when she asked Mr. Kelly what he had done with the money he earned those three (3) days, he claimed he had not worked, so it was one (1) word against another and that was the end of their conversation, Mr. Kelly left, and then evidently filed this appeal with the Commissioners. In 1981 we sent Mr. Kelly to Kansas City, on a one-way bus ticket, on a Gray Hound bus, at a cost of \$51.00, and until January 1984 they had heard nothing of him. Her question to Mr. Kelly was why did not the money he earned be paid toward his rent.

President Borries said even if Mr. Kelly would have worked, would he still not be eligible for assistance and Ms. Hall said she does not know at this point because she does not know how much he made for those three (3) days.

President Borries asked Mr. Kelly if he had anything further to add to his request and he replied he does not know why Mr. Hoffman told Ms. Hall that he had worked, because he has not worked at all for him, however, he has been promised a job when the weather permits.

Commissioner Cox asked Ms. Hall if she gave an address when she asked if there was a Richard Kelly employed by Mr. Hoffman and she replied yes....614 Main Street.

Ms. Hall said when she called Mr. Hoffman, she explained to him who she was and who she was inquiring about and he had her to hold the line, she assumes to get his records, and when he returned to the phone he informed her that Mr. Kelly had worked those three (3) days for him.

President Borries asked Mr. Kelly if he plans on staying in this area and he replied his parole officer informed him he cannot leave here, however, he is originally from Evansville, that his reason for going to Kansas was to obtain work out there.

Commissioner Willner asked Mr. Kelly if he has any relatives in the Evansville area and he replied his mother and step-father live here, but since he got into trouble they won't have anything to do with him and he also has a brother in California and one in Dubois County somewhere.

Commissioner Willner asked Mr. Kelly if he owns an automobile and he replied no. Commissioner Willner then asked how did he intend to get to and from work and he replied either ride the bus or walk.

President Borries said before the Trustee can help, Ms. Hall must have a clarification on whether Mr. Kelly worked or not, for Mr. Hoffman, therefore, he would recommend that Mr. Kelly contact Mr. Hoffman and get a statement whether he did or did not work.

Commissioner Willner said even if he did work those three (3) days, he would be eligible for assistance and he would think this should be referred back to the Trustee, to work with Mr. Kelly in obtaining gainful employment and help him until he does because the Judge has told him he cannot leave Evansville. He asked Ms. Hall if Mr. Kelly would be eligible for rent eventhough he worked and she replied she would doubt if he made too much during those three (3) days, therefore, he probably would be eligible for assistance.

Commissioner Willner moved the case of Mr. Kelly be transferred back to the Pigeon Trustee's office for them to help him get employment and to work with him toward his rent until he starts to work.

Mr. Kelly said he would be very willing to work on a work program with the Trustee to pay back the rent they paid for him, at least until he starts to work for Mr. Hoffman.

President Borries said he would still like for Mr. Kelly to contact his employer as soon as possible and get a written statement for clarification for the Trustee's office and he said that he would do that.

Commissioner Cox seconded the motion. So ordered.

RE: MR. GENE JOHNSON, IN REGARDS TO THE ALFRED AND JULIA EULER PROPERTY

Attorney Gene Johnson was present and stated last week's minutes have him as "Ed" Johnson, and that it should be corrected to "Gene" Johnson. He said in regards to the Alfred and Julia Euler property that has previously been discussed, attorney David Miller dropped his files off about 5:00 p.m. Friday and asked him to prepare an agreement of release and settlement, so generally what he has in the agreement he is presenting today is Parcel #1, which is the 300' from Division, going south on Burkhardt Road, which is the homestead and the agreed appraisal on that was \$20,000.00 per area, or \$882.00, and the damage to the landscaping is \$522.00 and the cost of the gravel for the relocation of the driveway is \$280.00, for total damages in the amount of \$1,684.00 for Parcel #1, and that the total damages for Parcel #2 is \$1,800.00, making at grand total for Parcels #1 & #2.....\$3,484.00.

Commissioner Willner said in his conversations with Mr. Miller, who has talked to Vic Funke concerning this matter, he understands this to be a correct settlement, therefore he would move that the amount of \$3,484.00 be approved for Parcels #1 & #2, of the Alfred and Julia Euler property.

Commissioner Cox seconded the motion. So ordered.

Mr. Johnson is to see that the County Auditor's office receives a fully executed original of the agreement signed by the Commissioners today, that it had not yet been signed by the Euler's.

RE: SETTLEMENT AGREEMENT BETWEEN REINILDIS HIRSCH AND VANDERBURGH COUNTY

There was a settlement agreement between Reinildis Hirsch and Vanderburgh County approved at the last Vanderburgh County Drainage Board, at which time President Borries was absent, therefore this agreement is before him today, for no further action, only Mr. Borries' signature, which he did sign and give to Janice Decker to be forwarded to Ms. Matthews, recording secretary for the Drainage Board.

RE: MARK TULEY....BURDETTE PARK

Financial Report: Mr. Tuley submitted the following financial report for the Commissioners' review.

1984 Starting Budget

1984 Budgeted	\$396,037.00
1983 Encumbered by P.O.	6,303.94
1983 Encumbered by Contract	<u>70,547.44</u>
Total 1984 Budget	\$472,888.38

Expenditures and Balance 1-1-84 to 3-31-84

Total Expenditures	\$104,345.53
Total Balance	\$368,542.85

Income 1-1-84 to 3-31-84

Pool	\$ -0-
Rink	12,510.62
Rentals	5,348.00
Misc.	<u>587.50</u>
Total	\$ 18,446.12

March 31, 1984

Total Expenditures	\$104,345.53
Total Income	\$ 18,446.12
Total Deficit	\$ 85,899.41

Memo: There was an attached page for total breakdown
Report received and filed. *****

Mr. Tuley very briefly went over the above report with the Commissioners.

Commissioner Willner asked Mr. Tuley if he has any figures to compare these figures with in regards to 1983 and he replied last year, for the same period of time, the income was \$18,278.00 and the deficit for the same period was \$133,862.95, which is a reduction of \$47,963.54.

Request to go on Council Call: Mr. Tuley said he would like to get permission to go on the next county council call for monies for the skating rink, that last year during the budget session, the Council allowed him monies to operate the rink for six (6) months only, thinking perhaps it might be leased out to a private individual and since this did not happen, he will need money to operate it for the rest of the year and he would estimate that cost to be between \$10,000.00 and \$12,000.00, therefore, he would ask permission to request \$10,000.00 and make it last as long as possible.

Commissioner Willner moved Mr. Tuley be authorized to go on Council Call for monies for the skating rink, in the amount of \$10,000.00. Commissioner Cox seconded the motion. So ordered.

RE: SALE OF COUNTY OWNED SURPLUS PROPERTY

County Attorney David Jones said the disposal of the county owned real estate is in order and will continue day to day until all parcels are sold.

Commissioner Willner said anyone can submit a bid any time, however, it will be only on every Monday, at the Commissioners meeting that any action will be taken on them.

Commissioner Willner asked if the Commissioners can accept anything lower than the appraised value for any parcel.

Mr. Jones said first of all, anything exceeding the appraised value of \$10,000.00

must be approved by the County Council, however, he did not see anything that high on the list today. He understands the appraisals were done in-house by our County Assessor, which the new statute that came in in January provides for, that two (2) county employees familiar with property can render the appraisal. He said in regards to real property which is less than two thousand dollars (\$2,000), can be sold to whomever submits the higher offer for the parcel. He said there is an older statute that said you could not sell anything for less than appraised value, but this has all been changed.

President Borries said he would begin at the beginning of the list and go right down the line and if there are any persons in the audience wanting to bid on a specific parcel to please say so when he reaches that particular parcel number. He asked for bidders on the following.

- 1) 28-59-9 1413 Florence Street Appraised Value....\$1,020

Mr. Terry Pagett, R.R. 9 Box 119, Evansville, Indiana 47712, came forth and bid \$200.00 on parcel #1.

Attorney Jones said he would inform the Commissioners that if the bid is less than 90% of the appraised value, then you must give an additional published notice of sale. The Commissioners can reject any and all bids.

President Borries asked if there were other bidders on this property...there being none he informed Mr. Pagett that since his bid was less than 90% of the appraised value of this parcel, that his bid would be taken under advisement and readvertised, in compliance with the new statute.

- 2) 28-59-10 1417 Florence Street Appraised Value.....\$3,500

Mr. Terry Pagett bid \$400.00 on parcel #2.

President Borries said this is less than 90% of the appraised value, therefore it must be readvertised.

There were no other bidders on code 28-59-10

- 3) 28-59-11 1419 Florence Street Appraised Value.....\$1,080

Mr. Terry Pagett bid \$300.00 on parcel #3.

President Borries said once again this is less than 90% of the appraised value, therefore it must also be advertised again.

There were no other bidders on code 28-59-11

- 4) 32-41-16 2771 Broadway Avenue Appraised Value \$2,700

No bid received.

- 5) 24-45-10 670 E. Cherry Street Appraised Value...\$1,000.00

No bid received.

- 6) 24-22-3 627 E. Sycamore Street Appraised Value...\$1,500

No bid received.

- 7) 24-36-29 421 S. Linwood Avenue Appraised Value....\$1,000

No bid received.

- 8) 24-38-47 515 S. Linwood Avenue Appraised Value....\$1,000

No bid received.

- 9) 21-86-6 930 S. Sixth Street Appraised Value....\$1,000

Mr. Norbert Wooley, 2313 E. Chandler came forth at this time and bid \$100.00 on parcel #9.

President Borries asked if there were any other bidders on code #21-86-6, 930 South Sixth Street.....there were none. He then informed Mr. Wooley since the bid was less than 90% of the appraised value, it would have to be readvertised.

- | | | | |
|-----|-------------------|--------------------------------|----------------------------------|
| 10) | <u>22-7-10</u> | <u>412 Adams Avenue</u> | <u>Appraised Value...\$2,000</u> |
| | No bids received. | | |
| 11) | <u>22-30-11</u> | <u>1223-25 S.E. Second St.</u> | <u>Appraised Value...\$3,000</u> |
| | No bids received. | | |
| 12) | <u>23-31-13</u> | <u>732 E. Blackford Ave.</u> | <u>Appraised Value...\$1,500</u> |
| | No bids received. | | |
| 13) | <u>22-48-2</u> | <u>1502 Judson Street</u> | <u>Appraised Value...\$1,000</u> |
| | No bids received. | | |
| 14) | <u>22-61-22</u> | <u>1706 S. Governor Street</u> | <u>Appraised Value...\$1,500</u> |
| | No bids received. | | |
| 15) | <u>22-78-13</u> | <u>1700 S Garvin Street</u> | <u>Appraised Value...\$1,100</u> |
| | No bids received. | | |

President Borries said that concludes the parcels of county owned property and we will call then once again next week.

Commissioner Willner asked if all of the parcels should be readvertised again, or only the four (4) that we received bids on that were less than 90% of the appraised value, and Mr. Jones said only the four (4) that bids were received on, and he believes they must be advertised only one (1) time, that the other eleven (11) parcels are still open for bids.

President Borries said do we have to auction these off every week and Mr. Jones said yes, that when you advertised you would do it week by week, then you must do it, but if it had been advertised simply that it stays open every day, then anyone could walk in off of the street to the Auditor's office and submit a bid and then you wouldn't have to go through this every week. There is a procedure to follow if someone wants to raise their bid but as long as only one (1) person comes in and makes a bid, then the Commissioners take that one under advisement until you want to cut it off.

County Auditor Alice McBride said cannot all the parcels be readvertised and this time the heading can be changed to read the Commissioners can accept the highest bidder on any parcel.

Commissioner Willner moved that all fifteen (15) parcels be readvertised and auctioned off on April 16th. to the highest bidder. Commissioner Cox seocnded the motion. So ordered.

RE: COUNTY ATTORNEY....DAVID JONES

Settlement Agreement in Jail Class Action Suit: Mr. Jones reported that Judge Brooks provisionally approved the settlement agreement in the class action jail suit, last Thursday and on April 27th, the attorney for LSO will be in the jail to meet with the inmates. Notice of the settlement has been published throughout the jail and copies of the settlement agreement are available to any inmate that chooses to review it and those inmates have until May 18th. to make their comments known on the settlement, to the federal court. On May 18th. hopefully, this will be finally approved by the court and that will end it, subject to completing the construction that is about to occur.

Discussion of Transient Merchants Ordinance: Mr. Jones said the Chamber of Commerce sent a letter to the Attorney General, complaining about the lack of enforcement in both the city and the county on the Transient Merchants Ordinance, and he was copied with that letter. The Attorney General fired back a response that basically says that the County Prosecutor is the only person who is charged with the enforcement of that

Statute. He specifically cited that the County Auditor need only issue a license to an applicant, in the event one comes into her office and to his knowledge we have never received an applicant for a Transient Merchants license. He believes this should end the complaints from the Chamber of Commerce and certain of their members, that we, as the county, have nothing to do with this Statute, that there is no enforcement provision in the statute for the County Commissioners or any other county official, it is purely a law enforcement function.

Agreement with National Revenue Corporation: Mr. Jones said in regards to an agreement with National Revenue Corporation, which is a corporation to collect county delinquent taxes, he has reviewed the contract again and discussed the matter with the general counsel and officer of the company and he thinks in regards to a question raised to him concerning a law suit, that it was a law suit filed in the state of Washington and it is his understanding the suit was prompted by competitors of the company and it was filed a year ago and so far no action has been taken, that the state hasn't done anything with it and there has been no adverse judgment or finding against the company. In addition, he knows they have so entered into an agreement with the state highway commission of Indiana to collect damages from out of state motorists who damaged state owned property and he assumes the Attorney General has made his own investigation of the company, which also does collection work for the federal government. This law suit was filed but never pursued and NRC has not even filed an answer to the thing....it is just sitting there as sort of a dead case. He would say this contract with the company should rise or fall on it's own merits and he believes the Commissioners, as well as the County Council have previously looked into that and determined it, so he does not see anything, as a matter of law, that should cause it to be changed.

President Borries said there had been some questions raised and the Commissioners had asked for an opinion from the County Attorney regarding the suit filed against this company and he personally feels the matter has been clarified, therefore at this time he would ask what would be the will of the other two (2) Commissioners.

Commissioner Willner moved the service agreement with National Revenue Corporation be approved and signed.

Commissioner Cox asked Mr. Jones if he reviewed the contract in light of the allegation from the law suit in Washington and he replied yes he did although it was difficult to see what their complaint was.

Commissioner Cox said they made one allegation in the suit that you couldn't get your money back, that it was almost impossible to get your money guarantee back.

Mr. Robert John said that was the allegation, which is entirely false, that the provisions for getting the money back are so very simple, that the only allegation they would have is that there be a misrepresentation by a sales person as to what was required to get money back and also whoever signed the contract failed to read the actual requirements to get the money back.

Mr. Jones said the company is here and if they don't live up to the agreement we will go after them.

Commissioner Cox said the company is in Columbus, Ohio and Mr. Jones said yes, but they have physical presence in the state of Indiana and we also know of an agreement they have with the state of Indiana and the State Highway Department, which could also be attached, so he is comfortable that if they don't live up to their end that we can grab some property, etc.

Commissioner Cox said the suit also alleged that if they have to collect money and there is any litigation, that the company will stand that litigation on their own.

Mr. Jones said no, this does not cover litigation.

Mr. John said that is where one of the sales person made a misrepresentation.

Commissioner Cox asked how much money we have put up front and Mr. John said \$28,500.00 and if we collect \$28,500.00 they you will get all of your money back and keep the \$28,500.00, that NRC has to at least triple the county's investment.

Commissioner Cox said she will second the motion to approve the service contract before the Board today. So ordered.

Mr. John said there are three (3) different contracts which covers three (3) different levels.

RE: KIM BITZ.....VANDERBURGH COUNTY AUDITORIUM

Letter from United Technologies Carrier Building Services: Mr. Bitz submitted the following letter from Carrier, dated April 5, 1984 and directed to the Vanderburgh County Auditorium Manager.

Dear Mr. Bitz:

I want to update our quoted bid on the installation of the steam valve on the 16HA035 Carrier Chiller.

The only change since the bid was submitted in December, 1983 has been the labor cost. The resultant increase amounts to \$125.00. Therefore, the total cost of the installation now is \$6,775.00. This price is guaranteed for 60 days from today.

Has any progress been made on the proposal to supply an independent heating/cooling source for the office space?

Very truly yours,
Alan E. Ruegemer
Service Supervisor
Carrier Building Services
St. Louis - South Branch

Mr. Bitz said this steam valve is an energy saving device for the Carrier chiller we presently have in our boiler room and it would in effect cut the steam usage of the chiller down from twelve (12) pounds to six (6) pounds, which would in turn cut our gas usage for the summer months almost in half. Since last December, as the letter states, the cost has increased by \$125.00 therefore he would encourage the Commissioners to follow through with this installation of the steam valve. In speaking with the Carrier people they have told us we would see our gas usage for the summer cut almost in half with this valve installed and in speaking to Commissioner Willner about this, he said he would like to see something to this effect, in writing, therefore he will contact Carrier and try to have this information for the next Commissioners meeting.

RE: BILL BETHEL....COUNTY HIGHWAY DEPARTMENT

Weekly Absentee Report: Mr. Bethel submitted the weekly absentee report of the employees at the county garage for the period of April 2 thru 6, 1984...report received and filed.

Weekly Work Report: Mr. Bethel submitted the weekly work report of the employees at the county garage for the period of April 2 thru 6, 1984...received and filed.

Attached to the weekly work report was the following work schedule for the same period of time.

Gradall: Boehne Camp. Felstead, Nurrenbern, Venetian Court, Wedeking and Vienna Road.

Grader: St. Wendel Road, Laubscher Road, County Line East, Motz Lane, Motz Road, St. Wendel Road, Hillview Drive, Laubscher Road, Emge, Buente, Trapp, Hillside, Darmstadt, Hornby, Ruston Lane, Armstrong, Maasberg, Lutterbach, Outer Darmstadt Road, Nuebling Road and Bender Road.

Patch Crew: Roth Road, Koring Road, Upper Mt. Vernon, Boonville, New Harmony West, St. Wendel, Old Henderson, Ward Road, Oak Hill, St. George, Old State Road, Laubscher Road, Arla Jane, Ward Road and Dusseldorf.

Tree Crew: Nurrenbern Road and Schutte Road.

Rock Crew: St. Joe Avenue, Bixler, Wallenmeyer, Hillside, South Wedeking, Baseline Road, Armstrong, Maasberg, Lutterbach, School Bus turn-around on Lower Mt. Vernon, Nuebling, Outer Darmstadt, Buente, Motz, Trapp, Hornby, Mail box approaches, Five Dollar Road, Motz Road, Motz Lane, County Line Road East, Laubscher Road, West Haven Dr. and Emge Road.

Barricades on all high water marks.

Bayou Creek: Commissioner Cox said we still need Bayou Creek patched, that the condition is very poor and Mr. Bethel said he will be on it this coming week.

RE: BOB BRENNER....COUNTY SURVEYOR

Weekly Bridge and Guardrail Report: Mr. David Guillaum, Chief Deputy Surveyor, submitted the weekly bridge and guardrail report of the bridge crew for the period of April 2 thru 6, 1984.....report received and filed.

Mr. Guillaum said they installed a drop box around the culvert on Hillview Drive, they installed corrugated pipes on Orchard Road and West Franklin, plus other items as stated on the weekly report. Mr. Guillaum said he would be happy to answer any questions.....there were none.

RE: ANDY EASLEY.....COUNTY HIGHWAY ENGINEER

Euler property Settlement: Mr. Easley questioned the settlement of the Euler property and wondered the status of it at this point and the Commissioners informed him they have authorized a settlement and signed it and are now waiting for the Euler's signatures.

Mr. Easley said he has nothing today that needs the Commissioners action, however, he is open for any questions. He is in the process of checking out drainage problems.

Commissioner Cox asked Mr. Easley if he has any report back on the request from the German Township Booster Club concerning the stop signs at the intersection of Happe and West Mill Road and he replied no, but he will try to take care of it this week.

Commissioner Cox asked Mr. Easley if we are proceeding on the Pigeon Creek Log Jam and he replied he has called and left messages with the Warrick County Surveyor's office that the funds have been set up and that they need to get the right of entry agreements and bring those proposals to us, but he has heard nothing further on the matter.

RE: REQUEST TO GO ON MAY COUNCIL CALL.....COMMISSIONERS

Submitted was a request for the Commissioners to go on the May Council Call for the sum of \$18,254.74, for Patients and Inmates Care.

Mrs. McBride, County Auditor said she did search the Commissioners budget as she said she would and she could find no monies to be transferred, therefore it will have to be advertised as an additional appropriation.

Commissioner Willner moved the Commissioners be placed on the Council Call.

Commissioner Cox said she understands Judge Lensing has approved all the claims and Mrs. McBride said that is correct. Commissioner Cox seconded the motion. So ordered.

RE: APPOINTMENT TO THE ALCOHOLIC BEVERAGE COMMISSION

President Borries said the Board of Commissioners need to make an appointment to the Alcoholic Beverage Board, that Mr. Bert Reed is presently serving on this board and his term expires on April 30, 1984, however, he has been contacted and is willing to be reappointed, should the Commissioners approve.

Commissioner Willner moved Mr. Bert Reed be reappointed to the Alcoholic Beverage Commission Board. Commissioner Cox seconded the motion. So ordered.

RE: CERTIFICATE OF INSURANCE

A certificate of insurance was submitted for the Evansville Rescue Mission and Camp Reveal for a dinner on April 23, 1984, at the Auditorium.

A certificate of insurance was submitted for the Evansville Bar Association for a law day banquet at the Gold Room.

A certificate of insurance was submitted for the Whirlpool Management Club for a business meeting on April 17, 1984.

All certificates ordered received and filed.

RE: DISCUSSION OF OLD BUSINESS

Decision on IOSHA Report in Regards to Accident on Bender Road: President Borries said the Commissioners have received correspondence from Mr. Patrick Shoulders, the attorney who represented the county in regards to the incident and accident at the Bender Road demolition site. Mr. Shoulders has submitted a rather lengthy document in which he has analysed the report submitted to him by IOSHA several weeks ago. The opinion of Mr. Shoulders indicated that although there perhaps might be specifics that could be discussed to some extent, or even appealed to the board. In this case there have been no fines indicated and many positive statements made by IOSHA concerning the incident that Mr. Shoulders has indicated that, in his opinion, it would not be a productive or positive step to appeal the IOSHA report in it's entirety or in any specific item, therefore he would recommend the Commissioners take no further action, allowing the order to become a final order.

Commissioner Willner said he feels that there are numerous ones that we could appeal however it would take lengthy time, some travel to Indianapolis and he really does not think the end result would be worth it, therefore, he moves the Commissioners let the allegations stand.

Commissioner Cox seconded the motion. So ordered.

President Borries said the Commissioners have contacted Mr. Wayne Fox, the County's Risk Consultant from The Hartford Insurance Company and he will be in town on April 17th. to meet with us.

Discussion in Regards to Precincts 4-9 and 4-10: Mrs. Helen Kuebler, County Clerk was present once again, stating she was present last week regarding the problems they are having in 4-9 and 4-10 and she is wondering if a final decision has been made on whether or not they will be separated. She said Mr. Paul Black, member of the County Election Board suggested and did recommend that 4-9 and 4-10 polling place be divided before the 1984 primary election, since there is another building in the area, that being Culver School.

President Borries said that Mr. Black indicated to him some concerns but he is not sure that since your correspondence had his stamp that he was originally involved in relation to the drafting of the letter and he will not comment on that.

Mrs. Kuebler said she drafted the letter because it came from the Election Board meeting and this was the recommendation made by them, therefore all three (3) signatures should go on the letter. He and Mr. Harrison both received copies of that letter and she received nothing from either one of them telling her their names should not have been on it. She understands the Commissioners do provide the polling places and it is your prerogative to choose the locations, but it is also the Election Board's prerogative to make these recommendations. When it is so crowded, most places want to be changed and divided so that they will have their own polling place, therefore, she cannot understand what the problem is with dividing them.

Commissioner Cox said in regards to the letter, from the Election Board minutes, she recalls there were complaints called in from this polling place that needed to be investigated by your deputy election commissioners.

Mrs. Kuebler said they have sent people out there for the past two (2) elections, sometimes even in a cab...with a deputy commissioner, trying to keep the people out there happy and satisfy the board and she does not think it is fair.

President Borries asked if these complaints are documented, that is, they have filed their names with their complaints.

Mrs. Kuebler said they called into the election office and complained but we do not ask them to sign an affidavit, but we have to send someone out there.

Commissioner Cox said she recalls also, when we had testimony concerning this, in the primary, she believes in 1983, that anytime you have two (2) polling places in the same area, you are going to have people from the wrong precinct going in the wrong door, that they just aren't sure which place they vote at, and there was testimony that when they did this they let them walk through the polling place and that precinct committee-men were running back and forth between the two (2) polling places and this is clearly a flagrant violation of the election laws. This was brought to the Commissioners attention at that time and we said let us look at it and make a decision before the next election

so now her question is....was there also trouble out there in the fall election of 1983, that had to be investigated.

Mrs. Kuebler said yes, they had to go back out there again. They also had the problem of people visiting back and forth and giving the ballot to the wrong judge and he dropped it in the wrong precinct box and when it was brought downtown we did find the ballot in the wrong box. This is an illegal procedure and according to the supreme court both boxes could have been thrown out and none of the ballots counted, so she is only trying to do her job and abide by what the law says.

Commissioner Cox said one thing we must also consider is that this is a federal election this year.

President Borries said he appreciates Mrs. Kuebler concern but he would like to see some documentation that has been gathered in regards to this matter and he would like to see it before a given election.

Mrs. Kuebler said she understands that Mr. Borries talked to Mr. Black and he is the one that went out there in November.

President Borries said he did not discuss with him the problem Mrs. Kuebler just pointed out.

Mrs. Kuebler asked Mr. Borries why he did not want to divide these two (2) precincts and he replied it is not that he does not want to divide it, but he believes there are many places around the city that have as many as three (3) polling places at one (1) location.

Mrs. Kuebler said this is true but we do not like to do that if there is a public building available and in this case there is....Culver School, but she believes Mr. Borries mind is already made up and she does not think she will be able to change it.

Mr. Charlie Johnson, precinct committeeman, said he has been out there for twenty two (22) years, come this August, and up until a year ago, to his understanding, they have never had any problems out there. They have moved him several times and then back to Tepe, which is about centrally located and if there were any problems out there in the fall, this is the first he has heard about it, and he would like to know who made the complaints and what the complaint was.

Mr. Kuebler asked Mr. Johnson if he is the precinct committeeman in both 4-9 and 4-10 and he replied no, only in 4-10.

Mr. Johnson said when they moved him to the school before he had problems with people not knowing where to go and he had democrat and republican friends both, that got tired of running all over the place and went back home and did not vote.

Commissioner Cox asked Mr. Johnson if he was aware of the fact a ballot was deposited into the wrong box and he said no he was not, that this is the first he has heard about that and he does not know how that would happen because those boxes aren't even close together. If something like that happened, then the judges are not watching closely enough.

President Borries said he would think it would be Mr. Johnson's last thought to inconvenience anyone voting in his precinct and he replied that is correct. Mr. Borries asked Mr. Johnson if he would insist that anyone he hired for his board would follow the law and he replied he certainly would and to his knowledge they do.

President Borries said he appreciates Mrs. Kueblers' concern however he does not believe they are in agreement about these precincts being divided.

Commissioner Cox asked if Tepe is located in 4-10 and Dorothea MacGregor, who was also present, stated no, Tepe is located in her precinct, which is 4-9.

Commissioner Cox said to get this on the floor, she would move that 4-10 be moved to Culver School.

Commissioner Willner said he is going to wait for the completed list of polling places and he will make his decision on the entire list at that time.

Commissioner Cox' motion died for lack of a second.

RE: CLAIMS

A claim was submitted for County Attorney David Miller for legal services in the amount of \$927.00, with attached statement showing the tenth of the hour.

Commissioner Willner moved the claim be approved. Commissioner Cox seconded the motion. So ordered.

A claim was submitted for County Attorney David Jones for legal services in the amount of \$4,599.99, with attached statement showing the tenth of the hour.

Commissioner Willner moved the claim be approved. Commissioner Cox seconded the motion. So ordered.

RE: EMPLOYMENT CHANGES....APPOINTMENTSSHERIFF

Gilbert D. Humphrey	Patrolman	\$17,243.00	Eff: 4-9-84
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PROSECUTOR IV-D PROGRAM

Nancy Bowers	6433 Newburgh (Temp)	Secretary	\$11,298.00	Eff: 4-9-84
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PROSECUTOR

Richard D'Amour	111 Main Street	Dep. Pros.	\$13,600.00	Eff: 4-9-84
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BURDETTE PARK

Cynthia Scott	620 Second Ave.	Rink Cashier	\$4.25 Hour	Eff: 3-30-84
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CLERK OF CIRCUIT AND SUPERIOR COURT

Isabelle Lutterbach	2911 Mesker Park	Deputy Clerk	\$412.26	Eff: 4-9-84
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RE: EMPLOYMENT CHANGES....RELEASESBURDETTE PARK

Cynthia Scott	620 Second Avenue	Rink Cashier	\$4.25 Hour	Eff: 4-6-84
Maria Sanders	209 E. Michigan St.	Rink Cashier	\$5.00 Hour	Eff: 4-2-84

PROSECUTOR

Richard D'Amour	111 Main Street	Deputy Pros.	\$12,000.00	Eff: 4-6-84
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PROSECUTOR IV-D PROGRAM

Lesa Conkling (L/A)	317 Shroeder	Secretary	\$11,298.00	Eff: 4-6-84
Nancy Bowers	6433 Newburgh	Secretary	\$5.00 Hour	Eff: 4-6-84

SHERIFF

Gilbert D. Humphrey	Pro. Patrolman	\$16,243.00	Eff: 4-9-84
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CLERK OF CIRCUIT AND SUPERIOR COURTS

Darlene Maveety (L/A)	904 E. Olmstead	Deputy Clerk	\$412.26	Eff: 4-9-84
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There being no further business, President Borries declared the meeting recessed at 4:25 p.m.

2/6:

(12)

4-9-84

PRESENT:

COUNTY COMMISSIONER

Richard "Rick" Borries
Robert L. Willner
Shirley Jean Cox

COUNTY AUDITOR

Alice McBride

COUNTY ATTORNEY

David Jones

SECRETARY:

Janice Decker

Richard Rick Borries

Robert L. Willner

Shirley Jean Cox

BOARD OF COUNTY COMMISSIONERS

COUNTY COMMISSIONERS MEETING
APRIL 16, 1984

The meeting of the County Commissioners was held on April 16, 1984, at 7:30 p.m. in the Commissioners Hearing Room with President Borries presiding.

The minutes of the previous meeting were approved as engrossed by the County Auditor and the reading of same dispensed with.

RE: CONTRACT AWARDED FOR TWO (2) DUMP TRUCKS FOR COUNTY HIGHWAY DEPARTMENT

On April 2, 1984, there were seven (7) bids received on two (2) dump trucks needed by the County Highway Department. City/County Purchasing Director, Tom Dorsey was present tonight, along with Mr. Bill Bethel, Highway Supervisor, to give their recommendations on the awarding of such bid.

Mr. Bethel reported the low bid came from Kenny Kent Chevrolet Co., Inc., in the amount of \$36,238.00 for two (2) units and they did meet the specifications.

Commissioner Cox asked what year these vehicles are and Mr. Bethel replied 1984 models. Commissioner Cox asked what kind of bed would this be and Mr. Bethel replied the gillion dump bed.

Commissioner Willner said he believes Mr. Bethel needs a letter of transfer of funds for these trucks and Mr. Bethel said he will be needing to transfer funds from account 201-2210 into account 201-3425.

Commissioner Willner moved the contract for two (2) dump trucks be awarded to Kenny Kent Chevrolet Co. Inc., in the amount of \$36,238.00, subject to the County Council approving the transfer of funds into the account stated by Mr. Bethel.

Commissioner Cox asked if there is a trade-in on these trucks and what about the warranty and we must also add these trucks on our insurance coverage.

Mr. Bethel said there is a warranty on the trucks and no, he is not trading anything in on them and he will get the serial numbers to the insurance company, however, it will be six (6) to eight (8) weeks before they are delivered.

Commissioner Cox seconded the motion, which carried with three (3) affirmative votes.

Commissioner Willner told Mr. Bethel to poll the County Council members and if he gets a favorable response from them, go ahead and order the trucks.

Mr. Bethel said he has already done so and they are in favor of it.

RE: REZONING PETITION VC-4-84....FIRST READING

Petitioner: Paul J. Bitz...2509 Washington Avenue, Evansville, Indiana

Owner of Record: Mr. and Mrs. Ralph Lavelle, etal...10248 Eastgate Dr. Mt. Vernon, In.

Premises affected are on the north side of Highway 62, a distance of 600 feet north of the corner formed by the intersection of Highway 62 and Boehne Camp Road. The commonly known address is 200 S. Boehne Camp Road and the above described real estate is located in the Zone District designated as A and the requested change is to R-4. Present existing land use is vacant and the proposed land use is apartment complex - 125 units.

There was no one present to speak for or against the petition.

Commissioner Willner moved rezoning petition VC-4-84 be approved on first reading and referred to the Area Plan Commission. Commissioner Cox seconded the motion which carried with three (3) affirmative votes.

RE: REZONING PETITION VC-5-84...FIRST READING

Petitioner: Martin and Bayley, Inc. P.O. Box 385 Carmi, Illinois

Owner of Record: Alfred and Julia Euler....6401 Division St. Evansville, Indiana

The commonly known address is 6401 Division St. and the above described real estate is located in the Zone District designated as R-1. The requested change is to C-2. Present

existing land use is single family residence, and the proposed land use is convenience store with gas pumps.

President Borries said we have a law suit and potential settlement pending on a portion of the Euler property, therefore we will defer discussion on this petition until our county attorney arrives, so that we may obtain some legal advice from him, before any action is taken.

RE: REZONING PETITION VC-1-84...THIRD READING

Petitioner: Erwin and Ilene Deig...4024 Rose Avenue, Evansville, Indiana
Owner of Record: Same

President Borries said the Commissioners received today the following letter from the Law Offices of Lopp, Lopp and Grampp, asking for a continuance on the rezoning request.

April 16, 1984

Re: Rezoning of Mr. and Mrs. Deig

Dear Mr. Borries

Please be advised that I am the counsel for the above referenced petitioners who are seeking to have a certain parcel of real estate rezoned from agricultural to C-2. After conferring with my clients it is our desire to have this action vacated from the agenda for April 16, 1984 and rescheduled to a later date within the next thirty to sixty days.

Your cooperation in this regard is greatly appreciated.

Very truly yours,
 Glenn A. Grampp

Commissioner Cox moved VC-1-84 be continued for sixty (60) days. Commissioner Willner seconded the motion, which carried with three (3) affirmative votes.

RE: REZONING PETITION...VC-2-84...THIRD READING

Petitioner: Michael G. and Linda Carr...3125 Old Henderson Road, Evansville, Indiana
Owner of Record: Same

Premises effected are the west side of Old Henderson Road, a distance of 350-400 feet north of the corner formed by the intersection of Old Henderson Road and Nurrenbern Road. The commonly known address is 3125 South Old Henderson Road. The above described real estate is located in the Zone District designated as residential and the requested change is to C-4. Present existing land use is residential and the proposed land use is for a boat repair, retail sales and residential.

Attorney John Wissner was present to represent the petitioners and stated as shown in the petition they are talking about property presently zoned R-1, at 3125 Old Henderson Road and they are asking this be rezoned to C-4. Mr. and Mrs. Carr are previously occupying the home at this same address and they are proposing to operate the business in the garage, which will be for boat repair and retail sales and they will continue to reside there, that it will be a family type business. There is residential zonings on all sides of this location, but separating them from the residential behind them is the Seaboard Systems Railroad. To the south of them is C-4, which is the Hybrid Inn and across the road is property presently used for farm land. The two (2) residences on either side of the Carr's have been contacted and notified and have no objections to this rezoning.

Commissioner Cox asked what will be the width of the driveway, off of Old Henderson Road and Mr. Wissner said it is presently 24' and it will stay that same width.

Commissioner Cox said concerning storage, there will no outside storage and if there should be, opaque fencing should be provided.

Mr. Wissner said the only storage would be boats that are sitting there waiting to be picked-up or waiting for a part that had to be ordered before it could be repaired and that would be fenced, for everyone's protection.

President Borries called for any remonstrators. There being none he opened the floor for a motion.

Commissioner Willner moved rezoning petition VC-2-84 be approved on third and final reading. Commissioner Cox seconded the motion. So ordered with three (3) affirmative votes.

RE: REZONING PETITION...VC-3-84...THIRD READING

Petitioner: William E. Hamsley...9011 Whetstone Road, Evansville, Indiana
Owner of Record: Evansville-Vanderburgh School Corporation...1 S.E. Ninth Street, Evansville, Indiana

Premises affected are the intersection of Burkhardt Road and Old Boonville Highway. The commonly known address is 2750 North Burkhardt Road. The above described real estate is located in the Zone District designated as agricultural and the requested change is to County M-2. The present existing land use is a former school building and surrounding property and the proposed land use is office, warehouse and fenced equipment storage area for a construction company.

Mr. Ted Ziemer, attorney at law, was present to represent the petitioner and stated this involves approximately four and one half (4½) acres of real estate on the southwest corner of the intersection of Burkhardt Road and Old Boonville Highway. This is the location of the old Burkhardt School, which is still located on the premises and if this petition is approved it is the intent of Mr. Hamsley to lease this property to P&H Construction Company for use as an office, warehouse and fenced equipment storage area for the operation of the construction company. It is interesting to know that if this is approved that it will be the first time in approximately sixty (60) years that it will be on the tax roll. The present location of P&H Construction Company is being taken by the improvement of Division Street. In looking at the location map which was filed with the petition you will see that the west side of Burkhardt Road has been almost uniformly developed either M-1, M-2 or M-3. A site plan was also filed with the petition, showing the development of the four and one half acres, and their intent to add an addition to the west end of the existing school house building and they will have in excess of thirty two (32) parking places, which is more than the minimum parking requirements for the operation being proposed. There is an existing septic tank system which will be enlarged and there is adequate drainage and traffic control in the area. He said there were no remonstrators present at the APC meeting and he does not believe there are any present tonight, that no one has contacted his office stating any opposition to the rezoning and the rezoning received the unanimous approval of the Area Plan Commission.

Commissioner Willner asked how many persons are we talking about for the office force and Mr. Ziemer replied like a maximum of twelve (12) and two (2) or three (3) working in the warehouse area. As with most construction operations, a great majority of their employees are off-site, at various construction locations.

President Borries said the EUTS report states the following. "With proper access design the proposed use will not adversely impact traffic flow. Although the site plan indicates one-way flow through the parking lot, EUTS recommends both cuts be designed to accommodate two-way traffic. Recommend minimum driveway width of 30'. If semi-trucks will be used on-site, adequate entrance and exit radii should be constructed to prevent destruction of the pavement edges and shoulders."

Mr. Ziemer said they are willing to comply with the recommendations of EUTS, that at the time this was prepared it was thought it would really be less traffic congestion by one-way, but they are certainly willing for traffic to move both ways, that it will be more convenient for the operation.

Commissioner Cox asked if there are any problems with the 30' driveway width and Mr. Ziemer replied none. She asked if there will be any semi-trucks using this and Mr. Ziemer said he believes not in the normal course of operation.

There being not further questions of Mr. Ziemer, President Borries asked if there were any remonstrators present.....there were none.

Commissioner Willner moved rezoning petition VC-3-84 be approved on third and final reading, with the stipulation the driveway entrance and exit must be thirty (30) feet. Commissioner Cox seconded the motion which carried with three (3) affirmative votes.

RE: OPENING OF BIDS FOR PIPES FOR COUNTY SURVEYOR

Commissioner Willner moved the county attorney proceed with the opening of bids for pipes for the County Surveyor's office. Commissioner Cox seconded the motion. So ordered.

RE: SPECIAL USE 22-84-APC...FIRST READING

Applicant: Joseph and Daniel Whitehead

President Borries said the present zoning is Agricultural and this would be for Special Use #8, for a two hundred, forty five (245) lot, mobile home court, located at 1820 Wimberg Road.

There was no one present to speak for or against the petition.

Commissioner Willner moved Special Use 22-84-APC be approved on first reading and referred to the Area Plan Commission. Commissioner Cox seconded the motion which carried unanimously in the affirmative.

RE: SPECIAL USE 18-84-APC....THIRD READING

Applicant: William A. Gowin

President Borries said this is presently zoned M-2 and the present use of the property is vacant land and the proposed use is for a mobile home (future warehouse). The Area Plan Commission staff field report states the petitioner is requesting a special use #26 for a mobile office not for living or sleeping quarters, for this property that is located in an industrial subdivision. Trailer is to be used as office on this vacant piece of property and a time limit could be imposed.

President Borries said this special use permit was approved by the Area Plan Commission, with a two (2) year time limit on it.

Commissioner Cox said what they are wanting to do is put a mobile home on the premises, to use as an office, until their warehouse is constructed, which will have office space in it. This is already zoned M-2 so she would see no problems with it.

Ms. Mickie Hatfull was present and stated she works for Mr. Gowin at 5300 Agri Court, which is out in the coal mine area.

Commissioner Cox said as Mr. Borries pointed out, this will not be used for living or sleeping quarters for any person and Ms. Hatfull replied at this point...no. Commissioner Cox said is the proposed warehouse going to have office space inside it and Ms. Hatfull replied yes it will, and it has been approved by the state.

Commissioner Willner asked the purpose of this and Ms. Hatfull said they want to construct a warehouse at 5300 Agri Court and at this point and time it is vacant. While they are constructing this building they need office space to continue to conduct their business, therefore they are asking permission to put this mobile home on the site.

Commissioner Willner asked if Agri-Steel is in the business of selling building products and Ms. Hatfull replied no, they wholesale grain bins and grain handling equipment. The name of the company is Agri-Steel Enterprises, Inc. and when they became a subdivision out there, they were given the address of Agri Court.

President Borries asked for any remonstrators....there were none.

Commissioner Willner moved Special Use Permit #18-84-APC be approved on third and final reading, with a two (2) year time limit. Commissioner Cox seconded the motion which carried unanimously in the affirmative.

RE: CONTINUED DISCUSSION OF REZONING PETITION VC-5-84

County Attorney Miller said with respect to the rezoning on the Euler property, we have what he considers a final, but unsigned agreement with the Euler's. Mr. Gene Johnson, the Euler's attorney was present during the Commissioners' meeting two (2) weeks ago and Mr. Johnson was to prepare an agreement of release and settlement and submit to the Commissioners for approval and then to the Euler's for their signatures.

Commissioner Cox informed Mr. Miller that Mr. Johnson appeared before the Commissioners again on April 9th, with the agreement and the Board did sign the release and settlement after we made a written change in the dollar amount and he was to take it to the Euler's.

Mr. Miller said he would think it would be in the interest of the county and to all other persons involved that this rezoning be taken under advisement until the agreement has been signed by all parties involved, because obviously if you change the zoning, you change the circumstances of the real estate and therefore the potential value of the real estate as viewed by an appraiser, therefore he would recommend the Commissioners defer this first reading until May.

Commissioner Willner moved rezoning petition VC-5-84 be deferred on first reading, until the third Monday in May. Commissioner Cox seconded the motion. So ordered.

RE: BIDS ON PIPES FOR SURVEYOR'S OFFICE

Mr. Miller said there was only one (1) bid recieved for the pipes for the Surveyor's office and it was in order and reads as follows:

M&W Concrete Pipe and Supply, Inc., Evansville, Indiana

	<u>14 gauge</u>	<u>16 gauge</u>	
12" Circular Aluminum	10.17'	8.24'	
36" " "	29.65'	27.28'	
24" " "	19.90'	16.14'	
18" " "	15.05'	12.18'	
48" " "	45.00'	35.83'	
60" " "	56.05'	44.90'	
	<u>10 gauge</u>	<u>12 gauge</u>	<u>16 gauge</u>
48" X 60" Eliptical Aluminum	81.85'	-	-
36" X 48" " "	63.85'	50.55'	-
12" X 18" " "	-	-	11.35'

Above prices firm thru April 15, 1985. Price lists for aluminum structural plate and aluminum box culverts are attached.

Mr. Miller said two (2) types of eliptical aluminum, upon which bids were requested, for 16 gauge pipe, have not been bid at 16 gauge. Both 48" X 60" eliptical aluminum and 36" X 48" eliptical aluminum were specified at 16 gauge and were not bid by this firm. Other than that the bid is in fine form and there is no reason not to refer it to someone to look it over more closely.

Commissioner Willner moved the bid be referred to the Purchasing Department and the County Surveyor's office for their review and recommendations next week. Commissioner Cox seconded the motion. So ordered.

RE: BILL BETHEL....COUNTY HIGHWAY DEPARTMENT

Weekly Absentee Report: Mr. Bethel submitted the weekly absentee report for the employees at the county garage for the period of April 9 thru 13, 1984....report received and filed.

Weekly Work Report: Mr. Bethel submitted the weekly work report of the employees at the county garage for the period of April 9 thru 13, 1984...received and filed.

Attached to the weekly work report was the following work schedule for the same period of time.

Grader: Schmuck, West Haven, Martin Station Road, Old Princeton Road and Newman Rd.

Patch: Schraeder Road, Smith Diamond, Mels Drive, Holly Hill, Duesner Road, Nurrenbern Road, Bayou Creek, LaDonna Court, Little Schaefer Road, Evergreen Acres, Happel Drive, Baseline, Whetstone, Barton Lane, Old Lower Mt. Vernon, St. Wendel, Fischer Road, West Haven Drive, Mt. Pleasant, Heinlein Drive, Happe Road, Harmony Way, Kansas Road, Brukhardt, St. Joe Rd.

Trash: Peerless, Old Green River Road

Tree Crew: Nurrenbern Road, St. Joe Road off of Hwy #460 and Cemetery Road.

Grader: Swope, Moffet, Lynn Road, Acre Drive, Nuebling, Oak Grove Road, Big Schaefer, Schissler Road, Heinlein Road, Mt. Pleasant, Baumgart and Old Green River Road.

Run Barricades

Rocked: Young Road, Huebner Lane, Hornby, County Line East, Lynn Road, Schroeder, Oak Grive Road, Big Schaefer, Acre Drive, Moffet Lane and Swope Lane.

Commissioner Cox said Mr. Winiger is present today in regards to the old Union Township School Building and what is going on out there, that we are routinely receiving complaints on this. She does not know if there is anything that Mr. Bethel can do out there or not, that is, if there is any trash or debris along our right-of-way, that we could pick-up and if there is then she would like for our trash crew to do so.

Mr. Bethel said the trash out there is on the inside of the fence...and there is plenty of it out there.

Mr. Winegar came forth at this time and stated he is a resident on Roth road and he owns property withing 300 yds of where the school is located and his intentions are to build a home there, but there is no way he would ever build one out there as long as the mess is at the old school building. There are nine (9) cattle out there that are starving to death, that they have eaten off half of the trees, which are pine trees and a cow would have to be starving before they would eat pine trees. The only water they get is when it rains, that there are a couple of holes out there that hold rain water as it drains from the property and that is all the drinking water they have. About three (3) weeks ago Mr. Biggerstaff threw two (2) bails of hay out there...for nine (9) cows and every three (3) or four (4) days they will get twenty (20) or thirty (30) loaves of bread thrown to them. There is no shelter for the cows and they nearly froze to death this past winter. Without seeing it, it is hard to explain the condition out there. He counted fourteen (14) dogs out there, goats, chickens, sheep and all of this is on seven (7) acres. Last year they obtained a lawyer and took photographs of the site, inside and out. In the gym there are at least two (2) semi-truck loads of empty champagne bottles. Another room had all of the off-falls from a handle factory that he could get into it, from a hickory handle factory in Mt. Vernon. Another room was full of roofing from GAF and was stacked to the ceiling. Another room where the hogs went into, he would say the manure was three (3) feet deep and he hasn't hauled any of it out since the pictures were taken. He could go on and on in regards to the condition of the premises, but one would have to go out and see it before they could understand what he is saying. It continues to worsen everyday and something is just going to have to be done and he doesn't know who to go to to get it done. They went to the EPA and was told there was nothing they could do about it. They spent \$360.00 in attorney fees and didn't get one single thing done. Today he put out the word he was going to sell the property to a person who intends to put a junk yard out there. The Area Plan Commission told him to start cleaning it up or they were going to fine him, but he hasn't done one thing to it, in fact, he keeps hauling in everyday. He pulled about a \$5,000.00 boat on the premises about three (3) years ago and it is just sitting out there in the middle of the hog pen....probably full of water.

Last year Mr. Biggerstaff was going to Con-agri elevator and getting the rotten grain out of the pit and since they all sell to them they told Con-agri if they didn't quit letting him have it that they were going to all quit selling their grain to them, so that stopped that, but now he is getting it from a firm in Mt. Vernon and there isn't anything they can say to them because no one sells to them.

Commissioner Willner said he spoke with Mr. Winiger before the meeting and he does realize this is not the first complaint, that there have been many and he knows the people feel like government has let them down. He personally does not think this is in the Commissioners hands, however, he really feels like we should do something about it, therefore he would like to get the Building Commissioner, the State and Local Board of Health, Area Plan, Humane Society and the EPA altogether, at one time, and make an inspection of the site and the building and get everyone's input and see if there isn't something we can do about it.

Mr. Miller suggested the Prosecutor also be asked to view the site with the other agencies.

Mr. Winegar said he believes it would take a court order to have all these agencies out there because they have tried it and it just doesn't work.

Commissioner Willner said perhaps the Board of Commissioners would have a little more weight to carry in requesting all the agencies participate and cooperate.

Commissioner Cox said she understands this is zoned agricultural, but Mr. Biggerstaff is breaking a lot of rules and regulations.

Mr. Winiger said he certainly is polluting the surface water and everyone out there have water wells.

It was decided the Commissioners would send out communication to the various agencies mentioned by Mr. Willner and that a meeting would be planned for April 24th. at Mr. Wineger's home, at 3:00 p.m.

Mr. Miller said that Mr. Biggerstaff also needs to be contacted and inform him they will be there.

RE: ANDY EASLEY....COUNTY HIGHWAY ENGINEER

Claims: Mr. Easley said he has two (2) claims that he has approved for payment in regards to services rendered on Burkhardt Road. One (1) is from Citizens Realty and Insurance for the purchase of right-of-way, in the amount of \$6,000.00, for twenty four (24) parcels and their price per parcel was \$250.00. The second claim was for Morley and Associates, Inc. for \$2,823.05, and is the total of balance due for Mr. Morley's services on the engineering design.

Mr. Easley said he has a document that should have been attached to the last claim that Mr. Morley submitted, therefore, he will give it to Ms. Meeks at this time, for her files. It is an explanation and a summary of work done on the previous twenty six (26) parcels.

Letter From Warrick County Surveyor on Pigeon Creek Log Jam: Mr. Easley submitted the following letter from Mr. Feldbusch, Surveyor of Warrick County, dated April 11, 1984.

Re: Pigeon Creek

Gentlemen:

Prices have been obtained for removing the three (3) log jams in Pigeon Creek, in Vanderburgh County. Quentin Stahl, Inc., has quoted a price of \$4,500.00 for said removal.

Therefore, it is my recommendation that Quentin Stahl be selected and that Vanderburgh County proceed with awarding this contract.

Thank you for your cooperation and assistance to create good drainage in Vanderburgh and Warrick Counties.

Sincerely,
Michael Feldbusch, L.S.
Surveyor, Warrick County

Mr. Easley asked what the limit to allowing a contract is, without going through the advertising procedure and Mr. Miller said he believes for service contracts, it is \$5,000.00. Mr. Feldbusch seems to think this is a very fine price to have this work done by Stahl.

Commissioner Cox said she would like to see this cleaned out as soon as possible but have we been informed if the agreements to enter have been approved.

Mr. Easley said that Mr. Feldbusch informed him they do have all of those agreements, however, he personally has not seen them.

There has been \$5,000.00 set aside in the Commissioners budget, account 130-425..Pigeon Creek Log Jam, to have this work done.

Commissioner Willner asked if we would award the contract or would Warrick County and President Borries said he would think we would for the portion located in Vanderburgh County.

Mr. Easley said the Vanderburgh County Commissioners would have to sign the contract.

Commissioner Willner asked if we have a contract and Mr. Easley said he has not seen it, however, he will get one if the Commissioners so desire and agree on the price of \$4,500.00.

Commissioner Willner moved that Quenten Stahl be awarded the job of the removal of the three (3) log jams in Pigeon creek, subject to seeing the terms of the contract with our county attorney's approval on it. Commissioner Cox seconded the motion. So ordered.

Discussion of Preparation of Claims in Regards to Burkhardt Right-of-Ways: Mr. Easley said in regards to the preparation of the blue claims as it pertains to the right-of-way purchases for Burkhardt Road, who is to physically prepare the claims and who is to sign them.

Mr. Miller said he would think they should come from the Surveyor's office.

Mr. Easley said he would have thought when Kenny Hansen purchased the property for the county, he would have had the claim prepared and have the property owner sign it at that time. Quite frankly he does not feel he should have to go out to these twenty four (24) people and get their signatures, that he believes Citizens Realty should do that service.

Commissioner Cox asked if we have to have a blue claim for each and every one of these or will a copy of the accepted agreement suffice.

Mr. Easley said perhpas we could waive the claim since we have the property owners signatures on all the other documents and also the claim he submitted earlier in his presentation for Citizens, in the amount of \$6,000.00, he would recommend we defer this until next week.

President Borries said he would think everyone should sign a blue claim in order for them to get their money.

Ms. Decker said she would check with Mrs. McBride and see if a blue claim signed by each property owner is necessary.

Brookshire Estates: President Borries said he has received several calls concerning the county accepting some roads in Brookshire Estates and he would like for Mr. Easley to go out and check the matter out and make a recommendation to the Commissioners at a later date.

Approval of Claim: Commissioner Willner moved the claim for Morley and Associates, in the amount of \$2,823.05 be approved. Commissioner Cox seconded the motion. So ordered.

RE: COUNTY SURVEYOR....BOB BRENNER

There was no one present from the Surveyor's office, however, submitted was the weekly bridge and guardrail report of the bridge crew for the period of April 9 thru 13, 1984. Report received and filed.

Discussion of Crawford Brandies Legal Drain: President Borries said he has had conversations with Mr. Guillaum, of the Surveyor's office in regards to establishing a date, if we choose to do so, on a public hearing on the Crawford Brandies Ditch, which the Surveyor's office has also been receiving calls on. We have discussed the matter of reconstruction to this ditch or possible piping of it and we have had questions regarding the matter of who will be effected in this legal drain area. He has also talked to attorney Miller on this matter and in his opinion the Surveyor's office would have that information, that is, who would be effected.

Commissioner Cox she believes the point they were trying to make is that their ditch assessment, what they use, is the overall property owners that contribute water to the water shed, in contrast to those abutting property owners and he was rather concerned if they could could, with the information they have, limit it to just a certain group, rather than the entire water shed.

Mr. Miller said he thinks it should not be limited, that it should include the entire water shed.

Commissioner Willner said as he understands it the ditch itself is not the problem, but they do want a certain portion of it tiled, which would effect approximately six (6) property owners. We would have to show where it benefits the entire water shed in order to assess the entire water shed for it. He believes the legal question was should only these six (6) pay for it or should the entire water shed property owners pay for it.

Mr. Miller said he misunderstood, that he thought we were talking about cleaning it. He said he knows how the city did it, that the abutting property owners paid for the pipe and the city contributed the labor, in cases where the city has deemed it in the interest of public health, but it was the abutting property owners only, and these were legal drains also.

President Borries said because of the nature of the property and because of the way the drains are set up, there are more then the immediate property owners effected in this area, that it is a very flat terrain. Nearby residents say the creek is never dry and it brings mosquitos. He understands sometimes the water backs up and stands in the Carrollton Court area.

President Borries said perhaps this could be delayed for one (1) week and we can discuss it further with the Surveyor's office and be able to make a better decision.

Commissioner Willner said he would also like for the county attorney to check out the legal aspect of the matter for us..who buys the pipe, who installs it and who pays for it.

RE: ORDINANCE TO AMEND SECTION OF CODE RELATING TO MEDICAL OR MATERNITY LEAVE

President Borries said the Board has before it tonight a small amendment to the Code, as it pertains to the County Personnel Policy, in regards to medical or maternity leave. The amendment states "the county would continue to pay its portion of any premium attributable to the employee during the first 6 weeks of such leave. Thereafter the full premium shall be paid by the employee".

Mr. Borries said so the change would be in regards to the first 6 weeks of the leave, that it used to be first 6 months.

Commissioner Cox said she believes this has major implications, that she does not see how we can separate a medical leave for pregnancy from a medical leave for any other illness. So now we are saying from henceforth, no leave of absence for medical reasons that the county will not pay for anymore than six weeks for anyone.

The Commissioners briefly discussed the possible problems with this amendment and what is considered an elective and a non-elective leave and there were many unanswered questions.

Commissioner Willner said we have the original personnel policy, one amendment to that original and now we have another one before us and he would like to see all of this on one (1) document, to be tabbed Amended Personnel Policy and then perhaps it would be clearer to us what will be expected of us and of the employees. He would like to see only one (1) instrument and then we could read it in one (1) context, perhaps in the next week or so.

Mr. Miller said that can be done and he will get it back to the Board as soon as possible.

RE: LETTER FROM EVANSVILLE, VANDERBURGH COUNTY CIVIL DEFENSE

President Borries read aloud the following letter from the Civil Defense, dated April 13, 1984 and directed to the Board of County Commissioners.

Recent events in the Carolinas highlighted just how vulnerable a community is without an adequate warning system. Vanderburgh County does not have an adequate alert system.

I would like to invite you to participate as a member of a newly formed "Prepare Evansville" Committee whose purpose is to develop support for a county wide siren warning system. The first meeting will be held on Monday, April 30, 1984, at 10:00 a.m. in the Board Room of the Evansville-Vanderburgh School Corporation, 1 S.E. Ninth Street.

Letter Continued:

At that time you will receive professional input, cost projections and feasibility plans. Obviously this project needs broad based community support and as a community leader your input will be very valuable.

Sincerely,
 Fred Herrmann, Director/Coordinator
 Bettye Lou Jerrel, Committee Member
 William Brooks, Committee Member

Letter received and filed, with a note being made as to the date of the meeting, if any one wanted to attend it.

RE: LETTER FROM PRIVATE INDUSTRY COUNCIL ON APPOINTMENT OF ROD PENFIELD

President Borries read aloud the following letter from PIC (Private Industry Council), dated April 4, 1984 and directed to the Board of County Commissioners.

Mr. Gilbert Betulius has been removed from the Private Industry Council of Southwest Indiana for non-attendance as required by the Service Delivery Area Agreement between elected officials and the PIC (see attached letter). The Vanderburgh County Commissioners are allowed to select two (2) business representatives from nominations supplied by the Chamber of Commerce to serve on the PIC. Your initial selections were Jack Buttrum and Gilbert Betuliu. Thus, the departure of Mr. Betulius leaves an opening. This requires new nominations from the Chamber (also attached).

The preference of the Chamber of Commerce, after discussion with Norm Wagner, is to have Rod Penfield, Director of Industrial Relations at SIGECO, appointed to the PIC. Mayor Vandever also concurs with that choice. Rod has also been involved in the Freedom Festival, Red Cross and various trade associations. Prior to SIGECO, he was Personnel Manager at Arkla. The additional nominations shown in the Chamber's letter was supplied to meet the requirement of the law that more than one name must be presented to the elected officials.

If the selection of Mr. Penfield is acceptable to you, please sign the attached letter and return it to me. If it is not acceptable, please let me know and we can discuss how to proceed with the Mayor and Jim Dittoe.

Thanks for your help.

Sincerely,
 Roy L. Vanderford,
 Executive Director

Commissioner Cox asked if Rod Penfield is related to Ann Penfield, who is an employee at PIC and President Borries said he does not know if there is any relation, or not.

The appointment was deferred until Ms. Meeks could check and see if there is any relationship between Ann Penfield and Rod Penfield.

RE: REQUEST FROM BUILDING AUTHORITY FOR LOAN OF STORAGE CABINETS

President Borries read aloud the following letter, dated April 12, 1984 and directed to Mr. James Lindenschmidt, Executive Assistant to the County Commissioners.

We understand you have some steel addressograph plate storage cabinets.

We are in need of four (4) of these for our maintenance department in room 32 of the Administration Building basement.

If you would be kind enough to loan us four (4) of these, we will take good care of them until you recall them.

Sincerely,
 C.G. Ruston
 General Manager

Mr. Lindenschmidt said these are the filing cabinets that were previously in the County Auditor's office and they are no longer needed in there since the computer system is in there.

Commissioner Willner moved the request be granted.

Commissioner Cox said she finds this request unbelievable, that they charge us for every little hole they cut in the floor, so why don't they bid on them in one of our auctions and buy them from us.

Mr. Lindenschmidt said they did offer to buy these cabinets from us at a reasonable fee, however, Mr. Ruston has been reasonable to him and has let him have a lot of things, at no charge to the county.

Commissioner Cox said that is good to know...she seconded the motion for approval. So ordered.

RE: REQUEST FROM SEABOARD SYSTEMS RAILROAD TO CLOSE ST. GEORGE ROAD

Received was the following request to close St. George Road, from the Seaboard System Railroad, dated April 16, 1984.

Gentlemen:

The Seaboard System Railroad would like permission to close St. George Road at railroad track to rework crossing.

This work will take from April 23, 1984 until May 2, 1984, if weather permits.

Yours truly,
R.J. Boles
Division Engineer

President Borries said this crossing has four (4) tracks and they will work them all at one time.

Commissioner Willner moved the request be granted. Commissioner Cox seconded the motion. So ordered.

RE: VOTING PLACES FOR MAY 8, 1984 PRIMARY ELECTION TO BE APPROVED

President Borries said we have before us tonight the voting places for the 1984 primary election, to be held May 8th. He said there have been some revisions made in some of the locations and he will try to point out those changes at this time. He said 1-4 previously voted out of their precinct at McGary School and they will now be voting at Caze School...2013 South Green River Road.

Commissioner Willner asked about 1-7...is that the only place that could be found to vote that precinct and President Borries replied yes, there was no other alternatives. 1-7 will be at Rickey Cassity Residence, 2401 E. Riverside.

President Borries said there were no changes in the second or third wards.

President Borries said concerning the fourth ward, that 4-16 was previously at The Meeting Place, which was destroyed by fire last year, therefore it will now be at Culver School, 1301 Judson Street.

Commissioner Cox asked if Culver School is located in 4-16 and President Borries said that may be the closest public building.

Commissioner Cox said if it is located out of the precinct, they should designate it as such. Also, are we leaving 4-9 and 4-10 both at Tepe Park and President Borries replied yes.

Mrs. Meeks said in checking she finds that Culver School is in 4-16.

President Borries said there are no changes in the fifth or sixth wards, and there are no changes in the county polling places except for K-2, which previously had been at Plaza School and will now be at the Knight Township Volunteer Fire Department at 6336 Morgan Avenue.

President Borries said K-4 is the new precinct in the county and they will be voting at the Carriage House Party Room, at 5300 Carriage Drive.

Commissioner Willner moved the voting places for the May 1984 primary election be approved as submitted.

Commissioner Cox said she still believes there should be a change made in 4-9 and 4-10, both located at Tepe Park and she would like to know if Mr. Borries has had any further input in the matter and he replied no and he does not think they will be able to come to any agreement on that and he does not think, at this point, that it would be advantageous, and 4-16 has been changed to Culver School also.

Commissioner Cox said there is plenty of room in Culver School to have two (2) voting places if we so desired.

President Borries asked Mrs. Cox if she cared to second the motion and she replied no.

President Borries seconded the motion, which carried with two (2) affirmative votes, those being President Borries' and Commissioner Willners'. Commissioner Cox voted no.

RE: HOLIDAY CLOSING

President Borries stated all county offices will be closed April 20th, which is Good Friday.

RE: CERTIFICATE OF INSURANCE

A certificate of insurance was submitted for Marble Construction, Inc, for cable TV installation - Wells Mobile Manor, Vanderburgh County, Indiana.....recieved and filed.

RE: LETTER AND END OF THE MONTH SURVEY FROM ALEXANDER AMBULANCE SERVICE

Recieved and filed was the end of the month survey for the month of March, 1984, with the following letter attached, dated April 9, 1984 and directed to the Board of County Commissioners.

Enclosed find a copy of our statistical summary for March, 1984. As I had explained in my note attached to our quarterly claim, this month was not yet completed at the time I submitted the claim.

I hope that these statistics provide you with the information that you wanted. If I can be of any further assistance.

Sincerely,
Thomas A. Vachet, Director
ALEXANDER AMBULANCE SERVICE, INC.

RE: CLAIMS

A claim was submitted for Skinner & Broadbent for a refund on permit #6674V, duplicate permit, in the amount of \$40.00. Claim was signed by Mr. William Zimmerman.

Commissioner Cox said it seems to her that we have approved a large amount of refunds on permits recently and she is wondering how these happen, that she can see someone taking out a permit and then changing their mind and not using it and getting a refund, but these duplicate ones bother her.

Either President Borries nor Commissioner Willner knew why so many duplicates.

Commissioner Willner moved the claim be approved. Commissioner Cox seconded the motion. So ordered.

A claim was submitted for Alexander Ambulance Service for the quarter ending March 31, 1984, in the amount of \$44,261.03. Attached to the claim was the basis of charges, the summary of income, county receivables as of March 31, 1984 and a breakdown of the quarterly report.

Commissioner Willner moved the claim be approved. Commissioner Cox seconded the motion. So ordered.

A claim was submitted for the advancement Fund Bond of 1984, to the Lake Bank Note Company of Swayzee, Indiana. President Borries said he understands this to be in regards to the bonds that were sold for the Poor Relief in Knight and Pigeon townships and is in the amount of \$840.33.

Commissioner Willner moved the claim be approved. President Borries seconded the motion. So ordered.

A claim was submitted for Mrs. Barbara Cunningham for travel to Indianapolis, for a Planners Officials Conference, in the amount of \$208.32. All itemized bills were attached for clarification. Mrs. Cunningham received prior approval to attend this conference, from the Commissioners.

Commissioner Willner moved the claim be approved. President Borries seconded the motion. So ordered.

RE: EMPLOYMENT CHANGES....APPOINTMENTS

CIRCUIT COURT

Karen M. Memmer	R.R.5 Martin Road	Special Intern	\$3.35 Hour	Eff: 4-3-84
Shirley Roll	1709 S. Vann Ave.	Law Librarian	\$12,500.00	Eff: 1-1-84

VANDERBURGH COUNTY ELECTION OFFICE

Gerald Wohlhueter	1806 Conlin Avenue	Bal. Assem.	\$4.05 Hour	Eff: 4-2-84
John L. Jones	820 South Governor	Bal. Assem.	\$4.05 Hour	Eff: 4-2-84
Doris McGlothlin	2029 E. Mulberry	Deputy Clerk	\$4.05 Hour	Eff: 4-9-84
Carol Jean Prim	805 S. Villa Drive	Deputy Clerk	\$4.05 Hour	Eff: 4-9-84

RE: EMPLOYMENT CHANGES....RELEASES

CIRCUIT COURT

Shirley Roll	1709 S. Vann Ave.	Law Librarian	\$11,560.00	Eff: 1-1-84
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RE: SCHEDULED MEETINGS

President Borries said tomorrow night he intends to attend the Southwest District of the Indiana Association of Counties meeting, to be held at Septembers Restaurant, in Petersburg, Indiana.

There being no further business, President Borries declared the meeting recessed at 10:15 P.M.

<u>PRESENT:</u>	<u>COUNTY COMMISSIONERS</u>	<u>COUNTY AUDITOR</u>	<u>COUNTY ATTORNEY</u>
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Richard "Rick" Borries	Pat Tuley (Chief	David Miller
Robert L. Willner	Deputy Auditor)	
Shirley Jean Cox		

SECRETARY: Janice Decker

Richard Rick Borries
Robert L. Willner
Shirley Jean Cox
BOARD OF COUNTY COMMISSIONERS

COUNTY COMMISSIONERS MEETING
APRIL 23, 1984

The meeting of the County Commissioners was held on April 23, 1984, at 2:30 p.m. in the Commissioners Hearing Room with President Borries presiding.

The minutes of the previous meeting were approved as engrossed by the County Auditor and the reading of same dispensed with.

RE: POOR RELIEF....PHILLIP HINES....PIGEON TOWNSHIP

Applicant: Phillip Hines, 634 E. Walnut Street, Evansville, Indiana

President Borries asked if a Mr. Phillip Hines was present today and William Locket, who is a friend of Mr. Hines said that Mr. Hines is not present today, but he was present to represent him.

President Borries said Mr. Locket is not allowed to represent Mr. Hines, that Mr. Hines is the one who made application and he is the one who must appear before the Commissioners on the appeal request.

Mr. Locket said he is also appealing the Trustee's decision and President Borries said the Board does not have an appeal request before them today for Mr. Locket and informed him he would have to come into the Commissioners office and fill out an appeal form and he would then be placed on the following Monday's agenda.

RE: POOR RELIEF....RONALD MORELL...KNIGHT TOWNSHIP

Applicant: Ronald Morell, 1131 Henning, Evansville, Indiana 47714

Mr. Jim Ethridge, attorney with the Legal Aid Society, was present, as was Ronald Morell and Mr. Ethridge said he would like to speak, regarding the denial for assistance to Mr. Morell, by the Knight Township Trustee's office. His client, Mr. Morell, went to the Knight Township Trustee's office and requested assistance with an overdue utility bill and he was denied assistance because the utilities are in his wife's name instead of his and the bill must be in the name of the head of household. He understands that it is the Knight Township's policy that men are always the head of household.

Mrs. Emarie West, investigator for Knight Township was present and stated the men are always considered head of the household, for married couples and Mr. Ethridge said why is this always the case and Mrs. West said that Knight Township interprets the man to be head of households.

Mr. Ethridge said in his opinion, this is unconstitutional and it violates the equal protection clause of the fourteenth amendment to the United State Constitution and it also violates the rights and privileges clause, Article 1, Section 23, of the Indiana Constitution. At this time Mr. Ethridge cited a 1977 case and how it turned out in court. He said just because Mr. Morell's wife's name is on the utility bill this family is being denied assistance that is going to other families in the same situation and the head of the household is not always the man and he believes in regards to the man being the head of the household is actually in itself very arbitrary and the modern marriage is more like a business relationship and when either party incurs a debt, both partners are responsible for it and to say that the man is arbitrarily always liable for the debts of the family, is just not so anymore.

Commissioner Cox asked what specific name is the utility bill in and Mr. Morell replied Gloria Morell.

Mr. Morell said if he were to divorce his wife, then she would become head of the household and that is why he is disputing this decision by the Knight Township Trustee's office, whereas they are saying right now she cannot be the head of the household because she is married to him, therefore she is being denied assistance because they are married and he does not think this is right.

County Attorney David Jones stated the standards and procedures of the Knight Township Trustee, which is on file with the County Commissioners, that under the section for utility assistance, he believes the problem here is not necessarily the head of the household, although it is mentioned, but it states the bill must be in the name of the applicant. In this case the Mr. is applying and the bill is in the Mrs. name and he does not believe it makes any difference who's name it's in as long as the same name

is on both the bill the the appeal application, so either the wife comes in and applies and stays consistant, and there is nothing arbitrary about that, it just makes sure the person with the bill is the one receiving assistance, that it has nothing to do with the sex or equal protection, it is simply a long standing rule and we will stand on that. He is not responding to the contention of picking out one sex as being the head of the household, that he may privately agree with Mr. Ethridge on that, but the problem here is that the bill must be in the name of the applicant.

Mr. Ethridge said he believes his client asked them that question, that would they pay if his wife came down and applied and he was told they would not. As a matter of procedures, perhaps Mrs. Morell should have applied, been denied as not head of the household and then appealed before this board, but he understands it would not have made any difference even if she would have filed the appeal herself.

Mr. Morell said he offered to take his wife to the Trustee's office and they told him she could not apply and when he asked them why, he was told because she is not head of the household.

Mr. Jones asked Mr. Morell if his wife is the head of the household, that is, is she paying the bills and he replied the only money they have coming in is from his wife, that he is unemployed and has been for quite some time. Right now he is training to become an insurance salesman, but he has been out of work for so long the bills have really stacked up and they need some assistance. He has worked the biggest part of his life and has been an upstanding citizen and paid taxes along with everyone else and to now be denied assistance on the basis of who's name is on the utility bill, he feels is very unfair to him.

Mr. Jones said he believes that point is very well taken, that sex is not the criteria and should not be, in determining the head of the household.

Commissioner Cox asked if Mrs. Morell is present today and Mr. Morell said no she isn't present with him today. Mrs. Cox asked as a matter of record, why is her name on the utility bill and Mr. Morell said to be completely honest with this Board he would have to say they got out of work and went to California to try to find work, but after they got out there the situation was bad also, so they came back to Indiana and when they returned they owed SIGECO a bill, so they had the utilities connected in her name, until they could get back on their feet and then they intend to pay the back bill of \$180.00.

Emarie West said when they accept an application in their office, they do consider, on a married couple, the man is the head of the household. She said Mrs. Morell's two children receive monthly social security checks, which are beneficiaries, and their records show that is in the amount of \$312.00. Due to the misinterpretation of former personnel in the Trustee's office, they have encountered some problems, but the Trustee has told the employees that we are to go only with the standards, that the bills must be in the applicants name and the person making application must be the head of the household and they always consider that the man. Mr. Morell has recieved assistance before, that on October 3rd he received SIGECO of \$34.06, on November 14th he received SIGECO of \$50.00, on December 1st he received assistance on the water in the amount of \$25.23, on December 12th he received SIGECO of \$38.00, on January 20th he received \$20.00 to the water department, in February...\$20.00 to the water department, on March 1st...\$57.00 to the water department and on March 8th...\$55.00 to SIGECO. When it was called to the attention of her and Annette Dickman that this was a case where we had been paying on the utility bills eventhough they were in his wife's name, they informed Mr. Morell, when he came to their office on March 1st that they could only pay Gloria's bill that time, but that from that time forward he would have to have the utility bills switched over to his name because of the way their standards read. On April 11th. he came back to their office asking for a letter of denial in regards to the SIGECO bill and she gave him the letter he requested. After Mr. Morell left her office that day, she called SIGECO to see if there was some way the billing could be switched over to Mr. Morell's name and they told her no, that Mr. Morell had a delinquent bill and that must be paid first. She believes Mr. Morell has had sufficient time to get the bills put into his name, that it has been about six (6) weeks.

Commissioner Cox said why he hasn't done it is probably because he has not had the \$180.00 to pay the old bill owed SIGECO.

Commissioner Willner asked how many persons are in the household and Mr. Morell replied four (4).

Commissioner Cox said the Morell's meet the guidelines for assistance, it is just this technicality and Mrs. West said that is true they are under income.

Commissioner Cox asked if they still have the work-back program and Mrs. West said yes.

Commissioner Willner asked if Mr. Morell had ever been asked to participate in the work program and Mrs. West said yes and he has been participating in the program, and they have never had any problems with him and that is why they explained to him he would have to have the utility bill put into his name before they could pay anymore on them.

Commissioner Willner asked what was Mr. Morell's last place of employment and he replied he has not had a permanent job since 1981, that prior to that he was a machinist at Bucyrus Erie and made good money. He has had some part time work and will work at any thing he can find.

Commissioner Cox asked Mr. Morell if he has tried Karges Furniture and he replied no, that he has been in training for this insurance program. Mrs. Cox asked him what program is he presently in and Mr. Morell replied he is teaching himself and he does now have a license.

Commissioner Cox said she believes they ought to pay Mr. Morell's old gas bill, then he can get the bills put into his name and get straightened up.

Mr. Morell said in regards to the work-back program, he believes they will agree that he has never failed to show up for work on their program, that he is not a lazy man and will work whatever it takes to pay back the assistance they have allowed his family. He said even after they denied him help he still went back and worked because he felt like he owed it to them, and he would continue to work if they called him today.

Commissioner Willner said there are four (4) persons in this household and they are under income, and he doesn't care who's name the utility bills are in, they are married and they qualify for assistance and if they have a \$180.00 back bill, then the Trustee needs to work on that also.

Commissioner Cox asked Mr. Morell that when he incurred the \$180.00 SIGECO bill, was he on any type of trustee's help at that time and he said no.

Commissioner Willner asked Mr. Morell if they are renting or buying and he replied they are buying their own home. Commissioner Willner asked if they have an automobile and Mr. Morell said a 1977 Ford and it is financed and he is behind on those payments also, the car, not the home. Mr. Willner asked if there were any other outstanding bills and Mr. Morell said he owes Sears, Visa and a few other small bills, for a total of about \$1,600.00, but nothing has been repossessed. Mr. Willner asked Mr. Morell if they are getting food stamps and he replied yes. Mr. Willner asked if he is registered with the Indiana Employment Division and he replied yes but they have had nothing for him in the past two (2) years, and they have never sent him out on a job applicant. Mr. Willner asked if the Trustee's office has any sort of a placement service, whereby they ask a recipient to go and apply for a job and Mrs. West said no, they do not have any such program, however, sometimes they do have some leads and they send someone out to apply for a position, and they will give referral letters.

Commissioner Willner moved the appeal of Mr. Ronald Morell be referred back to the Knight Township Trustee's office and Mr. Morell should take his wife to that office with him and fill out the proper forms and if they qualify for assistance the Trustee should take care of them and he would also like for the Trustee's office to contact the Indiana Employment office and see if they can find some job opportunities. If Mr. Morell would not take a lesser paying job then what he would like, then that would be grounds for denial.

Mr. Morell said he has been training for insurance salesmanship and he has received his license and it will be only a short time now before he will not need any assistance at all.

Commissioner Cox asked Mr. Willner if he would also be willing to include in his motion, that the back bill from SIGECO, for \$180.00, be investigated by the Trustee's office to see if he were eligible at the time the bill was incurred and get it straightened up for him and he replied yes, he would make that a part of his motion.

Commissioner Cox seconded the motion. So ordered.

Commissioner Willner said he is not real sure that the insurance program is for Mr. Morell and he would not want him to wait or turn down another job at the present time that perhaps he could use his salesmanship after hours from a regular job, but he would not want him to turn down a full time job at this time. Sometimes a person has to sell so many policies before he is paid anything and Mr. Morell said he understands, and he thanked the Commissioners for the help he received here today.

RE: POOR RELIEF...LAURA WILLIAMS....KNIGHT TOWNSHIP

Applicant: Laura Williams, 2290 Sunburst Blvd, Apt, 123, Evansville, Indiana

Ms. Williams was present and stated she frequently receives help from the Knight Township Trustee and she also participates in the work-back program and several times in the past she has been allowed to change and/or make up work-back days for the trustee and she recently missed a work-back day and was denied rent assistance for April. She was to have worked in March and she was in a family situation at that time and forgot to call, so as she had done in the past she waited until she went in for assistance in April. She was given the understanding in the past that she was given one month from making application to work her days. She was in their office on March 15th and back in there to reapply and make arrangements for her work days approximately April 1st. and she feels like she should once again been given the opportunity to make up her days.

Commissioner Willner asked how many persons are in the household and Mr. Williams replied three (3), herself, a four (4) year old daughter and a two (2) year old daughter.

Commissioner Cox asked Ms. Williams if they indicated to her the policies had changed, that evidently the person employed in the office in the past did not follow the rules and regulations and were you still under the impression that you had one month to complete the work-back days and she replied yes, that she has received assistance for about the past five (5) months and was always allowed to work her days at her own convenience, when she could get someone to keep her children and she certainly understood she had a one month period to get her days worked.

Commissioner Willner asked Ms. Williams if she has been employed in the past and she replied yes, that she is a licensed LPN, but she is currently staying home tending to her small children. Mr. Willner asked Ms. Williams if she is divorced and she replied yes. Mr. Willner asked if her ex-husband is paying support and she replied none at all, that he stays drunk and she has given the Prosecutor several addresses where he could be picked up but they never manage to find him. They were divorced last year and when the children get older she intends to go back to work. Mr. Willner asked Ms. Williams if her husband had been through any programs for his drinking problems and she replied yes, several times they went to A.A. plus other programs. Mr. Willner asked if there are any health problems with the children and Mr. Williams replied they were both born premature and have been under constant care and almost constant medication and the oldest one has a lung problem. Mr. Willner asked Ms. Williams if she owns her own home and she replied no, she rents in Parkside Terrace.

Mrs. West said that Ms. Williams has been receiving assistance, as their records show, since June of 1983 and the assistance has been fairly consistent since that time. As far as the work-back program is concerned, when we schedule someone to work, we give them a specific date and time to report to the office. On December 14th she made a note in Ms. Williams' file that a gentleman had called into the office, who said he was a neighbor and that Ms. Williams had two (2) fainting spells the night before and that she was going to the doctor that day and she told the gentleman to tell Ms. Williams that when she was better that she would be rescheduled for her work-back days. She was scheduled for work-back on the 17th of December and she did complete the work. She was scheduled for February 8th and at 9:20 a.m. that particular day Ms. Williams called in and reported her car would not start so we rescheduled her for February 13th. She was scheduled to a work-back day on March 19th, at 9:00 a.m. and we did not see her that day, nor did she phone in with a reason for not appearing and it is our policy when this happens that a person is cut off from assistance for a period of sixty (60) days and then that person will have to reapply and sign a new application and submit to investigation again before further assistance can be granted. As far as Ms. Williams having thirty (30) days to complete her work-back days, she has been employed in the Trustee's office since the 15th of last August and that has never been the policy of the work-back program, to her knowledge, however, a former employee could possibly have given Ms. Williams that interpretation of the program. She informed Ms. Williams that they could not help her until the 19th of May, which would be the sixty (60) days period and the next day Ms. Williams asked for a letter of denial and she was given one at that time..

Commissioner Willner asked Ms. Williams if she is on food stamps and she replied yes, in the amount of \$186.00.

Sheriff Shepard was in the meeting and he asked Ms. Williams if there was a warrant out on her ex-husband and she replied yes, several of them and she has been through many channels to try to get some help but papers aren't even being served to him when she gives them addresses. At this time Ms. Williams gave the Sheriff two (2) license plate numbers for him to run checks on and see if they can pick him up and the Sheriff said he will do what he can on it.

Commissioner Willner moved the matter be referred back to the Trustee, but that the sixty (60) day penalty stand, until May 19th., and that the Trustee's office continue to keep in contact with the Sheriff's department in trying to locate the ex-husband. Commissioner Cox seconded the motion. So ordered.

RE: OPENING OF BIDS ON BATTING CAGES FOR BURDETTE PARK

Commissioner Willner moved the county attorney proceed with the opening of bids received on the batting cages for Burdette park. Commissioner Cox seconded the motion. So ordered.

RE: CONTRACT TO BE AWARDED FOR PIPES FOR THE COUNTY SURVEYORS OFFICE

Mr. Tom Dorsey, Director of the City/County Purchasing Department was present and stated there was only one (1) bid received, that being from M&W Pipe and Concrete Company, of Evansville. They meet all of the specification, however, they did not bid on the 48" X 60" elliptical aluminum 16 gauge pipe, nor did they bid on the 36" X 48" elliptical aluminum 16 gauge pipe, but everything else meets the specifications and since they were the only bidders he would recommend their bid be accepted.

Commissioner Willner moved the bid for the pipes for the Surveyor's office be awarded to M&W Pipe and Concrete Company.

Commissioner Cox asked if Mr. Dorsey has a comparison price between this bid and last years bid and he replied he does not have those figures with him, but he believes they are in line with last years prices.

Mr. David Guillaum said in looking at the figures he would also say they are pretty well in line with the ones from last year, or at least the ones that he is most familiar with.

Commissioner Willner asked Mr. Guillaum if they will readvertise for the pipes that were not bid in this bid from M&W and he replied no that they rarely use the size pipes that were not bid and if they ever do need one they can purchase it out right.

Commissioner Cox asked if this company is located in Evansville and Mr. Guillaum said yes, out on Stanley Avenue and they have a fairly good size pipe yard out there.

Commissioner Cox seconded the motion. So ordered.

RE: SALE OF COUNTY OWNED SURPLUS PROPERTY

President Borries said the Commissioners will continue their sale of county owned surplus property at this time, that there were some bids on certain parcels on April 9th, which were less than 90% of the appraised value, therefore they had to be readvertised, which has been done, and we are ready at this time to continue our sale, with the property to go to the highest bidder, however, the Commissioners have the right to reject any and all bids.

1). 28-59-9 1413 Florence Avenue Appraised Value...\$1,020.00

Mr. Terry Pagett, R.R. 9 Box 119, Evansville, Indiana bid on this parcel on April 9, 1984, in the amount of \$200.00.

There were no further bids today.

2). 28-59-10 1417 Florence Avenue Appraised Value...\$3,500.00

Mr. Terry Pagett, R.R. 9 Box 119, Evansville, Indiana bid on this parcel on April 9, 1984, in the amount of \$400.00.

There were no further bids today.

- 3). 28-59-11 1419 Florence Avenue Appraised Value...\$1,080.00

Mr. Terry Pagett, R.R. 9 Box 119, Evansville, Indiana bid on this parcel on April 9, 1984, in the amount of \$300.00.

There were no further bids today.

Commissioner Willner moved the total bid of \$900.00 for tax codes 28-59-9, 28-59-10 and 28-59-11, be accepted from Mr. Pagett.

Mrs. Meeks said that Mr. Pagett indicated, by phone, that his bids from last week still stands.

Commissioner Cox seconded the motion. So ordered.

- 4). 32-41-16 2771 Broadway Avenue Appraised Value...\$2,700.00

No bid received.

- 5). 24-45-10 670 East Cherry Street Appraised Value...\$1,000.00

No bid received.

- 6). 24-22-3 627 E. Sycamore Street Appraised Value...\$1,500.00

Mr. James Julian, P.O. Box 3663, Evansville, Indiana 47735, was present and bid \$50.00 on this parcel.

There were no further bidders.

Commissioner Cox asked if this will have to be readvertised, since we had not received a bid on it before.

County Auditor, Alice McBride, said after the County Assessor gave us the appraised values of the parcels, we advertised it four (4) consecutive weeks and then the sale started on April 9th, at which time we did receive some bids under the 90% of the appraised value, therefore she talked to the state man and he said they should be re-advertised once more and thereafter they can go to the highest bidder, and we won't have to advertise them again.

President Borries asked if we have to have this procedure done every Monday and Mrs. McBride said she believes the Commissioners have to ask each Monday if there is someone in the audience interested in bidding on any of the property and if there is no one, then they do not have to be called out separately every week.

Commissioner Willner moved the bid of \$50.00 be accepted for tax code 24-22-3. Commissioner Cox seconded the motion. So ordered.

- 7). 24-36-29 421 South Linwood Avenue Appraised Value...\$1,000.00

No bid received.

- 8). 24-38-47 515 South Linwood Avenue Appriased Value...\$1,000.00

Mr. James Julian, P.O. Box 3663, Evansville, Indiana bid \$50.00 on this parcel.

There were no further bids.

Commissioner Willner moved the bid of \$50.00 be accepted for tax code 24-38-47.

Commissioner Cox seconded the motion. So ordered.

- 9). 21-86-6 930 South Sixth Street Appraised Value...\$1,000.00

Mr. Norbert Wooley, 2313 E. Chandler Street bid on this parcel on April 9, 1984, in the amount of \$100.00, and he indicated to Mr. Borries, by phone, that his bid still stands.

There were no further bids today.

Commissioner Willner moved that tax code 21-86-6 be sold for \$100.00 to Norbert Wooley. Commissioner Cox seconded the motion. So ordered.

10). 22-7-10 412 Adams Avenue Appraised Value...\$2,000.00

Mr. James Julian, P.O. Box 3663, Evansville, Indiana bid \$100.00 on this parcel.

There were no other bidders.

Commissioner Willner moved tax code 22-7-10 be sold for \$100.00 to Mr. Julian.
Commissioner Cox seconded the motion. So ordered.

11). 22-30-11 1223-25 S.E. Second (1½ Lots) Appraised Value...\$3,000.00

There were no bids.

12). 23-31-13 723 E. Blackford Avenue Appraised Value...\$1,500.00

There were no bids.

13). 22-48-2 1502 Judson Avenue Appraised Value...\$1,000.00

There were no bids.

14). 22-61-22 1706 South Governor Street Appraised Value...\$1,500.00

There were no bids.

15). 22-78-13 1700 South Garvin Street Appraised Value...\$1,100.00

There were no bids.

President Borries said this concludes the bidding process for today and they will continue next week.

RE: LAWRENCE TITZER...PROBLEM WITH DITCH ON MILLERSBURG ROAD

Mr. Lawrence Titzer came forth at this time and stated he is a resident in Warrick County and he has with him today, Mr. Ronald Titzer, who is a land owner along side the ditch he is speaking on today. Mr. Arnold Heilman, a resident living on Millersburgh Road has also been contacted, however, he could not be present today. He contacted Mr. Robert Brenner last week and discussed this situation with him and he suggested they come before the County Commissioners and explain the situation to you. He said what is involved is the so called McJohnson ditch, which originates in Warrick County, three quarters of a mile beyond the county line and empties into Blue Grass creek, which is approximately one half mile west of the county line. The Warrick County Board of Commissioners have agreed to clean the upper end of the ditch, but there is no need to do that if we don't get the lower end cleaned also, so he is requesting that Vanderburgh County clean that lower end. We are involved in building a bridge across Blue Grass Creek at this point. He would estimate there is 16-18 inches of silt in the bottom of the ditch which is causing very poor drainage. Mr. Brenner said he would make an inspection of the ditch and be present today to report on that.

Commissioner Willner said how many feet is that from the bridge and Mr. Titzer replied it doesn't drain directly west to the bridge, it angles off about 500-600 feet east of the bridge, towards the northwest, which is along Ron Titzer's property.

Commissioner Cox asked if this ditch is a legal drain in Warrick County and Mr. Titzer replied yes.

Commissioner Willner said if its within 500 feet of that structure, we can use Bridge Funds, but if it isn't, then he would not know what we could do.

President Borries said Mr. Brenner is not present today, however, Chief Deputy Surveyor David Guillaum is present and perhaps he has a report on this matter.

Mr. Guillaum said he was not in on the conversation between Mr. Titzer and Mr. Brenner and since this is not a Vanderburgh County Legal Drain, the only other fund that could be used would be the Bridge Fund, if it is within 500 feet of the bridge, as stated by Mr. Willner.

Mr. Titzer said Mr. Brenner said perhaps they could use county highway equipment to open the ditch and Mr. Guillaum said that is a possibility.

Commissioner Cox asked if this in along the county road right-of-way and Mr. Titzer replied yes it is. Mrs. Cox said if it is entirely on the county right-of-way then the county could clean it.

Mr. Titzer said it runs the entire length of county right-of-way, up until about the last 400 ft. and then it angles off to the northwest, along Rons property and empties into the creek at that point.

Commissioner Cox said where is the bridge and Mr. Titzer said it is about 500 ft. further west, where it makes the angle towards the creek (Blue Grass Creek).

Mr. Titzer said another thing that is going to be involved in the near future is that I-164 is going to be crossing this ditch also and if we don't have proper drainage before this takes place, then we are going to be blocked clear out to the east side of it.

Commissioner Cox asked if the property owner would be willing to clean out the 150' that is on their property and Mr. Ronald Titzer said he will take no fill out of the bottom of the ditch. He will take the brush, debris, etc. away, but no fill, because that ditch is anywhere from 5 to 7 foot deep and he will not go to that expense, because it does very little good for his property, that the problem is east of his property, that his property drains very well.

Commissioner Willmar moved the Surveyors office go out and survey the property and that we take care of what's in the county's right-of-way, that we can do nothing to that which is on private property. Commissioner Cox seconded the motion. So ordered.

RE: COUNTY ATTORNEY....DAVID JONES

Ordinance creating Advisory Board for Auditorium: Mr. Jones said he has with him today the ordinance creating an Advisory Board for the Vanderburgh Auditorium. This is a revised draft, that the original ordinance had included the city in it and the city has no involvement whatsoever. This would create a bi-partisan board consisting of five (5) members, for two (2) year terms, with no salaries, with all members to be appointed by the Board of County Commissioners.

President Borries said since the County Council has financial responsibilities to the Auditorium, he would like to see some of those appointments made by them, perhaps two (2) made by the County Council and three (3) by the County Commissioners...one (1) by each Commissioner.

Commissioner Cox asked Mr. Jones what he means by bi-partisan and he replied no more than three (3) members may be of the same political affiliation.

The Ordinance was deferred until appointments could be made at a later meeting.

Burdette Batting Cages: Mr. Jones said that one (1) bid was received on the batting cages at Burdette Park that being from DaMac and it is in order. Section 7 of the agreement says DaMac agrees to pay to the Board two percent (2%) of all gross sales resulting from the batting cage operation conducted upon the leased premises during 1984; three percent (3%) of all gross sales of the batting cage business during 1985; four percent (4%) of gross sales of the batting cage business conducted upon the lease premises in 1986, and in 1987 and thereafter during the remainder of this lease, five percent (5%) of all gross sales of the batting cage business conducted upon the leased premises.

Commissioner Willner said he understands this becomes the county's property in twenty (20) years, and Mr. Jones said this is his understanding also, however, he does not see it stated in the agreement.

After talking to Mr. Hugh McGee, who was in the audience, Mr. Jones said he has written into the agreement that at the end of twenty (20) years, the batting cages and all improvements constructed pursuant to this agreement shall revert back to Vanderburgh County and Mr. McGee stated that was his understanding also and also the understanding of Mr. David P. Austill and they would agree to the amendment, as written in by Mr. Jones, and he put his initials beside the had written amendment. He said it was omitted in error.

Commissioner Willner moved the agreement between Vanderburgh County and DaMac be approved, as amended by Mr. Jones in regards to the twenty (20) year statement. Commissioner Cox seconded the motion. So ordered.

Mr. Jones said he sees no problem with this and the Commissioners may go ahead and sign the agreement today, however, he will have Charlie Griffith, who has this agreement on his computer, run another one out, with the amendment included and have the Commissioners sign it, with today's date on it.

Amendment to County Personnel Ordinance: Mr. Jones said he has with him an amendment to the county's personnel policy ordinance, specifically section #35.47 of the Code of Ordinances, is amended with respect to medical or maternity leave. That amendment is to conform with existing federal law concerning maternity leave. He has also placed before the Commissioners a copy of the amendment and a complete copy of the ordinance with the amendments up to this date included in it.

Commissioner Willner said he has not seen this document, therefore he would request one (1) week to study it....request granted.

Sheriff's Merit Board: Mr. Jones said there is a matter he submits to the Commissioners in the form of litigation for approval for the County Attorney to be involved with, that previously the three (3) deputies, who were up for disciplinary hearing, that had been previously approved by the County Commissioners that the county attorney functions as legal counsel to the Sheriff, and in this instance, act something as a civil prosecutor, in bringing the action against the deputies. This is a formal hearing and they are represented by counsel and its reported there is an appeal, there are witnesses, cross examinations, etc. and there is now a second matter and that concerns a hearing set for May 14th, with respect to a challenge to a promotional examination in the Sheriff's Department, concerning officer Bennett. He simply wanted to make the Commissioners aware of this and to get the authorization of the county attorney's involvement in it.

The Commissioners authorized Mr. Jones to proceed.

Agreement between Vanderburgh County and the National Safety Council: Mr. Jones said he received correspondence with respect to approval of a contract agreement between Vanderburgh County and National Safety Council and he has no idea what this is about.

Sheriff Shepard was present and stated this is a traffic safety grant and they are going to furnish people to come down and review our records and put in a new record system for us. This is a traffic grant out of Indianapolis and has already been approved, that it is about a \$4,000.00 grant and it isn't going to cost us a thing.

Joint Data Processing Agreement: Mr. Jones said he received a comment from Mr. Goad, of Pulse Systems, regarding the joint agreement between the county and city for data processing services, but he has received nothing from the Commissioners in regards to that agreement, so he forwarded it to the City Attorney and and Safety Board months ago and he still has received no response from anyone, so the agreement is still hanging fire, and the same goes for the Ordinance on Data Processing.

President Borries said Mr. Goad indicated to him that he had talked to Mr. Jones, so at this point, we can approve it and wait approval from the various city agencies, that there is one (1) item in there that Mr. Goad wanted stricken.

Mr. Jones said this is true and he would recommend it not be stricken, that Mr. Goad is overly cautious and that is between us, that they have access and he can't deny that access under the existing agreement, so he would reject his objection.

President Borries said the item specifically dealt with was that the board would have direct and free access to operations of the provider and to consult its representatives concerning such operations, including performance of the provider's duties and charges for services rendered. Pulse had suggested removal of that to eliminate any potential interpretational problems in the future, but our County Attorney tells us it should not be stricken.

Letter from Mr. Paul Wallace: Mr. Jones said Mr. Paul Wallace, attorney for the Area Planning Commission sent a letter to each of the Commissioners, dated April 19th, and it concerns a change in statutes, which removes the County Commissioners from consideration of special uses in zoning matters. It will require action by the Commissioners, depending upon what each one's own pleasure is, with respect to whether you want to stay involved in special use legislation in this county or you can sit back and let the Area Plan Commission assume all the responsibility.

Commissioner Cox said she understands these special uses will no longer go to Area Plan but to the Board of Zoning Appeals.

Mr. Jones said the Commissioners can revise the categories, etc. and still keep some control of it, but as it presently stands, a lot of the zoning legislation changes amendments and sometimes it originated here, very rarely, but mostly its done inside Area Plan.

Commissioner Cox said she thinks of one very important special use the Commissioners approved very recently, and that is the extraction of coal, for Turris Mines. Special Uses are more than just little things like beauty shops, etc. and to take this matter out of the hands of an elected board and into the hands of an appointed board, she believes we should take a long hard look at it.

Mr. Jones said he agrees, that an elected board has a lot of points to consider, whereas an appointed board may not look at it so hard.

The Commissioners agreed to have Attorney Jones draft a letter requesting that the Board of Commissioners reserve those rights to review Special Use Permits, as we have done in the past, and perhaps we can sign such a letter at our next regular meeting.

ORDINANCE RELATING TO THE LICENSING OF TRADESMEN

President Borries said he would like to distribute to each of the Commissioners an ordinance to amend sections 150.125 and 150.127 of, and to add a new section 150.145 to the Building Code of the Code of Ordinances of Vanderburgh County, Indiana relating to the licensing of tradesmen.

He is not requesting any action be taken on this today, merely that each of the Commissioners get a copy to review for action at a later meeting.

Commissioner Cox asked if there is a city licensing board for carpenters and Mr. Jones replied no, and Mr. Zimmerman also informed him that there is not a "Master Carpenter", so that could be wrong. They do however have a union.

Attached to the proposed ordinance was the following letter from David L. Jones, County Attorney, dated April 16, 1984 and directed to both Councilman Mark Owen and Commissioner Rick Borries.

Enclosed please find draft of proposed ordinance to add new sections to the county building code relating to the licensing of carpenters. This ordinance has been prepared at the request of Councilmen Owen with respect to the addition of carpenters to the tradesmen currently licensed under the county ordinances. I am also forwarding my copy of this letter and a draft of the ordinance to Mr. William Zimmerman and to David Bunner, City Attorney.

Very truly yours,
David L. Jones

The matter was deferred for future action.

RE: DAVID SAVAGE....TRAFFIC ENIGNEER

Recommendation of 4-way STOP at Happe and Mill Roads: Mr. Savage said his office was asked to study and give a recommendation concerning a four-way STOP at the intersection of Happe Road and Mill Road, which he has done and he would like to submit the following written recommendation, dated April 16, 1984.

Re: Happe/Mill
4-Way STOP Request

This office has evaluated subject intersection at the request of the Commissioners for 4-way STOP traffic control. Our findings are as follows:

Traffic Volume - 1979 volume on Mill in this area was approximately 300 vehicles per day. Estimated volume on Happe Road is 50 vehicles per day. Since these volumes do not approach those required for a 4-way STOP, current counts were not taken.

Accident experience - no reported accidents have occurred at this intersection during the past 12 months.

recommendation continued

Speed-posted speed limit is 30 mph. Experience has shown that 4-way Stops are not an effective method of controlling speed along a corridor.

Sight distance - Sight distance to the east is limited to 265 feet by a rise in Mill Road. This is a fairly severe limitation for a rural road. Sight distance in all other directions is adequate.

History - Until the mid 40's this intersection was controled by a 4-way STOP. The 4-way STOP was removed due to accident experience which resulted from vehicles running the STOP on Mill. Such running of the STOP on the major street is both common and difficult to control when 4-way STOPs are used to regulate a a low volume intersection.

RECOMMENDATION: Based on the above information I would recommend that the request for a 4-way STOP at the intersection of Happe and Mill Roads be denied.

David L. Savage, P.E.
Traffic Engineer

Commissioner Cox said she could not find anything in or county ordinances that show any STOPs at all at that intersection.

Mr. Savage said he did not check that, but if it is not included in the ordinance, it should be, that he recommend the STOPs stay on Happe Road and that Mill Road stay a thru road.

Commissioner Cox said if this is not in our Ordinance, she will so move. Commissioner Willner seconded the motion.

Recommendations of Various County Intersections - Right-of-way Control: Mr. Savage submitted the following written recommendation, dated April 16, 1984.

Re: Various County Intersections
Right-of-way Control

Authorization for right-of-way control at the following intersections currently does not exist:

Bridgeview/Reiter
Aspen/Walnut Lane
Eastbrook/Walnut Lane
Eisler/Dry Branch Road
Eisler/Huntsmen Trail

In my opinion, application of the "normal right-of-way rule" is unduly hazardous at these locations.

In accordance with the Indiana Manual on Uniform Traffic Control Devices (IMUTCD) I recommend that:

Bridgeview	STOP for Reiter
Walnut Lane	STOP for Aspen
Walnut Lane	STOP for Eastbrook
Dry Branch	STOP for Eisler
Hentsman Tr.	STOP for Eisler

David L. Savage, P.E.
Traffic Engineer

Commissioner Cox asked if these are all county accepted roads and Mr. Savage replied yes.

Commissioner Willner moved the above recommendations be approved. Commissioner Cox seconded the motion. So ordered.

Commissioner Cox thanked Mr. Savage for the stripping that was done on Middle Mt. Vernon Road, that it really helped during the rain and fog we recently had.

Commissioner Willner said Mr. Savage might check with the County Highway Department before stripping gets in full swing and he asked if the Commissioners have a paving program yet and Mr. Willner said no, but its in the works.

RE: BILL BETHEL....COUNTY HIGHWAY DEPARTMENT

Weekly Absentee Report: Mr. Bethel submitted the weekly absentee report of the employees at the county garage for the period of April 16 thru 19, 1984...report received and filed.

Weekly Work Report: Mr. Bethel submitted the weekly work report of the employees at the county garage for the period of April 16 thru 19, 1984....received and filed.

Attached to the weekly work report was the following work schedule, for the same period of time.

Gradall: Newman Road, Adler, Emge, Buente Road and Short Mill Road.

Patch Crew: Schraeder, Smith-Diamond, West Haven Drive, Mesker Park, Allen Lane, Holly Hill, Boonville-New Harmony, Schutte, Booker Road, Oak Hill and Ridgewood, St. Joseph Avenue, Harmony Way, Robin Hood Drive, Laura Lane, PineRidge Drive, Peerless, Kansas, West Lake Drive, Hillview Road, Orchard Road, Kleitz Road, Church Road, McDowell Road, Cemetery Road and Pollack Avenue.

Tree Crew: South Weinbach and Five Dollar Road.

Grader: Water Works Road, Cypress-Dale, Roth Road, Seminary, Golden Rule, County Line East, Church, Young, Ruston, South Weinbach, Cemetery and Boonville-New Harmony.

Rocked: County Line East, Seminary Road, Cypress-Dale, Shore Road, Roth Road, Foltz Road and Cemetery Road.

Commissioner Cox said she would like for Mr. Bethel to take a look at a washout area along Old Henderson Road, that it is 1.6 mile below the L&N Railroad bridge.

Mr. Bethel said he would take care of it, that he was out there this morning and looked at it.

RE: BOB BRENNER....COUNTY SURVEYOR

Weekly Bridge and Guardrail Report: Mr. David Guillaum, Chief Deputy Surveyor was present and submitted the weekly bridge and guardrail report for the bridge crew for the period of April 16 thru 19, 1984....report received and filed.

Commissioner Cox said what is wrong with the X Bridge, located at 9811 Hogue Road, as shown on the weekly report and Mr. Guillaum replied the roadway on the approach, from Highway 57, the base is pumping and it is all broken up. Also on the approach coming from the west there is a section of the roadway all broken up. There are also a couple of places on the bank that has washed out and as indicated on the report they put #53 in the holes.

Commissioner Cox said the ribbon was cut out there not very long ago and she wouldn't expect for maintenance to have to be done already.

Mr. Guillaum said in fairness to the contractor, we had an item in it, where we did roll it down ourselves, so we will have to repair it ourselves.

Ohio Street Bridge: Mr. Guillaum said they noticed last week that on the west approach that there is a washout, that the road is settling down and sinking, that it has dropped some 6-8 inches. He and Mr. Brenner obtained three (3) invitational emergency bids. The three (3) received were as follows:

1. Deig Brothers Lumber and Construction.....\$6,650.00
2. Key Construction.....\$9,500.00
3. Crane Construction & Excavating Inc.....\$6,220.00

Mr. Guillaum said eventhough Deig's bid is not the lowest, it appears to be the closest to what they are wanting done, therefore, they would recommend the contract for the repair of the Ohio Street Bridge be awarded to Deig Brothers, for a total of \$6,650.00. We would want this on an emergency basis so that they could start repairs immediately before we have to spend more money on it.

Commissioner Cox asked what is causing the problem and Mr. Guillaum said the water from the river got under the approach itself, and that along with the normal roadway drainage itself has caused the problem. When this approach was built they put in bigger pieces of blocking and concrete, etc. with void areas in between and now the water has washed it out and there is no support for the roadway and it is sinking down. What we are requiring from the contractor is for them to remove the area we have indicated, and marked for them, and come in with 200 psi grout, which is sort of like a slush concrete that will work in the void areas. We don't want to take all of the blocking out because it really is good footing but we want to fill the voids so that the washout will stop, and it will be capped with #53 and some blacktopping.

Mr. Guillaum said Crane's bid was \$6,220.00, however, they were not going to go with the complete slush, in other words, they were specifying 10 cu. yds of concrete and Deig Brothers specified 62 cu. yds of concrete and when we met on the job site with everyone, we indicated to all of them that we wanted the entire void areas filled in and 10 cu. yds. would not be enough concrete.

Commissioner Willner asked if money has been appropriated for this and Mr. Guillaum said they have enough in the bridge fund but he isn't sure if it has been appropriated into a separate account.

Commissioner Cox said then how do you buy all of this riprap and material for the X bridge, that don't you have an account approved and Mr. Guillaum said yes we do and since it is a bridge repair account, he believes the money can be paid from it.

Commissioner Willner moved the contract be awarded to Deig Brothers, in the amount of \$6,650.00.

Commissioner Cox asked if there is a time limit and Mr. Guillaum replied it was specified we wanted them to begin on it within the next couple of days and we want it completed in ten (10) working days, weather permitting.

Commissioner Cox seconded the motion. So ordered.

Claim: Mr. Guillaum submitted the following claim for approval of payment.

Barnett Brothers, in regards to the First Avenue Bridge Project, in the amount of \$29,657.77.

Mr. Guillaum said that Barnett improved the approach and they did a real good job on it. They also tore out some of the sidewalk areas that appeared to have some problems and replaced them. He said they are presently working on a check list, therefore he would like this claim approved subject to the check list being completed and he will notify the Auditor's office when payment can be made. This is the final payment.

Commissioner Willner moved the claim be approved, and that the Auditor's office hold it until Mr. Guillaum gives the okay for payment. Commissioner Cox seconded the motion. So ordered.

Request to Travel: Mr. Guillaum said there is to be a Minor Maintenance on Bridges Seminar on May 2 thru 10 and he and Mr. Brenner discussed the possibility of attending it, or at least have some of their people attend it. If we cannot find any of the county vehicles they think will make the trip, they may have to use their own personal vehicles and if they do they will request mileage be paid to them. This is being held in Purdue. The mileage could be paid from the Cumulative Bridge Fund.

The Commissioners indicated the request be granted.

RE: ANDY EASLEY....COUNTY HIGHWAY ENGINEER

Pigeon Creek Log Jam: Mr. Easley reported that Mike Feldbuschs' office if supposed to send us a proposal from Quentin Stahl on the cleaning of the Pigeon Cree log jam, however, he has not received it yet and he will inform the Commissioners when he does.

Claims: Mr. Easley said he received from the office of Kenny Hansen, some twenty two (22) claims for the purchase of right-of-way and/or temporary construction easements for the Burkhardt Road widening project, for a total of twenty four (24) parcels. These total about \$45.00 less than \$21,000.00 and he would submit these to the Commissioners at this time to be approved for payment. He personally has reviewed them very carefully, and we also have the deeds which have been properly notarized and they are ready to be recorded. There is also a claim from Citizens Realty and Insurance Co. for services rendered in negotiations for right-of-way for Burkhardt Road, which is for twenty four (24) parcels, at \$250.00 each, for a total of \$6,000.00. Mr. Hansen has completed his work now and should be paid the balance due.

Alice McBride, County Auditor, asked if the blue claims are signed and Mr. Easley said yes, they were signed by Kenny Hansen, as the negotiator.

Mrs. McBride said the blue claims should be signed by the person receiving the money and in the future she would request that it be handled that way, however, she will accept the ones before the Commissioners today, for payment.

The claims submitted by Mr. Easley were as follows:

1. R.E.H. Mechanical Contractors.....\$67.49
2. Moto, Inc. Henry Bertrand.....\$50.00
3. Sherman T. Nance c/o William P. Foreman..\$236.23
4. Gene B. Glick Company, Inc.....\$50.00
5. Larry Eifler and Phyllis Eifler.....\$10.85
6. Duane Alan Duvall.....\$7.23
7. Benjamin P. & Vonda M. Donatiello.....\$1113.27
8. Albert Durchholz & Mary C. Durchholz
Martin Durchholz and Mildred Durchholz....\$759.06
9. Julius Heerdink and Mildred Heerdink.....\$509.04
10. Theodore J. & Anna M. Mercker.....\$307.23
11. A&H Oil Storage Company.....\$84.37
12. Stanley Unfried and Bonnie M. Murphy
and Planters Bank & Trust Company.....\$5925.31
13. David W. and Donna S. Hirsch.....\$652.65
14. Floyd N. & Margaret J. Lemmons.....\$3525.31
15. Ronnie E. & Cherrel H. Underwood.....\$1245.63
16. Elvis H. Payne.....\$577.23
17. Hillary and Betty A. Nalley.....\$821.23
18. Wyman and Inez M. Holder.....\$901.23
19. Revetta Heseman & William J. Farrand....\$1000.00
20. Larry H. & Rosalie T. Hirsch.....\$1307.23
21. William & Margaret Fiscus.....\$477.23
22. Thomas J. & Rosemary V. Hirsch.....\$1327.23

Citizens Realty and Insurance, Inc. for services rendered in negotiations for right-of-way for Burkhardt Road, in the amount of \$6,000.00

There was discussion concerning the above claims later in this meeting, at which time there were all approved.

Street Plans for Leah Court Subdivision: Mr. Easley submitted the street plans for Leah Court Subdivision and he has field checked it and he believes the Board will recall looking at it during a Drainage Board meeting. It concerns the streets just north of Bergdolt and west of Tanglewood. They propose to grade a ditch to the west and lower a culvert under SIGECO's access. There is a piece of property located there (he pointed it out on the plans) that will get quite a ditch in front of it when they do that, however, under the circumstances he does not know what else they can do, that he does not have any other suggestions.

Commissioner Cox said the rezoning was granted on the basis of the drainage plan that was submitted. She asked if the ditch is on county right-of-way and Mr. Easley replied yes.

Commissioner Willner said it is on county right-of-way and we will probably have to dig the ditch and Commissioner Cox said we can give the developer authority to dig it on county right-of-way, if it is done to our specifications, but even though it is on county right-of-way they still would probably have to get some right of entry from the property owners to do it. Commissioner Willner said yes, they most certainly would have to.

They do not show how deep that ditch is going to be, that if they make it three (3) feet deep and do it so it can be mowed, it is going to be fairly wide, and he is confident the homeowner isn't going to be happy if they tell him he is going to have a three foot ditch where he presently has none.

Commissioner Willner said he understands the developer had already received permission from the property owners, however, he does not know this to be a fact.

Commissioner Cox said that Mr. Bill Nicholson has said the drainage system would be put in before construction started, and she believes this is a matter of record.

Mr. Easley said this is rather unusual, that it is not a new street and not all of the work is being done on land owned by the subdivider.

Commissioner Willner asked if this should be under the authority of the Drainage Board and Mr. Easley replied no, that it is a street improvement plan, however, if the Commissioners choose to approve it as the drainage board, that would be fine with him.

Commissioner Willner asked if we were going to approve the cul-de-sac also and Mr. Easley replied yes. Commissioner Willner asked if this is going to be concrete and Mr. Easley replied yes.

Commissioner Cox said with the drainage problems out there, she would prefer asphalt, that we all know what water does to concrete surfaces.

Commissioner Willner said he too would prefer asphalt, however, we really cannot demand it because the county ordinance says he can build a concrete street.

Commissioner Cox said they are also going to be using the road for water drainage and Mr. Easley said yes, it is a cross gutter and in some respects the concrete might hold up better than the asphalt. He will talk to Mr. Nicholson about the type of pavement.

Commissioner Cox asked if the forty (40) foot is adequate right-of-way and Mr. Easley replied yes, that was approved by the subdivision review board.

Commissioner Willner moved the plans be approved. Commissioner Cox seconded the motion. So ordered.

Char-Mar Estates: Mr. Easley reported he has talked to Mr. Charles Koring, concerning the requests by the property owners out there, wanting their roads to be paved and Mr. Koring said he does intend, when he sells all the lots, to bring the roads up to county standards and have them accepted. He understood from Mr. Koring that when the residents approached him they were rather demanding and did not communicate too well, however, Mr. Koring said he would be willing to meet with the residents out there and tell them what he has told us. He also wondered if there was any room in the county policy for those roads to be chip and seal.

Commissioner Willner said he believes they would have to go hot mix and also, chip and seal is the same price as asphalt, so there would be no savings by going that way.

Purchase of Right-of-way on Burkhardt Road: Mr. Easley said in the purchase of all of this right-of-way on Burkhardt Road there were some pieces brought in, after the fact. was discovered they needed them also. He researched the minutes during that time and they did not reflect the Commissioners authorization for Mr. Hansen to purchase some six (6) parcels, that somehow they did not get into the minutes. He would like for the Commissioners to reaffirm the county did need this right-of-way and these purchases were authorized.

Commissioner Cox said when these were submitted there were some missing parcel numbers.

Mr. Easley said Jim Morley brought in summary lists, and two of these lists showed up in the minutes, but there were some parcels that were not on the summary lists.

President Borries told Mr. Easley if he will get those parcels to the Commissioners at the next meeting, the Board will reaffirm the purchasing of them.

Mr. Easley said in order to make the July letting these really need to be approved as soon as possible, so could he go to his office and get the lists, compare the names with the blue claims and get this cleared up today, a little later in the meeting.

Commissioner Cox asked if there are blue claims for these and Mr. Easley replied yes.

Mr. Easley said he will work on it immediately and try to get this information back to this meeting before it is recessed.

RE: REQUEST TO TRAVEL.....VETERANS SERVICE OFFICER

Mr. Carl Wallace, Veterans Service officer was present with a request to travel. He submitted the following letter, dated March 29, 1984.

Dear County Commissioners:

Please be advised that due to Indiana Code 10-5-1-12 requires service officers to attend courses of instruction which render certifiable to perform veterans' affairs in the State of Indiana.

The conference is being held in Indianapolis, Indiana, on June 3 through 7, 1984, and will require us to make reservations at the Mark Hotel for the above dates. This requires a deposit in advance because of the number of officers who will be attending throughout the State of Indiana. We request travel funds to be appropriated through the Commission for this travel, lodging and meals. It is estimated the cost at approximately \$500.00 for this conference. I have included the brochure sent to you by the State of Indiana as to cost per day. I am submitting this along with the regulations that require the service officers to attend.

Please contact me if you need any further information.

Sincerely yours.

Mark D. Acker
Vanderburgh County Assistant
Veterans Service Officer

Mr. Wallace said he and his assistant will both be attending this conference and Mr. Acker estimated the cost a little high, that it will be more like \$432.00.

Commissioner Cox moved the travel be approved, with the amounts to be approved subject to the county's policy. Commissioner Willner seconded the motion. So ordered.

RE: LETTER FROM JIM MORLEY ON ROAD CLOSING

Received was the following letter from Morley and Associates, dated April 19, 1984 and directed to the Board of County Commissioners.

Re: Relocation of S.R.57
County Road Closing

Our Project #82-655-5

Dear Commissioners:

On behalf of the EVAAD and Rogers Group Inc., dba Midwest Construction Materials, Inc., we respectfully request permission to close the following county roads, effective Wednesday May 2, 1984.

1. Swope Road. From Baumgart Road east to Burch Park Drive, a length of approximately 2,000 feet. This roadway will be closed from May 2, 1984 until early September, 1984.
2. Old Petersburg Road. From existing S.R. 57 to Swope Lane. This roadway will tentatively be closed to traffic from May 2, 1984 until May 16, 1984. The contractor has stated that it will take approximately 10 working days to remove the old pavement, cut and fill the roadway to grade and place the stone base to act as a temporary wearing surface.

The above schedules are contingent upon good weather conditions and may have to be adjusted accordingly. Barricades and signs will be erected in accordance with I.D.O.H. standards.

The following firms and agencies which are directly effected by these closings are:

Letter Continues:

Ryder Truck Rentals Inc., 7925 Baumgart Road.
 Mid-American Dairymen Inc., 7924 Burch Park Drive
 Stewart Sandwiches, 7813 Baumgart Road
 McCutchanville Volunteer Fire Department, McCutchanville

The enclosed map shows the location of the requested road closings for your use. If you have any questions, please feel free to contact us.

Sincerely yours.
 Lee A. McClellan, P.E.
 MORLEY AND ASSOCIATES, INC.

Commissioner Cox asked what alternate route will these trucks be using from the listed firms and agencies, which are directly effected, so that they are not scattered out all over the residential areas.

A gentleman, who did not state his name, indicated to the Commissioners that for Swope Road, the Ryder Truck and Mid-American Dairy will have access from the north.

President Borries said in looking at the map, they could use Heinlein.

Commissioner Cox said she believes there should be a temporary route designated for them. She asked if any business will be completely blocked off and the gentleman replied no, they will all have access.

President Borries asked if these firms have been informed and the gentleman said that they will be this week.

Commissioner Cox moved the request be granted, with the understanding that temporary routes and directions are posted for the closing. Commissioner Willner seconded the motion. So ordered.

RE: LETTER FROM AREA PLAN COMMISSION CONCERNING UNION TOWNSHIP SCHOOL BUILDING

President Borries said the following letter was sent from the County Commissioner's office to the State Board of Animal Health, City-County Health Department, Humane Society, Environmental Protection Agency, Area Plan Commission, Prosecutor and Mr. Clarence Winiger, in regards to the condition of the old Union Township School Building that was discussed at the last meeting of the County Commissioners.

This is to inform you that there have been complaints for some period of time on the deplorable condition of the Union Township School Building which includes the negligence of animals that are kept there.

For this reason, we are asking that you or a representative meet with other interested parties on Tuesday, April 24, 1984, at 3 O'clock p.m. to discuss the problem and see what can be done to eliminate it.

Everyone is to meet at Mr. Clarence Winiger's tool shed located on Happe Road at Roth Road, then proceed to the site.

We urge you or your representative to attend this meeting.

Sincerely,
 Board of County Commissioners

President Borries said in response to the above letter, the Commissioners received the following letter from the Area Plan Commission, dated April 19, 1984.

Re: Union Township School Building

In response to your letter of April 18, 1984, I wish to inform you that on April 12, 1984, the attorney for APC, Mr. Paul Wallace, filed a verified complaint for injunction against Marion F. Biggerstaff and Mary E. Biggerstaff for violation of Section 153 (dumping and storage of debris, scrap metal, junked and/or non operational vehicles and similar items) of the zoning ordinance of Vanderburgh County. I am

Letter Continues:

enclosing copies of the summons, verified complaint, interrogatories and minute.

I would be very happy to meet with you on Tuesday, April 24, 1984, at 3:00 p.m. at Mr. Clarence Winigers'.

Barbara L. Cunningham
Director of Area Plan Commission

President Borries said he will remind everyone present today that this meeting is still to be tomorrow at 3:00 p.m. at Mr. Winigers'.

Commissioner Willner asked if the Commissioners received correspondence from any of the other agencies and President Borries said not to his knowledge.

Sheriff Shepard said he too contacted the State Board of Health and they are supposed to come down here and do an on-site inspection for violation of operating a sanitary landfill in a flood plain.

RE: LETTER FROM CLERK TO USE COPY MACHINE FOR PRIMARY ELECTION

Received was the following letter, dated April 16, 1984 and directed to the Board of County Commissioners.

Re: Use of portable copying machine

We respectfully request permission to use the portable copy machine from the Auditors office for the counting center on Tuesday, May 8, 1984.

We are again planning to furnish precinct printouts on election night and the above mentioned copier works out just great.

Sincerely,
Helen L. Kuebler
Secretary, Vanderburgh County
Election Board

Commissioner Willner moved the request be granted. Commissioner Cox seconded the motion. So ordered.

RE: REQUEST TO CHANGE VOTING PLACES IN MAY 8TH PRIMARY ELECTION

President Borries said the voting place in Union-1 was to have been held at the Union Harbor Marina Office at R.R. 2 Roth Road but they have leaks and are unable to have it there. There has been a request this be changed to the Dog Town Garage, located at R.R. 2, Old Henderson Road.

Commissioner Cox asked how close this is to the tavern and Mr. Lindenschmidt said the taverns are all closed election day until 6:00 p.m.

Commissioner Willner moved the change be approved. Commissioner Cox seconded the motion. So ordered.

President Borries said concerning 4-14, which was to be voting at the Deeg Building, located at 1017 Parrett Street, but this building has been sold, so there has been a request this voting place be changed to the old Police Community Relations Building, located at 37 Adams Avenue.

Commissioner Cox asked if this is located in 4-14 also, and President Borries said yes.

Commissioner Willner moved the change be approved. Commissioner Cox seconded the motion. So ordered.

President Borries said there have also been some questions regarding K-2 which is located at the Knight Township Volunteer Fire Department at 6336 Morgan Avenue and also 3-5 which is located at Oaklyn Library (Located in C-1), at 3820 Oak Hill Road. He said there have been disagreements among the parties regarding whether or not those two should be changed at this time.

Commissioner Cox said she would like for the Commissioners to discuss K-2, that this was one of the precincts that was divided, that they formerly voted at Plaza School and we have now assigned a voting place to them that is outside of their precinct, which is on the other side of Morgan Avenue and Morgan Avenue is one of the busiest streets early in the morning, at noon and the evening hours, that anyone can ever imagine. She is sure, unless the law has been changed, and she does not believe it has, the only reason you can move, or locate a precinct outside precinct boundaries is if there are no suitable polling place found within the boundary. There is, in this case, a suitable place, which is the St. Johns United Church of Christ, at 7000 Lincoln Avenue. She has talked to the minister at St. Johns and he said he would be very happy to have the election held there. This precinct has been designated to vote at the Knight Township Volunteer Fire Department, which is outside of the precinct.

President Borries asked what would be wrong with the Carriage House and Ms. Meeks said we have K-4 voting there. and it is out of the precinct also for K-2.

President Borries said at this point we will have to check on the availability of that because he has not received any correspondence in respect to this.

Commissioner Cox said she called Margie Meeks over a week ago and asked her to please talk to you, Mr. Borries, about it.

President Borries said Mrs. Meeks indicated to him that there had been arrangements made at the Knight Township Volunteer Fire Department, but that there had been no phone correspondence or written correspondence from St. Johns.

Commissioner Cox said we, as Commissioners have sat here and heard arguments about the convenience of the voters and she believes we are asking an awful lot of the voters to ask them to go down Green River Road or Burkhardt Road, and across Morgan Avenue to do their voting and she is not certain that even meets the requirements of the one tenth of a mile that is required of adjoining precincts, and legally the only way we can locate outside of the precinct is for there to be nothing within the precinct, so she really does not think we have a choice here.

President Borries said we will check this out and come back with a final decision next week.

Commissioner Cox asked when the changes have to be advertised and Mrs. Meeks said we have until the first week end in May to advertise any changes, therefore, decisions can be made to do any changes at the April 30th. meeting of the Commissioners.

Commissioner Cox asked Mr. Borries if he has went out and looked at where the Knight Township Volunteer Fire Department is located and he replied he is well aware of where it is at and he believes that all the Commissioners want to serve the voters, therefore he is not going to refute what Mrs. Cox has said, he is only asking for a week to further check into the availability of the locations. He said he would like to receive some confirmation from St. Johns Church.

Commissioner Cox asked President Borries what confirmation he got from Dog Town, that what is meant by confirmation. She is a county commissioner, therefore, what confirmation do you want, or what confirmation did you get from Dog Town...did you speak with the owner of Dog Town? President Borries replied that he did not and he asked Mrs. Cox if she did and she replied no she did not, but she voted for the change in Union-1. Mrs. Cox asked Mr. Borries if he would like for the minister of St. Johns Church to call him at home and confirm what she has said and he said he certainly feels that would be very appropriate. Commissioner Cox asked President Borries why did he not ask the owner of Dog Town to call him at home and he replied the owner had been contacted, otherwise there certainly would not have been a change and that, to him, is obvious. Commissioner Cox said the minister of St. Johns has been contacted also.

President Borries said we can act upon this request and he is asking for a week to do so.

Commissioner Cox said she would like to ask the County Attorney what the rule is for using a voting place outside of the precinct, when there is an available place within the precinct.

County Attorney Jones said he would research the statutes and inform the Commissioners what the law says regarding this matter.

RE: MONTHLY REPORT FROM CLERK OF CIRCUIT COURT

Received and filed was the monthly report of the Clerk of the Circuit Court, for the month ending February 29, 1984.

RE: CHECK FROM WILL INSURANCE AGENCY

Received was a check from Will Insurance Agency, for refund on a cancellation of a surety bond on Mr. Conrad Cooper, former manager of the Vanderburgh County Auditorium, in the amount of \$21.12.

County Auditor Alice McBride said she had checked with the insurance company at the time of Mr. Coopers' resignation and she was told we would not be due a refund, but evidently they changed that decision.

Commissioner Cox moved the check be signed and deposited in the County General Fund. Commissioner Willner seconded the motion. So ordered.

RE: DISCUSSION OF OLD BUSINESS

Appointment of Mr. Rod Penfield to P.I.C. President Borries said last week there was some question on the appointment of Mr. Rod Penfield to P.I.C. and whether or not he is related to Ann Penfield, who is an employee with the Private Industry Council and we have received word from Mr. Vanderford that Ann Penfield and Rod Penfield are husband and wife.

Commissioner Cox said then would this be any conflict, if we appointed Mr. Penfield to this P.I.C. Board and President Borries said none that he is aware of, that surely Mr. Vanderford would have made us aware of any conflict, should there have been one. Commissioner Cox said would he not be sitting on a board that does policies and votes of recommendations that his wife makes to the board.

President Borries said he is not sure that Mrs. Penfield is in a policy recommending position.

The matter was referred to the county attorney to be further researched.

RE: CLAIMS

A claim was received for Ice Miller Donadio & Ryan for services rendered including reviewing and editing local proceedings; reviewing proceedings before the State Board of Tax Commissioners; preparation of various closing papers and certificate; examining transcript of proceedings; attendance at closing; and rendering opinion approving the above-referenced bonds in the total principal amount of \$860,000.00, dated 2-1-84.

Total Legal Fees.....	\$3,100.00
Disbursements	<u>70.33</u>

Total amount due this invoice \$3,170.33

President Borries said this claim has been reviewed by our county attorney, that it is in regards to the Pigeon and Knight Townships poor relief bonds.

Commissioner Cox moved the claim be approved. Commissioner Willner seconded the motion. So ordered.

RE: SCHEDULED MEETINGS

There is to be a meeting April 24th at 3:00 p.m. at the old Union Township School Building.

President Borries said after a phone conversation with Mr. Bill Phister, of IOSHA, concerning a presentation and communication regarding safety programs for our county, he has scheduled a meeting with the Commissioners and other interested department heads, for Tuesday, June 26th. at 9:00 a.m. and this meeting will most probably be held in the Commissioners Hearing Room.

RE: EMPLOYMENT CHANGES.....APPOINTMENTSKNIGHT TOWNSHIP TRUSTEE

Tara Stokes	2608 S. Dexter	Investigator	\$11,500.00	Eff: 4-23-84
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BURDETTE PARK

Kevin J. Mayer	1403 E. John	Rink Guard P/T	\$3.50 Hour	Eff: 4-6-84
Tina Coomes	27 W. Maryland St.	Rink Cashier	\$4.25 Hour	Eff: 4-19-84

VOTERS REGISTRATION

Barbara Bogan	1506 Thompson Ave.	Deputy	\$10,760.00	Eff: 4-23-84
Rosemary Muensterman	6025 Broadway Ave.	Deputy	\$10,760.00	Eff: 4-19-84

AREA PLAN COMMISSION

Virginia Wirthwein	6017 Hamilton Dr.	Sec-Bkkpr.	\$11,729.00	Eff: 4-23-84
Sandy Weinzapfel	313 N. Bell Avenue	Deputy Admin.	\$11,320.00	Eff: 4-23-84
Donna Holderfield	1449 B Mattingly Dr.	Zoning Invest.	\$11,300.00	Eff: 4-23-84

RE: EMPLOYMENT CHANGES.....RELEASESTREASURER

Tara Stokes	2608 S. Dexter	Cashier	\$10,760.00	Eff: 4-23-84
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BURDETTE PARK

Tina Coomes	27 W. Maryland St.	Rink Guard	\$4.00 Hour	Eff: 4-19-84
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AREA PLAN COMMISSION

Kathie Gehlhausen	1101 Oakley St.	Sec-Bkkpr.	\$11,729.00	Eff: 4-23-84
Virginia Wirthwein	6017 Hamilton Dr.	Dep. Admin.	\$11,320.00	Eff: 4-23-84
Sandy Weinzapfel	313 N. Bell Ave.	Zoning Invest.	\$11,300.00	Eff: 4-23-84
Donna Holderfield	1449 B Mattingly Dr.	Sr. Secretary	\$10,760.00	Eff: 4-23-84

VOTERS REGISTRATION

Pamela Bailey (L/A)	218 S. New York	Deputy	\$10,760.00	Eff: 4-18-84 to: 6-4-84
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Commissioner Cox asked what is Ms. Bailey's leave of absence for and Mrs. McBride said it is a maternity leave. Mrs. Cox said we need to have that documented, for insurance purposes.

RE: CLAIMS CONCERNING PURCHASE OF RIGHT-OF-WAYS FOR BURKHARDT ROAD

Mr. Andy Easley said he has researched the records concerning the parcels omitted from the summary list for the Commissioners approval for purchasing of right-of-ways for Burkhardt Road and they are as follows:

1. Floyd N. Lemmons and Margaret J. Lemmons.....\$3,525.31
2. Albert Durchholz and Mary C. Durchholz and
Martin Durchholz and Mildred Durchholz.....\$ 759.06
3. Gene B. Glick Company.....\$ 50.00
4. Moto, Inc. Henry Bertrand.....\$ 50.00

Mr. Easley said the last two are for temporary construction easements, in the amount of \$50.00 each.

Commissioner Cox asked if there is any other identification for the above parcels and Mr. Easley said there are no parcel numbers for them, that Mr. Morley submitted names, sketches and legal descriptions, but no parcel numbers.

President Borries said there are no parcel numbers, however, there are addresses for all the people and Mr. Morley has submitted legal descriptions also.

Mr. Easley said on property owned by Stanley D. Unfried and Bonnie M. Murphy and Planters Bank and Trust Company, for \$5,925.31, that this evidently became an estate and Commissioner Cox said she passed away.

Commissioner Willner moved the additional parcels be approved for purchase and that the twenty two (22) claims submitted by Mr. Easley earlier in the meeting be approved. Commissioner Cox seconded the motion. So ordered.

Commissioner Willner moved the claim, in the amount of \$6,000.00 also be approved, for Citizens Realty for services rendered in negotiations for right-of-way for Burkhardt Road improvements. Commissioner Cox seconded the motion. So ordered.

There being no further business, President Borries declared the meeting recessed at 5:50 p.m.

PRESENT:

COUNTY COMMISSIONERS

COUNTY AUDITOR

COUNTY ATTORNEY

Richard "Rick" Borries
Robert L. Willner
Shirley Jean Cox

Alice McBride

David L. Jones

SECRETARY:

Janice Decker

Richard Rick Borries

Robert L. Willner

Shirley Jean Cox

BOARD OF COUNTY COMMISSIONERS

COUNTY COMMISSIONERS MEETING
APRIL 30, 1984

The meeting of the Board of County Commissioners was held on April 30, 1984, at 2:30 P.m. in the Commissioners Hearing Room with President Borries presiding.

The minutes of the previous meeting were approved as engrossed by the county auditor and the reading of same dispensed with.

RE: SIGNING OF AGREEMENT WITH DA-MAC ON BATTING CAGES AT BURDETTE PARK

President Borries said the minutes of April 23, 1984, reflect the awarding of the contract for the batting cages at Burdette Park, to DaMac, however, the agreement was not signed at that meeting, therefore it is before us today for the Commissioners signatures.

All three (3) of the Commissioners signed the Agreement, which will be on file in the County Auditor's office, with a copy to go to Mr. Hugh McGee and David P. Austill.

RE: MR. MALCOLM FORBES - REPRESENTATIVE FROM EVANSVILLE PHILHARMONIC ORCHESTRA

President Borries said the Commissioners are very pleased to have before them today, representatives of the Evansville Philharmonic Orchestra and at this time he would invite anyone or all to come forth with any statements they would like to present.

Mr. Malcolm Forbes, President of the Board of Directors of the Philharmonic came forth and stated the Evansville Philharmonic Orchestra is certainly one of the most important cultural organizations in the city of Evansville, if not in the entire tri-state region. Next year, as you know, the Philharmonic will be celebrating 50 years of service to the community. The history of the Orchestra over this period has been a testimony to the cooperation and mutual support from local business, industry, foundations, government and individuals.

We are proud of the role the Philharmonic has played in enhancing the quality of life in Evansville. The Orchestra is committed to providing audiences in the tri-state with live performances of both popular and classical works. With the endorsement of the Commissioners of Vanderburgh County, we feel the quality of these performances can be significantly improved.

Since construction of Vanderburgh Auditorium, the Philharmonic and other groups have been fortunate to have a facility seating an audience of 2000. Next year we hope it will be sold out for all of our concerts, but I do not think it would come as a shock to suggest that the acoustics leave something to be desired.

While there is no simple solution, the Philharmonic has sought the professional advice of Jaffe Acoustics, Inc. (83 East Avenue, Norwalk, CT 06851). Mr. Mark Hilden, a member of the Jaffe firm, and Mr. John Wright of Technical Directions, Inc. (5540 McKenna Street, New Orleans, LA 70125) have proposed two methods for correcting present deficiencies in the auditorium without altering the structure of the building itself. These are:

1. Construction of a new light-weight Fiberglas shell for the orchestra;
2. Installation of an Electronic Reflected Energy System (ERES)

The cost of the shell is estimated at \$50,000.00 and the electronic system at \$100,000.00. They serve different purposes and either may be installed without depending on the other. Both would provide optimum improvement acoustically, but only one would still make a marked contribution toward this goal.

The Evansville Philharmonic with the support of the Whirlpool Foundation is therefore prepared to engage a firm to design and fabricate a shell appropriate for use by the Orchestra when giving concerts in the Auditorium. All costs associated with construction of the shell will be borne by the Philharmonic and Whirlpool Foundation on a matching basis up to a maximum of \$50,000.00. Our intention is to raise the Orchestra's contribution of \$25,000.00 from local sources through a special appeal for funds. We are asking the Commissioners and members of the staff at Vanderburgh Auditorium to approve this project in principle to assist in the installation of the shell, to store the shell at the Auditorium between performances, to rig the shell as required, and to take reasonable measures to prevent damage to the shell when not in use. In return, the Philharmonic would give the Auditorium permission to use the shell for other organizations without charge, if appropriate to their needs. We are most anxious to have the new shell in place for the 1984-85 season of the Philharmonic and

hence request action at your earliest convenience. We are continuing to investigate alternative sources of funding for the electronic system, but at present it seems unlikely that anything could be done in time for the 50th Anniversary. Mr. Stephen Johnson, President-elect of the Philharmonic Board of Directors, has worked closely with the consultant firm and would be happy to answer any questions you may have. He thanked the Commissioners for their attention and consideration.

Commissioner Willner said he has several questions, however, he would like to thank Mr. Forbes for his presentation today and for getting the project started and he would hope that some funds would be forthcoming from the County for the electronic systems that was mentioned. If you go to the maximum of acoustics, and we probably have the minimum now, are we talking about a 50% improvement, a 100% improvement...or what?

Mr. Stephen Johnson stated he is not an acoustician, but having talked to Mark Holden and John Wright, of Jaffe Acoustics, when they were here in October, he thinks the problem boils down to the fact that the hall is very very dry, therefore the sound doesn't have any reverberation in the hall and you can hear this particularly when you listen to recordings that are made in the hall. Sitting in the audience, there are also some dead spots and people will comment during intermission, that it was as though they had been in two (2) different concerts. He believes to install the new shell and the installation of the electronic reflected energy system will do two (2) things, that being it will focus the sound and send it out into the hall better and not have it get lost, as is now happening and the electronic system will give it added presence by electronically beaming frequency signals out into the hall and livening up the sound. In terms of percentage improvements, it is really hard to say but he knows it will be a very dramatic improvement.

President Borries expressed his delight in what has been done and said he believes we are moving toward what will be significant improvements at the Auditorium.

Mr. Johnson said they are looking forward to working very closely with the Commissioners and Mr. Bitz as they progress into the programs and improvements.

Commissioner Willner said he would think that sometime within the near future that Jaffe, Inc. would have to give us a percentage of help, to the Auditorium, that he is thinking if we spent \$100,000.00 and it helped it 5%, then he would probably say no, but if we were to spend \$100,000.00 and it helped 90%, then he would probably say yes, so sometime in the future that company is going to have to answer that question for him, if county funds are going to be used.

Commissioner Cox said on page two (2) of Mr. Forbes statement it says that Jaffe, Inc. has proposed two methods for correcting present deficiencies in the auditorium and she has to rely on the technical expertise of the two firms contacted and take them at their word that they will correct the deficiencies. She does support this and she also appreciates Mr. Forbes and Mr. Johnson's work that has been done toward this. She understands that the Philharmonic will give the Auditorium permission to use the shell for other organizations without charge, if appropriate to their needs. That does not mean that we cannot charge other people for using it, does it and Mr. Johnson said no, the Commissioners may charge. Also you want us to store the shell...do we have adequate room to do this and Mr. Bitz acknowledged the fact that we do. Also, will we have proper people to rig the shell and Mr. Johnson said we are talking about installing the proper rigging and we are uncertain at this time exactly how the pieces will fit together. Commissioner Cox said this shell will be on stage only when the Philharmonic is using it unless someone else needs it and Mr. Johnson said that is correct. Commissioner Cox said then it will be our responsibility to bodily remove the shell, or will this one be hanging also and Mr. Johnson said a portion of it could be. Mr. Johnson said part of the proposal that will be funded by Whirlpool will involve actually putting the shell up, in place and what will be required on the continuing basis will be as it presently is with the wooden shell.

Commissioner Willner moved the project be approved, subject to the funding, as indicated and that we work together to help them raise their quota. Commissioner Cox seconded the motion. So ordered.

RE: AMERICAN UNITED LIFE INSURANCE CHECK FROM MR. JOHN DAUBLE

Mr. John Dauble was present and submitted a check in the amount of \$21,829.85 to the Board of Commissioners, which represents a return of the claim stabilization reserve from the life insurance plan which terminated on October 31, 1983. The following statement was submitted with the check.

Reserve @ 1-1-83	\$20,306.85
Interest earned @ 9% (prorated)	<u>1,523.00</u>

*Reserve @ 1-1-84 \$21,829.85

*Paid in full (Terminated 10-31-83)

Commissioner Willner moved the check be endorsed and put into the County General Fund. Commissioner Cox seconded the motion. So ordered.

County Auditor ALice McBride said this money can be put back into the Commissioners Insurance Account.

RE: CONTINUED SALE OF COUNTY OWNED SURPLUS PROPERTY

President Borries said the sale of county owned surplus property will continue and he asked if there were any bidders present in the audience today.

Mr. Hugh McGee said he would bid \$50.00 each on the following county owned property.

22-30-11...1223-25 S.E. Second.	Appraised Value is \$3,000.00
22-61-22...1706 South Governor.	Appraised Value is \$1,500.00
22-78-13...1700 South Garvin.	Appraised Value is \$1,100.00
23-31-13...732 E. Blackford.	Appraised Value is \$1,500.00
32-41-16...2771 Broadway.	Appraised Value is \$2,700.00

President Borries said the following written bid was received from Mr. James Julian, P.O. Box 3663, Evansville, Indiana

22-30-11...1223-25 S.E. Second.....	Bid of \$50.00	Appraised Value..\$3,000.00
22-48-2....1502 Judson Street.....	Bid of \$50.00	Appraised Value..\$1,000.00
22-61-22...1706 South Governor.....	Bid of \$50.00	Appraised Value..\$1,500.00
22-78-13...1700 South Garvin.....	Bid of \$50.00	Appraised Value..\$1,100.00
23-31-13...732 E. Blackford.....	Bid of \$50.00	Appraised Value..\$1,500.00
24-36-29...421 South Linwood.....	Bid of \$50.00	Appraised Value..\$1,000.00
24-45-10...670 E. Cherry St.....	Bid of \$50.00	Appraised Value..\$1,000.00

President Borries said there are some tie bids on some of the properties and Mr. McGee said he would raise his bid on the following codes to \$60.00 each.

22-31-11...1223-25 S.E. Second
22-61-22...1706 South Governor
22-78-13...1700 South Garvin
23-31-13...732 E. Blackford

and that the bid of \$50.00 stay good for code 32-41-16...2771 Broadway Avenue.

There were no other bidders in the audience.

Commissioner Willner moved the following properties be sold to Mr. Hugh McGee, for \$60.00 each.

22-31-11...1223-25 S.E. Second Street.
22-61-22...1706 South Governor Street
22-78-13...1700 South Garvin Street
23-31-13...732 E. Blackford Avenue

Commissioner Cox seconded the motion. So ordered.

Commissioner Willner moved that 32-41-16...2771 Broadway Avenue, be sold to Mr. Hugh McGee for \$50.00. Commissioner Cox seconded the motion. So ordered.

Commissioner Willner moved the following parcels be sold to Mr. James Julian for \$50.00 each.

22-48-2...1502 Judson Street
24-36-29...421 South Linwood
24-45-10...670 E. Cherry Street

Commissioner Cox seconded the motion. So ordered.

President Borries said this concludes the sale of county owned property that all parcels have now been sold and will be getting back on the tax rolls.

RE: COUNTY ATTORNEY

President Borries said Mr. Cedric Hustace who is with the law firm of Bowers, Harrison, Kent and Miller is present today as acting county attorney.

RE: CONTRACT FOR OUTDOOR SIGN & MESSAGE CENTER AT VANDERBURGH AUDITORIUM

Mr. Kim Bitz, Auditorium Manager stated the contract between the County and Ad-craft, for the new outdoor sign and message center has been submitted and discussed with the county attorney and there are a few changes that everyone agrees should be implemented in the contract before the Commissioners sign it, therefore, he would request it be deferred until next week.

RE: KIM BITZ....VANDERBURGH AUDITORIUM

Request From City Controller to Use Auditorium: Mr. Bitz said he has had a request from the City Controllers office to use the Auditorium the morning of May 10th. from approximately 10:00 a.m. to 12:00 noon, for an informative type meeting and a work shop on the new taxes, etc. He can see no need to charge them for the use of the Auditorium since it will also benefit the county employees, however, he told them he would submit the request before the Commissioners for final approval.

Commissioner Cox said they should address their request to the Board of County Commissioners, by letter, however, she would have no objections.

President Borries instructed Mr. Bitz to request a written request from the City to the Commissioners and submit it next week, but he also would have no objections.

RE: BILL BETHEL....COUNTY HIGHWAY DEPARTMENT

Weekly Absentee Report: Mr. Bethel submitted the weekly absentee report of the employees at the county garage for the period of April 23, 1984 thru April 27, 1984. Report received and filed.

Weekly Work Report: Mr. Bethel submitted the weekly work report of the employees at the county garage for the period of April 23 thru 27, 1984...report received and filed.

Attached to the weekly work report was the following work schedule for the same period of time.

Gradall: Allen Lane, Baseline Road, St. George Road, St. Joe Avenue, Hillview Road, Mill Road, Peerless Road, Everglade and Wedeking.

Grader: Keener Road, Darmstadt Road, Oak Hill & Ridge Top, Wallenmeyer, Bixler Road, Maasberg, Lutterback, Holly Hill, Baehl, Schmidt, Armstrong, Baseline, Cemetery, Motz Lane, Motz Road and Trapp Road.

Patch Crew: Oak Hill & Ridgewood, Whetstone, Hillview, Allen Lane, Darmstadt, Mt. Pleasant, Old Princeton, Bayou Creek, Wallenmeyer, Maasberg, Lutterbach, Holly Hill, Meadow View, Baseline, Coal Mine, West Lake, Daniel, Pine Creek Drive, Old Henderson, Old State, Seven Hills, Broadway, Saratoga, Valley Downs and Hogue Road.

Roaked: Ridge Top, Young, County Line East, Holly Hill, Wallenmeyer, Armstrong, Baehl, Schmidt, Motz Lane and Motz Road.

Cut Bleeders: One County Roads.

Trash Crew: Lynn Road and Old Greenriver Road.

Mr. Bethel said he is trying to get all the pot holes filled and then he will begin his paving program, weather permitting.

Check Received from American States Insurance Company: President Borries presented a check in the amount of \$560.45, from the American States Insurance Company, for damages to a county vehicle, with the insured being Mr. Robert Holbrook.

Commissioner Willner moved the check be endorsed by Mr. Bethel and put into the County Highway Fund. Commissioner Cox seconded the motion. So ordered.

RE: BCB BRENNER....COUNTY SURVEYOR

Mr. David Guillaum, Chief Deputy Surveyor was present and stated he brought the wrong folder with him today, therefore he does not have the weekly bridge and guardrail report to submit but basically where they worked at this past week is at the X Bridge on Baseline and Petersburg Roads, that they are putting their matting materials down and rocking it and removing the bad areas.

On the Ohio Street Bridge project they are going to reopen it today, that Deig Brothers made the repairs and they did a real good job on it. He poured our concrete within four (4) inches and then replaced the blacktop. He told Deig to have someone open it up before the four o'clock rush hour. We did run under on the concrete quantities, that they bid 52 cu. yds. and we didn't have to use all of it, but we had them to do a little welding for us, so we will have to get that all figured up, but he believes we may come out a little bit ahead on the work done.

Commissioner Willner asked if the surveyor's office is getting a list together of the bridges that need resurfacing and Mr. Guillaum said he believes Mr. Brenner is compiling such a list.

RE: COMPUTER SYSTEM CHANGE REQUEST FROM PULSE SYSTEMS

President Borries said the Commissioners have received a form from Pulse Systems requesting a systems change in the Voters Registration office and has been signed by both Carolyn Sauer and Paul Bitz. It would be a minor change which would allow the system to print purge notices and it will reduce the time necessary to produce the notices by two (2) weeks. The requested completion date is May 14, 1984 and Voters Registration has the \$100.00 in their budget which would be the only charge to develop this program.

Commissioner Willner asked if this will be a one time charge and President Borries replied yes. Commissioner Willner moved the request be granted.

Commissioner Cox asked what this will do to our lease agreement with Pulse, will we now have to pay more per month and President Borries replied no. Commissioner Cox seconded the motion. So ordered.

RE: CHECK FROM INDIANA INSURANCE COMPANY ON SHERIFF'S RADIO

Received was a check from the Indiana Insurance Company in the amount of \$725.40, for lightning damage of 3-15-84, of the Sheriff's radio.

Commissioner Willner moved the check be endorsed and put into the County General Fund. Commissioner Cox seconded the motion. So ordered.

RE: LETTER AND CHECKS FROM AMERICAN CREDITORS ASSOCIATION

President Borries read aloud the following letter received from American Creditors Associations, directed to Doris Whobrey, an employee in the County Treasurers office that it concerns the collection of delinquent taxes owed Vanderburgh County. The county has a signed contract with National Revenue Corporation to collect these taxes for Vanderburgh County.

April 18, 1984

Dear Client:

Inclosed is your Money Back Guarantee, which we suggest be stored in a sucure place. Please acknowledge receipt by signing the form on the reverse side of this letter and returning it to our office.

In our new relationship with you as a service organization, we will be working as a team to restore your cash flow to a current basis. Let me extend an open invitation to communicate any requests or special information that will help us to work more effectively with you.

An example of the value of the teamwork philosophy will become evident if (1) when partial payments are received, you contact your debtor immediately to confirm arrangements for payment of the balance, and (2) you report all payments to us promptly so we may adjust your accounts or cease collection efforts. Please indicate on your reports to us if our service is to be stopped because of satisfactory arrangements made between you and your debtor. Complete instructions for simple communication are included on pages 3, 4 and 5 of your Systems Instruction Booklet.

Please accept our sincere thanks for the opportunity to team-up with you to improve your cash flow. And, welcome to the nationwide group of NRC customers from our staff and myself. We look forward to a long, mutually profitable relationship.

Sincerely yours,
Fred L. Beachler,
Executive Director

President Borries said there are several checks enclosed, totally \$34,375.00.

After a brief discussion the checks were referred to the County Auditor for further discussion with the County Treasurer, because the checks were made out to "Civic Center Complex", therefore the Commissioners were not certain they should endorse them. If there is any additional things the Commissioners are to do with the checks, Mrs. McBride will inform them and return them at the next meeting, but until that time the record should show the checks were ordered received and filed with the County Auditor.

RE: LETTER FROM ATTORNEY ROBERT AYLSWORTH ON MARBLE CONSTRUCTION CO. CABLE TV FRANCHISE

President Borries read aloud the following letter...dated April 26, 1984 and directed to the Board of County Commissioners

Re: Marble Construction, Inc. - Cable Television Franchise in Vand. County

You will recall that my client, Marble Construction, Inc., was recently granted a franchise by you to provide cable television service in Vanderburgh County, Indiana. Subsequent to that grant, I contacted SIGECO and requested that company to contact my client regarding negotiation of a pole attachment agreement to permit my client to attach its cable television lines to SIGECO's poles in areas of Vanderburgh County that it might desire to service in the future.

Please find enclosed a response that I received from Mr. George A. Porch, the attorney for SIGECO. You will note that the utility company has advised by client that it does not desire to enter into any pole attachment contract with Marble Construction, Inc.

The purpose of this letter is merely to advise you of this fact, to submit a copy of the letter from the utility company to you for your records and to further

Letter Continues

advise you that it will be necessary for my client to come before you in the future on a case by case basis when it wishes to expand its service area in Vanderburgh County, Indiana, and in order to obtain authority to bury its cable television lines underground within the county right-of-way owned by Vanderburgh County.

Respectfully,
Robert R. Aylsworth
Attorney at Law

Letters ordered received and filed.

RE: ANDY EASLEY...COUNTY HIGHWAY ENGINEER

Claims: Mr. Easley submitted the following two (2) claims, in regards to the settlement with Alfred F. and Julia L. Euler that the Commissioners signed a couple of weeks ago, as presented by attorney Gene Johnson. One claim is in the amount of \$1,684.00 and the second one in the amount of \$1,800.00, as per agreement.

Commissioner Willner moved both claims be approved. Commissioner Cox seconded the motion. So ordered.

A claim was submitted by Mr. Easley for the City of Evansville, in the amount of \$10,000.00 for the county's portion of traffic signal at Green River Road and Eastland Place, as per signed agreement. The claim is signed by Mr. David Savage, Traffic Eng.

Commissioner Willner moved the claim be approved. Commissioner Cox seconded the motion. So ordered.

Request From Mead Johnson for Commissioners Approval for Entranceway to Proposed Hanger:

Mr. Easley said this past Friday he was contacted by Mead Johnson's project engineering staff and they are in the process of constructing a hanger on a parcel that will have access off of Highway 57, approximately one quarter of a mile east of Highway 41. They are getting access from the State Highway Department but the State Highway Dept. asked them to get County Commissioners approval of this entrance and they have reminded us that about January, 1985, the State is going to propose that this section of Highway 57 is going to be relinquished to the county and the master plan calls for that north/south runway to be extended across Highway 57, so if this happens, this road will not ever be more than 1500 ft. long. Mead's want him to write a letter to the state saying this will not interfere with the Commissioners acceptance of the road, if it is relinquished. He showed this to Mr. Gerard and he agrees with it, that when the highway becomes a deadend road it will serve Rudd, the Dairy Queen, a parcel belonging to Greg Kempf and also Mead Johnson's hanger, and that's about all it will serve. He would concur that there would be no need for a de-acceleration lane on that location because the highway traffic will be rerouted.

Mead's have a very tight schedule on the construction of this hanger, that they have larger jets being assigned here and he personally can see no reason not to allow their request, however, he and Mr. Gerard would like to have a few more days to study this because he received this request only this morning.

Commissioner Cox asked if the Airport Authority Board has been alerted in regards to this request and Mr. Easley said he understands that Jim Morley has made the Air Board aware of the request, that this land is going to be leased to Mead Johnson by the Airport, to build the hanger on, so he would assume they are well aware of the facts.

Commissioner Willner said he read about this in the media and he personally would see no reason not to sign it, however, we have not agreed to take over that section of highway that the state is talking about relinquishing to the county, so he does not see how this could change the situation one way or another.

Commissioner Cox asked if the Airport Authority approved the entrance, the ingress and egress of this area. She has no objections to this, however, in order to be fair to Mead Johnson, that they don't do something that would interfere with the construction of the new runway, that it would be well to run it on by the Airport Authority. She wonders if one more week would harm anything and Mr. Easley said they would prefer not to have another week's delay, so perhaps the Commissioners could condition it upon the Airport concurring and we could get a letter from Morley.

Commissioner Willner said he would be interested in reading the letter before he signs this agreement and Mr. Easley said he would see to it that the Commissioners get it as soon as he has it prepared.

Commissioner Willner moved that Mr. Easley be authorized to write a letter to the State, in regards to Mead Johnson's request, subject to each of the Commissioners signing the letter and also subject to the Airport's concurrence. Commissioner Cox seconded the motion. So ordered.

Commissioner Willner said one of the things he is interested in is whether or not they are going to take that stop light out on Highway 57, because there will be two (2) lights within a half block of each other, that one (1) of them will have to go.

Relinquishment of SR 65 St. Joseph Avenue: Commissioner Cox said the Commissioners received a letter from Mr. Easley, dated April 25, 1984, concerning the relinquishment of SR 65, St. Joseph Avenue and the acceptance thereof and this adds on .138 to our roads and streets mileage.

Letter received and filed.

RE: REQUEST FOR TUITION FEE.....COUNTY ASSESSOR

President Borries said the Board has received a request from Mr. James Angermeier, County Assessor, asking the Commissioners to approve county paying the tuition for him to attend the Introduction to Basics of Condemnation Appraisals Seminar, which will be held in Evansville, on May 10 & 11, 1984, and the tuition fee is \$175.00. The seminar is to be held at the Ramada Inn of Evansville.

Commissioner Cox said she was not aware that the County Assessor condemns property.

Commissioner Willner asked who is sponsoring this seminar and President Borries replied the National Association of Independent Fee Appraisers.

Commissioner Cox said she could be wrong, but she does not think that is a county responsibility, that it is not sponsored by the Association of Counties or the Indiana Assessor's Association and this is not a state called or a state mandated seminar.

President Borries said perhaps we will defer it for one (1) week in order to obtain additional information on the matter, that perhaps Mr. Lindenschmidt could contact Mr. Angermeier.

RE: SPECIFICATIONS FOR LEASE VEHICLES FOR SHERIFF'S DEPARTMENT

President Borries said before the Commissioners are specifications for one (1), three (3) seat wagon and six (6), four (4) door sedans, for the Sheriff's Department. These specifications are all for lease vehicles.

Commissioner Willner asked if the Sheriff has the dollars and Mrs. McBride said there was \$32,000.00 appropriated at budget time for vehicles in the Sheriff's budget.

Commissioner Willner moved the specifications be approved for advertisement, subject to available funds in the Sheriff's budget.

Commissioner Cox said she thought the county wanted to get out of the leasing of vehicles and purchase them instead and also she would question the need of the three (3) seat wagon, along with AM/FM Radios and tinted glass, even though she could go along with the air conditioning.

President Borries asked Commissioner Cox if she would second the motion and she replied no.

President Borries seconded the motion for approval of the specifications, which carried with two (2) affirmative votes, those being President Borries and Commissioner Willner's. Commissioner Cox voted no.

RE: REQUEST TO CHANGE VOTING PLACE FOR KNIGHT-2

President Borries said Knight-2 is a new precinct and in regards to using St. Johns United Church of Christ for a voting place, Commissioner Cox indicated to us that they would be willing to approve the church as a voting place for K-2. This was approved

by the church board at their meeting on March 26th, therefore the Commissioners must give approval of the change.

Commissioner Willner moved that the voting place for K-2 be St. Johns United Church of Christ, 7000 Lincoln Avenue. Commissioner Cox seconded the motion. So ordered.

RE: ANNUAL REPORT TO THE STATE OF PUBLIC INSTRUCTION

President Borries said the Board has before them today, the annual report to the State of Public Instruction, for the Congressional Township, Common School and Permanent Endowment Fund for the year ending April 30, 1984, which needs the Commissioners' signatures, along with the Auditor's signature and the Treasurer's signature.

County Auditor Alice McBride said this is an annual report and her office has completed the figures and it is ready for signatures.

Commissioner Willner moved the annual report be signed and mailed to the proper agency. Commissioner Cox seconded the motion. So ordered.

RE: AMENDMENT TO COUNTY PERSONNEL POLICY

President Borries said we have before us again the amendment to the County Personnel Policy, as it relates to the medical or maternity leaves, which is section 35.47 of the Code of Ordinances of Vanderburgh County. County Attorney Jones submitted this last week for the Commissioners to study and take action on today.

Commissioner Willner said he is not sure he understands all of it but he believes it takes care of the problems we have had in regards to the leave times, therefore, he would move the amendment be approved and forwarded to the County Council for their approval. Commissioner Cox seconded the motion. So ordered.

RE: CERTIFICATE OF INSURANCE

A certificate of insurance was submitted for the Warrick County School Corp. et al, for a prom on May 4, 1984, at the Auditorium.

A certificate of insurance was submitted for the Whirlpool Management for a dance on May 19, 1984, at the Auditorium.

A certificate of insurance was submitted for Data Processing Management Association for the region 9 Spring Conference and Exposition on April 25-26, 1984, at the Vanderburgh Auditorium.

A certificates received and filed.

RE: DISCUSSION OF OLD BUSINESS

Old Union Township School Building: President Borries said in regards to the condition of the Union Township School Building, which has been topic of discussion for several weeks now he would report the Commissioners did attend an on-site inspection of the old school building, on April 24th. The owner of the property, Mr. Marion Biggerstaff has received complaints from neighbors and those complaints have been forwarded to several governmental agencies, concerning the condition of said property. Mr. Biggerstaff indicated he would improve the condition of this property within six (6) weeks. He would ask for written comments from the Commissioners, or any of the other agencies that attended the inspection, because at one point Mr. Biggerstaff indicated that he did not know what to remove and we need to have a written list of improvements that should be made to the property and then there would be no confusion about it.

Commissioner Cox said she feels it is very necessary that the Commissioners have something in writing to submit to Mr. Biggerstaff, that we should state specific things we expect him to do, so that there is no misunderstanding and it will be a matter of record, that it will be legal and within our jurisdiction, because at the end of sixty (60) days she does not want him to come before us with the excuse that he did not understand what needed to be done and then we start over again, because this is an age old problem.

President Borries said he would instruct Ms. Meeks to send a memo to each of the agencies that attended the inspection and ask for their written comments and then we will draft a letter to Mr. Biggerstaff itemizing everything that he should do to improve the site.

RE: SCHEDULED MEETINGS

There is to be a Council of Youth meeting on Thursday, May 3rd, in the Mayor's office, at 4:00 p.m. and President Borries indicated he will attend this meeting.

There is to be a regular meeting of the County Council, on May 2nd. at 2:30 p.m. in the City/County Council Chambers.

President Borries asked the other Commissioners if they have any thoughts concerning any matters to come before the Council at their meeting.

Commissioner Cox asked if the Council plans on voting on the Local Option Tax at their meeting and President Borries said it is his understanding that they will.

Mrs. McBride, County Auditor, said it is on their agenda for Wednesday.

Commissioner Cox asked if this was advertised and Mrs. McBride replied her office did not have to advertise it again, that all of that was handled by the city.

Commissioner Cox said she really does not think that the County Council has what is known as an agenda, that they advertise appropriations, but other things can be discussed.

Mrs. McBride said for about the past year Mrs. Wilkey has typed up an agenda for all meetings, which is available at the meeting, similar to what the County Commissioners have in their meetings.

Commissioner Cox asked if there are any feelings concerning the repeal of the wheel tax and Commissioner Willner asked if the Council intended to act on that Wednesday. Mrs. McBride said it is on the Council's agenda.

President Borries said because of the uncertainty of the legality in all aspects of the Local Option Tax, as it is structured regarding the taxing council and it is also unclear if counties can use any of this local option tax monies for roads or for road repairs, therefore, he is unclear at this time as to why there would be any sentiment to repeal the wheel tax before those things were decided, he would like for the needs of our county's road repair to be studied by the County Council and he is sure Mr. Bill Bethel would arrange a tour of the roads for any Council member interested in going, and he will express those concerns to the Council at their meeting.

Commissioner Willner said he understands there was to be a test suit filed on the legality, and he is wondering if this has been done.

The other two Commissioners were not aware of any that had been filed.

Commissioner Willner said he understands the Council has the entire year of 1984 to repeal the wheel tax and President Borries said he believes that is correct and he believes it was agreed to for only one (1) year in the first place...for 1985 only.

Commissioner Cox said will there not be a space on the license plate forms for this tax, however, it wouldn't hurt for it to be on there and if we don't need it we won't use it.

President Borries said there may already be a slot for it because there are some counties that have already adopted it.

President Borries said he also has read in the media some articles in regards to Hillcrest, that there are obviously some capital improvements that are going to have to be made out there. The Council is going to have to set some priorities for any extra monies we will be collecting this year.

Commissioner Cox said if they do pass the Local Option Income Tax, which is really a technicality at this time, could we recommend to them that they also pass a portion of that Bill relating to a Cumulative Capital Improvement Fund.

Mrs. McBride said she believes the Commissioners are the ones that set up the Cumulative Capital Improvement Fund, not the County Council, however, she will check with the State and inform the Commissioners of her findings.

Letter Received from Vanetta Becker: Commissioner Cox said she recieved a copy of a letter from State Representative Vanetta Becker, referring to her support of our request for an interchange on I-164 and Lynch Road and there is a meeting scheduled at 10:00 a.m. on May 9th, with Mr. Wayne Walker and this will be held in the Chamber office.

President Borries said he is not sure if Ms. Becker thinks this is an additional interchange or if she knows we had asked to switch the one and Commissioner Cox said she is aware of the wanting to switch and this is probably an update on the State's feeling of that switch and a clarification.

President Borries said just today the Commissioners received the following letter from Mr. Hallock, Indiana Department of Highways, regarding I-164 and Lynch Road. The letter is dated April 26, 1984 and directed to the Board of County Commissioners.

Your letter of March 6, 1984 requests changes to our project for the construction of I-164. Specifically, you request that we delete the interchange proposed for SR 62 and I-164 and substitute an interchange of the proposed Lynch Road extension and I-164. The substituted interchange to be constructed with the interstate funds which are earmarked for the presently identified interchange.

There was discussion of this substitution during the earlier development of I-164, however, the Department of Highways considered it more appropriate to continue with the interchange at SR 62 and make provisions for another interchange for Lynch Road when it was developed. The advanced studies for I-164 were completed on this basis and the Environmental Impact Study was approved on this basis.

The design for I-164 in this area is progressing on schedule and a consulting firm has been retained to do the preliminary engineering for SR 62. We anticipate having this section of I-164 under construction in 1986 and SR 62 shortly thereafter.

Federal statutes were changed in 1981 to fix the cost of completing the interstate system. Provisions were inserted which redefined funding eligibility for various projects. Among the changes were provisions that no future items could be added to the Interstate Cost Estimate for funding with Interstate funds. Additional limitations were inserted to require that any project to be constructed with Interstate Funds have all Environmental Impacts cleared prior to September 30, 1983 and that construction be initiated before September 30, 1986.

The changes referenced above preclude the addition of the Lynch Road Interchange for Interstate funding. It also prevents us from making changes in the location and access to I-164 which might reopen the Environmental Impact Studies. In view of the restrictions on the use of Federal Interstate funds, we cannot consider your proposal.

The above discussion is intended to show the impossibility of substituting one interchange for another, it is not intended to discourage you from seeking an interchange for Lynch Road when it is constructed. We have worked with you on this problem in the past and we will be happy to provide assistance as you develop your project.

Sincerely,
Gene K. Hallock
Director

President Borries said they talk about SR 62, but that is not correct, because that is Boonville Highway, and we proposed the interchange on Old Boonville Highway, not S.R. 62.

Commissioner Cox said she believes there needs to be a meeting because she believes people are confused and she understands there may be some either state or federal monies that would be available, possibly, for the Lynch Road Interchange.

Commissioner Willner said he understands that the state is saying we are too late to change the original plans for I-164, although he doesn't understand that, because it was at an informational public meeting that we stressed that point, but being that as it may, they are saying the original plan will continue, without the interchange, but that if we do need an interchange, they think it is feasible and there are other funds available for an interchange if we apply for it, but it cannot be done under the original scope and he believes the meeting with Mr. Walker is for him to tell us if they will accept our proposal to change fundings and continue with it.

President Borries said he still has a concern in regards to the confusion at the beginning of the letter from Mr. Hallock, that he does not believe we ever asked for a deletion of SR 62, that that has always been in the plans.

Commissioner Willner said he believes that is a typo error.

RE: EMPLOYMENT CHANGES.....APPOINTMENTS

CIRCUIT COURT

Katherine Baird	1115 E. Powell	Special Intern	\$3.35 Hour	Eff: 4-17-84
Thomas Montgomery	1274 Woodbine Lane	Probation Officer	\$140.00 Week	Eff: 4-16-84
Paul Aarstad	626 South Norman	Special Intern	\$140.00 Week	Eff: 4-16-84
Jeff Howerton	1418 N. Villa Drive	Special Intern	\$4.00 Hour	Eff: 4-16-84
Robert Rafferty	5025 Pollack Ave.	Special Intern	\$4.00 Hour	Eff: 4-16-84

VANDEBURGH COUNTY ELECTION OFFICE

J. Walter Overton	215 S. Lincoln Pk.	Bal Assembly	\$4.05 Hour	Eff: 4-23-84
William R. McKinley	1116 S. Linwood	Bal Assembly	\$4.05 Hour	Eff: 4-23-84
Sylvia Loviscek	632 S. Harlan	Deputy Clerk	\$4.05 Hour	Eff: 4-30-84
Dorothy Carey	2051 Conlin Ave.	Deputy Clerk	\$4.05 Hour	Eff: 4-30-84

SURVEYOR

Linda Freeman	841 E. Olmstead	Instrument Man	\$15,405.00	Eff: 4-23-84
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RE: EMPLOYMENT CHANGES....RELEASES

CIRCUIT COURT

Thomas Montgomery	1274 Woodbine Lane	Probation Officer	\$3.35 Hour	Eff: 4-13-84
Paul Aarstad	626 South Norman	Special Intern	\$3.35 Hour	Eff: 4-13-84
Jeff Howerton	1418 N. Villa Drive	Special Intern	\$3.35 Hour	Eff: 4-13-84
Robert Rafferty	5025 Pollack Avenue	Special Intern	\$3.35 Hour	Eff: 4-13-84

SURVEYOR

Linda Freeman	841 E. Olmstead	Inspector	\$14,192.00	Eff: 4-20-84
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There being no further business, President Borries declared the meeting recessed at 4:35 p.m.

PRESENT:

COUNTY COMMISSIONERS

COUNTY AUDITOR

COUNTY ATTORNEY

Richard "Rick" Borries
Robert L. Willner
Shirley Jean Cox

Alice McBride

Cedric Hustace (Acting
County Attorney)

SECRETARY: Janice Decker

Richard "Rick" Borries
Robert L. Willner
Shirley Jean Cox
BOARD OF COUNTY COMMISSIONERS

COUNTY COMMISSIONERS MEETING
MAY 7, 1984

The meeting of the Board of County Commissioners was held on May 7, 1984, at 2:30 p.m. in the Commissioners Hearing Room with President Borries presiding.

This being the first meeting of the month it was officially opened by Sheriff Clarence Shepard.

The minutes of the previous meeting were approved as engrossed by the County Auditor and the reading of same dispensed with.

RE: CHECK PRESENTED TO HILLCREST WASHINGTON HOME

Commissioner Willner presented Mr. Philip Hedrick, Administrator of Hillcrest Washington Home with a check for \$1,000.00, from the Fraternal Order of Eagles.

Mr. Hedrick thanked him for the check and stated it will go towards the recreation program and equipment they managed to purchase last December.

President Borries said he has read, with some dismay, that Mr. Hedrick will be leaving the post as administrator of Hillcrest Washington Home, and in fact, leaving our county. Before Mr. Hedrick leaves, he would like for the Commissioners to set up a meeting with him to discuss the future of the Home, that he is sure Mr. Hedrick realizes the needs of the home.

Mr. Hedrick said he will be leaving June 1st., however, he would be happy to meet with the Commissioners before his departure.

Mr. Dale Work, Director of the local Department of Welfare was present and stated his appreciation of the \$1,000.00 gift and also that he knows there have been articles on the Hillcrest Washington Home, but he would put it up against any other in the state. Perhaps they have not been able to keep every child they have accepted, for one reason or another, but they have never turned a child away.

President Borries said he believes there have been some misconceptions about what the roll of the Hillcrest Washington Home is and that is another reason why he believes it to be important that the Commissioners meet with Mr. Hedrick before he leaves the county. He asked Mr. Hedrick to please contact him and set up a meeting that would be convenient to everyone.

RE: SHERIFF SHEPARD...REGARDING SPECIFICATIONS FOR SHERIFF'S VEHICLES

Sheriff Shepard was present and stated the specifications for six (6), four (4) door sedans and one (3) three (3) seat wagon, for the Sheriff's Department was presented and approved for advertisement by the Commissioners, however, he understands there was some questions concerning the equipment on the vehicles. He was called to court last week and could not appear before the Commissioners so he is here today to try to clear up any misunderstandings. He explained the lease program does not cost one penny more for a fully equipped vehicle than it does for a plain vehicle. This program was started in 1978 by the prior Sheriff, who also leased this type of car from Cooke Chevrolet. The lease expired and upon the advice of the County Attorney we have put it up for bid. In the past he met with Mr. Bill Roberts of Cooke Chevrolet and they would prefer to furnish us a vehicle for twenty four (24) months, that we do all the maintenance and we license them, under the County's name and at the end of twenty four (24) months they take the car back and resell it and they claim with the added equipment being on it, they can sell it better and get more money return for their investment.

Commissioner Cox asked if this is the same car we presently have leased and the Sheriff replied yes, we have six (6) Impala's and one (1) van and now he is asking for a station wagon instead of the van because in talking to the civil process people he finds they don't need the van, that a station wagon would fit their needs better.

President Borries thanked the Sheriff for his clarification.

RE: ORDINANCE REGULATING INSPECTION OF MOTOR VEHICLES, PRIOR TO REGISTRATION

President Borries said sometime ago the issue was discussed concerning the fee by the Sheriff's Department to inspect motor vehicles, prior to getting the registration and we have before us today an Ordinance entitled "Ordinance Regulating Inspection of Motor Vehicles, Semitrailers and Recreational Vehicles Prior to Registration", as prepared by County Attorney David Jones. He understands the city has approved such an ordinance and perhaps the Sheriff could provide us some additional information on this matter.

Sheriff Shepard said the law changed the first of this year and it now says that municipalities can now start charging a fee for the inspection of motor vehicles prior to registration with the Indiana Bureau of Motor Vehicles of certain motor vehicles, semi-trailers and recreational vehicles, by peace officers of this state, including the County Sheriff and deputy sheriffs in the Sheriff's Department. He said this is for out of state motor vehicles and they do inspect several hundred out of state vehicles per year. He said the city passed an ordinance on April 3, 1984 allowing them to charge a \$5.00 fee for their inspection of vehicles, and their funds received have to be put in the Controllers office and the funds then placed in the general fund. He would however, like to see the \$5.00 per vehicle, if collected by the Sheriff's Department, be placed in the Sheriff's training fund, or if it has to be placed in the County General Fund, then he could come before the Commissioners at the end of each year and show how much they made and perhaps get a portion of it back into the Sheriff's Department.

President Borries said the Ordinance states that all funds thus received by the County Auditor shall be deposited in the General Fund, however, the Sheriff could keep a running total of the fees collected throughout the year.

County Auditor Alice McBride said we could give this a special number within the county general fund and then the Sheriff would know exactly what has been collected.

Attorney Jones said this Ordinance also needs the approval of the County Council, that if it is adopted by the Commissioners today, perhaps it could go before the Council at their special meeting called for May 15th.

Commissioner Willner said he has a problem with this Ordinance that what we are asking of the general taxpayer, who is paying for the Sheriff's Department anyway, to be asked to pay another fee for a service by the Sheriff and he has a problem with that. If it went back into the General Fund to help lower the expenses of the general taxes of the county, then he would not have too much of a problem with that, but for it to go elsewhere, he would not like that.

President Borries said it must go back into the County General Fund, and also, wouldn't this be for out of state vehicles only.

Sheriff Shepard said generally this would be people moving in from out of state and bringing in their cars, that they must be inspected before they can get Indiana plates.

Commissioner Willner said what about Vanderburgh County, not out of state, people who call and need this inspection done, and also, is that officer going to be paid when he goes to a persons home to do this inspection or is it to be sent to the Treasurer, or how will it be handled.

Sheriff Shepard said the only thing they will accept is a certified check, money order or personal check....no cash.

Commissioner Willner said this would not be out of state vehicles only, that as an example, say he did some work on a mans car and it was never picked up by the owner, and he applied for a new title so he could sell it, he would have to have it inspected and you would also have to have an inspection on a title that was in error. He just went through this last week, so he knows it it be true and he had the title in his hand.

President Borries said he needs a clarification, would this be for vehicles from out of state.

The Sheriff said the only ordinance he has seen is the City's which says a fee for the inspection of motor vehicles to verify data on the title.

Commissioner Cox said on page 3 of the Ordinance it states the inspecting officer shall first ascertain that the vehicle sought to be inspected is, in fact, required to be

inspected under the Act, that is, that such vehicle is not (i) a new motor vehicle, semitrailer or recreational vehicle sold by a dealer licensed in this state or (ii) a motor vehicle transferred or assigned on a certificate of title issued by the state. She thought the only thing that had to be inspected was school buses and out of state cars, or unless there was an error on the title. She asked the sheriff if they receive fees for any other thing, that is.....are they set up on a receipt basis and he replied they have receipt basis for their civil process section, to receive monies from sales of property, etc. and these receipts are approved by State Board of Accounts and he would have to check and see if they could use these same receipts for this inspection fee.

Commissioner Cox asked how they currently keep track of the number of vehicles inspected and the Sheriff replied they keep record on a work sheet.

Commissioner Willner moved the Ordinance be approved and forwarded to the County Council for their approval, and that the fee charged by the county will be five dollars (\$5.00). Commissioner Cox seconded the motion. So ordered.

RE: SOIL CONSERVATION....LETTER FROM FOUR RIVERS RESOURCE CONSERVATION & DEVELOPMENT

President Borries said Mr. Elvis Douglas of the Soil Conservation office, regarding a letter that the Commissioner's office received from the Four Rivers Resource Conservation and Development office, in Petersburg, Indiana. We have asked that Mr. Douglas come before the board and clarify the meaning of the letter received.

Mr. Douglas said this letter was sent to the Commissioners seeking information and not designed to provoke more questions, however, he has talked with Mr. Steve Hamilton, who is the Four Rivers Resource Conservation and Development Coordinator for this area and he apologized for sending the letter out the way it was done. The letter received by the Board of Commissioners was as follows, dated April 6, 1984.

TO: Vanderburgh County Soil and Water Conservation District

As you probably know, I have accepted the Chairmanship of the Planning Committee on the Four Rivers RC&D Executive Council. The purpose of this committee is to work with the RC&D Coordinator on drafting an updated Short Term (three Year) Plan and on drafting an Annual Plan of Work for Fiscal Year 1985 (October 1, 1984 to September 30, 1985) to be presented to the RC&D Executive Council for consideration.

We are writing you and the other 18 sponsoring members of the Four Rivers RC&D Area to get your input. Before we can begin work, we need for you to indicate which RC&D measures you think should be the high-priority measures for the next three fiscal years. There are about 90 RC&D measures that have been adopted by the Executive Council that are not completed. We need to decide which of these measures we will work on first. We need to list measures on which we feel can make progress.

We need you to complete the attached Planning Worksheet and return it by May 23rd so our committee can begin work. List at least one associated (noncost share) measure for each fiscal year, since RC&D cost-share money may continue to be limited. You will, no doubt, want to list some cost-share measures also. The measures you list may be measures that have already been adopted by the RC&D Executive Council, or measure proposals that you plan to submit for Executive Council adoption. In addition to priority measures for your county, list high priority area wide (or multi-county) measures, as well. It will probably not be realistic to list more than three priority measures in any one category since we will be receiving worksheets from nine counties.

Enclosed is a list of all of the RC&D measures that have been adopted by the Executive Council. Those that have not been cancelled or completed are marked.

Your local County Commission is the other sponsoring member of the Four Rivers RC&D from your county. I suggest that you confer with the County Commissioners and complete one joint worksheet for your county. Thank you.

Sincerely,
Wallace Nolting, Chairman
Four Rivers RC&D Planning Committee

Mr. Douglas said on the attached pages of the letter the Commissioners will find quite a few RC&D measures mentioned and they are trying to find out the measures that are still active or still worthy of being pursued. In our county primarily all of the RC&D Measures have been sponsored by basically two (2) bodies, and those are the County Commissioners and the Soil and Water Conservation District. He would like to know if the Commissioners would set some priority on the current list or perhaps you would be interested in putting new measures on the book. Currently there is \$30,000.00 allocated for the state of Indiana for fiscal year 1984, so you can see, it is cost limited. He would be happy to answer any further questions that anyone might have.

President Borries said this does clarify it in his mind and this is something the Board of Commissioners will have to work on and he asked Mr. Douglas if his office, in the past, has worked with the Commissioners in regards to a priority list and he replied yes it has, and he would be happy to do so again.

Mr. Douglas named some of the items that have been on the list for some time now and they want to know what the priority currently is on them.

Commissioner Willner said in looking through the list he sees a lot of them that are in Vanderburgh County and he would say that several of them are completed.

President Borries thanked Mr. Douglas for appearing before the board today and perhaps the Commissioners could all study the list and give their input as to the ones that have been completed and then set a priority list on the remaining ones.

RE: ANDY EASLEY....COUNTY HIGHWAY ENGINEER

Letter to Highway Dept. on Driveway Permit for Mead Johnson: Mr. Easley stated that last week the Commissioners gave him authorization to write a letter to the State Highway Department in regards to a request from Mead Johnson for a driveway permit, which he now submits for Commissioners signatures. He also submitted for the records, the following letter he received from Mead Johnson, requesting the driveway permit, dated May 3, 1984 and directed to Mr. Easley.

Re: County Commissioners's review of Mead Johnson's access drive to proposed corporate hangar at Dress Regional Airport.

As you are aware, Mead Johnson is in the process of constructing a corporate hangar facility at Dress Regional Airport. Anticipated occupancy of this facility is scheduled for late fall of 1984. The proposed access to this facility is off of the existing S.R. 57 which is scheduled for relocation in September of 1984. After the relocation of S.R. 57, the old highway will then only extend approximately 500 yds. east of Highway 41 before dead ending. At this point in time, this stretch of highway will no longer belong to the state. In order to access this property during construction we are now applying to the state to make a driveway cut off S.R. 57. Morley & Associates (Airport Development Engineers) have contacted the Indiana Department of Highways to ask what special variance documents would be necessary for Mead Johnson to obtain this road cut for construction access. The state has responded and is so explained in the attached letter (see Item 3, Section d & e).

The state has recommended that we obtain a letter from the County Commissioners which states that the design and proposed construction is acceptable to them and that this driveway will in no way effect the negotiations between them (County) and the Indiana Department of Highway for transfer of jurisdiction of the section of existing S.R.57 for which this drive enters upon.

It is clearly understood that this letter from your department will in no way commit the County Highway to taking the responsibility of maintaining this section of highway. This matter will be negotiated between the respective county and state officials at a later date.

Your assistance in this matter is very much appreciated. If you have any questions concerning this matter, please call me at 426-7246

Sincerely yours,
W. Byron Sanders
Project Engineering Department

Letter received and filed.

5-7-84

Mr. Easley submitted the following letter, dated May 7, 1984, for the Commissioners approval.

Re: Permit for driveway on S.R. 57 for Mead Johnson Corporate Hangar at Dress Regional Airport in Evansville, Indiana

Mr. Aden B. Carr, P.E. District Engineer
Indiana Department of Highways
Vincennes District Office
Vincennes, Indiana 47591

Dear Mr. Carr:

The Vanderburgh County Commissioners have been advised that Mead Johnson and Company has made application to the Indiana Department of Highways for a permit to construct subject Class IV Minor Commercial Driveway.

The County Commissioners have reviewed the location, design and construction details for the proposed driveway. The design and proposed construction is acceptable to the Commissioners and the Commissioners have no objections to the Indiana Department of Highways granting a permit.

It is understood that the I.D.O.H. may at some future date wish to open negotiations with the County Commissioners for the transfer of jurisdiction of the maintenance of the section of existing S.R. 57 for which this drive enters upon. This driveway will in no way effect any future negotiations between the County and the Indiana Department of Highways for the transfer of jurisdiction of this section of S.R. 57.

This letter shall in no way commit the Vanderburgh County Highway Department to take the responsibility of maintaining this section of highway. This matter will be negotiated between the County Commissioners and state officials at a later date.

If you have any questions on this matter, please feel free to call us.

Very Sincerely,
Board of County Commissioners

Commissioner Willner moved the above letter be approved and signed and that Mr. Easley forward it to Mr. Carr. Commissioner Cox seconded the motion. So ordered.

Progress Chart on Eichoff Road from United Consultant: Mr. Easley submitted the monthly status of progress report for the Eichoff Road Project.

Commissioner Cox said in looking at the chart she understands most of the codes, but she would be interested in knowing what FONSI stands for and Mr. Easley replied it means "Finding of No Significant Impact".

Report received and filed.

Claim From United Consulting Engineers, Inc. Mr. Easley submitted a claim for United Consulting Engineers, Inc. for environmental statement and location study and report on the two listed projects in accordance with the agreement dated January 24, 1984, for Eichoff Road, in the amount of \$3,983.85.

Commissioner Willner moved the claim be approved. Commissioner Cox seconded the motion. So ordered.

RE: ALAN SHOVERS - REQUEST FOR EASEMENT FOR WABASH PLASTICS

Attorney Alan Shovers was present and presented a petition to vacate a drainage easement running in an east-west direction in the Burch Industrial Center in the County of Vanderburgh, State of Indiana. Mr. Shovers stated he is the attorney representing Wabash Plastics in this request, and said Wabash Plastics has been located in Burch Industrial for some years and presently is in the process of undergoing a major enlargement. Last week while they were making arrangements for SIGECO to move some power lines they discovered that there is a public utility easement and it is also a dedicated drainage easement, however, it has never been used as such, so at this time he is asking the Commissioners to vacate the easement at this particular point as set forth in the plat map. He said Mr. Easley is familiar with this area and could answer questions also on the matter.

Mr. Easley said this is a platted easement.

Commissioner Cox asked Mr. Easley if this drainage easement goes clear across the Burch Industrial development, or just a portion of it and he replied the easement, as shown on the plat, goes across lots 5, 4, and 3 and at the north end of lot 3 Anchor Industries has excavated a small ditch across, because they graded their parking lot, but across the north end of lot 4, behind Wabash Plastics, there is no ditch.

Commissioner Cox asked if there were any drainage problems out there presently and Mr. Easley and Mr. Shovers both acknowledged the fact there is not.

Mr. Shovers said they will get letters from SIGECO and the Telephone Company and he will see the county gets copies of them. He spoke to County Surveyor, Robert Brenner, regarding this matter and he informed him this is not a drainage board matter, that it does not concern a legal drain and he suggested it come before the Commissioners.

President Borries said that Mr. Shovers has also submitted a notice of hearing date for this matter, that the County Auditor would have to have advertised in the local newspaper and this would have final approval after the proper procedure of advertising was completed, at which time, if the Commissioners approved it, there would be a Resolution signed by this board.

Commissioner Willner moved the notice be properly advertised and a date set for final hearing. Commissioner Cox seconded the motion. So ordered.

RE: ROBERT BERNHARDT....REQUEST FOR ENCROACHMENT PERMIT

The following written request was submitted for the Commissioners consideration, dated May 7, 1984

Re: Encroachment Permit for Bernhardt Realty & Investment Company, Inc.
for a parking lot adjacent to Oak Grove Road.

Bernhardt Realty & Investment Company, Inc. is planning a new retail store at their present location, 5521 Oak Grove Road. While applying for permits we discovered that we will encroach onto the 30 ft. right of way 15 ft. with the parking lot. Copies of the plot plan are enclosed.

This plot plan has been approved by Mr. Andy Easley, County Highway Engineer, Mr. David Gerard, E.U.T.S. officer and by the Area Planning Commission.

It is requested that Bernhardt Realty be granted an encroachment permit to allow the parking lot to be constructed in the manner outlined on the plot plan.

Please contact the undersigned if you have any questions.

Sincerely yours,
Kent R. Bernhardt, President
BERNHARDT REALTY & INVESTMENT CO., INC.

Letter received and filed.

Mr. Bernhardt pointed out on the plot plan the area to be effected.

Commissioner Cox asked Mr. Easley if he sized the pipe and he replied he did. She asked if there is a provision for the maintenance of this pipe and Mr. Bernhardt replied he will maintain the pipe and keep it cleaned out. She asked what the size of the pipe will be and Mr. Easley replied 15".

Commissioner Willner said he believes we should have an agreement that if we ever want the land, they will have to remove the improvements.

President Borries said we need our county attorney to prepare an agreement, including a legal description, who will maintain the pipe and also if the county ever needs it back the improvements will have to be removed by Mr. Bernhardt and it should state pipe size.

Commissioner Cox asked if the county has such a permit and Mr. Easley said the Board of Works grants encroachment permits and he has seen a sample, but he has not seen any granted by the county, that in the past, the county has simply given permission to encroach.

Commissioner Willner moved the encroachment be approved, subject to Mr. Bernhardt maintaining the improvement, that it is kept clean of all debris and if the county ever needs this right-of-way, the property owner will remove said improvement and return it to the same status as it presently is.

Mr. Willner said this Commission cannot give Mr. Bernhardt a piece of property to use from now on out, that it would not be within the law, that we can let you use it, but we cannot give it to you.

Mr. Bernhardt agreed to the conditions, and said he would work with Mr. Easley and the County Attorney to write such an agreement up.

Commissioner Cox seconded the motion. So ordered.

RE: RECOGNITION OF TWO (2) U of E STUDENTS

President Borries recognized two (2) students from the University of Evansville, who were present at today's meeting. They were Mr. Chris Marrs and Miss Valerie Elliott. They were both welcomed to the meeting.

RE: COUNTY ATTORNEY.....DAVID JONES

Consent Concerning Telephone System: Mr. Jones submitted the following consent concerning the telephone systems, for the Commissioners consideration.

TO: Board of Directors
Evansville-Vanderburgh
County Building Authority

May 1984

Gentlemen:

Last year we authorized you to proceed to advertise for proposals for furnishing of a new telephone system, and agreed to pay our pro rata share of the cost of that system. Unfortunately, a lawsuit was brought by a disgruntled bidder and the court enjoined you from awarding the bid to AT&T Information System.

This winter you engaged the services of TCS Communications Consultants to prepare new specifications for inviting proposals for furnishing a telephone system. We cooperated with you in the preparation of the new specifications. We are aware of the fact that you received proposals from four bidders on April 25, 1984. Further, we have been furnished with copies of those proposals and in cooperation with you have the proposals under study at this time.

As we had previously acknowledged in 1983, under Section 2.04 of the City-County and School Corporation Building Lease of March 21, 1966, you have the authority to make the determination as to the type of telephone system and equipment which may be installed for use in the Civic Center Complex Buildings.

This letter is our agreement to study the proposals which have been submitted, and after consultation with Mr. Ruston and by our executive personnel, to authorize you to accept that bid which all of the Lessees of the Civic Center Complex unanimously agree is the best system proposed. Further, we agree that after authorization of acceptance of bids Vanderburgh County will pay its pro rata share of the cost of the installation of the agreed upon system as payments become due under the agreement with the successful bidder.

Finally, we represent to you that all steps necessary have been taken by our appropriate governing boards to authorize the execution of this letter and the expenditure of the sums involved.

BOARD OF COUNTY COMMISSIONERS

Mr. Jones said the above consent must also be approved by the County Council. He said what the Building Authority is requesting of the City, the County and the School Corporation is a commitment that they will all act in concert with respect to acceptance of a unanimous bid and if all three (3) agree on a bid, then all three (3) will agree to pay their pro rata share of the cost.

Commissioner Cox said this merely means one unit cannot take Indiana Bell while another unit takes American Bell, that we must all accept the same company.

Commissioner Willner moved the consent letter be approved and signed and forwarded to the County Council for their approval. Commissioner Cox seconded the motion. So ordered.

Claim: Mr. Jones submitted a claim for Deig Brothers Lumber & Construction Co., Inc. for expansion improvement to the Vanderburgh County Jail. The total earned this billing is \$39,893.40, less 5% retainage, making the claim in the amount of \$37,903.97. He said this is the first request for payment from the Contractor, on the jail project, that it was first sent to the architect and they prepared the blue claim for Deig for the Commissioners approval and they also submitted the federal forms, which he himself, will submit to the United States Marshal Service. The Marshal Service will send a check to the County Auditor which gets deposited in the special account and the Auditor then pays the Contractor the amount, less the retainage (5%) and this will be the flow until the entire contract is completed..

Commissioner Willner moved the claim be approved. Commissioner Cox seconded the motion. So ordered.

Discussion of New Law Regarding Special Use Permits: Attorney Jones said when the Legislature changed the statute with respect to Special Use Permits, they removed the authority, by statute, to review special uses from both the City Council and the County Commissioners and that the only way the legislative body of the city or the county could retain any authority over special uses would be if the zoning ordinances were to be re-drawn, to in effect, eliminate special uses and create new classifications of zoning. In order to revise the zoning code it would require a tremendous number of hours from both the city and county attorneys and in order to offset all of that work he would propose to the city attorneys that we submit it to the American Legal Publishing Company and have their editorial board prepare the draft. The city however has been less than pleased with the work that American Legal did for them. At that point he believes it is a policy question, that it is out of the hands of the lawyers.

Commissioner Cox asked who the city is going to have to prepare theirs and Mr. Jones said he has no idea, they merely informed him that American Legal is not acceptable to them.

Mr. Jones said the Commissioners have already lost the authority to review the special uses, that they are now going to the Board of Zoning Appeals and the zoning code would have to be changed in order for the Commissioners to keep the authority they use to have over them.

Commissioner Cox said this was discussed at the Area Plan meeting and she reported that the commissioners unanimously felt like they wanted to retain jurisdiction over it and she got the feeling that the majority of the APC members also wanted us to maintain our jurisdiction over them. We (APC) was given a month to study this and it is to be on the agenda for the June meeting. She is wondering if they could still be brought before the Commissioners and the Area Plan Commission and then send them to BZA and recommend to them what our feelings are on the request.

Mr. Jones said that would be acceptable, however, it would not be binding in anyway, that the Commissioners nor APC would have the authority any longer to accept or deny.

Commissioner Cox said she would not want to see the classifications changed and no longer have special uses, because she has voted for special uses, when no way would she have voted for it had it been a rezoning, because you can put a one (1) or two (2) year limit on a special use, but once that property is rezoned it stays and anyone can tell us what they intend to do and then sell that property and anything could go up there.

Mr. Jones said the alternative is to rely on the appointments of the Board of Zoning Appeals to follow the wishes of the people who appointed them.

President Borries said perhaps the special use permits could still come before the Commissioners and we will forward our written recommendations to the Board of Zoning Appeals, and perhaps Mrs. Cox can relay this message to the Area Plan Commission at their next meeting.

Mrs. Cox said she would be very happy to do so.

Agreement with Ad-Craft: Mr. Jones said he has not had a chance to make the changes on the agreement between the County and Ad-Craft and he will try to have it next week, with Attorney Miller.

RE: JOINT AGREEMENT CONCERNING DATA PROCESSING SERVICES

President Borries said before the Commissioners today is the joint agreement concerning the Data Processing Services, with the following cover letter from Attorney David Jones, dated April 27, 1984.

Commissioners:

Enclosed please find a revised draft of the joint agreement concerning data processing services per certain changes requested by the City of Evansville and Pulse Systems. None of the changes requested were material or substantial.

A copy of this particular draft to the agreement has been forwarded to Kevin Winterheimer, Assistant City Attorney and David Goad with Pulse Systems.

Very truly yours,
David L. Jones
County Attorney

Mr. Jones said there was a change in the language, that Pulse had a concern about the language concerning the direct access to data processing, that they did not want to have every county employee charging into the data processing center every time they had a question or a problem, therefore, he altered the language to fit what is already in the contract.

Commissioner Willner moved the agreement be approved and forwarded to the County Council for their consideration. Commissioner Cox seconded the motion. So ordered.

RE: ORDINANCE RELATING TO LICENSING OF CARPENTERS

President Borries said there was an ordinance prepared for the Commissioners consideration and referred to the County Attorney, concerning a draft of a proposed ordinance to add new sections to the Building Code, relating to the licensing of carpenters. He has talked to Bill Zimmerman but is not clear as to what, if any, objections Mr. Zimmerman has to the ordinance. He understands this board of carpenters would provide the same kind of licensing as anyone who is considered a master electrician, master plumber, etc.

Mr. Jones said Mr. Zimmerman also contacted him about this and he also says there is no such thing as a "Master Carpenter".

Commissioner Cox said we have certain ones that have to come down here and renew their licenses and others do not, therefore some were having to pay a fee while others were not. After a plumber or electrician does their work it is inspected, but a carpenter's work is not inspected by anyone. She asked Mr. Jones his thought on it and he said he believes someone in the Building Inspector's department should see how this fits in with what they already have, because if there is no such thing as a Master Carpenter and we don't have a board to test them, then all of that would have to be developed. He said all they did was take the existing ordinance on plumbers and insert the name carpenters.

President Borries referred the matter to Jim Lindenschmidt and said the Commissioners would send a memo to the tradesmen and find out if there is a master carpenter. He would ask Mr. Easley to assist Mr. Lindenschmidt on this matter.

RE: KIM BITZ....VANDERBURGH AUDITORIUM

Letter from City Controller: Mr. Bitz said last week the Commissioners approved the rent free usage of the Auditorium for the city to hold a meeting concerning the new taxes and at that time they asked him to please get a letter from the City stating such request, which he did do, and submitted at this time.

Dear Mr. Borries,

The City has received a flood of calls from employers with questions on how to implement withholding on the local income tax. In an effort to help, we've invited

Administrator of Sales/Withholding, Karen Coovert from the Indiana Department of Revenue to speak to local employers and help answer their questions. She is willing to come to Evansville on Thursday, May 10th at 10:00 a.m. In expectation of a large group, I've reserved the Auditorium for this purpose.

I would request that you waive the regular fee that would be charged for this event. Thank you for your consideration.

Sincerely,
Leslie Blenner

Commissioner Cox asked if the letter was to the Commissioners and President Borries said Yes. Commissioner Cox moved the request be approved. Commissioner Willner seconded the motion. So ordered.

RE: BILL BETHEL....COUNTY HIGHWAY DEPARTMENT

Weekly Absentee Report: Mr. Bethel submitted the weekly absentee report of the employees at the county garage for the period of April 30 thru May 4, 1984...received and filed.

Weekly Work Report: Mr. Bethel submitted the weekly work report of the employees at the county garage for the period of April 30 thru May 4, 1984...received and filed.

Attached to the weekly work report was the weekly work schedule, for the same period of time.

Gradall: Wedeking, Baumgart, Evergreen Road, West Franklin and Creamery Road.

Grader: Cypress Dale, Seminary, Old Henderson, Baseline, Waterworks, Hillsdale, Baseline and Trapp Road.

Tree Crew: Mill Road

Patch Crew: Denzer Road, Westlake, #3 School Road, Telephone Road, Venetian Ct. Hitch-Peters Road, Twickingham, Dusseldorf, Memory Lane, St. George Road, Owensville Road, Orchard Road, Outer Green River, Millersburg, St. Joe Road, Hillsdale, Baseline, Telephone Road, Old Boonville Highway, Lostbend Lane, Olmstead, Darmstadt Road, Browning Road, Hedden Road, Spry Road, Frontage Road, West Haven Drive, #6 School Road, Pinehurst Drive, Wimberg, Felstead, Rose Avenue, Rosenberger, Old State Road, Mesker Park Road, Schutte Road and Old Henderson Road.

Clean Sewer: Baumgart Road, Aspen Drive and Meadowview

Pug Mill: Operating

Mr. Bethel said he would like permission to appear before the County Council with a request to transfer \$300,000.00 from Local Roads and Streets and put \$150,000.00 into account 216-2210...Stone, Gravel and Sand and the other \$150,000.00 into account 216-2230 Bituminous Materials, for the purpose of paving more roads in Vanderburgh County. He said if possible, the urgency of this transfer is more acute than the one made last year, when a similar request was made and granted. As a result of severe winter weather the roads have grown progressively worse and some are hazardous to travel.

Commissioner Cox asked if we have an update from David Gerard to see where we'll be and how much money is presently in Local Roads and Streets.

Mr. Bethel said currently there is \$1,983,786.28, as of April 30, 1984.

Commissioner Cox asked how much of that is committed and Mrs. McBride said \$1,256,000.00 is already appropriated out of it, which will leave approximately \$727,000.00, and also, this would not be considered a transfer, that it would have to be monies appropriated into the accounts stated by Mr. Bethel.

Commissioner Cox asked what County Council vote would it take to do this and Mrs. McBride replied four (4).

President Borries asked what the approximate cost is for the highway to pave a mile and Mr. Bethel said between \$16,000.00 and \$18,000.00, as compared to \$24,000.00 if we bought it ready-mixed (hot-mix). He currently has enough money in his budget to pave around fifteen (15) to sixteen (16) miles and if this \$300,000.00 is approved that would be enough for another fifteen (15) or sixteen (16) mile, for a total of approximately thirty two (32) miles, compared to the thirty three (33) miles he did last year.

President Borries said he has some concerns in relation to the funding, that he would assume if the wheel tax is maintained that there will be additional revenues that we will allocate for future projects, the chief of which would be the Burkhardt Road project and the Covert Avenue project, providing all legals get through on them.

Mr. Easley said he would suggest that Mrs. McBride, Mr. Bethel, Mr. Gerard and himself set down together and discuss our obligations at this point and our projections for the future.

Commissioner Cox said she understands the County Council is going to soon have a meeting in regards to the Local Option Tax.

President Borries said he understands there is a law giving more discretion on how cities can use the Local Option Tax, than there is for counties, that para-phrasing what Representative Hayes said...it cannot be used for roads, that it would have to come out of dedicated monies.

Commissioner Cox said the statute says that it may if it is a unanimous vote.

Mr. Lindenschmidt said it must be for only emergencies and Commissioner Cox said she does not believe it says for emergencies only, that it says no other county monies may be used for road or street maintenance unless by unanimous approval of the Council, however, even if it is emergencies only, she would say that we are in a state of emergency.

Commissioner Cox said she is wondering if we will get some clarification of this tax at the meeting to be held at the Auditorium, on the 10th of this month and President Borries said he would think so.

Mr. Lindenschmidt found the statute and President Borries read the following "except by unanimous vote in the case of extraordinary emergencies or indispensable necessity".

Commissioner Willner moved the request for \$300,000.00 be placed on the June County Council agenda.

Commissioner Cox asked Mr. Willner if he would want to wait, that perhaps we would get a clarification at the May 10th meeting and this request could be put on anytime before the 15th. of this month, so it could still be submitted after the next Commissioners meeting.

Commissioner Willner said okay, but either way, he would still make a motion that it be put on the agenda for June, whether we can or cannot use it for roads.

Commissioner Cox said she would like to see a list of the roads that need paving this year and where the \$300,000.00 would be spent and Mr. Bethel said he does not have that list with him today, but he would be very happy to submit it next week.

Commissioner Willner said we know the Wheel Tax can be spent on roads and streets and that is for another year so whether we have the Local Income Tax or not...has nothing to do with this.

Commissioner Cox said the Commissioners recommendation of the Wheel Tax was that a portion of it went into maintenance and a portion into the R&S Fund and we know right now that we don't have enough R&S funds to do what we want to do, so if we are going to keep borrowing from R&S and then pay back half of what we take in, then we are going to come up on the short end of the stick when we have to have matching funds, in fact, we have to have the funds in there before we can get a qualified match and she does not want to lose out on that. She said this will also have an impact on Mr. Volpe's interest investments.

Commissioner Willner asked how much is projected that we'll get from the Wheel Tax and President Borries replied about \$300,000.00, for the county.

Commissioner Cox said we already lost \$300,000.00 last year and now if we take another \$300,000.00, that is \$600,000.00 and we put only \$300,000.00 back, well, she wants the assurance that we won't need that \$600,000.00 in fiscal year 1985, which is when the

wheel tax will come in and it won't come in all in one bunch, that the majority of it will come in from January thru June.

Commissioner Willner said it will be June before we would begin work anyway.

President Borries said we will then have a report from Mr. Gerard next week and Mr. Lindenschmidt will contact him and inform him of the Commissioner's request.

Rosenberger Avenue: Commissioner Cox said Rosenberger, between Hogue Road and 62 is really bad, that there are at least three (3) very large holes of 24" or more diameter, 6" to 8" deep and she would like for it to be patched.

Oak Hill Road: Commissioner Cox said she received several calls in regards to the tree trimming along Oak Hill Road, from Pigeon Creek.

Mr. Bethel said he has been doing nothing much more than patching but he will attend to the tree trimming as soon as possible.

Barton Lane: Commissioner Cox said on Barton's Lane, that there were some holes patched out there about three (3) weeks ago, but presently there is a washout on a culvert under the road and she would like for Mr. Bethel to check it out....he said he would.

RE: BOB BRENNER....COUNTY SURVEYOR

Weekly Bridge and Guardrail Report: Mr. David Guillaum, Chief Deputy Surveyor, submitted the weekly bridge and guardrail report of the bridge crew for the period of April 30 thru May 4, 1984....received and filed.

He said they cleared the trees and brush from the ditch on the south side of the road on Upper Mt. Vernon and also cleared some mud from a pipe opening on the same road. On Hogue Road, east of Rosenberger they cleared trees and brush from a ditch. Also, they cleared tree limbs from a ditch on Boonville New Harmony, west of Darmstadt.

Claim: Mr. Guillaum submitted a claim for Deig Brothers for labor, equipment and material for emergency repairs to the Ohio Street Bridge, in the amount of \$5,104.02.

Mr. Guillaum said the job is complete and they have inspected it and the quantities ran under about \$2,000.00. The claim is signed by Robert Brenner, County Surveyor.

Commissioner Willner moved the claim be approved. Commissioner Cox seconded the motion. So ordered.

Millersburg Road: Mr. Guillaum said if the Commissioners will recall, they have been ²⁰³⁻³⁴⁰ trying to pursue getting the right-of-way and the engineering for the bridge project on Millersburg Road and they have run into several problems with the property owners, as to getting any type of an agreed solution. He and Mr. Brenner have discussed this and at this point and time they are going to turn it over to the county attorney to go through condemnation or whatever is necessary, because it appears they cannot make any further progress with the people out there, so its either go this route or forget about the project. He will see the attorney receives the complete file on the matter.

Commissioner Willner moved the matter be referred to the county attorney. Commissioner Cox seconded the motion. So ordered.

Guardrail on Dixie Flyer Drive: Commissioner Cox said the guardrail, and there are culverts under the road, on Dixie Flyer Highway are really in dire need of painting and she would like to see this gets done.

Bridge on Hogue Road: Commissioner Cox said the decking on the bridge on Hogue Road, between Tekoppel and Rosenberger, right before you reach the railroad tracks, the asphalt has deteriorated something terrible and needs attention.

Mr. Guillaum took note of both complaints and said they would be checked out.

RE: JIM LINDENSCHMIDT....SUPERINTENDENT OF COUNTY BUILDINGS

Mr. Lindenschmidt said he would like to get the Commissioners approval to appear before the county council in June, with a request for an additional \$5,000.00 in his budget, that in account 131-355...repairs to buildings and grounds, he currently has \$373.57

in there and he has an outstanding bill in the amount of \$1140.16. He has projected his costs for the remainder of the year and hopes the \$5,000.00 will take care of it and if not he will have to appear before them again.

Commissioner Willner moved the request be granted. Commissioner Cox seconded the motion. So ordered.

RE: REQUEST FROM COUNTY ASSESSOR FOR SEMINAR FEES

President Borries said that Mr. Lindenschmidt was instructed last week to contact Mr. James Angermeier, concerning a request he had submitted for the county to pay a \$175.00 seminar fee for him.

Mr. Lindenschmidt said in talking to Mr. Angermeier, he informs us that first of all the tuition fee is \$175.00 if he waits and pays at the door, but that pre-registration fee is \$150.00. Mr. Angermeier said as far as appraising condemned property is concerned that the Commissioners turn over condemned property to him to appraise, that is up for surplus county owned property, and most of it is in a condemned state and it is hard to put a fair appraisal on it, therefore it would be to everyone's benefit to let him attend this seminar, however, he would not attend if the Commissioners did not pay the tuition fee, that he does not have the money in his budget to pay for it.

Commissioner Willner moved the request be approved.

Commissioner Cox said she cannot support this because it is not a state mandated meeting.

President Borries seconded the motion, which carried with two (2) votes. Commissioner Cox voted no.

RE: REQUEST TO TRAVEL....COUNTY AUDITOR

President Borries read aloud the following request to travel, dated May 3, 1984 and directed to the Board of County Commissioners.

I am requesting permission for myself, my Chief Deputy and my First Deputy to attend the Southwest District Auditor's meeting, to be held in Brazil, Indiana, on May 17, 1984.

We will leave the morning of the 17th and return that same day and will therefore save all lodging expenses. We will all also pay for our own meals, therefore, I am requesting only reimbursement for mileage for one (1) vehicle.

Attached is the State of Indiana's notification and I would appreciate your consideration of this request.

Sincerely,
Alice McBride, Auditor
Vanderburgh County, Indiana

Commissioner Willner moved the request be approved. Commissioner Cox seconded the motion. So ordered.

RE: CHANGE OF VOTING PLACE OF KNIGHT-4

President Borries read aloud the following memo from Margie Meeks concerning the change of voting place for Knight-4.

"There had to be one final change made in voting places. Knight-4 has been changed from the Carriage House Apartments - Party Room, to Harrison High School, Room 49, 211 Fielding Court, since the Party Room is being completely redecorated. They thought it would be completed by May 8th, but it isn't. This change was advertised in both newspapers on May 4, along with the changes that were made on Union-1, Knight-2 and Ward 4, Precinct 4".

Memo received and filed.

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

President Borries read aloud the following letter, dated May 4, 1984 and directed to the County Commissioners.

Our Student Council is preparing for our Spring General Elections. As in the past several years I requested by phone the use of three portable Voto-matic booths. I was asked to submit this request in writing.

Would it be possible to borrow three (3) booths to be used on May 15, 16 and 17? I would be able to pick these up at the County Commissioners Office and return them personally. The booths would be set up only during the established times for voting. Our appointed election board and I will be present during the time of voting, therefore, I feel certain that there would be no damage to the booths. Enclosed is a certificate of insurance from our Diocesan Insurance Office regarding this matter.

We appreciate your cooperation in the past and thank you for consideration of our present request.

Sincerely,
Sister Donna Marie Herr
Student Council Adviser

Commissioner Willner moved the request be granted. Commissioner Cox seconded the motion. So ordered.

RE: LETTER FROM BUILDING AUTHORITY ON REASSIGNMENT OF SPACE IN COMPLEX

President Borries read aloud the following letter, dated April 30, 1984 and directed to the Board of County Commissioners

Since May 1, 1983, there have been reassignments of space as per the attached lsst.

You have previously approved these assignments as has our Board of Directors.

In accordance with the provisions of the lease, whenever such adjustment of space is made, the liability of the City and the County for rentals provided for in Section 301 and 302 shall likewise be adjusted ratable to reflect the change in the amounts of space allocated to them.

Considering these new space assignments, the conversion to the new rental percentage is herein displayed and will be the basis for the 1985 budget which will be presented to you on or before June 15, 1984.

Sincerely,
C.G. Ruston
General Manager

Letter received and filed.

President Borries said basically the county will go from a previous percentage of usage of 60.935% to 60.794%, so it will go down, even though our cost will no doubt go up.

RE: LETTER FROM STATE HIGHWAY DEPARTMENT ON DIVISION STREET PROJECT

The following letter was read aloud by President Borries, dated April 24, 1984 and directed to the Board of County Commissioners.

The Indiana Department of Highways finds it necessary to establish an official detour to handle S.R. 62 traffic during the construction of the Division Street Project. We are proposing to route traffic on St. Joseph Avenue which was recently transferred to the county road system.

Letter Continues:

Please review the agreement and if found satisfactory, sign and return to this office. We will forward it to Indianapolis and a copy will be returned for your file. Thank you for your cooperation in this matter.

Very truly yours,
Aden B. Carr
District Engineer

Commissioner Willner moved the agreement be approved and signed. Commissioner Cox seconded the motion. So ordered.

RE: LETTER FROM INDIANA DEPARTMENT OF HIGHWAY ON RELINQUISHMENT OF SR 65

President Borries read aloud the following letter, dated April 19, 1984 and directed to the Board of County Commissioners.

Re: Relinquishment of ST 65

It is our understanding that all provisions of the agreement to accept SR 65 into the county road system have been completed.

1. State will remove Busler's north drive - letter from County Engineer, Easley, states this drive is no longer a factor.
2. Small spall areas to be patched - has been completed.
3. State shall maintain overhead sign.
4. Area north of bridge relinquished shall begin 10 feet north of the north mud wall of bridge. Note that drawing submitted shows station which is 10 feet north of bridge.

If you are in agreement, please send Mr. Carr a letter stating same in order that our Indianapolis office will complete the paperwork.

Very truly yours,
Aden B. Carr
District Engineer

Commissioner Willner moved the agreement be approved.

Commissioner Cox asked if the terms are acceptable, as is the work done.

President Borries said yes it is.

Commissioner Cox seconded the motion. So ordered.

President Borries instructed Mr. Easley to write a letter of approval to Mr. Carr, however, the Commissioners would like to see it before it is sent.

RE: MONTHLY REPORT OF THE TREASURER

The monthly report of the County Treasurer was ordered received and filed, and read as follows:

<u>Collections to date are:</u>	County Revenue.....\$39,794.92
	Federal Revenue Sharing..... 2,500.00
	<u>\$42,294.92</u>

Outstanding Investments are:

1. Investments \$3,000,000, dated December 28, 1983, due December 27, 1984. Estimated income \$273,700, of which \$22,812 will go into the reassessment fund. Rate 9.125%.
2. Investment, \$500,000, dated December 29, 1983, due December 27, 1984. Estimated income \$46,200. Rate 9.25%.
3. Investments, \$2,000,000, dated January 4, 1984, due December 27, 1984. Estimated income \$188,000. Rate 9.50%.

4. Investments, \$2,000,000, dated April 5, 1984, due June 28, 1984. Estimated income \$45,500. Rate 9.75%.
5. Investments, \$2,000,000, dated April 9, 1984, due June 28, 1984. Estimated income \$43,300. Rate 9.75%.
6. Repo, \$500,000, dated April 10, 1984, due June 28, 1984. Estimated income. Poor relief \$6,254.17. Federal Revenue Sharing \$4,169.44. Rate 9.50%.
7. Repo, \$800,000, dated April 16, 1984, due May 14, 1984. Estimated income \$5,755.56. Rate 9.25%.
8. Repo, \$900,000, dated April 19, 1984, due May 21, 1984. Estimated income \$7,837.50. Rate 9.50%.
9. Repo, \$500,000, dated April 27, 1984, due May 29, 1984. Estimated income \$4,222.22. Rate 9.50%.

When all outstanding investments are collected, income will appear as follows:

COUNTY REVENUE	\$631,498.20
REASSESSMENT	22,812.00
FEDERAL REVENUE SHARING	6,669.44
POOR RELIEF	6,254.17
	<hr/>
	\$667,233.81

As can be seen, I am well on the way to making a surplus, for the eighth year in a row.

Yours truly,
Lewis F. Volp, Treasurer
Vanderburgh County, Indiana

RE: CHECK AND LETTER RECEIVED FROM EVANSVILLE CABLE TV

A check in the amount of \$8,153.02 was received with the following letter, from Evansville Cable TV, Inc.

Enclosed you will find a check in the amount of \$8,153.02 which represents the first quarter payment of 1984. This check represents an increase in payment to you for the first quarter of 1983 which amounted to \$6,707.40. Also, it represents an increase in payment from the fourth quarter of 1983 which was in the amount of \$7,572.94.

At the present time, we are now in the area of completing the Old Boonville Highway extension. We are now mapping and have ordered make ready for Hillsdale, out Old State Road to Ridgeway Heights which is east of the 4-H center. We are now mapping St. Joe, Indiana, and will be doing construction in that area hopefully by summer. We are in the process of mapping from Oak Hill Road at Millersburg on to Green River Road taking in a new development in that area plus other developments plus homes on Green River Road going toward Daylight.

Again, Evansville Cable TV would like to thank the County Commissioners for giving Evansville Cable TV the pleasure of serving residents of the county with cable TV service. If the Commissioners have any questions, please feel free to call me at any time. My private number is 428-2461.

Best regards,
Robert D. Ossenberg
Vice President and
General Manager

Commissioner Cox moved the check be endorsed and that a letter of acknowledgement be sent to Evansville Cable TV. Commissioner Willner seconded the motion. So ordered.

RE: CERTIFICATES OF INSURANCE

A certificate of insurance was received for the Warrick County School Corp. etal for a prom on May 12, 1984, at the Auditorium.

A certificate of insurance was received for Evansville Arts and Education Council, Inc. for the Ohio River Arts Festival - dance performance, May 6, 1984 from 6:00 p.m. to 10:00 p.m. at the Vanderburgh Auditorium.

A certificate of insurance was received for Jan's School of Dance, Inc. for a dance recital June 8 and 9, 1984 at the Auditorium.

A certificates ordered received and filed.

RE: CLAIMS

A claim was submitted by David L. Jones, County Attorney, for legal services, in the amount of \$2,597.42, with attached itemized statement to the one hundreth of the hour.

Commissioner Willner moved the claim be approved. Commissioner Cox seconded the motion. So ordered.

A statement, in the amount of \$681.00 was submitted for county attorney David Miller, for legal services rendered to the county, however, there was no blue claim attached.

Mr. Lindenschmidt said that Mr. Miller's secretary was to have brought a signed blue claim to Mrs. Meeks, but it did not get here yet.

Commissioner Willner moved the claim be approved, subject to the blue claim being submitted to Mrs. Meeks. Commissioner Cox seconded the motion. So ordered.

A claim was submitted by Pulse Systmes, in the amount of \$86,320.00 for the following services:

Data Processing Services from 7-1-84 thru 9-30-84.....\$86,320.00

The following invoicing formula was used:

Annual Fee (\$416,000) X 1/4 X 83% = Quarterly Invoice Amount

Commissioner Willner moved the claim be approved.

Commissioner Cox asked if the Commissioners ever approved the claim that was before them several weeks ago, that she does not remember it being approved, because we had some questions on it, concerning adjustments, etc.

President Borries said he believes it was approved and he received correspondence and Pulse's contention is that they have fulfilled all the conditions of the contract.

Commissioner Cox said the sooner we get out of two (2) computer businesses, the better off we are going to be. She does not remember the other claim being approved, that Mr. Fortune had appeared before us and he told us that 90% of the work was fulfilled at that time.

President Borries said he believes everything is on line now.

Commissioner Cox asked him if he has talked to the County Clerk and President Borries said he has received no communications from her recently, that he had earlier, but none recently.

Commissioner Cox said we had better get the Data Processing Board started because Mr. Fortune is going to be leaving June 1st, because we will need some kind of a carry over between the two.

President Borries said he believes all but two (2) people have been contacted to serve on this board.

President Borries said the Auditor, the Clerk, the City and the Courts would also select a person to serve and he would like to suggest for consideration the name of Mr. Tom Dorsey for one of the Commissioners appointments.

Commissioner Cox said she is not taking anything away from anyone, however, she believes it would behoove the Commissioners to put someone on the board who has computer knowledge and technical ability to give some advice. She does not have a name yet, but she will work toward that end very swiftly.

Commissioner Cox seconded the motion for the approval of the claim. So ordered.

RE: EMPLOYMENT CHANGES....APPOINTMENTS

TREASURER

Carol Osman	427 Colonial Ave.	Asst. Cashier	\$10,760.00	Eff: 5-7-84
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CENTER ASSESSOR

Jeffrey A. Toon 11,051 Kahre Court P/T Real Estate \$30.00 Day Eff: 5-7-84

AREA PLAN COMMISSION

Irene Mastison	1618 E. Indiana St.	Senior Sec.	\$10,260.00	Eff: 5-8-84
		(Probationary Period)		

KNIGHT TOWNSHIP ASSESSOR

Veronica Ballew	5073 Tippecanoe	Clerk	\$30.00 Day	Eff: 5-4-84
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RE: SCHEDULED MEETINGS .

The County Council set a special meeting for May 15th. at 2:30 p.m. in the Council Chambers.

There will be a meeting on May 10th. at 10:00 a.m. at the Auditorium, in regards to the Local Option Tax.

There is to be a meeting at the Chamber of Commerce building on May 9th, regarding the interchange at Lynch Road and I-164, as called by Vanetta Becker.

There is to be a meeting Wednesday, May 9th. at 7:00 p.m., on the feasibility study of sirens, held in room 301, Civic Center Complex.

There is to be a Museum dinner at 6:30 p.m. on May 9th. (It was not indicated where the dinner will be held).

All County offices will be closed tomorrow for the Primary Election.

There being no further business, President Borries declared the meeting closed at 4:50 p.m.

PRESENT: COUNTY COMMISSIONERS COUNTY AUDITOR COUNTY ATTORNEY

Richard "Rick" Borries
Robert L. Willner
Shirley Jean Cox

COUNTY AUDITOR

Alice McBride

COUNTY ATTORNEY

David Jones

SECRETARY: Janice G. Decker

Richard 'Rick' Barnes

Robert Willner

Shirley Jan Cox
BOARD OF COUNTY COMMISSIONERS

COUNTY COMMISSIONERS MEETING
MAY 14, 1984

The meeting of the Board of County Commissioners was held on May 14, 1984, at 2:30 p.m., in the Commissioners Hearing Room with President Borries presiding.

The minutes of the previous meeting were approved as engrossed by the County Auditor and the reading of same dispensed with.

RE: POOR RELIEF...PIGEON TOWNSHIP

Applicant: Donald Timmons, 614 Main Street (Civic Plaza Hotel)

Investigator: Ms. Louise Hall, Pigeon Trustee's office.

Mr. Timmons was present and stated he is unemployed, that he has never been before the Commissioners before and he needs help with his rent, that he was denied assistance by the Trustee's office.

Commissioner Cox said on Mr. Timmons application it states he was denied help because he failed to cooperate fully, so she asked Mr. Timmons if he understands what that means and he replied yes, that what happened was he was out looking for a job and did not show up for the work program, so when he went back to ask for assistance they denied him, but if they will help him out now, he will make up those hours he was supposed to have worked.

She asked Mr. Timmons if he called the Trustee's office and told them he was not available that day and he replied no, that he did not know he had to call them.

President Borries asked Mr. Timmons if he has received a set of rules and standards from the Trustee and he replied no.

Commissioner Willner asked Mr. Timmons where he was last employed and he replied for the City of Evansville. Mr. Willner asked him why he no longer worked for the city and he replied that he went home for lunch one day and was gone for about one and a half hours and when he went back to work they dismissed him from the job.

Ms. Hall reported to the Board that in February Mr. Timmons was in their office for rent assistance and told them he was fired from a city job in 1982 and at that time he was issued a months rent and he did work the twenty seven (27) hours and then in March he requested another months rent, which was issued to him on the 20th of March, in the amount of \$90.00, with the understanding he would again have to work twenty seven (27) hours. On the 19th of April Mr. Timmons again came into their office requesting rent but since he had not worked his hours for March, he was denied. Had Mr. Timmons come to them and told her that he would have completed his hours, she would have given him a work slip.

Commissioner Willner moved the case be referred back to the Trustee's office, that Mr. Timmons bring his workfare up to date and make new application. Commissioner Cox seconded the motion. So ordered.

RE: POOR RELIEF....KNIGHT TOWNSHIP

Applicant: Beverly McKasson....3209 Coker Avenue, Evansville, Indiana

Investigator: Emarie West, Knight Township Trustee's office.

Ms. McKasson stated that as of the 11th. of this month, she has been without electricity or gas or water for four (4) weeks. She is not presently employed and she does receive ADC for two (2) children, ages ten (10) and twelve (12). She said she does not have city water but when the electricity was shut off that meant her water pump would not work either, therefore, she has no water.

Commissioner Willner asked Ms. McKasson how much money she owes SIGECO and she replied approximately \$657.00, however, there is some discrepancy in the bill, that they sent her a corrected bill this past month after it was shut off, for nineteen (19) days, in the amount of \$157.00, but that amount was corrected to \$84.00 for those nineteen (19) days.

Commissioner Willner asked Ms. McKasson if she has ever been employed anywhere and she replied yes that she worked last August for Citizens Action Coalition of Indiana.

President Borries asked Ms. McKasson if she is able to participate in the workfare program with Knight Township and she replied yes, however, she is somewhat limited because she teaches her children at home, that they do not attend a public school, and she has received both local and state approval to do this.

When asked why she teaches her children at home she replied she feels very strongly that it is her right and her responsibility to bring them up in a christian educated manner and it is far cheaper at \$500.00 per year for two (2) children than it would be for her to send them to a Christian School. She is way behind on paying this \$500.00 also, that she still owes some \$395.00.

Commissioner Willner asked if the father of the children make contribution to their welfare and Ms. McKasson said he does when he feels like it and he doesn't feel like it too often. He asked her if she has ever filed charges against her ex-husband and she replied no, that he does spend time with the children and he does live in the city and is remarried. He asked her if she feels her ex-husband has a legal responsibility and she said of course she does.

President Borries asked if there were any legal arrangements made at the time of the divorce and she replied yes, both of them, that her two (2) children are from two (2) marriages. One of her ex-husbands was to pay twenty dollars (\$20.00) per week and the other one was to pay ten dollars (\$10.00) per week. The state took a \$500.00 income tax return from one husband because he was so far behind on support, however, she did not see any of that money, that it went to the state.

Commissioner Cox asked Ms. McKasson if she draws ADC for both children and she replied yes. She asked her if she receives food stamps and she replied yes. She asked her if she has received help from the Trustee in the past and she replied yes, that she has received a partial payment on her utilities and she could not pay the remainder on her own and that is why her bill is currently so high, which was shut off on April 13th. Mrs. Cox said on the application before her it states the denial was granted because Section V-C...the trustees payment will not cover all the previous charges. Mrs. Cox asked Ms. McKasson what amount is her total income and she replied \$256.00 from ADC plus food stamps. Mrs. Cox said will SIGECO not accept a partial payment and Ms. McKasson said no, they want the full amount plus another \$18.00 to reconnect. Ms. McKasson said the trustee's office offered to give her a portion of this amount due, but unfortunately SIGECO will not accept a portion and she does not have the rest of it to pay to them. She was offered \$100.00 from the Trustee, to pay toward this bill.

President Borries asked Ms. McKasson if she is buying or renting and she replied buying.

Mrs. West, investigator from Knight Township was present and stated Ms. McKasson was in the trustee's office earlier this month and made new application (May 4th) and at that time they put \$100.00 on hold for her, to go toward her utilities. According to the trustee's guidelines, we pay on half of the previous charges, up to a maximum of \$100.00. Ms. McKasson came to her this past Friday and asked for a letter of denial because we would not pay the entire previously owed bill, which she was issued. According to SIGECO we are talking about charges from November of 1983 through the end of March 1984 and during that same period of time Project Safe paid \$263.00, Emergency Safe paid \$189.00 and there was a cash payment of \$22.00, so as far as total charges, there was approximately \$1100.00 due to SIGECO. When the trustee's office makes a payment on the utility bills, we pay half of the previous, up to only \$100.00, but before we write that voucher it is up to the applicant to produce the other half, or whatever the balance is on the bill, so their \$100.00 was matched each time they paid it for her.

Mrs. West said in January (January 3) they were doing their routine investigation and they received a letter from Indiana Bell on January 20th. informing us that Ms. Kasson has call waiting on her telephone at her home and has had since at least April 21, 1983. The trustee's standards state a person is allowed one (1) telephone with basic phone service, because we do not consider the extras a necessity. The application she made with us for August, September and October did not indicate that she had call waiting and they felt this was a falsification of application, because the question asked was do you have call waiting or call forwarding, not do you pay for them or does someone else pay for them for you, but do you infact have the service. This application was turned over to the Prosecutor's office and at that time they received a letter from the Prosecutor's office stating that Ms. McKasson and her mother, Karma Huck, came into the Prosecutor's office and gave a statement that call waiting was being paid for by Ms. Huck and not by Ms. McKasson, therefore there were no criminal charges filed against Ms. McKasson.

Commissioner Cox asked how much help has been given Ms. McKasson on her utility bills and Mrs. West in January of 1983 the trustee paid \$40.00, in March of 1983 they paid \$30.00, on April 14...\$30.00, on August 2....\$36.02 and on August 22...\$36.02 and on August 29....\$27.96.

Commissioner Cox said then Ms. McKasson has not received any assistance on her utility bills since August of 83 and Mrs. West said that is correct, however, she applied in September of 1983, but her income was too high, because that is when she was working for Citizens Action Coalition, and anytime there is a change in income level, we have to update the application.

Commissioner Cox asked what the income level for three persons are and Mrs. West replied it is \$350.00 and Ms. McKasson is under income, it is just that the trustee cannot pay anymore than the \$100.00 offered to her toward the \$650.00 bill.

Commissioner Willner moved the case of Beverly McKasson be referred back to the Knight Township Trustee, but that Ms. McKasson seek Legal Aid Services and file suit against both of her ex-husbands to collect child support, that she must do this before receiving any help from the trustee and also for Ms. McKasson to work on the workfare program and to refile application with the Trustee and the Trustee is to give immediate assistance upon these things being done, to get the gas and electric reconnected by whatever means possible. Commissioner Cox seconded the motion. So ordered.

Commissioner Willner said he would like to recommend the Trustee change their standards to include that there be a current filing in the Prosecutor's office against all fathers who do not pay support to there children, that he feels this should be first and foremost before anyone is issued assistance.

RE: AREA PLAN COMMISSION...ORDINANCE AMENDING INDIANA CODE ON THOROUGHFARES

Mrs. Barbara Cunningham, Director of the Area Plan Commission was present and stated she has submitted an ordinance amending chapter 152 of the 1982 Vanderburgh County, Indiana code of ordinances concerning thoroughfares and setback requirements. She said the Commissioners have previously been given some information explaining the thoroughfare plan and ordinances and the reason for the change. The current ordinance was written in 1959 and was updated in 1969, but that was only to change the Plan Commission name from Regional to Area and the official map was not chagned at that time. They felt like the ordinance needed to be revised and updated basically for two (2) reasons, those being:

1. It was based on an outdated transportation plan with a network of transportation improvements that are no longer planned.
2. The setbacks required in the 1959 ordinance are too restrictive relative to today's development standards. There is no reason to "set aside" more land than will be needed for an adequate street system, especially when considering the cost of land today.

The changes made on the map relate to (1) the roads and streets that are included, (2) the required setbacks, and (3) the road classification titles. The classifications and setbacks are more reflective of today's development needs and standards.

Current Titles and Setbacks

Expressways - 110 feet
Primary Thoroughfares - 95 feet
Secondary Thoroughfares - 75 feet

Proposed Titles and Setbacks

Major Arterial - 90 feet
Minor Arterial - 70 feet
Collector - 60 feet

Mrs. Cunningham said this was all done in conjunction with the Director of the Evansville Urban Transportation, with the City Engineer and the County Engineer. It has been adopted by the Plan Commission, at both the February 16, 1984 and the March 7, 1984 meeting.

Commissioner Cox said she was not aware that this ordinance was to come before the Commissioners today or she would have made her own comparisons, but for the record, are those changes or suggestions that were made at Area Plan incorporated in the documents presented today, that there were several corrections given to us at APC meeting.

Mrs. Cunningham acknowledged they were incorporated.

Commissioner Cox asked Mr. Andy Easley if he had any comments or recommendations on this matter and he replied he had input in it, that all corrections and changes have all been incorporated and he would recommend approval, that it's much more realistic.

Commissioner Willner asked if variances can still be allowed and Mrs. Cunningham said yes, people will still have the opportunity to get a variance, however, they hope this will stop the variances from being sought because they feel this is a realistic plan, but variances will still be available in some circumstances.

Mrs. Cunningham said even if this is adopted today, she feels like it should still be reviewed within the next two (2) years, as we reviewed the Comprehensive Plan, that this ordinance should be in a constant state of review by the people who work with it.

Commissioner Willner moved the Ordinance be approved as presented today. Commissioner Cox said she would second the motion with the understanding that those additions, deletions and corrections made at APC are incorporated in it. So ordered.

RE: COUNTY ATTORNEY....CEDRIC HUSTACE

President Borries said we have with us, as Acting County Attorney, Mr. Cedric Hustace, from the law firm of Bowers, Harrison, Kent and Miller.

Agreement with Ad-Craft: Mr. Hustace said he has reviewed the agreement between the county and Ad-Craft for the purchase, installation and maintenance of an outdoor identification sign and message center for the Vanderburgh County Auditorium and Convention Center and he has made some changes to the contract. He has been in touch with Mr. Arnold Bosse, of Ad-Craft concerning the changes and Mr. Bosse has not seen the current revised document. Basically the major change is to provide a mechanism by which if there is a default in the contract, that either party may notify the other party of such default and the defaulting party will then have sixty (60) days in which to cure the default and if this is not done the contract can be terminated by the non-defaulting party. County attorney Jones has seen this revised agreement and approves of it.

Commissioner Willner moved the agreement be approved. Commissioner Cox seconded the motion. So ordered.

RE: BILL BETHEL.....COUNTY HIGHWAY DEPARTMENT

Weekly Absentee Report: Mr. Bethel submitted the weekly absentee report of the employees at the county garage for the period of May 7 thru 11, 1984...report received and filed.

Weekly Work Report: Mr. Bethel submitted the weekly work report of the employees at the county garage for the period of May 7 thru 11, 1984.....report received and filed.

Attached to the work report was the following work schedule for the same period of time.

Gradall: Wedeking Avenue, Fickas Road and Kirchoff Blvd.

Patch Crew: Old State Road, Eichoff and Chapel Hill, Broadway, Larch Lane, Cemetery Road, Middle Mt. Vernon Road, Streuh-Hendricks, Smith-Diamond, Debbie Lane, Audubon and Chestnut, Green River Road, Old Petersburg Road, Burkhardt Road, Old Henderson Road, Hitch-Peters Road, Burch Drive and Baumgart.

Rock: Woods and Elm alley.

Tree Crew: Bromm Road

Paving: Cemetery Road

Barricades: All over the county.

Mr. Bethel said again he would ask permission to go before County Council for \$300,000 for road paving.

Commissioner Willner moved the County Highway be put on the June Council Call for \$300,000.00.

Commissioner Cox said why she didn't second it last week was because she wanted to see what the status of our R&S funds are, and if we have money to do what we want to do and

we were to ask for a report from Mr. Gerard. She asked Mr. Easley if he has any report on the status and he replied that he and Mr. Gerard met on it and Mr. Gerard does have some figures and a bar graph that shows that by the end of 1986, according to his projections of revenue, expenditures and obligations, we will be slightly, maybe \$100,000 in the red. Mr. Gerard asked for another week to make tabulations to present to the Commissioners. If \$300,000 is borrowed and not replenished, then we will be pushing some \$400,000 in the red at the end of 1986.

President Borries said it was his understanding after a conversation with Mr. Gerard that our funding was okay on our match for Burkhardt Road and also for Covert Avenue projects and where we begin to have problems is beyond these two projects. At this point it looks like Covert isn't going to start until 1985.

Mr. Easley asked if one (1) more week's delay would matter and Mrs. Cox said it would be too late for Mr. Bethel to get on the June agenda for the Council. She said by giving Mr. Bethel permission to go on the agenda doesn't necessarily mean the Commissioners agree the Council should allow this, but we could give him permission to go before them and by the time they have their June meeting the Commissioners will have received the report from Mr. Gerard and we can then make our recommendations to the Council, therefore she would second the motion, based on this fact. Motion carried unanimously in the affirmative.

Larch Lane: President Borries said he had a phone complaint concerning a big hole on Larch Lane, in Evergreen Acres, which is some eight feet in diameter. He understands this has been patched in the past but it is presently in dire need of more repair.

Mr. Bethel said he will have to pave it, that he cannot patch it again.

Red Bank Road: Commissioner Cox said on Red Bank Road, off of Pennsylvania Street is all chopped up again. Part of it is city and part of it is county, that it is located up by the University Heights shopping center.

Mr. Bethel said he is aware of where Mrs. Cox is talking about and he will check it out and make the needed repairs, and again this is also going to have to be paved and rolled.

RE: BOB BRENNER.....COUNTY SURVEYOR

Bridge and Guardrail Report: David Guillaum, Chief Deputy Surveyor, submitted the weekly bridge and guardrail report of the bridge crew for the period of May 7 thru 11, 1984....report received and filed.

Kirchoff Drive: Mr. Guillaum said a gentleman was in his office concerning a drainage problem out on Kirchoff Drive, on the west side of town, off of Hogue Road. We have been aware for sometime now that they do have drainage problems out there, that the storm sewer that runs along the gutter and curb line, he believes has some bad joints and the gentleman also felt like the pipe under there is undersized. The problem out there has become very severe that he indicated to us there are areas under the slabs that have washed out as much as five (5) or six (6) feet under the roads. We will be taking a look at it and try to determine what would be the most practical way to repair it, that it is county accepted and is ours to take care of. There may be a couple of alternatives but he will submit a report to the Board after it is studied.

Mr. Bethel said he too has been out there and it looks like their septic systems are simply flowing out into the street and he did contact the Board of Health and ask them to run a check on it also, however, he has heard nothing back from them yet.

Mr. Guillaum said this gentleman indicated to him that the storm sewer pipe out there was no bigger than a 6" diameter pipe and if that is true then that would never work.

Mr. Bethel said he was only trying to find the source of the water, because this has been going on for about a year.

Commissioner Cox said she would venture that probably 70% of our septic systems in the county are not working properly now because of the large amount of rain we have had. She asked if this is Kirchoff Drive, Lane or Road and Mr. Guillaum replied the information he received, he believes it is Kirchoff Drive, that it is the one that dead-ends with the cul-de-sac at the end of it, off of Hogue Road.

Barton Lane: Commissioner Cox asked if anyone has been out to check the problem on Barton's Lane, that she believes this involves both the Highway and the Surveyor's office, that it has to do with the problem of the culvert under the road, that it is washed out from around the culvert.

Mr. Bethel said she inspected it but turned it over the Surveyor's office.

Mr. Guillaum said Tom Goodman has this on his list and it will be taken care of as soon as possible.

Old Henderson Road: Commissioner Cox said in regards to the washout down below the railroad overpass on Old Henderson Road, has a decision been made and Mr. Bethel said he believes we should get the Corps of Engineers involved in this matter. Commissioner Cox said then we had better start right away because it is really washed out bad, in fact, all the way to the road.

The Commissioners asked Mr. Easley to pursue this matter with the Corps of Engineer and explained to him it is 1.6 mile below the old L&N Railroad bridge, on Old Henderson Road.

President Borries gave Mr. Easley the name of Elisha Holland to contact at the Corps. of Engineers.

Millersburg Road Bridge: Mr. Guillaum said in regards to the Millersburg Road bridge project, after looking at the span and the approaches, he and Mr. Brenner discussed it and feel like they may be a little shy on the amount of money appropriated for this project, which is \$100,000.00, therefore they would like permission to transfer monies from the Volkman Road account into the Millerburg Bridge account, in the amount of \$100,000.00, and they will not have to go before the County County to do this.

Commissioner Cox said we have already done one bridge on Millerburg Road since she has been a Commissioner and Mr. Guillaum said that is correct, and this one is on the county line, east of Green River Road, that it is a large span that 83' will be our span area.

President Borries asked if it was ever determined if Warrick county would participate in this and Mr. Guillaum replied basically this is our corner of the county, so it would be our responsibility.

Commissioner Willner asked if Millersburg is going to go under I-164 and Mr. Guillaum said on the grade separation he has heard that it will. Mr. Willner said he wants more than hear say, he wants to be sure it does, that he has seen several preliminary plans but nothing stamped "final approval" and he wants to see that first.

Mr. Guillaum said he believes it will be some time yet, particularly from the legal end if we have to condemn the two (2) property owners previously discussed.

Commissioner Willner asked if the state will have to condemn some of it, or have they already bought it for I-164 and Mr. Guillaum said he has no idea. Mr. Willner said we need to know these things, and also, how many feet west of that bridge will I-164 be and Mr. Guillaum said they felt like it would be quite a ways west, maybe a quarter of a mile or so, but he really doesn't know.

Commissioner Willner said he believes the Surveyor should write to the State and get an official set of plans before we go any further on this bridge.

Commissioner Cox said those plans are definitely ready now, that we were told that at last week's meeting.

Mr. Guillaum said they will obtain a set of plans as soon as possible, and present them to the Commissioners before we get into bidding, etc.

Kentucky Avenue Bridge: Commissioner Cox asked the statis of the Kentucky Avenue bridge over Pigeon Creek and Mr. Guillaum said they have the preliminary plans together but the thing that concerns them is the large amount of dirt, that there will have to a super tremendous amount of fill in there and there is going to be a large amount of money for this to be done, so they are still trying to get things worked out on it. In terms of yards, this will be vastly more than anything else we have ever done.

RE: ANDY EASLEY....COUNTY HIGHWAY ENGINEER

Report From Mead Johnson: Mr. Easley said Mead Johnson's thanked us for the letter concerning the driveway request off of highway 57.

Char-Mar Estates: Mr. Easley said he recently spoke with Dean Ashby, regarding the request for the paving of the gravel roads in Char-Mar Estates and that particular group has asked his help in negotiating with the developer of the subdivision, and these people realize they may have to contribute some money towards the improvements.

Switch on Lynch Road: Mr. Easley said he understands the Seaboard Systems Railroad has done the necessary survey work in regards to changing the railroad switch on Lynch Road. The Creasey Company is still studying their position and when he receives any further information on any of it he will pass it on to the Commissioners.

RE: MEMORANDUM OF AGREEMENT ON RELINQUISHMENT OF S.R. 65

President Borries read aloud the following letter to Mr. George Squires, Indiana Department of Highways, dated May 10, 1984.

Dear Mr. Squires:

Re: Relinquishment of S.R. 65
St. Joseph Avenue

The Board of Commissioners of Vanderburgh County agreed to accept subject road during their regular meeting held on October 31, 1983.

In accordance with your request we are enclosing two (2) signed originals of the executed road transfer memorandum of agreement for this portion of St. Joseph Avenue.

It is requested that one (1) signed original be returned to this office. Thank you.

R. Andrew Easley, Jr.
County Engineer

Mr. Easley said we had originally sent Mr. Squire an agreement with the Commissioners stamps on it, however, he has asked for two (2) to be originally signed by the Board.

Commissioner Willner moved the agreement be hand signed by the Commissioners and forwarded to the State. Commissioner Cox seconded the motion. So ordered.

RE: PETITION REQUESTING COUNTY MAINTENANCE ON CHASTAIN DRIVE

President Borries said the Board received a written petition from the residents of Chastain Drive, requesting Vanderburgh County to accept that Drive for maintenance, which is located 1½ miles north of the intersection of Highways U.S. 460 and State Route 65, in Vanderburgh County. He said there are families, but there are seven (7) different residences that have signed this petition. The matter was referred to Mr. Easley for his study and recommendation to the Board at a later time. Mr. Bill Bethel was also asked to participate in this review.

RE: MONTHLY REPORT FROM ALEXANDER AMBULANCE SERVICE

Received and filed was the monthly report from Alexander Ambulance Service for the month ending April 30, 1984. Attached to the report was the document stating the basis of charges and a summary of income for that same period of time.

RE: CERTIFICATE OF INSURANCE

A certificate of insurance was submitted for Shannon Jackson/dba Shannon's School of Dance for a recital on May 24, 25 and 26, 1984, at the Vanderburgh Auditorium.

A certificate of insurance was submitted for Contemporary Theatricals Corporation for the act of "The Magic of David Copperfield"...May 31, 1984, at the Vanderburgh Auditorium.

Certificates ordered received and filed.

RE: ORDINANCE ESTABLISHING ADVISORY BOARD FOR THE VANDERBURGH AUDITORIUM

President Borries said before the Board is an Ordinance Establishing Advisory Board for the Vanderburgh Auditorium and Convention Center, with the following memo from County Attorney David Jones.

Dear Commissioner Borries:

April 24, 1984

Enclosed please find revised Ordinance Establishing Advisory Board for the Vanderburgh Auditorium and Convention Center.

Very truly yours
David L. Jones

President Borries said he will not ask for appointments from the Commissioners today for this board, but would ask if there are any questions. There being no questions President Borries asked for a motion.

Commissioner Willner moved the Ordinance be approved and signed and forwarded to the County Council for their action. Commissioner Cox seconded the motion. So ordered.

RE: ANNOUNCEMENT OF SCOUT-O-RAMA AT BURDETTE PARK

President Borries said the annual Scout-O-Rama is to be held at Burdette Park this week end and we have a fine looking young man before us today to make everyone formally aware of it.

Randy Hayes, from Boy Scout Troup 394, was present and stated he is a life scout. He said there will be many things happening at the Scout-O-Rama, such as canoe racing, paddling, jousting, plus several other events and he would invite everyone to come out to the park. There is an admission price of \$1.00 and he had tickets with him, which he sold to everyone interested.

President Borries, along with the other two (2) commissioners thanked Randy for appearing before the commissioners and wished him luck during the week-end events.

RE: DISCUSSION OF COUNTY OWNED TRUCK AT THE ANIMAL CONTROL SHELTER

President Borries said there are problems with the truck that the county owns at the Animal Control Shelter (Formally called the Dog Pound). The truck the county provides to some of the employees out at the shelter is now reaching the point to where something is going to have to be done, that it has over 250,000 miles on it and is using over three (3) quarts of oil a day and he is wondering if perhaps we should appear before the county council with a plight for a new vehicle.

Commissioner Cox said she believes this is an old make-shift vehicle, that we took an old truck from the highway department and put the dog cages on the back of it.

President Borries said the cage is still in rather good condition, but the truck itself is shot, at this time he would ask the opinions of the other commissioners.

Commissioner Cox asked what the over-all condition of the truck is, that we would be talking a lot less for a rebuilt engine, maybe \$1200 or \$1500 compared to \$12,000 for a new vehicle, if the rest of the truck is in fairly good shape.

President Borries said he understands the chassis is not good that there have been repairs to the front end before.

Mr. Bethel said the only part of it that is any good is the dog cage and that could be put onto any pick-up truck and he believes the county could pick up a good used pick-up far cheaper than purchasing a new one.

Commissioner Cox said figuring 100 miles per day, we are going to expect 250,000 miles per year on any vehicle we get.

Commissioner Willner moved they be placed on the Council Call and also that the existing truck be taken to the county garage to be evaluated. Commissioner Cox seconded the motion.

Recording Secretary, Janice Decker, asked who would be responsible for making this request to the County Council and Mr. Borries said that he would make the request.

RE: CLOSING OF RINK AT BURDETTE PARK

President Borries said the skating rink will be closed this week end at Burdette Park due to the fact the Scout-O-Rama will be out there the entire week-end.

RE: REPORT ON OLD UNION TOWNSHIP SCHOOL BUILDING

Commissioner Cox said she would like to report that she received a call just this past week that more materials are being dumped at the old Union Township School building. She feels very let down by Mr. Biggerstaff because she personally talked to him as did the other Commissioners and asked him not to bring anymore materials into the site and to get what he already had there cleaned up and he assured us that he would and now he is continuing to ignore us and she does not think that shows very good faith on his part. We still have not given Mr. Biggerstaff any specific guidelines on what he is supposed to do and when he is supposed to have it done by.

President Borries said we have ask for in-put from several agencies and so far we have received correspondence from the Area Plan Commission, from one agency in the Health Department, from the Environmental Protection Agency. We have not heard from the Prosecutor's office and not from the Humane Society, however, he understands the Humane Society is to meet tomorrow and this matter is on their agenda.

Commissioner Cox said what has been hauled in are old bricks and trash and could in no way be classified as agricultural materials.

President Borries said as soon as we receive correspondence from all the agencies then we will provide Mr. Biggerstaff with a written document as to specifically what must be done and when he must have it done by.

RE: CLAIMS

A claim was submitted for Steve Haire for a bush hog purchased for the County Highway, in the amount of \$400.00.

Commissioner Cox asked how many this will make the Highway and Mr. Bethel said this is the only one the highway department has, or has had since he has been out there, and the \$400.00 is for a used one.

Commissioner Cox seconded the motion. So ordered.

A claim was submitted for the American Legal Publishing Company for the printing of 1983 supplements for the Vanderburgh County Code of Ordinance, in the amount of \$1,264.00. The claim was approved through David Jones, County Attorney.

Commissioner Willner moved the claim be approved. Commissioner Cox seconded the motion. So ordered.

RE: EMPLOYMENT CHANGES.....APPOINTMENTS

VANDEBURGH SUPERIOR COURT

Denzil Reed	3011 W. Franklin St.	Trans. Officer	\$8,000.00	Eff: 5-7-84
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VOTERS REGISTRATION

Jeffrey Evans	1369 E. Chandler	Part time	\$30.00 Day	Eff: 5-8-84
Diane Eapmon	1119 S.E. Riverside	Clerk-Part time	\$30.00 Day	Eff: 5-8-84
Robert A. Whitehouse	912 S. Villa Dr.	Part time Clerk	\$30.00 Day	Eff: 5-8-84
Beverly Abell	3417 Austin	Part time	\$30.00 Day	Eff: 5-8-84
Dala Jo McDaniel	209 Hanover	Clerk	\$30.00 Day	Eff: 5-8-84
Gloria Evans	1369 E. Chandler	Part time	\$30.00 Day	Eff: 5-8-84
Lucille Musgrave	4304 Pennington Ave.	Part time	\$30.00 Day	Eff: 5-8-84

Appointments Continued:

BURDETTE PARK

Tony Behme	1721 E. Franklin	P/T Grd. Crew	\$3.50 Hour	Eff: 5-2-84
Debbie Sanford	210 Logwood	P/T Secretary	\$4.00 Hour	Eff: 5-3-84
Bert Forney	4609 Sweetser	P/T Grd. Crew	\$4.00 Hour	Eff: 5-5-84
Jonathon Gugin	417 Schreeder	P/T Grd. Crew	\$3.50 Hour	Eff: 5-5-84

RE: EMPLOYMENT CHANGES.....RELEASES

VOTERS REGISTRATION

Jeffrey Evans	1369 E. Chandler	Part time Clerk	\$30.00 Day	Eff: 5-8-84
Diane Eapmon	1119 S.E. Riverside	Part time Clerk	\$30.00 Day	Eff: 5-8-84
Robt. Whitehouse II	912 South Villa Dr.	Part time Clerk	\$30.00 Day	Eff: 5-8-84
Dala Jo McDaniel	209 Hanover Road	Part time Clerk	\$30.00 Day	Eff: 5-8-84
Gloria Evans	1369 E. Chandler	Part time Clerk	\$30.00 Day	Eff: 5-8-84
Lucille Musgrave	4304 Pennington Ave.	Part time Clerk	\$30.00 Day	Eff: 5-8-84
Beverly Abell	3417 Austin	Part time Clerk	\$30.00 Day	Eff: 5-8-84

BURDETTE PARK

Barbie Martin	609 Crestmont Dr.	P/T Rink Guard	\$3.50 Hour	Eff: 5-5-84
Laura Hemmer	1629 N. Elm	P/T Grd. Crew	\$3.50 Hour	Eff: 5-8-84

CIRCUIT COURT

Earl Chandler	2805 Oak Hill Rd.	Law Clerk	\$4.00 Hour	Eff: 5-4-84
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RE: SCHEDULED MEETINGS

The County Council will hold a Special Meeting on Tuesday, May 15th, at 2:30 p.m. in the city/County Council Chambers, regarding the Local Option Tax.

The Humane Society will be holding their board meeting tomorrow night.

The Burdette Roller Rink will be closed this week end due to the Scout-O-Rama.

Commissioner Cox said regarding the meeting last week with the Highway officials and Vanetta Becker, David Gerard and Andy Easley, on the interchange at Lynch Road. The state is very amenable to having the Lynch Road interchange at that area. They were not included in their plans for funding but we were advised how to include it in the plans for funding and use of a special fund that is available, which is the 4-R.

President Borries asked if the confusion regarding Boonville Highway was straightened out and Mrs. Cox replied it was solved and they are going to still have a grade separation at Old Boonville Highway.

There being no further business, President Borries declared the meeting recessed at 4:20 p.m.

<u>PRESENT:</u>	<u>COUNTY COMMISSIONERS</u>	<u>COUNTY AUDITOR</u>	<u>COUNTY ATTORNEY</u>
	Richard "Rick" Borries	Alice McBride	Cedric Hustace
	Robert L. Willner		(Acting County Attorney)
	Shirley Jean Cox		

SECRETARY: Janice G. Decker

Richard Rick Borries
Robert L. Willner

BOARD OF COUNTY COMMISSIONERS

COUNTY COMMISSIONERS MEETING
MAY 21, 1984

The meeting of the Board of County Commissioners was held on May 21, 1984, at 7:30 p.m., in the Commissioners Hearing Room with President Borries presiding.

President Borries advised that a quorum was present; Commissioner Cox has been out of the city, but is expected to arrive at the meeting somewhat later. In the interim, he and Commissioner Willner will proceed.

A motion was made by Commissioner Willner that the minutes of the previous meeting be approved as engrossed by the County Auditor and the reading of same be waived. President Borries provided a second to the motion. So ordered.

RE: REZONING PETITIONS

VC-5-84, Petitioner, Martin & Bayley, Inc. - First Reading

Pat Shoulders, representing Martin & Bayley, said he was present to answer any questions concerning this petition. President Borries said he does not think the Commissioners would have any comments; rather, they would refer the matter to the Area Plan Commission. He does believe there was some concern regarding the set-back from the planned Division Street State Road #66 project, where a turn lane was suggested -- which should reach back and extend from 48 ft. South of this Division Street intersection. At present, it is set up at 40 ft. Mr. Shoulders stated that Mr. Sam Biggerstaff is present for tonight's meeting and can comment on that. In comparing the site plan he noted this and is prepared to address the matter this evening. Mr. Biggerstaff presented a site plan to the Commissioners for their review and Commissioner Willner remarked this would allow for right turn access (Burkhardt Road). A motion was made by Commissioner Willner that 84-47-PC VC-5-84 be approved on First Reading and forwarded to the Area Plan Commission. Commissioner Borries seconded the motion. So ordered.

VC-6-84, Petitioner, James L. Myers - First Reading

President Borries asked if anyone was present who wished to speak concerning the First Reading of this Petition. There being none, he then entertained a motion concerning this request. Commissioner Willner moved that 84-55-PC VC-6-84 be approved on First Reading and forwarded to the Area Plan Commission. Commissioner Borries seconded the motion. So ordered.

VC-4-84, Petitioner, Paul J. Bitz - Third Reading

Attorney Curt John approached the podium and stated that he was here to represent the petitioner, Mr. Paul Bitz, on the property located at 200 S. Boehne Camp Road. This property is located at the intersection of Boehne Camp Road and Highway 62. The proposed rezoning would change the current land usage from agricultural to R-4. The proposed construction would consist of a 150-unit Apartment Complex. At the Area Plan Commission meeting, the petition was approved with a 11 to 0 affirmative vote. Mr. John said at this time he would like to bring Mr. Dan Breivogel, architect for the project, forward to explain a bit about the project and answer any questions the Commissioners might have concerning same. Mr. Breivogel presented a site plan to the Commissioners and remarked there are two main entrances at the top of the hill, in an endeavor to alleviate any traffic congestion. The apartments are located on the sides of the hill, retaining all the natural topography as much as possible, the existing treeline, etc. They are doing as little alteration to the site as possible. He then asked for specific questions concerning the project. Attorney Curt John interjected that it is the position of the Area Plan Commission that a site plan regarding such a project as this comes after the rezoning, due to the cost involved. He said Mrs. Cunningham can attest to that. Also, they will be required to appear before the Vanderburgh County Drainage Board to address any drainage problems. To date, they are not aware of any. There are adequate sewers to the property; and, it is a rather high piece of property. The majority of the land will be uncovered insofar as buildings or pavement. Since this is close to the State Highway, a letter has been obtained indicating they have no objection to it. However, the rezoning does not relieve the owner of the responsibility in acquiring proper driveway permits and the use of state highway right-of-way. Naturally, they will work and cooperate with them in doing whatever is deemed necessary. Commissioner Borries

(continued)

asked if it is anticipated at this time whether there will be any ingress or egress on the highway. Mr. John said it will all be from Boehne Camp Road. He said there are two (2) boulevard entrances on Boehne Camp Road. Mr. Paul Bitz was in the audience and he said from Red Bank Road out is limited access -- the State Highway would not even give General Growth Shopping Center ingress or egress. Commissioner Willner asked if turn lanes are being shown at both of the driveways? Mr. Breivogel said "no, not at Boehne Camp Road". They have two wide entrances and they have indicated additional easement on Boehne Camp -- it has been increased from a 25-ft. to a 60-ft. easement on Boehne Camp. They do not feel that the traffic volume substantiates creating turn lanes -- especially considering the two hilltop entrances. Mrs. Cunningham of the APC indicated this will all be reviewed at the Subdivision Review Meeting. There being no others present to speak or remonstrate regarding the ordinance, Commissioner Willner made a motion that VC-4-84 be approved. Commissioner Borries seconded the motion, then asked for a roll call vote: Commissioner Willner - Yes. Commissioner Borries - Yes. So ordered.

RE: SPECIAL USE PERMIT #8 - 22-84-APC, Third Reading; Applicants: Joseph & Daniel Whitehead

Attorney Les Shively of Johnson, Carroll & Griffith approached the podium and said he represents the petitioners. The location of this particular request is at 1820 Wimberg Road and is for the purpose of establishing a 245-unit Mobile Home Court. This is adjacent to an existing Mobile Home Court, which is operated by the Whitehead family. The petition has gone before the Subdivision Review Committee. He said these are treated as a "subdivision" because it is a community. The concerns of the Subdivision Review Committee have all been met. With regard to the particular concern of the Browning-Ferris Industries Landfill, they have met with the Browning-Ferris officials and worked out all the concerns and will comply with the State laws with regard to the proximity of the landfill operations to the landfill site. He said these are the same type of requirements which the Whitehead family went thru on their existing Mobile Home Court in the area -- so this is nothing new for them. The co-op agreements with the Browning-Ferris people have already been signed. Additionally, the Area Plan Commission via its Subdivision Review Staff asked that the original site plan be modified to provide additional access towards St. Joe Avenue. The original plan provided only one access on Wimberg Rd. Mr. Sam Biggerstaff is here this evening, and he has an Amended Site Plan which shows not only the requested additional access, but also another exit point in the opposite direction to provide more ingress and egress to prevent any traffic problems in the area. Mr. Shively pointed out that this site plan does show a drainage plan. They will go before the Drainage Board to obtain approval of a drainage plan. Mr. Shively stated that they have included the additional access to alleviate any traffic problems, which the Subdivision Review Committee wanted. All they can go by is what the staff tells them. Further, the Subdivision Review Committee has noted there is a real need for Mobile Home Courts and the developer feels this is a good project for this reason, alone. In response to Commissioner Willner's query concerning the development pattern, Mr. Shively indicated this pattern was selected for economic feasibility. There will be 12 acres that will have to be put in a Lake Site, and 80,000 cubic yards of dirt will be needed for landfill. Mrs. Cunningham pointed out that the additional access was not a requirement demanded by the Subdivision Review Committee; rather it was a suggestion. Again, Mr. Shively pointed out that they they will go before the Drainage Board and the Subdivision Review Committee, again, to make certain that all the technical bugs have been worked out. It was noted that both the County Highway Engineer and the County Surveyor are on the Subdivision Review Committee -- so they can review the Amended Plan one more time. Tonight, the conceptual aspect is being presented and the professionals will have another crack at the refined and technical aspects to make sure that the project goes forward and is done properly. There being no further questions or individuals to comment concerning this proposed project, Commissioner Willner moved that 22-84-APC be approved. Commissioner Borries seconded the motion and asked for a roll call vote. Commissioner Willner - Yes. Commissioner Borries - Yes. So Ordered.

RE: COUNTY ATTORNEY

Modification of Cooperative Agreement/Jail Suit

County Attorney David Jones said he had sent each of the Commissioners and County Council Members a copy of the Order which approved the Settlement Agreement in the Jail Suit. That is subject to the completion of the construction and the outside possibility that the other side will file for attorney's fees. Because inmates are involved and it involves constitutional rights, no settlement agreement in these jail suits can involve

(continued)

bartering away something like costs or attorney fees, so he was not at liberty (nor were the other attorneys) to discuss that as part of any settlement. However, he does not believe the Court would allow either side to go against the other in this matter for any costs or attorneys fees. It is his opinion that the way the settlement was carried out and negotiations were conducted, that it will be left as it is and as soon as the construction is completed and our obligations filled -- that will terminate any more activity with regard to the jail suit, itself. But the actual Court part of it is over as of now. It is just completing this contract with the Marshals Service and getting the paper work process and verified and certificates, etc. He said the purpose of this Modification is to extend the completion date of all projects under this Agreement to December 1, 1984.

Commissioner Borries said he wanted to commend Attorney Jones for his work on behalf of the County. He said the \$260,000 received would not have been received without Mr. Jones' efforts in contacting Federal Marshals Service and informing them of the danger of this facility not being used to house Federal prisoners. Again, he said Mr. Jones is to be commended. In response to President Borries question concerning what is to be done with all the materials collected at this point -- is it to be filed? Attorney Jones said there were two (2) Bankers' boxes of legal size files and they will be forwarded to the Sheriff's Department to be kept permanently, as they are indexed and contain virtually every aspect of jail life, conditions, equipment, procedures, nutriment requirements, medical, etc.,it's all there. If anyone so much as nibbles at that jail again, there's enough for his successors and the succeeding sheriffs to not have to compile that all over again. The information is all there and catalogued. President Borries asked what our time frame is now for completion since construction is now underway and it looks as though most of it is under roof. Attorney Jones said that it is his understanding that if the weather holds -- sometime in July it will be completed. Attorney Jones said he needed President Borries' signature to confirm the additional \$10,000.

RE: BURDETTE PARK

President Borries said he certainly wanted to commend Mark Tuley for his hard work this past weekend, acting as host to the Boy Scouts. He said he understood the whole weekend was very successful and the Scouts and their Leaders are pleased with the outcome. He said the Commissioners appreciate Mr. Tuley's aggressiveness in procuring that event and it is hoped this will become another way in which we can serve the community. Mr. Tuley said he was glad to do this and it worked out well. In fact, he will be meeting with the District Scout Council on Wednesday night and they are planning to come back to the Commissioners in a week or two re our possibly hosting their big Council show next year which, hopefully, involves anywhere from 4,000 to 6,000 scouts; and it might be a lot of fun to put that package together and host that event.

Continuing, Mr. Tuley distributed copies of the April Financial Schedule for Burdette Park. He commented that the starting budget figure was \$472,888.38 and total expenditures thru April were \$138,747.89, which leaves a total balance of \$334,140.49. Income for the same period from the Rink was \$16,198.94; Rentals - \$8,912.00, with Miscellaneous income at \$913.70, for a total income of \$26,024.64. At this point in time, there is a total deficit of \$112,723.25. Last year was a record year for Burdette on income and they are holding right even with our income for the same time period and our deficit is quite a bit lower. Our bookings for this year look fabulous at this time. With a little luck, we can have a better year than last year. The pool opens this weekend and they are going to be ready to go. Commissioner Borries pointed out that there are also other activities at Burdette; for instance, the Softball Batting Cages are being constructed out there. He asked when Mr. Tuley thinks they will be ready for use. Mr. Tuley said they were shooting for June 15th, but the rain has pushed the project back somewhat. Hopefully, they will be ready by June 30th.

Mr. Tuley proceeded by reading the following letter from the West Side Nut Club to the Commissioners.....letter received and filed.

"Mark Tuley
P. O. Box 7081
Evansville, IN 47712

May 16, 1984

Dear Mark:

On May 15, 1984, the West Side Nut Club approved the Board of Directors' donation to Burdette Park for \$4,000.00. We are very happy to be a part of such a fine West Side facility. We hope this will help purchase the playground

(continued)

295.

equipment for the park.

Good Luck from all 300 "Nuts" with such a worthwhile project.

Sincerely,

Norbert Niemeier, Secretary
West Side Nut Club"

Mr. Tuley said he received the check today. He is going down to look at playground equipment and he hopes to also have that in by the end of June.

In response to questions concerning the "cruising" activity, Mr. Tuley said he thought this got blown a little bit out of proportion -- and it's kinda of gone by the wayside. However, if that is to come into being, then he thinks there should be an admission fee at the gate....then they could hire all the security they will need!

Commissioner Willner asked that Mr. Tuley write a thank-you note to the West Side Nut Club to convey the Commissioner's sincere thanks for their past generous offers during the last two years and invite them out to the park when the playground equipment is visual, etc. Mr. Tuley said he can do better than that; he has already taken the liberty of inviting them to be at a Commissioners meeting in about two weeks! Last year they gave us \$4,000 for roller skates. He said he would like to present them with a Certificate and they are also going to put up a plaque in front of the playground to let the public know that it was thru their generosity that Burdette was able to get that equipment.

RE: COUNTY HIGHWAY DEPARTMENT/Bill Bethel

Weekly Absentee Report: Mr. Bethel submitted the weekly absentee report of the employees at the County Garage for the period of May 14 thru May 18....report received and filed.

Weekly Work Report: Mr. Bethel submitted the weekly work report of the employees at the County Garage for time period May 14 thru May 18.....report received and filed.

Attached to the work report was the following work schedule for the same time period.

Gradall: Larch Lane and Berry Drive, Holly Hill, Dieffenbach, Peerless Rd., Maasberg, West Franklin, Creamery Rd., and Booker Rd.

Paving: Cemetery Rd.

Patching: Boehne Camp Rd., Peerless and Eichel, Coal Mine Rd., Old Green River Rd., Evergreen, Upper Mt. Vernon Rd., Red Bank Rd., Kasson Rd., Detroy Rd., New Harmony Rd., Kirchoff, Kasson Rd., Fisher Rd., Lynn Rd., Pollack, Koring, Church Rd., Sheridan, Inglefield, Vogel Rd., Big Schaeffer Rd., Laubscher Rd., Kratzville, Arla Jane Drive, Sweet Gum, and Old Henderson Rd.

Grader: Old Henderson and Diefenbach Roads

Tree Crew: Oak Hill Rd. and Mill Rd.

Barricades: All over Vanderburgh County.

President Borries advised that Mr. Bethel is on the County Council call, and he does not have anything to report concerning funds. He knows that Mr. Bethel is compiling a list that will be available...and it will be lengthier than any amount of paving that we would be able to do in any given year....but we see justification in trying to maintain what we have so we'll follow that along.

RE: COUNTY SURVEYOR/Bob Brenner

President Borries stated that County Surveyor Bob Brenner had nothing to report at this time.

RE: COUNTY HIGHWAY ENGINEER/Andy Easley

President Borries said Mr. Easley had nothing to report.

(continued)

RE: SHERIFF'S DEPARTMENT/SURPLUS VEHICLE

President Borries read the following letter from the Sheriff's Department:

Board of County Commissioners of
Vanderburgh County

May 15, 1984

Attn: Richard Borries, President

Dear Commissioners:

We have a vehicle that was used in the Sheriff's Department that is no longer of any value to our department. I am requesting that you declare this vehicle surplus property so that it can be sold. I do not believe that it would be usable by any other department of county government.

The vehicle description is as follows:

1973 Plymouth VIN#PK41M3D293113

I am enclosing the certificate of registration and photograph of the vehicle. If you need further information, please feel free to call me. Thank you.

Sincerely,

Lee West, Chief Deputy
Vanderburgh County Sheriff Department
101 Civic Center Complex
Evansville, IN 47708
426-5305"

Mr. Jim Lindenschmidt said he had talked to Mr. West, who said the car looks pretty good, but the motor is shot. President Borries said we have had some other things recently accumulating as surplus property --- Surveyor's Office, Treasurer's Office, Auditor's Office---we need to set up a surplus sale. Mr. Lindenschmidt said he will get a letter out concerning getting rid of some of this property and cleaning the basement up. President Borries asked that after Mr. Lindenschmidt sends out this letter that we go ahead and set up a time for a surplus property sale.

(Note: Copy of this letter received and filed. Original letter, together with registration and photograph returned to Mr. Lindenschmidt, per his request.)

RE: SOCIAL SERVICES BLOCK GRANT CONTRACT

President Borries advised we have a letter from the State Social Services Fiscal Office and a contract to be signed. He read the letter, as follows:

Dear County Auditor:

May 3, 1984

Enclosed is the unsigned copy of the Social Services Block Grant contract with the County Board of Commissioners for the indirect administrative and supportive services required to implement the purchase of service contract with the County Department of Public Welfare. Please have the President of the Board of Commissioners execute the contract with his written signature. The President's signature must be notarized by someone who is neither responsible for the administration of the Board nor a relative of such a person. The County Auditor as Secretary to the Board of Commissioners, must also sign the contract.

This year's contract amount will reflect the county welfare department hours report for services purchased under the Social Services Block Grant program for the 1984 calendar year.

Please return this contract no later than June 15, 1984, so that all required parties may sign prior to the effective date of the contract. Contracts must be returned to the following address:

(continued)

Bruce McKay, Consultant
Social Services Fiscal Office
115 North Pennsylvania
Indianapolis, Indiana 46204

Thank you for your continuing cooperation.

Sincerely,

Jean Merritt,
Director

JM:BAM:bh

Encl.

Contact: Bruce McKay
(317) 232-1745"

It was noted that we have to execute a contract of this nature every year. There being no further questions or discussion, Commissioner Willner moved that the contract be executed, as requested. President Borries provided a second to the motion. So ordered.

RE: SOIL STEWARDSHIP WEEK PROCLAMATION

The meeting proceeded with President Borries reading the following proclamation to be signed:

WHEREAS, the well-being of our people depends upon the production of ample supplies of food, fiber and other products of the soil; and

WHEREAS, the quality and quantity of these products depend upon the conservation, wise and proper management of the soil and water resources; and

WHEREAS, our people have a mutual interest in the land and share the responsibility of preserving its productivity; and

WHEREAS, conservation districts provide a practical and democratic organization through which landowners are taking the initiative to conserve and make proper use of these resources; and

WHEREAS, the conservation districts are carrying forward a program of soil and water conservation in cooperation with numerous agencies and countless individuals;

NOW, THEREFORE, I, in full appreciation of the value of the soil to the public welfare, and desiring to honor those who protect it, do hereby proclaim May 27-June 3, 1984

SOIL STEWARDSHIP WEEK

in the County of Vanderburgh

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the _____ to be affixed.

(Official Seal)

Done at the
in the
of
this _____ day of _____, the Year of
Our Lord one thousand nine hundred eighty-four.

Attest: _____
Alice McBride

_____ Richard Borries

(Note: Copy of Proclamation received and filed. Original returned to the office of the Board of Commissioners)

RE: STATE OF HISTORIC PRESERVATION OFFICE/DOWNTOWN PROPERTIES

President Borries read the following letter and attachment received from the State Historic Preservation Officer:

May 11, 1984

"Vanderburgh County Commissioners
c/o County Auditor
Civic Center Complex
Evansville, Indiana 47708

Gentlemen:

The Department of the Interior has notified us that the properties in the Downtown Evansville Multiple Resource Area shown on the attached list in Evansville, Indiana, were entered on the National Register of Historic Places on April 6, 1984.

Authorized by the National Historic Preservation Act of 1966, the National Register of Historic Places is the official inventory of sites with national, state, or local significance in the development of our nation's historic, architectural, archaeological, or cultural heritage. Listing on the National Register is official recognition of the significance of the site and provides a measure of protection for the property.

In Indiana, the National Register Program is administered by the Department of Natural Resources. In addition to a degree of environmental protection, owners of listed properties are eligible to apply for matching federal grants for restoration or preservation work. Owners of commercially-used properties are also eligible for federal tax benefits for certified rehabilitation work. Please contact the Division of Historic Preservation should you have any questions about the above programs, at 317/232-1646.

Very truly yours,

James M. Ridenour
State Historic Preservation Officer

JMR:RAG:dmp"

Properties listed on Attachment included the following located in the City of Evansville in the County of Vanderburgh:

Auto Hotel Building	111-115 S.E. 3rd Street
Barrett's Britz Building	415 Main Street
Conner's Bookstore (Dallas Music)..	611-613 Main Street
Fellwock Garage (Glass Specialty Co.)	315 Court St.
Firestone Tire & Rubber Store	900 Main Street
Gemcraft-Wittmer Building	609 Main Street
Huber Motor Sales	215-219 S.E. 4th Street
Kuebler-Artes Building	327 Main Street
Lockyear College	209 N.W. 5th Street
Old Fellwock Auto Company	214 N.W. 4th Street
Pearl Steam Laundry	428 Market Street
Roelker, John H., House	555 Sycamore Street

RE: WELLS CABLE TV., INC - April Franchise Payment

President Borries announced that we have a received a check in the amount of \$39.36 from Wells Cable T.V., Inc. for their April franchise payment. This is the franchise that was granted to service certain portions of the County which are not serviced by the other Cable T.V. provider. Motion was made by Commissioner Willner that receipt of this check for the General Fund be approved. Motion seconded by President Borries. So ordered.

RE: BIGGERSTAFF PROPERTY DISPUTE

The meeting continued with President Borries advising that he had written a letter to Mr. Marion Biggerstaff, which he wanted to be included in the record.

(continued)

May 17, 1984

"Mr. Marion Biggerstaff
Cypress-Dale Road
Evansville, IN 47712

Dear Mr. Biggerstaff:

On Tuesday, April 24, 1984, the Vanderburgh County Commission, representatives of several local governmental agencies and the news media met with you on your Union Township property. Our purpose was to verify numerous complaints concerning the condition of your property. You said you would cooperate if you were told 'what must be done'. Also, you said you would remove all non-agricultural debris within six weeks if 'you were left alone'. The first week of June, 1984, would mark the end of this six week removal period.

Mr. Biggerstaff, we ask you to remove all non-agricultural debris from your property by that time. By non-agricultural debris, we include non-operable autos or other vehicles not being used for farming purposes, all stacked barrels which may contain hazardous materials and/or waste, boilers, heaters, glass, wood and any other objects not in current agricultural use. These materials are an unsightly nuisance and could constitute an illegal dump.

Mr. Biggerstaff, we believe you have the right and responsibility to maintain your property in a manner that does not present a nuisance or danger to yourself or your neighbors. Thank you very much for your prompt attention and cooperation with these concerns.

Sincerely,

Richard J. Borries, President

The Board of Commissioners of
the County of Vanderburgh"

President Borries said we have a letter from the Vanderburgh County Department of Health, as follows:

May 14, 1984

"Richard J. Borries, President
Board of Commissioners of
the County of Vanderburgh
Room 305 - Civic Center
Evansville, IN 47708

Re: Old School Property in Union Township
Owned by Marion Biggerstaff

Dear Mr. Borries:

Starting in 1976, the Health Department had numerous complaints against the condition that Marion Biggerstaff had at his 111 West Maryland Street address. In 1982, he evidently changed his location for accumulating various items. He apparently now houses all of his collections at the old Union Township School on Cypress-Dale Road.

This was inspected by a number of officials, including myself, on April 24, 1984. This inspection did not reveal any single condition that is not commonly found on other properties in the county. However, I have never seen so many different objectionable conditions at a single location. Conditions that existed at the time of this inspection do not singly constitute a public health hazard, but they do encourage the breeding of rodents, flies, and other vectors of public health significance. In my opinion, this property constitutes a definite public health problem.

I would suggest that if the County Attorney is not able to find a law or regulation that he is violating, we certainly should look into the possibility of promulgating one.

(continued)

Sam Elder, Director
Evansville-Vanderburgh County
Department of Health"

The following letter from the Area Plan Commission was read by President Borries:

April 30, 1984

"Mr. Richard Borries, President
County Commissioners
305 Civic Center Complex
Evansville, Indiana 47708

Dear Mr. Borries:

As a result of our on-site inspection with you April 24, 1984, at 5401 Cypress-Dale Road (Marion Biggerstaff's property) here is a partial list of some of the items the staff feels to be non-agricultural related. Many of these items appear to be inoperable and beyond repair.

Refrigerators and freezers (some with doors attached -- "death traps")
Other appliances such as stoves, clothes washers and dryers
Barrels of glass and glass bottles, aluminum T.V. trays
Old toilet, sink and other pottery items
Broken childrens' toys
Various discarded objects from businesses such as display racks and tables, shoe racks, displays, and signs
Numerous lawn mowers and parts
Empty 55-gallon drums
Automobile parts; unlicensed and/or inoperable vehicles
Large pile of crushed glass.

Also, there is an excessive number of piles of scrap metal, aluminum, lumber and wood for a property that contains no residence.

There may be other non-agricultural items located on the property which are not listed above.

Barbara L. Cunningham
Executive Director

BLC:sw"

Mr. Lindenschmidt advised he had a copy of the complaint against Mr. Biggerstaff to be included in the file. Commissioner Borries said we also have pictures of Mr. Biggerstaff's property. He continued by reading the following letter from the Building Commission:

May 3, 1984

"Board of County Commissioners
Room 305 Civic Center Complex
Evansville, Indiana 47708

Dear County Commissioners:

After the inspection of the old Union Township School building now owned by Marion Biggerstaff, the following are code violations:

Chapter 91: Nuisances
91.01 Abandoned Refrigerators
91.10 thru 91.99 Abandoned Vehicles

Mr. Biggerstaff admitted to me that he is living there part time. Therefore, under Chapter 150 of the Building Code Dwelling Unit Requirements 150.037 thru 150.053, there would be several violations.

Sincerely,

William Zimmerman
Building Commissioner"

(continued)

The following letter from the Environmental Protection Agency was read by President Borries:

April 30, 1984

"Dear Commissioner:

After meeting with City and County representatives on April 24th and observing and inspecting the Union Township school building site, my inspector and I offer the following comments:

1. Although we have no jurisdiction in this matter, we are interested in the situation, and appreciate the opportunity to respond.
2. Our main concern was with the treatment, care and management of the animals as follows: high density of animals, improper drainage, lack of fresh water source, outside cattle seemed underfed, poor ventilation in building, improper storage of feed, rotting odor, animals could not escape building if there were a fire, dogs running loose, and animals probably not fed a proper diet mixture.
3. One other concern was the quantity of broken glass, refrigerators with attached doors and an oily smell which may indicate some ground contamination.

If we can be of further assistance, do not hesitate to notify us.

Sincerely yours,

Joan Shelton
Director

cc: Richard Borries
Robert Willner
Shirley Jean Cox

President Borries said we also have had contact with the State of Indiana. We contacted a Mr. Warren Buhler, D.V.M., who is the Acting Brucellosis Director, and the following letter was received from him:

April 24, 1984

"Richard J. Borries, Pres.
The Board of Commissioners of
the County of Vanderburgh
305 Administration Building
Civic Center Complex
Evansville, IN 47708

Dear Mr. Borries:

I regret that due to improper address we received your letter on the day of your meeting on April 24th.

We do not have a statute giving us authority in humane care of animals; therefore, we would have no jurisdiction in this matter. However, we do have a statute concerning the disposal of dead animals should this condition arise.

I would refer you to Federal Veterinary Services at 5610 Crawfordsville Road, Suite 1000, Indianapolis, IN 46224 (Phone: 317/248-4132). They do have jurisdiction in animal care authorized by the Animal Welfare Act.

Respectfully,

Warren Buhler, D.V.M.
Acting Brucellosis Director"

(continued)

President Borries said he has not yet received any communication from the Vanderburgh Humane Society. He understands they were to have met this past week. They previously have filed suit against Mr. Biggerstaff, but he does not know what they intend to do this time regarding this recurring situation. He also has had a telephone conversation with Mr. Dana Schuler of the County Prosecutor's office. He has indicated that because of various other pressing obligations they have not had the opportunity to subpoena the film from the media. They will do so and review the film and may, at that time, file charges against Mr. Biggerstaff. Mr. Patrick Tuley of the Auditor's office interjected that on the local news tonight prior to the meeting he heard that the Prosecutor's office did file charges today against Mr. Biggerstaff for maintaining an unlawful dump at his Union Township property -- but the Commissioners may want to check this out. President Borries said that they apparently have reviewed the film and proceeded to file charges then. He said that is all that we have at this time -- we have ample documentation -- but as to Mr. Biggerstaff's intentions, we do not know. We hope he will cooperate.

RE: HOLIDAY CLOSING

President Borries read Closing Notice that All County Offices will be closed next Monday, May 28th, due to the Memorial Day holiday. Therefore, the Commissioners Meeting will be held on Tuesday, May 29th, at 2:30 p.m.

RE: TRAVEL REQUEST FROM HUMAN RELATIONS COMMISSION

A request from Jacqueline LaGrone, Director of City of Evansville & Vanderburgh County Human Relations Commission has been received concerning travel for an employee who works in the County's portion to attend a Local/State Civil Rights Conference/Workshop in Columbus, Indiana. Mayor Vandever has approved two (2) City investigators and she is hoping the County Commission will allow one county employee to attend. The letter read as follows:

May 15, 1984

Mr. Richard Borries, President
County Commissioners
Civic Center Complex
Evansville, Indiana 47708

Dear President Borries:

Attached is a correspondence regarding an Indiana Consortium of Local/State Civil Rights Agencies Conference/Workshop in Columbus, Indiana, that Mayor Vandever has approved for the two City investigators from our agency (Ron Adams and Clark Field) to attend. I am hoping that the County Commissioners and County Council will allow Darrell Collins the same privilege to attend. The cost is minimal, but the experience of the workshop is very important to the growth of our investigators. Our agency is a member of the state organization.

The Conference/Workshop will be June 6, 7, & 8. They will travel by car and stay overnight June 7 with the Conference ending Friday, June 8, at 3:30 p.m. The cost for Darrell will be:

Registration	\$ 35.00
Lodging	37.00 (one single plus tax)
Food	30.00 (Thurs. & Friday)

Total \$102.00

If you and the proper County Council members can respond early so that I can send the necessary vouchers to Columbus to be signed and returned for your procedure it will be greatly appreciated. If you have any questions, please call me at 426-5474 or 5477. Thank you in advance for any consideration you can give.

Sincerely,

Jacqueline LaGrone,
Director

cc: Mark Owen, President/County Council
Lawrence Meriwether, Chairman/CCHRC Board

(continued)

Commissioner Willner moved that one (1) employee be allowed to go from the County. Motion was seconded by Commissioner Borries. So ordered.

RE: WEST HEIGHTS SCHOOL/RENT CHECK

President Borries said that we have received a check in the amount of \$1.00 from the General Activities Fund of the Evansville-Vanderburgh School Corporation for rent for West Heights School from September 3, 1984 thru September 2, 1985. Commissioner Willner moved that this check be approved. President Borries seconded the motion. So ordered.

RE: CERTIFICATES OF INSURANCE

A certificate of insurance was submitted for Jan's School of Dance, Inc. for a recital on June 8 and 9, 1984, at the Vanderburgh Auditorium.

A certificate of insurance was submitted for Evansville Board of Realtors, Inc., for an energy show to be held at the Vanderburgh Auditorium on May 17, 1984.

A certificate of insurance was submitted for Ohio Valley Hardware Company, Inc., for a Dealer Show to be held on August 4 and 5, 1984, at the Vanderburgh Auditorium.

Certificates ordered received and filed.

RE: OLD BUSINESS

President Borries says he believes he has already read into the record the sizable amount of documentation regarding the Biggerstaff matter, which would be old business. He thinks that is it insofar as old business is concerned.

RE: CLAIMS

A claim was submitted for Helfrich Insurance Agency for Business Auto Policy 2-9-84/1/1/85 - Adding Unit #88 - 1984 Chevrolet Van #7149065 and Deleting Drive Other Car Coverage in the amount of \$65.00. A motion to approve this claim for payment was made by Commissioner Willner. Commissioner Borries seconded the motion. So ordered.

A claim was submitted for Helfrich Insurance Agency (Home Insurance Company) for Worker's Compensation Policy 1-1-84/1-1-85 "Correction of premium per Indiana worker's Compensation Rating Bureau experience modification republication" in the amount of \$1,630.00. A motion to approve this claim for payment was made by Commissioner Willner. Commissioner Borries seconded the motion. So ordered.

A claim was submitted for Sebree, Craig & McKnight, Inc., for Engineering Services for the Environmental Study for Lynch Road Extension in the amount of \$3,402.90 less a 5% retainage of \$170.15, with a total amount due of \$3,232.75. This has been checked and verified by Andy Easley, County Engineer. A motion to approve this claim for payment was made by Commissioner Willner. Commissioner Borries seconded the motion. So ordered.

RE: EMPLOYMENT CHANGES.....APPOINTMENTS

VANDERBURGH CIRCUIT COURT

Joyce Fields	824 Adams	Deputy Clerk	\$432.87/pay	Eff: 5/21/84
Kevin D. Gibson	209 Springhaven Dr.	Spec. Int.	\$140/wk.	Eff: 5/14/84
Lucille Smith	600 Cullen Ave.	Riding Baliff	\$13,490/yr.	Eff: 5/21/84
Connie S. Gard	751 S. Alvord	Budget Clerk	\$12,400/yr.	Eff: 5/21/84
Karen J. Destache	3109 E. Blackford	Probation Clk.	\$11,241/yr.	Eff: 5/21/84
Margaret Bitz	514 Lewis	Special Reptr.	\$5.00/hr.	Eff: 5/21/84
Louise Devoy	4915 Rolling Ridge Dr.	Special Reptr.	\$5.50/hr.	Eff: 5/21/84
Christopher Carl	10140 S. E. Browning	Special Reptr.	\$3.35/hr.	Eff: 5/21/84

VANDERBURGH COUNTY AUDITOR

Vanessa Adams	615 E. Oregon St.	Real Estate Clk.	\$11,281/yr.	Eff: 5/21/84
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VANDERBURGH COUNTY TREASURER

Maureen M. Veach 4000 Jennings Lane Part-time \$30.00/day Eff: 5/18/84

EMPLOYMENT CHANGESRELEASESVANDERBURGH CIRCUIT COURT

Angel Delgman	3000 W. Franklin	Dep. Clk.	\$432.87/pay	Eff: 5/21/84
Maxine Buchanan	1214 Tree Top Lane	Riding Baliff	\$13,490/yr.	Eff: 5/18/84
Lucille Smith	600 Cullen Ave.	Budget Clk.	\$12,400/yr.	Eff: 5/18/84
Connie S. Gard	751 S. Alvord Blvd.	Probation Clk.	\$11,241/yr.	Eff: 5/18/84
Leah Seib	4965 Sycamore	Special Int.	\$3.35/hr.	Eff: 5/18/84
Margaret Bitz	514 Lewis	P.T. Baliff	\$5.00/hr.	Eff: 5/18/84
Louise Devoy	4915 Rolling Ridge Dr.	P.T. Baliff	\$5.50/hr.	Eff: 5/18/84
Christopher Carl	10140 S.E. Browning	P.T. Baliff	\$3.35/hr.	Eff: 5/18/84

VANDERBURGH COUNTY AUDITOR

Virginia M. Singer 7608 Greenbrier Dr. Real Estate Clk. \$11,281.00/yr. Eff: 5/18/84

RE: SCHEDULED MEETINGS

Ambulance Task Force Meeting - 3:00 p.m. - Mayor Vandever's Office -- as discussions continue, if any changes are to be made in Ambulance Service for 1985, they will have to be made soon; so this meeting is scheduled for tomorrow, May 22nd.

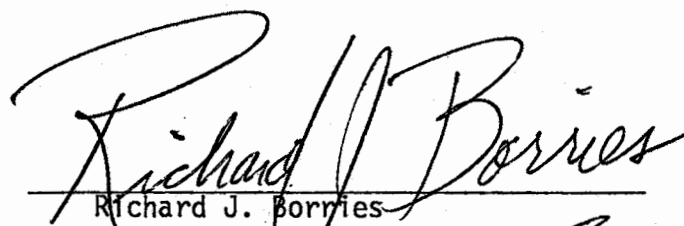
Building Commissioner's Meetings with representatives of the phone company will be held at 1:00 p.m. and 3:00 p.m. on Thursday, May 24th and at 9:00 a.m. and 11:00 a.m. on Friday, May 25th for purposes of discussing the proposed telephone system.

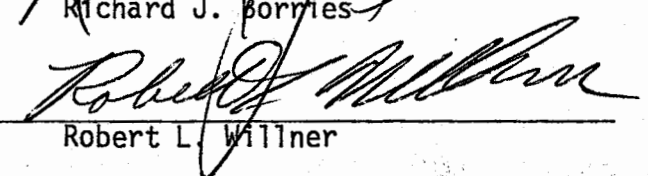
There being no further business, President Borries declared the meeting adjourned at 8:35 p.m.

PRESENT: COUNTY COMMISSIONERSRichard "Rick" Borries
Robert L. WillnerCOUNTY AUDITORPatrick Tuley,
Chief DeputyCOUNTY ATTORNEY

David Jones

SECRETARY: Joanne A. Matthews


Richard J. Borries


Robert L. Willner

Shirley Jean Cox

COUNTY COMMISSIONERS MEETING
MAY 29, 1984

The meeting of the Board of County Commissioners was held on May 29, 1984, at 2:30 p.m. in the Commissioners Hearing Room with President Borries presiding.

A motion was made by Commissioner Willner that the minutes of the previous meeting be approved as engrossed by the County Auditor and the reading of same be waived. President Borries provided a second to the motion. So ordered.

President Borries announced that the order of the agenda may be changed somewhat today, due to the fact that one or more individuals may not arrive at the meeting at the exact time they are scheduled on the agenda. As the meeting proceeds, if these individuals are present we will proceed with the items as scheduled. If not, one or more items may be pushed towards the end of the agenda, until such time as the individuals arrive.

RE: POOR RELIEF.....KNIGHT TOWNSHIP

It was announced by President Borries that Mildred M. Sullivan of 1105 Joan Avenue was scheduled to appear to appeal her denied application for poor relief from the Knight Township Trustee. President Borries called Mrs. Sullivan's name several times, but she was not present. Commissioner Willner asked if a motion was needed to deny the appeal at this time? However, President Borries indicated no motion was needed; rather, just consider Mrs. Sullivan a no-show.

RE: COUNTY TREASURER.....Lew Volpe

In approaching the podium, Mr. Volpe said he had two items to bring to the attention of the Commissioners. First, Farm Service & Supply has sent the letter to an individual they identify as James D. Clouse, who is reportedly their attorney. They have defaulted on the third payment of the \$15,000 agreement they made with County Attorney David Miller. They say they default on it because Mr. Volpe has been sending them nasty letters. According to Burns Statute, whenever they become delinquent, the Treasurer has to send Demand Notices -- and the Demand Notices he has sent them are for taxes subsequent to the ones that are in litigation via Mr. Miller's office. Farm Service & Supply has never paid a penny of taxes except in this agreement we had after the Treasurer sent the sheriff after them. They did not pay taxes in 1972, 1973, 1974, 1975, 1976 or 1977. He had them in court in 1977 and the Judge told them to pay. They said, "Yes Sir", and left the state. In 1978, the Treasurer sent the sheriff after them. They were on Pollack Avenue a few days before he sent the sheriff after them. Mr. Volpe is sure there was a leak in the court house and they got out of Pollack Avenue just before the sheriff got there. Last year, Mr. Miller made an agreement with them for \$15,000. They're stonewalling it again, because there could not be anything in the agreement that Mr. Miller signed with them to forgive them from all subsequent taxes, and this is the position they are taking. I now have at least seventeen (17) more court judgments, which I would like you to take up with them later. Mr. Volpe said he believes that they not only owe this \$5,000, but perhaps a 10%, 12% or 15% interest, because they have been holding it for six (6) months. Mr. Volpe says he thinks we should be holding the money rather than them. They are not good corporate citizens and they are just taking us.

- Secondly, Mr. Volpe said that in 1972 he got to thinking about the new reassessment that would start in 1975 and from thinking and discussing the matter, he came to the conclusion that because of all the economic factors, the velocity of transactions, etc., that the assessment beginning in 1975 (which we just went thru) should be computerized. Thus, in 1972 he came up with this idea and appeared in front of the Council at least three times. Mr. Volpe then distributed copies of the minutes from the three meetings in which he appeared before the Council. Continuing, he said that among other people who agreed with him and also appeared before the Council were Mr. Manfred Schauss, who was the Director of Data Processing at Mead Johnson -- who resigned to accept the same position at the University of Evansville. The proposal at that time was that we would rent a keypunch, and that we would get all the data together and the data would be run on the computer at the University of Evansville. This would have been much cheaper than what we are doing now, but it just didn't go. We had all of this and, actually, U. of E. would have done it just to recover part of their cost. The reason he thought of this was that we had to build up a data bank of both real estate and buildings; we had to put in all sales, drainage data....every piece of data within this county. And we do have a lot of data. At one time, Mr. Volpe and Art Aarstad (then president of the Council and also assigned to Volpe's office) discussed the matter at length informally. Mr. Volpe said he told Mr. Aarstad that he was sure

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that without putting all this information on the computer and having it available for comparisons, we would definitely have a failure for the reassessment that would take place in the latter 70's. It would be cheaper to do it this way, because if you recall the reassessment, we had over a million dollars to begin with -- then we kept nibbling away -- \$100,000 here, \$30,000 there, \$40,000 there, \$50,000 there -- and ended up more and more than it would have been had we accumulated the information first -- two or three years before the start of the reassessment. We are now going to have three years before the next reassessment. The next reassessment is going to be worse than the last reassessment, because there are more economic factors involved and we're going faster. There are differences in the community and the velocity is faster -- and we have to have a data bank -- or else the next reassessment is going to be a complete disaster. As you can see from the minutes, Mr. Angermeier appeared at one of these meetings ten years ago and he agreed that this was necessary at that time. He agrees that it is necessary today, but he has another meeting. Mr. Stucki also agrees and believes we should start right away to accumulate the data. All they need right now are a few video display units and these units are not all that expensive. But, what you will save is \$50,000 - \$60,000 in addition to a lot of stress by spending \$1,200 per video display unit here or there. We did have a lot of stress during the last reassessment and Mr. Volpe said he does not believe that anyone who went thru the last reassessment wants that stress again. The assessors with whom he has discussed matter want to start with pre-planning; i.e., aerial photographs. We should not wait until the very end for aerial photographs, because it is almost essential that we start them now. If we plan for three years for the next reassessment, it can become a success. If we do not plan -- it will be a failure. Mr. Volpe said he feels that one of the basic things we can revolve the reassessment about is the land data bank and the building data bank in the computer -- we need it very much. If the assessors have it, we will end up with a much better reassessment; we will end up with less stress, less tension, less fighting, less bickering, and we will also have a better reassessment. We will be more equal, because we will have the facts on hand to compare something on the east side with something on the west side or the north side. It's the Board of Review that does all the comparing -- and if they have to do it by memory or by hand, it is not going to be done very fast. If you have the basic information available where they can do it and do it quickly, Mr. Volpe believes that the 1979 reassessment with all its hassles is a thing of the past.

Commissioner Cox asked Mr. Volpe did he not get a computer for his payroll, etc., Mr. Volpe responded that in 1979 or 1980 he did -- that was the first thing. But the point is that that was not as essential as the reassessment information. That is very essential -- and as it happens, that is the only thing they do not have. The most essential thing is what they do not have -- and they should have it. Commissioner Borries asked Mr. Volpe if he has talked with any of the assessor house officials at this point. Mr. Volpe said he has not -- because all the basic decisions of what the goals are, what should come out of it, etc., should come from the assessors and not from Mr. Volpe or anyone else not directly involved. This should be strictly assessor input; but Mr. Volpe does want to impress upon the Commissioners the necessity of it. He has, however, spoken with Messrs. Angermeier and Stucki on this and they are completely convinced that this would be the way to go -- and for every nickel we spend we're going to save \$5.00. Commissioner Borries said he would think that if possible the assessors might want to develop Mr. Volpe's ideas here, put them down on paper and come before the Commissioners. At that point, we ought to talk with the Pulse Systems people and get an idea of the cost and changes we would be looking at and perhaps some of this could be planned into future budgets. Mr. Volpe said he felt the cost would perhaps be negligible, but the start of it should be as soon as possible, because it is going to take 2-3 years to gather all this information and it should not be done helter-skelter but done properly. Commissioner Borries expressed the appreciation of the Commissioners to Mr. Volpe for his comments.

Reverting to the matter of Farm Service & Supply, Commissioner Cox asked how much in default are these people on their last \$5,000? Messrs. Volpe and Miller responded it was due December 1, 1983...or at least sometime in December. Mr. Miller said that the letter (copy of which he sent to Mr. Volpe) he sent refers to a check dated December 20, 1983 -- but they say they wrote it but did not send the check because he keeps sending them delinquent notices. However, the delinquent notices concern subsequent taxes -- and that is perfectly legitimate. Mr. Volpe interjected that these notices are required. Commissioner Cox asked if these notices are standard? Mr. Volpe responded that this is the standard notice approved by the State Board of Accounts. Mr. Miller said we have been on a contractual settlement agreement and we

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will have no problem affecting the recovery of that pie -- that's an admitted liability. He said he thinks that Mr. Volpe is asking for instructions here -- do the commissioners want him to go ahead and force that, and what do they want done concerning the subsequent taxes? Commissioner Cox asked if we have sent them any correspondence telling them that these subsequent billings are for taxes not included in the contractual agreement? Mr. Volpe said they know it -- because the Demand Notice includes information as to the year for which the tax is due -- and the year on the demand notice is subsequent to the year they have in their letter concerning the contractual agreement monies. We sued them for taxes thru 1981. A motion was made by Commissioner Willner that the Board of Commissioners instruct the County Attorney to follow through. Motion was seconded by Commissioner Cox. So ordered. In response to Commissioner Cox's query as to what taxes we're billing them for currently, Mr. Miller said these were for 1982 and 1983 taxes.

RE: DRUG & ALCOHOL DEFERRAL SERVICE.....Bill Campbell

Mr. Campbell stated that on June 3, 1984, one of his staff members will need to travel to Indianapolis for Professional Certification and she, via Mr. Campbell, is requesting that she be reimbursed for said travel. Commissioner Cox asked if Mr. Campbell had any documentation from the State which he could provide to the Commissioners. Mr. Campbell said he did, and it is a requirement in her position that she upgrade and maintain her professional status. In response to Commissioner Cox's query as to whether Mr. Campbell had any other staff members who would be needing similar certification, Mr. Campbell said not at this time. It may well be, however, that others will come up later in the year. The Board asked Mr. Campbell to provide documentation from the State at next week's meeting. In the interim, a motion was made by Commissioner Cox that the travel request (approximately \$40.00 cost) be approved. Motion was seconded by Commissioner Willner. So ordered. (Mr. Campbell to present documentation for Deborah Ranson at next week's meeting.)

RE: EUTS STUDY.....Rose Zigenfus

Copies of the EUTS Study were distributed by Ms. Zigenfus, who indicated she merely was present to give the Commissioners an overview and answer their questions. She pointed out that the page marked "Vanderburgh County Road and Street Projects" containing local costs 1984 - 1988 shows the local share of all the projects currently on the books -- most are funded 75% federally, 25% locally, with the exception of the Burkhardt Road Railroad Project, which is funded locally 10%. The Virginia-Vogel Street Extension is 100% local funds. EUTS has broken out what is going to be done for each project in each particular year. The Annual Cash Flow has also been presented in the Study, based on estimated figures insofar as the Wheel Tax and the Road & Street Fund. The balance shown in 1984 (\$331,939) does not include the \$300,000 line item that the Commissioners approved for 1984 (this was approved last year). That is not included in that figure, nor does it include the \$300,000 transfer line item that you're talking about this year. In looking at that, you need to increase that deficit by 1988 by \$600,000. The graph depicts what the deficit will be if you go ahead and transfer the line item of \$300,000. If you look at using this \$300,000 for resurfacing rather than Road & Street Projects, one or more of the projects (and this needs to be determined at a later date) the phasing will have to be moved back. This will have an effect on your Federal reimbursements. With the projects being funded 75%-25%, any dollar not spent on a Federal project, \$3.00 will not come back and be available for road projects. Ms. Zigenfus said the Commissioners need to keep in mind that if the Virginia-Vogel Street projects are completed or funded, then you're looking at continued expanded growth on the east side. EUTS did a preliminary check of some properties on the east side (some 10 pieces of properties) which brought in approximately 1/4 million dollars in property tax last year alone. Commissioner Willner remarked that he was going to wait to talk to Mr. Gerard, but to his knowledge, the County has not decided to fund Green River South nor have they decided to fund the Virginia-Vogel Road Exits. Ms. Zigenfus said these are projects which are planned; as to whether or not the State has approved the funding she is not certain. Commissioner Willner said he does not think the County has approved the funding, let alone the State. She said the list presented includes those projects anticipated during the next five years. Commissioner Borries said he thinks there are several projects on Page 3 where funding has not been approved, and cited Virginia-Vogel Street projects as an example. Commissioner Willner said that he believes that some time ago (before this current Commission was organized) there were discussions, planners, developers, etc., and some mention was made that the potential developers might -- at their own expense -- place those roads through. That has been done on a portion of Virginia Street, but not at Vogel at this time.

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Therefore, he would assume that insofar as any construction there or any estimates there -- would simply be tentative estimates as to what would be needed in that area. Commissioner Willner said that if he is correct, we are funded and will have everything intact for Burkhardt Road, which is due to go to construction, we hope, during the latter part of the summer of 1984. However, he does not believe that Covert Avenue Extension will go to construction in 1984; rather, sometime in 1985 -- at least his last conversation with David Gerard indicated that. But he does believe the county's portion of the money is all secured there. He believes that St. Joe-Meyer was turned down; David had applied for secondary rural money there, but we did not receive money on that. On second thought, he believes it may be St. Joe-Schenk Rds. Commissioner Cox asked when that report came in? The last she remembers, we were doing aerial photos of the two intersections and that preliminary design had already been done on St. Joe-Meyer Rds. Commissioner Willner said he believes that this was during discussions -- he is not aware of any writing -- and, again, he is not certain which of these two intersections we're talking about. But it was his impression that funding for one of those two projects was not approved out of rural secondary money or at least was not funded for current 1984. Commissioner Cox remarked that this will up our cost even more than if we do not have Federal participation. Commissioner Willner said it won't up our cost because we will not be doing it. Commissioner Cox stated, however, that it was the Commissioners' recommendation that they be done. Commissioner Willner, however, reiterated that we're not going to do it without federal funds though surely.

Continuing, Commissioner Cox said she had a question on the page listing the cash flow. In the first line (1984) under Cumulative Balance -- did she understand correctly that Ms. Zigenfus said that that balance does not reflect the \$300,000 that was transferred out of it last year? Ms. Zigenfus said "yes", if she was correct in remembering that the Commissioners approved a \$300,000 loan out of the 1984 figure? Commissioner Cox stated that the Council did. Commissioner Cox said then, in essence what we have in there is \$31,939 at the end of the year. Ms. Zigenfus said that is correct. Commissioner Cox said with all these projects listed then, this is what we have. And if another \$300,000 comes out, we then are down \$281,000.

RE: OPENING OF BIDS FOR LEASING OF VEHICLES FOR SHERIFF'S DEPARTMENT

President Borries called for a motion to have the County Attorney open bids for the leasing of vehicles for the Sheriff's Department. Motion to this effect was made by Commissioner Willner, with a second from Commissioner Cox. So ordered. Attorney Miller said it was his understanding that there were no bids timely submitted. Sheriff Shepherd was present and said this was correct. The bids were to have been received no later than 2:30 today. As of 2:30 p.m., they had received no bids. They have subsequently, however, received a bid from Cooke Chevrolet. Attorney Miller said he can open that bid, if that is the will of the Commissioners. The statute, on the other end, states that if bids are not timely received, then you have the option of going onto the open market and making the best purchase you can make. He can open the bid, with the understanding that it was not received in a timely manner. Mr. Shepherd said the information he received when he received the bid was that even though it was not received in a timely manner, is that they would hold to the price in the bid. Commissioner Willner asked Sheriff Shepherd what kind of a time table he is on. Mr. Shepherd said he holding off right now on some repairs (a couple of units need brakes badly, and a couple of units where the transmission is sliding loose, etc) and he would like to get this work done as soon as possible. He said it is his understanding that three companies took bids, but did not return them. Cooke did have the bid laying out on their desk last week and were supposed to have it ready Friday. When he was over there on Friday, he checked with them and it was supposed to be in on Friday -- but it was late getting here today. He said several of their leased cars are in dire need of repair right now. He said these lease vehicles are replace lease vehicles and have mileage and we have to maintain them. He's been holding off on repairs. Commissioner Willner said he would hate to have to rebid. Commissioner Willner moved that the Commissioners grant permission to Sheriff Shepherd to take invitational bids and come back to the Commissioners' meeting next week. Commissioner Cox provided a second to the motion. So ordered.

RE: PARAMEDIC AMBULANCE TASK REPORT

President Borries said he is glad that City Attorney Sue Hartig is here to back him up, because she and City Councilman Jerry Lindsay have spent a great deal of time looking at bid specs, conducting numerous meetings with the EMS Council; they have met with the Volunteer Fire Departments; they have talked with various officials from the County as well as the town of Darmstadt regarding this plan to look at a county-wide

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paramedic ambulance service. He said that each of the Commissioners should have a copy of the Proposed Operating Budget that was submitted as a best estimate regarding this service would cost if it were adopted on a county-wide basis. The funding would roughly be that the City of Evansville would incur 78% of the total cost, the County would have 22% of that cost, and the town of Darmstadt's cost would be proportioned down from that. There was some concern that within the town limits of Darmstadt there are not many runs. However, as in any ALS service, when you need the service you really need it. So, theirs would be prorated per individual run. There was some concern that their cost would be real prohibitive -- but they will participate on a run-by-run basis. In addition to the proposed operating budget, there are numerous points in the summary which should be mentioned as this proposal is being advanced. A copy has come across the County Attorney's desk, and he has been aware of all the discussion and legal ramifications concerning this proposal. Some of the points summarized by President Borries were that the Contract would be a 3-year term with no renewal term. That would be renegotiated after the 3-year term. There would have to be an Inter-Governmental Agreement and an Ordinance incorporated among all of the units. The City, the County, and the town of Darmstadt would adopt the Ordinance, creating the department, signing the Inter-Governmental Agreement. There still are some needed definitions to be included; definitions that would relate to ALS and the kind of service that this proposal would address. The scope would be for continuous service in Vanderburgh County for emergency calls. No non-emergency runs would be made. The system would be completely an ALS system (Advanced Life Support System)...and the contract would grant the provided exclusive coverage of emergency runs. There would be a Board of Trustees set up; no governmental employees would serve on this Board of Trustees. It would also contain a response time standard, which is currently eight (8) minutes from dispatch in 95% of the cases. Record keeping and reporting requirements would be included in this contract. The provider would be required to cover certain special events, such as Thunder on the Ohio, where there might be a huge crowd and medical emergencies might arise. The provider would have to supply all vehicles and equipment and appropriate licenses. The provider would have to supply all personnel, including a designated systems manager and medical director. The dispatch would continue as it currently is done; the City would go through the Evansville Fire Department and the County would go through the Vanderburgh County Sheriff's Department -- and that, of course, would also include the town of Darmstadt going through the Sheriff's Department. The provider would determine the scheduling of their employees and the location of the ambulances. At this time, the payment and subsidy remain undecided. That still has to be determined. The governmental units may provide the housing if the housing would be available. The provider would have to have a contract with the community ALS consortium, covering the quality assurance, medical audits, continuing education and inservice training. Employees would be licensed as EMTs and Paramedics. The provider would be responsible for public relations regarding appropriate telephone numbers and medicare/medicaid insurance coverage. The Evansville Fire Department and Volunteer Fire Departments would continue with their duties concerning extrication and would be the first responders in some cases and available as second responders for manpower needs. Billing would be done under a separate contract with a separate party. The provider has the duty to supply all needed information to that third party. The newly created Board of Trustees would have the right to inspect the operations. No bait and switch tactics or other unfair employment practices could be used. The provider would have to cooperate even if a notice of termination has been given. Insurance requirements would have to be included. Performance bond required to cover six (6) months operating budget would be submitted. Sub-leases and assignments must be approved by the Board of Trustees. Either party must give a one (1) year notice to terminate without cause. Other certain minor breaches would result in liquidated damages. Certain major breaches would be grounds enough to terminate the contract and forfeit the performance bond. Any litigation resulting from this contract must occur in Vanderburgh County, and detailed bidding requirements would be spelled out in the contract. At this recent Task Force Meeting, there was discussion concerning how to proceed with prospective bidders or to proceed with, first of all, negotiating with the current provider. As Mr. Borries understands it, the City of Evansville would be proceeding at this time to remove itself from any kind of Fire Department or City employees being in the Paramedic services. They are moving to a private provider base. And this is another reason why the County, at this time, since we are under a provider contract -- in Mr. Borries' opinion, it would be beneficial for the County to participate and thereby contain costs and avoid any kind of duplication concerning this procedure. He said he had asked Dr. Sam Fitzsimmons, who is the head of the Emergency Medical Service Council, and Dr. Fitzsimmons said the Council is very pleased with the service of the current provider. There would have to be some decisions made if the current provider would then be negotiated with. At that time then, we would have to get into the nuts and bolts of how much money we would be talking about; there would be some built-in advantages in that this provider knows the county well and could provide some of the

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housing mentioned in the proposal, and might enable us to contain costs significantly. If it were decided to secure competitive bids -- since there is only one ALS provider currently in our county, in order for out-of-town or out-of-state providers to come in and competitively bid, it was the understanding of the Task Force that a consultant (at considerable expense) would have to be hired to review all of the very lengthy set of specifications and procedures that Attorney Sue Hartig and Councilman Jerry Lindsay have accumulated. They simply will not go on home-grown specs -- it has to be done and approved by a consultant. He believes the feeling of the Task Force was to talk with the current provider to see if there was interest on the current provider's part to provide this service and once this is established, then to begin negotiations at that point. President Borries said he certainly wanted to commend Sue Hartig on her work -- it has been very, very lengthy. Again, as our County Attorney can testify, it is also very complicated when you get into the details of an agreement of this nature.

Commissioner Cox had a couple of questions for Attorney Hartig. With regard to the proposed operating budget and the comment that the dispatchers would continue to dispatch in the same manner as they are now -- we have four listed. How many dispatchers do we have altogether? Is it prorated? Ms. Hartig said this is an assumption of the personnel required, simply to come up with a budgeted figure. That doesn't reflect the current number of supervisors and dispatchers in the Fire Department. With regard to Administrative Operations, Mrs. Cox asked Ms. Hartig how the billing process will be handled? Is this projected cost for letting someone outside, such as a private agency, collect the bills? Or, is the City going to be collecting the bills? Ms. Hartig said we hope to get out of the collection business in this regard. It was noted that the \$106,053 total bottom line figure would be the County's share. The total budget required is \$950,000 in round figures -- then projecting the number of runs and a 65% collection rate would bring us \$468,000 in revenue. The difference of \$482,000 is what would be split between the City and the County. Ms. Hartig pointed out that these figures are merely projected figures; the contract, for instance, does not say the provider must have five (5) units. The contract says currently that the provider must respond within eight (8) minutes of dispatch 95% of the time. We are not going to tell the provider how to perform -- merely what the performance standard is. This is merely the best estimates of the Task Force based on their information gathered as they spoke with numerous experts -- so that they could come up with round figures. Another thing this hinges on is what the City, the County and the town of Darmstadt do with the current fees for ambulance services. Built into our figures is the presumption that those fees will be increased -- to increase the revenue. With regard to the time table, Ms. Hartig said the Task Force hoped to present this to a joint meeting of the City, County and Darmstadt Councils/Town Board, respectively. Then, pass the various documents: the Ordinance creating the Department and the inter-local governmental agreement between the City-County and Darmstadt. Then, discuss, amend and pass an Ordinance increasing the fee. After that groundwork is laid, hopefully the Mayor and the Commissioners will appoint the governing board, as spelled out in the Ordinance and the Agreement. Then, that Board would go ahead and complete the contract and make their final decision based upon our recommendations as to whether to bid this out or negotiate with the current provider.

RE: COUNTY ATTORNEY.....David Miller

Law Suit/Sheriff, Vanderburgh County

Attorney Miller said there was a law suit against the Sheriff of Vanderburgh County in which David Jones was the active legal counsel defending the sheriff against claims that have been filed by the disciplinary matters involving Officers Duckworth, Patterson and Kingston. Mr. Jones realized very recently that he has a conflict of interest. Because of prior work he has done, our firm is unable to continue to represent the sheriff in the matter and David, therefore, sends over a recommendation that the Commissioners authorize the engagement of either Patrick Shoulders or Curt John to represent the sheriff. Attorney Miller says he has no knowledge as to the reason for the conflict of interest -- he has not had a chance to discuss it with Mr. Jones. But he is certain Mr. Jones would not take a matter such as this lightly. A hearing has been set in this matter which either has to be prepared for or re-set (currently set for June 6th) and, therefore, we need to have some authorization given for legal counsel to be acquired for the sheriff. Sheriff Shepherd said he could clarify the matter somewhat. Mr. Jones represents one of the Merit Commissioners in a private matter and one of the attorneys for one of the officers has protested his representing the sheriff and one of the merit commissioners on a private matter and Mr. Jones has requested that the Commissioners give Sheriff Shepherd permission to use either Mr. Shoulders or Mr. John as counsel for him. The matter came to light only this morning. Commissioner Willner moved that the Commissioners grant permission to Sheriff Shepherd to use

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Attorney Curt John in this particular matter. The motion was seconded by Commissioner Cox. So ordered.

Garnishment Proceeding.....James W. Coleman:

Attorney Miller said a garnishment proceeding has been issued against a County employee, Mr. James W. Coleman, and the County has been ordered to appear in Vanderburgh Superior Court on June 29th. He said that ordinarily this can be taken care of without the necessity for counsel going to court if the County Auditor can simply advise the attorneys for the Plaintiff of this person's employment and his weekly pay and when he is paid. The Plaintiff's attorneys are Olsen, Niederhaus and Labhart. Legal documents were passed to the Auditor for proper handling with attorneys.

Quit Claim Deeds:

Attorney Miller said his office had prepared fifteen (15) Quit Claim Deeds, which grow out of the Tax Sales that occurred in 1982. The period of redemption has expired, and he believes these deeds need to be executed and handed to the Auditor for delivery to the purchasers. (The deeds were then passed to each of the Commissioners for proper execution and subsequently handed to the Auditor for necessary handling prior to being delivered to the purchasers.) The Tax Code Number, Location and Amount of the Delinquent Tax & Penalty were as follows:

<u>Tax Code No.</u>	<u>Location</u>	<u>Amount</u>
11-28-24-45-10	670 E. Cherry	\$ 284.15
11-27-24-38-47	515 S. Linwood	501.91
11-56-28-59-9	1413 Florence	453.32
11-11-22-7-10	412 Adams	2,235.81
11-12-22-30-11	1223 S.E. Second	3,431.96
11-14-22-48-2	1502 Judson	437.08
11-56-28-59-10	1417 Florence	1,075.18
11-15-22-61-22	1706 S. Governor	933.06
11-77-32-41-16	2771 Broadway	1,278.58
11-56-28-59-11	1419 Florence	960.65
11-19-23-31-13	732 E. Blackford	801.17
11-16-22-78-13	1700 S. Garvin	1,327.86
11-26-24-22-3	627 E. Sycamore	534.22
11-27-24-36-29	421 S. Linwood	545.52
11-10-21-86-6	930 S. 6th St.	1,785.44

Commissioner Cox advised Attorney Miller that she has received copies of several notices concerning Tort Claim action; does he not have those? Attorney Miller asked if she received one from Jack Davis? He said he knew that Mr. Davis was going to send one. Commissioner Cox says she has one on Schroeder Vending Company; she said she does not know how the County is involved in this..and handed the notice to Attorney Miller. He said this notice has not come to his attention. This grew out of the fire that apparently damaged some property owned by Fred Schroeder. It appears to be an insurance subrogation claim and it may be that because they believe the fire grew out of some laxity in tearing down abandoned buildings along the Division Street right-of-way and not knowing exactly who to blame -- they just sued everybody in sight. It was brought out by Attorney Miller that no law suit is yet pending. When they file a notice -- that is not yet a law suit. It appears they are simply protecting their rights to sue anybody that they might be able to blame.

RE: VANDERBURGH AUDITORIUM.....Kim Bitz

Proposed Advertising Rates for Outdoor Marque:

Mr. Bitz said he had provided the Commissioners with copies of the Proposed Advertising Rates for the Outdoor Marquee. He said there are a lot of unanswered questions concerning this matter; but what he has submitted to the Commissioners is something that goes along with the advertising rates charged by other advertisers in the community and the details can be worked out later. One suggestion has been possibly contracting out to a private firm to secure these from local companies or whoever might be interested in advertising via this marquee. The proposal included the following:

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Sign Operation Times....6:00 a.m. to 12:00 a.m.
Exposure Length.....3 to 4 seconds per one or two lines
One Spot will run approximately 30 times per hour

1 day.....	\$ 15.00
1 week	\$ 75.00
2 weeks	\$ 135.00
1 month	\$ 250.00

Discounts..... 6 months - 10% discount
.....1 year - 15% discount

The above rates are competitive with other local ad rates.

Bids - Needed Improvements/Vanderburgh Auditorium:

Secondly, Mr. Bitz said they have finally reached the point at which we are ready to put out bids for some of the improvements needed at the Auditorium. Copies were distributed to the Commissioners including specifications for the Stage Rigging and Draperies; Tom Dorsey has worked with Mr. Bitz on these and they are ready to put out bids on these items if the Commissioners are.

With regard to the Proposed Advertising Rates, Commissioner Borries indicated the Board of Commissioners will have the County Attorneys take these under advisement and get back to the Commissioners on same.

With regard to the bids for the Stage Equipment, Commissioner Willner moved that the specs presented by Mr. Bitz be approved. Motion was seconded by Commissioner Cox. So ordered.

RE: COUNTY HIGHWAY.....Bill Bethel

Weekly Absentee Report: Mr. Bethel submitted the Weekly Absentee Report of the employees at the County Garage for the period May 14th thru May 18th, 1984.....report received and filed.

Weekly Work Report: Attached to the Work Report was the following work schedule for the same time period-.....report received and filed.

Gradall: Schroeder Rd., Browning Rd., Mesker Park, and Old Henderson Rd.

Paved: Boonville-New Harmony Rd. from Highway 57 to Petersburg Rd. Finished Cemetery Rd.

Patch: Old Princeton, Heinlein, Clover Dr., Barton Rd., Schroeder Rd., Ruston Rd., Peerless Rd., Old Henderson Rd., Big Schaffer Rd., and Cypress-Dale Rd.

Grader: Old Henderson Rd., Cypress-Dale Rd., S. Weinbach, King Rd., Golden Rule, and Newman Rd.

Mowing: Darmstadt Rd., Old State Rd., Indian Mounds, Nurrenbern Rd., and Broadway.

Commissioner Willner asked Mr. Bethel that when they mow Darmstadt Road, again; on some of those curves we graded last year, they need to get off the right-of-way and mow those. Mr. Bethel said he was on that today because he did not know they had mowed that -- but they did finish.

RE: COUNTY SURVEYOR'S OFFICE.....David Guillaume

Bridge & Guardrail Repair-Weekly Report:

Oak Hill Bridge & Stringtown Road Bridge -- Cleaned and cleared bridge deck.

Volkman Rd., Korff Rd., Seven Hills, Peck Rd., and Old State E. of Highway 41 -- Cleared guardrail, cut weeds and painted ends.

Red Bank & Nurrenbern Roads -- Cleared guardrail, cut weeds and painted ends.

Nurrenbern & Broadway -- Cleared guardrail, cut weeds and painted ends.

Hogue, Eichoff, & Korressel Roads -- Cleared guardrail, cut weeds, and painted ends.

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Meadowbrook Drive: Mr. Guillaum said he was directing his next comments to Attorney Miller as well as the Commissioners. On Meadowbrook Drive we have a situation where an individual, namely Wilbert J. Zeller of 1005 Meadowbrook, who has taken it upon himself to fill in a side ditch and also a ditch onto his personal property. Number one, the area along the County easement -- our right-of-way area, we don't want the ditch filled in. That area is both in and out of the County right-of-way. It is questionable how much authority we have beyond the easement. We feel like it is potentially libelous for him, personally. We have a pipe that we put in at this location that he has backed in 10-15 loads of broken concrete and dumped them right on top of the pipe. We want this brought to Mr. Zeller's attention immediately that we want it removed. Mr. Brenner felt like the fact that he has changed the natural flow of water by dumping (which is what he has done) -- he has diverted the natural flow through this draw -- and by so doing we may have some authority. The neighbors are certainly screaming out there. He has simply backed one truckload after another in of broken concrete and filled the ditch in. We gather he has been unhappy with the plans of subdividing, which are about to occur and he didn't want any additional water coming thru this natural drain -- so he's filled it in. The people on the other side had plans for subdividing a lot -- and he didn't want any more water coming in...so he made a dam. He's still going to have the water -- but it is going to be spread out now, rather than contained in a ditch. Commissioner Willner moved that the matter be referred to County Engineer Andy Easley before it goes to the attorney, and ask him to contact the gentleman to see if he can get the matter straightened out. The motion was seconded by Commissioner Cox. So ordered.

Log Jam - Pigeon Creek: Mr. Guillaum said last week the problem of the log jam in Pigeon Creek was mentioned. Can this go through the Commissioners? This really isn't a Drainage Board problem. We have bids coming in today on Maidlow, Buente, etc., anyway, for the Drainage Board. Motion was made by Commissioner Willner that the bids for the log jam in Pigeon Creek be opened by Attorney Miller. Motion was seconded by Commissioner Cox. So ordered.

Commercial Ditch Cleaning/Fred Blumenayer - \$5,000.00 -- Log Jams will be removed after crops are harvested/work to be completed by December 1, 1984. (Bid did not include Bid Bond)

Deig Bros. Lumber & Construction Co., Inc. - \$9,950.00 (bid bond included) -- No restrictions on when work will be completed.

Quinten Stahl - \$4,998.00 (bid bond included for 5% of the bid) -- No restrictions on when work will be completed.

Motion was made by Commissioner Willner that the three (3) bids be taken under advisement for period of one (1) week. Motion was seconded by Commissioner Cox. So ordered. In response to Commissioner Cox's query as to what apartments the log jam is situated close to, Mr. Guillaum indicated it was close to Normandy Arms Apts.

(See Page 13 of minutes of this meeting for further action on this project.)

Note: All bids and attachments were retained by David Guillaum of the County Surveyor's Office.

Schissler Rd Off West Franklin:

Mr. Guillaum said there is a small bridge on Schissler Rd. off West Franklin with a wooden deck. We have problems structurally with the bridge. We have contacted some of the suppliers and we feel that an 81-inch by 59-inch corrugated pipe would adequately handle the waterway area. We would like to go ahead and buy this pipe from the supplier, then obtain three invitational bids from contractors to install the pipe. Commissioner Willner asked Mr. Guillaum if he had any photos... Guillaum responded that he did, in the bridge report. The beams under the structure are in a bad way and the width on it is narrow (17-18 ft.). We're just getting down to the point where this is one of the next ones we're taking a look at -- there is not a high traffic count out there. Mr. Guillaum said that in this particular case, it seemed to be cost effective to go with the pipe, mainly due to the fact that the waterway runoff from the surrounding area wasn't severe enough that we would have to have a real large waterway...81" x 59" is pretty good sized pipe. Commissioner Cox asked how much protection they'd have over the pipe? Even though this is a low volume traffic area, there is still some heavy equipment that utilizes the area. Mr. Guillaum said they would go according to the specs on the pipe -- the manufacturer will designate how much of a minimum cover you have to have. He believes 1½ ft. is the minimum for that pipe... that also varies a little bit with the gauge of the pipe. If you go with a heavier gauge, you do not need as much cover on top. But whatever the specs call for is what

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they will go with....it will be designed to handle your regular legal load traffic (20-ton traffic). Commissioner Willner moved that the Surveyor's Office be allowed to purchase the necessary pipe and obtain three (3) invitational bids to install said pipe. Motion was seconded by Commissioner Cox. So ordered.

RE: GARNISHMENT.....James Coleman

Mr. Guillaum said his last item concerned the notice received from Superior Court regarding James Coleman vs. Imperial Finance, which has been discussed with Attorney Miller. The Surveyor's Office also received a copy of the notice.

RE: COUNTY HIGHWAY ENGINEER.....Andy Easley

Mr. Easley asked Commissioner Cox if she received his message about the Millersburg Road Bridge? Commissioner Cox said she did....in fact, she received about five messages from Mr. Easley -- and she wanted to compliment him on the amount of work he did during the week that she was not here. She also expressed appreciation for the copy of the letter to the Corps of Engineer concerning the washout along Old Henderson Road below the railroad viaduct. Mr. Easley said they had sent us a packet of information and upon reviewing this packet, it appears that it is eligible for the same type of program we had previously. They had asked Mr. Easley to obtain some photos; he and Mr. Bethel went out and looked at it and it is going to affect the road. They said it might take six (6) months to get the project ready and he doesn't know if we can really wait six (6) months. It may be necessary for the County to do a little work in the interim just to hold the fort. Actually, this was the major thing they got accomplished last week and he doesn't have anything else that he needs guidance on at this point in time. However, they do have several roads they're working on -- to get with the subdivision people..... Chastain Drive, Brookshire Drive and Charmar.

RE: REFUND CHECK.....Siemer's Glass Co., Inc.

President Borries said we have received a check via the Treasurer from Siemer's Glass Co., Inc. in the amount of \$41.27. Attached note indicated that Siemer's received \$41.27 from the county's insurance company and, therefore, they were enclosing a refund check for this amount. This was insurance on a county-owned 1981 Chevrolet Van (Sheriff's Department). Commissioner Willner moved that acceptance of this check be approved. Motion was seconded by Commissioner Cox. So ordered.

RE: APPOINTMENTS TO BOARD OF REVIEW

Appointments to be made to the Board of Review are bi-partisan (one Democrat and one Republican serve on the Board). The first meeting of the Board of Review will be held on June 4th. President Borries said that at this time he would like to place the nomination as the Democrat member of that Board of Fred Stocker of Martin Road (zip 47711) and Casper Hudson of 2501 N. Governor St (zip 47711) as the Republican member of that Board. Motion was made by Commissioner Willner that the appointments of Messrs. Fred Stocker and Casper Hudson be approved. Motion was seconded by Commissioner Cox. So ordered.

RE: OLD BUSINESS

Vanderburgh Auditorium Advisory Board: President Borries said that if at all possible, each Commissioner should do some thinking and come up with the name of an individual to appoint to the Vanderburgh Auditorium Advisory Board to submit at the next Commissioners' Meeting, scheduled for Monday, June 4th -- before the County Council Meeting to be held on June 6th.

Data Processing Board: We want to get that Board operational as soon as possible and we would be looking at persons who have some data processing experience -- as well as interest. This Board would do some long-range planning and would perform some very needed kinds of planning, such as that pointed out by Mr. Volpe earlier (land data bank, putting assessments, etc., onto computerization, building data bank, etc.). We would need two (2) appointees to that Board. These should be "citizen" appointees. We already have other governmental representatives from the Clerk's office, City Controller's office, Auditor's office, etc.

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RE: CLAIMS

President Borries indicated that he does not have any claims to be presented for approval at this meeting.

RE: EMPLOYMENT CHANGES.....RELEASES

Vanderburgh Superior Court:

Devonna Karen Brown 2309 VanBibber Clk. Asst. \$10,972/yr. Eff: 5/25/84

County Clerk's Office/Election Office:

Susan K. Kirk	8302 Spry Rd.	Super.	\$ 5.05/Hr.	Eff: 5/16/84
Edna L. Henry	305 N. Tekoppel	Dep. Clk.	\$ 4.05/Hr.	Eff: 5/16/84
Clara L. Berry	1308 Bellemeade	Dep. Clk.	\$ 4.05/Hr.	Eff: 5/16/84
Fred C. Roeder	8744 Big Cyn. Rd.	Bal. Super.	\$ 4.72/Hr.	Eff: 5/16/84
Gerald Wohlhueter	1806 Conlin	Bal. Asses.	\$ 4.05/Hr.	Eff: 5/16/84
John Lee Jones	820 S. Governor	Bal. Asses.	\$ 4.05/Hr.	Eff: 5/16/84
Doris McGlothlin	2029 E. Mulberry	Dep. Clk.	\$ 4.05/Hr.	Eff: 5/16/84
Carol Jean Primm	805 S. Villa	Dep. Clk.	\$ 4.05/Hr.	Eff: 5/16/84
Walter Overton	215 S. Lincoln Park Dr.	Bal. Asses.	\$ 4.05/Hr.	Eff: 5/16/84
Wm. R. McKinley	1116 S. Linwood	Bal. Asses.	\$ 4.05/Hr.	Eff: 5/16/84
Dorothy Carey	2051 Conlin	Dep. Clk.	\$ 4.05/Hr.	Eff: 5/16/84
Sylvia Loviscek	632 S. Harlan	Dep. Clk.	\$ 4.05/Hr.	Eff: 5/16/84

Vanderburgh County Auditor:

Lena Sherman 1810 Emmett St. Transfer Clk. \$10,760/Yr. Eff: 6/1/84

Burdette Park:

Lori Sinclair	613 Walden Ln.	P.T. Ground	\$ 4.00/Hr.	Eff: 5/24/84
Beth Minton	10515 Olivia St.	P.T. Ground	\$ 4.00/Hr.	Eff: 5/24/84
Sarah Rexing	7600 Marx Rd.	P.T. Ground	\$ 4.00/Hr.	Eff: 5/24/84
Jennifer Oberhausen	4218 Tremont Rd.	P.T. Ground	\$ 4.00/Hr.	Eff: 5/21/84
Susan Hites	4428 Chatham Dr.	Rink Cashier	\$ 4.00/Hr.	Eff: 5/21/84
Bryan Norman	2220 W. Iowa	P.T. Ground	\$ 4.00/Hr.	Eff: 5/20/84

RE: EMPLOYMENT CHANGESAPPOINTMENTS

Prosecutor's Office:

Earl Edward Chandler 2805 Oak Hill P.T. Dep. \$12,000/Yr. Eff: 6/4/84

Vanderburgh Superior Court/Juvenile Division:

Davies Bellamy Prob. Off. \$380/Pay Eff: 5/21/84

Vanderburgh Superior Court/Judge O'Connor's Office:

Devonna Karen Brown 2309 VanBibber Riding Blf. \$13,491/Yr. Eff: 5/28/84

Vanderburgh County Auditor's Office:

Dona Reheman	1412 S. Roosevelt	Tran. Clk.	\$10,760/Yr.	Eff: 6/4/84
Lena Sherman	1810 S. Emmett St.	Posting Clk.	\$10,760/Yr.	Eff: 6/4/84

Vanderburgh County Board of Review:

Karen J. Plummer	500 S. Audubon Dr.	Clerk	\$30.00/Day	Eff: 5/24/84
Janice Y. Rickard	2801 Koring Rd.	Clerk	\$30.00/Day	Eff: 5/24/84

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Burdette Park:

Sally Behme	2885 Washington Ave.	Extra Guard	\$ 3.35/Hr.	Eff: 5/24/84
Angela Brown	2837 Egmont St.	Extra Guard	\$ 3.50/Hr.	Eff: 5/24/84
Ronald Brown	2837 Egmont St.	Extra Guard	\$ 3.35/Hr.	Eff: 5/24/84
Simone Head	7120 Hogue Rd.	Pool Cashier	\$ 3.50/Hr.	Eff: 5/24/84
Jenifer Vescovi	3525 Laurel Ave.	Extra Guard	\$ 3.35/Hr.	Eff: 5/24/84
Linda Owens	2852 Pennsylvania	Pool Cashier	\$ 3.50/Hr.	Eff: 5/24/84
Lori Sinclair	613 Walden Lane	Head Guard	\$ 37.00/Day	Eff: 5/24/84
Laura Hutchison	2026 W. Michigan	Asst. Pool Mgr.	\$ 40.00/Day	Eff: 5/24/84
Arthur Pagett	273 Washington Ave.	P.T. Ground Crew	\$ 4.00/Hr.	Eff: 5/8/84
Mary Ann Barthel	4221 Bellemeade	P.T. Ground Crew	\$ 3.50/Hr.	Eff: 5/13/84
Mike Gerard	7601 Hogue Rd.	P.T. Ground Crew	\$ 4.00/Hr.	Eff: 5/14/84
Bryan Norman	2220 W. Iowa	P.T. Ground Crew	\$ 4.00/Hr.	Eff: 5/14/84
Brooke Heathcotte	3512 Koring Rd.	P.T. Ground Crew	\$ 4.00/Hr.	Eff: 5/14/84
Laura Hutchison	2026 W. Michigan	P.T. Ground Crew	\$ 4.00/Hr.	Eff: 5/14/84
Sharon Jankowski	6912 Cliftwood Dr.	P.T. Ground Crew	\$ 4.00/Hr.	Eff: 5/14/84
Chris Branham	6000 Apple Grove	P.T. Ground Crew	\$ 4.00/Hr.	Eff: 5/14/84
James S. Oliver	3109 W. Indiana St.	P.T. Ground Crew	\$ 3.50/Hr.	Eff: 5/19/84
Carla K. Kamman	3912 W. Oregon	P.T. Ground Crew	\$ 3.50/Hr.	Eff: 5/19/84
Greg Franklin	2154 E. Monroe	P.T. Ground Crew	\$ 4.00/Hr.	Eff: 5/21/84
Lori Wagner	Kramers Drive	P.T. Ground Crew	\$ 4.00/Hr.	Eff: 5/21/84
Michael Johnson	12650 Apache Pass	P.T. Ground Crew	\$ 4.00/Hr.	Eff: 5/21/84
Lori Sinclair	613 Walden Lane	P.T. Ground Crew	\$ 4.00/Hr.	Eff: 5/21/84
Beth Minton	10515 Olivia St.	P.T. Ground Crew	\$ 4.00/Hr.	Eff: 5/22/84
Sarah Rexing	7600 Marx Road	P.T. Ground Crew	\$ 4.00/Hr.	Eff: 5/21/84
Joann Rean	8114 Outer Lincoln	Pool Mgr.	\$ 48.00/Day	Eff: 5/24/84
Michael Johnson	12650 Apache Pass	Reg. Guard	\$ 3.60/Hr.	Eff: 5/24/84
Greg Franklin	2154 E. Monroe	Reg. Guard	\$ 3.60/Hr.	Eff: 5/24/84
Kelli Richardt	4012 W. Columbia	Reg. Guard	\$ 3.60/Hr.	Eff: 5/24/84
Chris Branham	6000 Apple Grove	Reg. Guard	\$ 3.60/Hr.	Eff: 5/24/84
Mike Gerard	7601 Hogue Rd.	Reg. Guard	\$ 3.60/Hr.	Eff: 5/24/84
Brad Norman	2220 W. Iowa	Reg. Guard	\$ 3.60/Hr.	Eff: 5/24/84
Tracy Vanzant	101 S. Peerless	Reg. Guard	\$ 3.60/Hr.	Eff: 5/24/84
Beth Minton	10515 Olivia St.	Reg. Guard	\$ 3.60/Hr.	Eff: 5/24/84
Sarah Rexing	7600 Marx Rd.	Reg. Guard	\$ 3.60/Hr.	Eff: 5/24/84
Melissa Eberhard	7516 Chandler	Extra Guard	\$ 3.35/Hr.	Eff: 5/24/84
Tracy Hankins	2908 Lakeview	Extra Guard	\$ 3.35/Hr.	Eff: 5/24/84
Darren Flener	5120 West Lake Dr.	Extra Guard	\$ 3.35/Hr.	Eff: 5/24/84
Jennifer Toone	6221 Broadway	Extra Guard	\$ 3.35/Hr.	Eff: 5/24/84
Jane Hutchison	2026 W. Michigan	Extra Guard	\$ 3.35/Hr.	Eff: 5/24/84
Lori Wagner	Kramers Drive	Extra Guard	\$ 3.35/Hr.	Eff: 5/24/84

RE: COUNTY SURVEYOR'S OFFICE.....David Guillaume

Maryland Street: Mr. Guillaume had re-entered the meeting and announced that there were a couple of items to be addressed to the Commissioners. With regard to the Maryland Street project/federal funding, the Surveyor's office feels they will be better prepared next week to give the Commissioners a report. There are a number of items they wish to be specific about insofar as federal funding versus local funding, etc. He has just discussed the matter with County Surveyor Bob Brenner and they would like to give the Commissioners a recommendation next week on that project.

Log Jam/Pigeon Creek: Despite the previous action of the Board today to take the three (3) bids under advisement for a period of week, the Surveyor's Office wants to get a recommendation today from the Commissioners, if at all possible. After reviewing the bids--as close as they were--it is the recommendation of the Surveyor's Office that the bid from Commercial Ditch Cleaning be accepted in the amount of \$5,000. The reason for this is that they have a fellow doing the work out there (Blankenberger) and he has done a very good job on other work. He's handled some very delicate problems in the past -- such as on the Crawford-Brandeis project -- and, after taking all items into consideration, they recommend this bid. We did not specifically state that we needed any type of bond since this was an emergency bid. It is the feeling of the Surveyor's Office that due to the complaints they have been receiving on the log jam and the situation with the crops, etc., they would like to go ahead and get this log jam taken care of as soon as possible. Attorney Miller interjected that CDC indicated they were

(continued)

not going to do the work until the crops were harvested. However, Mr. Guillaum indicated the surveyor's office would work that out. There being no further discussion or questions concerning the matter, motion was made by Commissioner Willner that the Pigeon Creek log jam project be awarded to Commercial Ditch Cleaning Corp. in the amount of \$5,000. The motion was seconded by Commissioner Cox. So ordered. (Work to begin forthwith, as noted on contract by Attorney Miller.)

RE: SCHEDULED MEETINGS

President Borries indicated he was not aware of any scheduled meetings at this time, with the exception that he did receive a notice from the Evansville City Council (ASD Committee) regarding a Subdivision Review to be held next Monday, June 4th. Barbara Cunningham, APC Director, interrupted by stating that Mr. Laughlin approached the chairman of the ASD Committee subsequent to the notice, inviting all of the Commissioners to this meeting. Mrs. Cunningham said we have needed a Subdivision Ordinance since September 1982, and have been working toward that. It was determined that if it were at all possible, all of the technical staff has been invited to this meeting, as have the homebuilders, engineers, and whoever has shown interest. We thought this might be a good time to ascertain if there are any problems with it at all so we can go forward. It was thought that if the county could participate in the meeting, then a lot of problems could be solved. Therefore, she encourages the Commissioners to attend the meeting. The subdivision ordinance has been adopted by the Area Plan Commission. Commissioner Cox stated that the notice says the meeting is scheduled for 5:15 p.m. on Monday, June 4th in Room 301 (Council Chambers). In response to Commissioner's query as to what "ASD Committee" means, Mrs. Cunningham advised that this is the Administration-Safety-Development Committee.

RE: MISCELLANEOUS

Commissioner Cox advised that she went out and toured the Mid-America Student Housing Complex (Model efficiency apartment). She said it was very nice and she was so pleased to see Whirlpool stoves and Whirlpool refrigerators being used in the units. She thinks this speaks well for neighbors helping neighbors. Commissioner Cox reiterated that these are lovely, lovely apartments. President Borries said he was out of town, but he does plan to get out there this week to see the apartments, because he understands they are very nice.

RE: DRAINAGE BOARD MEETING

President Borries announced that a meeting of the Vanderburgh County Drainage Board will be held immediately following today's meeting of the Board of Commissioners -- after a five (5) minute recess.

There being no further business to be brought before the Commissioners, President Borries declared the meeting adjourned at 4:15 p.m.

PRESENT:

COUNTY COMMISSIONERS

Richard "Rick" Borries
Robert L. Willner
Shirley Jean Cox

COUNTY AUDITOR

Alice McBride

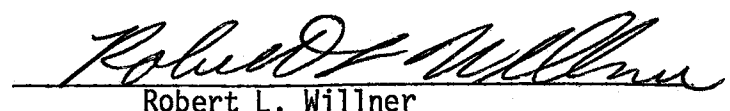
COUNTY ATTORNEY

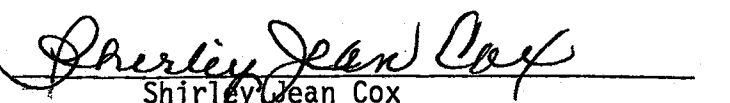
David Miller

SECRETARY:

Joanne A. Matthews


Richard "Rick" Borries


Robert L. Willner


Shirley Jean Cox

COUNTY COMMISSIONERS MEETING
June 4, 1984

The meeting of the Board of County Commissioners was held on June 4, 1984, at 2:30 p.m. in the Commissioners Hearing Room with President Borries presiding.

This being the first meeting of the month, the meeting was officially opened by Sheriff Clarence Shepherd.

A motion was made by Commissioner Willner that the minutes of the previous meeting be approved as engrossed by the County Auditor and the reading of same be waived. Motion was seconded by Commissioner Cox. So ordered.

RE: POOR RELIEF.....PIGEON TOWNSHIP

James White -- 614 Main Street: President Borries asked Mr. White to approach the podium and state his name, address, and the nature of his request. Mr. White stated his name, gave his address as 614 Main Street, and said he is seeking rent assistance via the Pigeon Township Trustee's office. President Borries queried Mr. White as to the nature of his last employment. Mr. White said he was last employed in French Lick, Indiana. In response to President Borries question as to how long he has lived in Evansville, Mr. White said "about two years". Mr. Borries then asked Mr. White if he had worked in Evansville during that period of time. Mr. White said, "only for the Salvation Army for about eight (8) months". When asked if he had received assistance from the Township Trustee previously, Mr. White said they had given him assistance in April, 1983, at which time they purchased a bus ticket for him. President Borries asked Mr. White what is his current means of income. Mr. White said he had none right now; he is looking for a job. President Borries then asked, during this two-year period since his last employment, how has he paid his rent? Mr. White said when he was working for the Salvation Army he did not have to pay any rent. President Borries asked Mr. White what has changed that situation? Mr. White said he no longer works for the Salvation Army as he left there to seek employment. Commissioner Cox then asked again why Mr. White left the Salvation Army? He indicated he left there to seek "steady" employment. Thus far, he has not been successful; but, hopefully, he will. In response to Commissioner Cox's question as to when he left the Salvation Army he said "about 30 days ago". Commissioner Cox asked him if he was on the Food Stamp Program. He responded he is not, but will make application for food stamps. Mrs. Cox then asked Mr. White if he is willing to participate in the Trustee's Workfare Program? He said he is. Commissioner Cox then asked Mr. White if he is his only dependent? He said that he is. Commissioner Cox asked Mr. White if he has any family here in Evansville. He said he does not; all of his family is in Louisville, Kentucky. Commissioner Cox asked for what purpose did the Trustee's office buy a bus ticket for Mr. White to go to Louisville in April, 1983? Mr. White said he went there because he thought he had employment there -- but it did not work out (he supposedly had a job with an insurance company -- but they hired someone else). Therefore, he came back to Evansville. President Borries asked Mr. White if he had tried to secure employment thru the Indiana Employment Security Division? Mr. White indicated that he had. They sent him to see a prospective employer (Third & Cherry Streets). He went for an interview, and they are still interviewing applicants.

President Borries then asked if there were a representative from the Trustee's office present? Ms. Louise Hall approached the podium to make her comments. She said that in May, 1982, Mr. White came in from Louisville. The Trustee's office paid his rent pretty regularly until May, 1983, when he came into their office stating he had a job with the Louisville Newspaper and he wanted to go back home to Louisville. They gave him a bus ticket to Louisville, explaining that according to law they would not be able to assist him further until an 18-month time period had elapsed. She said his 18 months is not up. (It will be 14 months the 18th of June.) This is the reason the Trustee did not grant him assistance when he came to their office in May. Further, his home is in Louisville -- at least that is what he told her. In response to the Commissioners' questions insofar that Mr. White would have been aware of this when he was given the bus ticket, Mrs. Hall reiterated that he was. Whenever they issue a bus ticket, they always explain that they can offer no further assistance for an 18-month period. She said she definitely explained this to Mr. White; and he said he was going back home to Louisville to work for the newspaper and he would not be back. Commissioner Cox asked Mrs. Hall if the 18-month period is by State Statute? Mrs. Hall responded in the affirmative. President Borries then asked the Commissioners if they had further questions or comments. President Willner asked Mr. White how his rent at 614 Main Street is currently being paid. Mr. White said via the United Christian Fund (at a church on Third Street). President Borries informed Mr. White that the Commissioners can appreciate his plight; yet, he does not know if they are able to assist him in light of the facts presented by the Trustee's office. The Trustee has

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followed the State Statute. Mr. White needs to apply for food stamps. Until such time as Mr. White can find steady employment, President Borries suggested that perhaps Mr. White can talk to the Salvation Army again in relation to his housing? President Borries also suggested that Mr. White talk to the Pigeon Township Trustee, again, so she can explain the situation. The Commissioners cannot find any basis at this point where the Trustee has violated the rules in this case and the requested assistance is denied. Mr. White left the meeting.

James E. Jackson -- 520 E. Cherry St.: President Borries asked Mr. Jackson to approach the podium and state his name, address, and the nature of his request. Mr. Jackson stated his name, gave his address as 520 E. Cherry St., and said he is seeking rent assistance via the Pigeon Township Trustee's office. President Borries queried Mr. Jackson to determine whether he has been or currently is involved in the Trustee's Workfare Program? Mr. Jackson stated he was involved in the program until Ms. Sallee of the Trustee's office told him they no longer could assist him. He said it was his understanding that the purpose of the workfare program was to lend him assistance until he could find employment and, in fact,....that there was the possibility they could work you into a job. He said he talked with the people at C.A.P.E. and they mentioned that possibly there might be some hiring over there. He said he has been looking everywhere for employment. He said that while his application for assistance indicates he is "young and able-bodied", he can't make people hire him for this reason. Commissioner Cox asked Mr. Jackson how long he had been on the workfare program? He said since August, 1983. She then asked if he is registered with the Indiana Unemployment Division? He said he is. In response to Commissioner Cox's question as to where he worked before, Mr. Jackson said he worked for Industrial Contractors doing construction, then he was laid off. He subsequently worked for another contractor, R. N. Thompson (Indianapolis) and was also laid off. Commissioner Cox asked Mr. Jackson if he were the sole member of his household? He indicated he was. She also asked him if he were on food stamps. He said he is on the Food Stamp program. She then asked Mr. White if was informed when he went on the workfare program that he could only remain on it for a certain length of time? He said they just asked him if was willing to work and he told them yes.

President Borries then asked Margaret Sallee, investigator from the Trustee's office, to approach the podium. She indicated that Mr. Jackson has been coming to the Trustee's office continuously since August, 1983. She said the Trustee's office is set up on an emergency basis. She said that while it is true he has been working on the Trustee's Workfare program, that since he is an able-bodied young man, the Trustee felt he should be able to find some type of steady employment. He has refused to seek employment for all but four (4) months. She said she explained to James in April that they were going to have to discontinue their service thru the emergency assistance program and he should be able to find employment that would enable him to take care of himself -- now that the weather is nice. Also, she said he explained to her that his last employment was at Western Sizzlin Steak House. She said she had no knowledge of his jobs with the contractors doing construction work. Further, she said it is not as if they cut him off overnight. He had over a month to know that he would no longer be able to receive assistance. President Borries asked Mr. Jackson if he had been employed at Western Sizzlin since he was involved in the Workfare Program? He said he worked there three (3) days and left that job due to reasons beyond his control. When asked by President Borries whether he was fired or laid off, Mr. Jackson said he was fired. President Borries then asked Ms. Sallee whether Mr. Jackson has ever missed any of his workfare? She indicated that Mr. Jackson has always done his work. However, she said the Workfare Program is for emergency purposes -- not for him to get on there and stay on there from now on. At 36 years old, he if stays on this program, what will he do when he reaches the age to draw Social Security? He won't have anything to draw, because he will not have applied anything into the program. That is another reason why the Trustee's office encourages individuals to find employment for themselves -- so they can pay into the Social Security Program so that when they reach retirement age they will have something to live on. President Borries indicated he understood the position of the Trustee's office, but he is trying to determine what length of time is appropriate when a person is terminated from the Workfare Program -- is there a designated time period? Mrs. Sallee said that usually the Trustee advises the case workers when they should begin trying to eliminate those people who have been on the program for a period of time. She said their office has eliminated other individuals from the program who were not on the program as long as Mr. Jackson was. In fact, she advised him that truly it was thru error on her part that she had not already advised him that his assistance would be terminated. But, she reiterated that she explained that this error was her fault. She said they always let the participants know in advance, so they can find something to do. Commissioner

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Cox asked Ms. Sallee if the Trustee's office offered any suggestions to Mr. Jackson as to where he might go to look for work? She said that the "fast food" places might be the best suggestion, since he formerly worked in this type of job. She said the job openings from the Employment Ads in the local newspaper are posted on their bulletin board -- so that individuals can read those to determine if they are qualified to apply for any of these. President Borries indicated he understands what Mrs. Sallee is saying. However, he has a problem with how clear it is in relation to how long this person can work under the Workfare Program. He cannot see where Mr. Jackson has really violated any rules. He has shown up for work. Mr. Borries said he wishes there were some way for us to actively get him some employment. It seems that if he has worked that regularly down there that he would be able to do some work for someone. Commissioner Cox asked Mrs. Sallee if the Trustee's Office would be willing to give Mr. Jackson a letter of recommendation? Ms. Sallee said they never have done this -- but she knows of no reason why they could not. All they could say, however, is that he has always shown up for work. Commissioner Cox indicated that she had watched a T.V. report the other day in which it was pointed out that attendance on the job -- dependability -- is a significant point. She said that while she does not know how hard Mr. Jackson has worked in seeking employment -- and he does need to do this -- sometimes just an extra little push will help an individual to obtain employment.

Attorney Jones asked if there is a specified announced policy regarding the time period individuals can remain on the workfare program? Ms. Sallee said there is not. But as she stated in the beginning, the office is set up on an emergency basis, and the supervisors felt that certainly eight (8) months would be more than "emergency" for an able-bodied person to receive assistance. Attorney Jones said he is concerned that one individual is cut off at eight months, another at nine months, etc., -- and that is inequity. Has anything happened here to change the "emergency situation"? Ms. Sallee said that many times when an individual is ill, they would be on the program longer than an able-bodied person. Attorney Jones said that what has not been established is that the Trustee has the same criteria for all able-bodied persons. One gets cut off at six months, one at eight months, and another one at a year. Ms. Sallee pointed out that she stated earlier that it was really her fault that he has been on the program as long as he has -- that was an error on her part, as explained to him in April. Attorney Jones said he has no problem with this. The problem stems from the fact that the office needs an established time period wherein individual is not sick, where the individual is able-bodied -- that there should be a maximum time period and all individuals should be notified as to that time period (whatever the Trustee sets, whether it be six weeks, six months, etc.) that there is only so much money appropriated for this purpose, however the Trustee wants to do it. But the criteria should be set -- and all individuals notified as to what that criteria is. Ms. Sallee said their guidelines do not currently reflect a set time period. Commissioner Willner said he would like to entertain a motion that the Commissioners uphold the Township Trustee in this matter and ask that they endeavor to secure some employment for Mr. Jackson. He said Mr. Jackson has had three jobs during the last two years and he feels he has a problem. Commissioner Cox said one of the jobs only lasted three days. Commissioner Willner said he wants to get Mr. Jackson over the fact that the Trustee does not permanently support poor relief. It is an emergency situation. While it is the Trustee's office to help him find employment, it is his job to keep employment...even if the pay is not what expectedyou still keep the job until you find something better. That is just the way our system works. President Borries said he is wondering if the Commissioners might amend Commissioner Willner's entertained motion, to extend the Trustee's rent assistance one (1) month, pending Mr. Jackson clearly understanding that the problem the Trustee faces here --while it is an individual problem for Mr. Jackson, it is a growing problem for the Trustee and a tremendous financial strain that they are facing with persons who need help. The Trustee's Office, as defined by Indiana law, says it is for temporary help -- and since they are reaching the extension here, the word "temporary" has run out -- and it is becoming a permanent type of thing. Mr. Jackson interjected that everytime he has gone into the office and asked Ms. Sallee about employment she has told him "we have a paper out there, but I don't know of anybody hiring"....she said they could not tell him where jobs were hiring. He got the impression she thought he was not trying to find work, but he said he was and still is. He said he wants to work -- and he'd rather work than be on Workfare. He said he worked his 32 hours and was not trying to loaf. Ms. Sallee denied these allegations. President Borries said he cannot dispute what Mr. Jackson is saying, but he can say that in his dealing with Ms. Sallee, it has been his experience that she is a dedicated individual and a person who would not want to harm Mr. Jackson -- she has a difficult job. Her job is not necessarily to find employment for Mr. Jackson, but to determine whether Mr. Jackson is eligible and to make certain that he is working in accordance with the rules set by the Trustee's office. That is

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also the Commissioners' problem. It appears that Mr. Jackson has complied with these rules, but Ms. Sallee has a concern -- as do the Commissioners -- that the Trustee's finances are going to run outnot only for Mr. Jackson, but for a number of people. That is the problem. Mr. Jackson is going to have to make every effort to find employment. If Mr. Jackson is confused and needs legal assistance, President Borries said we can direct him to Legal Aid. Mr. Jackson should follow up on any employment leads given to him by the Indiana State Employment Division as well as anything in the newspapers, so that, hopefully, he can find steady employment within this next month. Now that the summer months are here, maybe the economy will improve. President Borries then asked for an amended motion, extending Mr. Jackson's benefits for one (1) month, pending his securing employment. Commissioner Cox moved that Mr. Jackson's assistance via the Workfare Program be extended for one (1) month, with a report back to the Board of Commissioners concerning the places he has gone to apply for jobs, and a statement that there is no work available and, if possible, the Pigeon Township Trustee's office should give him a letter simply stating that while he has been on the Workfare Program he has been an employee who has been dependable and showed up on time -- more or less a reference letter. Commissioner Cox said she also concurs with President Borries that there must be some communications problem or misunderstanding, because Ms. Sallee is a very dedicated person, and she has always found her word to be good. A lot of times -- communications problems or misunderstandings can get between us. Commissioner Willner provided a second to the motion. So ordered. President Borries advised that Mr. Jackson should get with the Trustee and asked him if he fully understands what happened here today? He reiterated that Mr. Jackson's rent assistance will be extended for one(1) month. Mr. Jackson is to check with the Trustee's office, who is to give him a letter stating he has performed his work satisfactorily, that he has shown up satisfactorily, etc., and Mr. Jackson must make every effort to find employment. While it may not suit Mr. Jackson's every need, there is a limit to what the Trustee's office can do. Mr. Jackson indicated the Trustee's office is late in paying the rent -- so he is two (2) months behind. By the time they pay the rent, he will be three (3) months behind. President Borries said he can only suggest at this point that Mr. Jackson check with the Trustee's office as to why you are 2-3 months behind, since they have been giving him assistance all the way through. Mr. Jackson thanked President Borries and left the meeting.

RE: COMMUNITY CABLE T-V/Posey County.....Walter Maude

The Chair recognized Mr. Walter Maude of Community Cable T-V of Posey County. Mr. Maude said they are in the process of beginning to build a cable system on the eastern part of Posey County/New Harmony. His purpose for appearing before the Board today is that they would like to build into the western edge of Vanderburgh County. He said he realizes the Board has a very busy agenda today and he would not ask them to act on this. He does, however, have a franchise to leave with them today for their perusal. He said this is a standard type agreement -- very similar to the ones the County has in force right now. The major point is 12 channels of basic cable, a 10-channel tier beyond basic, and then four (4) premium channels. The group plans to start construction in July. After the Board has had time to review the franchise agreement, Mr. Maude would like to come back to the Board to obtain their reaction to same. Commissioner Willner asked how many subscribers there are to the system at this time? Mr. Maude said construction is scheduled to begin the latter part of July. They do already have agreements in place for Posey County and New Harmony -- and they are identical to the agreement just distributed to the Commissioners. In response to Commissioner Cox's questions as to the exact name of the company and its affiliation, Mr. Maude said the name of the company is "COMMUNITY CABLEVISION." The owners are a group of venture capitalists and they have worked for the cable companies in the industry; they are now going out on their own. President Borries expressed appreciation to Mr. Maude for his appearance at today's meeting and said the agreement would be taken under advisement.

RE: FINAL READING ON PETITION TO VACATE DRAINAGE EASEMENT IN BURCH INDUSTRIAL CENTER-- Alan Shovers/FIRST READING ON PETITION TO EXTEND EASEMENT TO 24-FT.

Attorney Shovers said he feels the documents he is presenting here today require a bit of explanation. He said Wabash Plastics, an industry located in the City of Evansville for some years now, has a plant at Burch Industrial Park. They are in the process of expanding their operation and ready to spend several million dollars, adding a number of jobs. To make room for this expansion, they have acquired a lot behind their plant, which they acquired from Anchor Industries. In acquiring this lot, in trying to tie

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the two lots together, they find that between the two lots lies an easement for Public Utilities. The easement also provides for drainage, although it so happens that there not only are not any drains in this area, but the particular location between the two lots is higher than the surrounding land -- so it doesn't even suit itself toward drainage. A month ago, they came in seeking vacation for this 12-ft. easement (6-ft. on each side of the two lots). They are coming forth today asking for the vacation. Since Mr. Shovers was last here, they have discovered two things. First, technically, the petitioner (Wabash Plastics) originally had a bond issue and because of the bond issue they technically do not own the real estate. Technically, some of the real estate belongs to the City of Evansville -- so we have to have the City also petitioned. Mr. Shovers would file in addition to our earlier petition a co-petition showing the City of Evansville. Since Mr. Shovers' last visit, it has also been discovered that the drawings, plat maps, etc., showing the 12-ft. easement, instead of being 6-ft. each side of the property line shows 12-ft. So, there is some confusion or at least potential confusion as to whether this is a 12-ft. or 24-ft. easement. For that reason, he would first of all ask that we finalize this vacation, because his client wants to get on with the construction. For title purposes, etc., he would ask that the Commissioners entertain a second petition to do this again, except rather than doing it for a total of 12-ft., that we do it for a total of 24-ft., or an additional 12-ft. Nobody is affected by this. He said they have notified all of the neighbors and the proofs of publication are attached. In this regard, he proposes and submits to the Commissioners a second petition, which has been signed by Wabash Plastics. For today's purposes, they have been unable to obtain the City's signature because the Mayor is out of town. But they would supplement the petition when the Mayor returns; but he is certain there will be no problem in obtaining the Mayor's consent to the petition. Mr. Shovers said, hopefully, this hasn't all been too confusing. However, they would like to complete the vacation sought today and, secondly, for title purposes, enlarge that vacation. Mr. Shovers said that Mr. John Schroeder, president of Wabash Plastics, is present for this meeting should the Commissioners have any questions. President Borries stated we have previously published a Notice signed on the 7th day of May, and at this time we had advertised the date to be today. Are there any remonstrators present who would wish to speak regarding this vacation petition? Hearing none, the president entertained a motion that we enter into a First Reading of a Petition to Extend the Easement to 24-ft. He then asked Mr. Shovers if this has to be advertised? Mr. Shovers said this would have to be advertised (but only one time). It was the consensus of the Commissioners that the advertisement should be run on June 8th, with the Hearing being held at 7:30 p.m. on June 18th., prior to taking final action. President Borries then entertained a motion to make the final adoption of the previous petition to vacate the drainage easement, which was advertised on May 7th. Commissioner Cox made a motion to this effect. The motion was seconded by Commissioner Willner. So ordered. Attorney Shovers then offered his apologies for the extensive paperwork, but emphasized it is important to get this growing employer underway. President Borries said the Commissioners are happy to see the expansion. Again, it was noted the advertisement concerning the Extension of Easement to 24-ft. would published on June 8th, with the Hearing being held on June 18th. Notice was to read as follows:

NOTICE

NOTICE is hereby given by the Vanderburgh County Commissioners that on the 4th day of June, 1984, the first reading of a petition filed by the City of Evansville and Wabash Plastics, Inc. was heard requesting the VACATING of the following described real estate located in the Burch Industrial Center in Vanderburgh County, Indiana for the purposes of a Drainage Easement, more specifically described as follows:

A Public Utility and Drainage Easement, said easement lying 12 feet on each side of the North line of Lot 4 in BURCH INDUSTRIAL CENTER Subdivision as per map recorded in Plat Book H at page 51 in the office of the Recorder of Vanderburgh County.

The Board has fixed the 18th day of June, 1984 as the day on which remonstrances may be filed by persons interested in or affected by said vacation, and on said day at 7:30 o'clock p.m., said Board will meet in its offices in the Civic Center Complex in Vanderburgh County, Evansville, Indiana for the purposes of hearing and considering any such remonstrances which may have been filed or

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COUNTY COMMISSIONERS
6/4/84

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presented and for the purposes of taking final action.

VANDERBURGH COUNTY COMMISSIONERS

By: Richard Borries
Shirley Jean Cox
Robert Willner

Attest: Alice McBride
Secretary of the Board

RE: INVITATIONAL BIDS FOR LEASING VEHICLES FOR SHERIFF'S DEPARTMENT

Sheriff Clarence Shepherd said that at the Commissioners' request last week, he went shopping for comparison prices for lease vehicles needed for his department. The reason he would like to stay with this type of vehicle is that we do have a number of parts that they buy in quantity at a cheaper price for repairs. We have a number of these vehicles sitting out at the repair garage on Vienna Road. Should a vehicle need a door, a fender, etc., we can scrap these wrecked cars, salvage them and replace these parts at a much cheaper price. We've also purchased a number of wheels for snow tires for winter use, where we can just take off our summer tires and put on the winter tires. This is why they drew up these particular specifications. He said he checked with Bill Roberts, Lease Manager at Cooke Chevrolet, and he said the price they submitted last week still stands. Additionally, they do have the 1984 model cars available (they are somewhere between the factory and Evansville) and he can put us in those vehicles in short order.

Caprice Station Wagon -- At the present time the Sheriff's Department has a van, but Mr. Shepherd said the van isn't really necessary; he said they can get by with a station wagon -- because the largest things they usually haul on repossessions, etc., are computers or office machinery, etc. So we want to go to a station wagon. Cooke has given us a quote on a 1984 Caprice Station Wagon containing specified equipment of \$279.00 per month on a 24-month lease, allowing 60,000 miles. The previous lease only gave us 40,000 miles.

1984 Impala 4-Dr. Sedan -- On the sedans, containing specified equipment, Cooke gave us a quote of \$263.00 per month on a 24-month lease, allowing 60,000 miles. Again, the previous lease only gave us 40,000 miles.

Mr. Shepherd said the cost increase of this year versus last year is only about \$6.00 per unit, or about \$100.00 more than we are paying now. We do have the money available in the account to lease the vehicles.

Sheriff Shepherd then directed the Commissioners' attention to the quote from Kenny Kent and, in particular, the cover letter. On the Impala Sedans, the cost was \$265.53 for 24-month lease, allowing 60,000 miles. On the Caprice Station Wagon, cost for 24-month lease was \$282.80, allowing 30,000 miles. However, Kenny Kent is not able to supply 1984 vehicles. Letter read as follows:

Vanderburgh County Sheriff

Sheriff Shepherd:

Please find attached Kenny Kent Chevrolet's lease quotations on 1984 Chevrolets per our phone conversation. We are unable to order '84 models and quotations would need to be adjusted for '85 pricing and lease rates, as they become available.

Sincerely,

Stephan Vandever, Lease Manager
Kenny Kent Chevrolet, Inc.

(continued)

Sheriff Shepherd said he also talked with Hendrickson & Sons in Chandler, Indiana, and he indicated he could not provide the County with the vehicles until 1985, so he would not even bid on them. Sheriff Shepherd reiterated that as indicated at last week's meeting, three of the cars in the Sheriff's Department are in dire need of repairs and he hates to spend the money on them. They are under 12-month, 12,000-mile warranty. After that, the County assumes full liability for them. We have to replace the parts, do the oil changes, etc., and at the end of the lease we are required to turn them back in in running order. He said he would recommend that the Commissioners go ahead with Cooke Chevrolet, who will have the vehicles available shortly, because their bid is in order. Commissioner Cox pointed out that the 24-month lease permits 60,000 miles, which means 30,000 miles per year. What kind of mileage does the Sheriff's Department have now? He said that on the last lease car we got from them it was 40,000 miles, so we've increased it 10,000 per year -- he said they gave us the extra 10,000 miles because he told them we'd had such an increase in service runs. Motion was made by Commissioner Willner that we accept the invitational bid from Cooke Chevrolet for the required vehicles. Motion was seconded by Commissioner Cox. So ordered. He said that when the vehicles are ready, the President of the Board of Commissioners will have to go out to Cooke Chevrolet, Inc. to sign the lease. By law, he is not permitted to sign a contract. He will keep President Borries advised as to when the vehicles are available. (The Lease Agreement called for the following vehicles:)

1 - 1984 Caprice Station Wagon, equipped as follows:

305 V8	24-month lease
Automatic Transmission	60,000 miles
Power Steering	\$279.00 per month
Power Brakes	
Air Conditioning	
HD Suspension	
HD battery	
P225/75R15 steel belted radials	
Tinted glass	
Floor Mats	
Body side moldings	
Dual mirrors	
AM/FM radio	

6 - 1984 Impala 4-Dr. Sedans, equipped as follows:

308 V8	24-month lease
Automatic transmission	60,000 miles
Air conditioning	\$263.00 per month
Power steering	
Power brakes	
HD suspension	
HD battery	
P225/75R15 steel belted radials	
Tinted glass	
Floor mats	
Body side moldings	
Dual mirrors	
AM/FM radio	

RE: VANDEBURGH AUDITORIUM.....Kim Bitz

Parking Lot: Mr. Bitz indicated he had distributed copies of a Proposed Daytime Vehicle Sticker System for Revenue Collection. He proceeded to read the proposal, as follows:

The information that follows is a proposal for one method of collecting revenue, for use of the county-owned parking lot during daytime hours. The advantages of this system include: No mechanics to repair and upkeep, freeing maintenance personnel for other work; and it is a more efficient method of revenue collection. However, we must also note that there will be a 100% loss of short term parking revenue. Also, there is no guarantee as to the number of stickers that will be sold each month. This is something no one will know until it is implemented.

(continued)

The Stickers:

A series of 12 (monthly) stickers to be purchased at the Vanderburgh Auditorium Office
 Stickers should be removable, to be placed in the bottom-left corner of the vehicle's rear window
 Stickers should, in some way, display a different color for each month of the year.

Costs:

Estimated printing cost-----\$1,100 to \$1,300
 Recommended monthly fee-----\$12.00

With approximately 140 parking spaces at \$12.00 per month, the top figure for a monthly collection would be....\$1,680

Total for one year would be \$20,160

Average Monthly Income from the parking lot before all of the problems with the gate was....\$1,700. (This includes money from events)

Mr. Bitz said one of the ideas discussed with Jan Thuerbach of the Convention & Visitor's Bureau was that if we do take on the sticker system, rather than having a sticker using name or number of the month, is going with some of our local attractions or festivals, for that matter, and promoting those along with our sticker system. For instance, these could be in different colors and we could use Burdette Park one month, Mesker Zoo another month, Thunder on the Ohio another month, etc. That would also make the sticker more attractive looking. Continuing, Mr. Bitz said he recommends a \$12.00 monthly parking fee, which is only slightly higher than the current 50¢ per day fee. Actually, we have 150 parking spaces available, but he feels we need to leave ten (10) available for special parking needs; for instance, when certain events move in we need a bit of parking space for their vehicles -- so we need to make that consideration.

Among the questions asked Mr. Bitz concerning the new sticker system, is what about the people who might utilize a car pool and, thereby, use someone else's vehicle every other day, etc.? What about people on vacations? He said he does not have an answer concerning those who might car pool. Insofar as vacations, he can only recommend that those individuals planning a vacation not buy a sticker for that particular month.

Mr. Bitz said the lot is currently in need of resurfacing. Before this past winter when the Task Force was meeting, the cost estimate they obtained on resurfacing was \$15,000. Bill Bethel has advised that the winter weather took quite a toll on the roads, and the parking lot suffered as well. Mr. Bitz believes that estimate would be a little higher at this point. Should we go to the sticker system, at least for this year we would be doing nothing but paying for repairs to the parking lot. Commissioner Cox asked if the Task Force recommended resurfacing or resealing the lot? She thought they recommended resealing, which would add to the longevity. Mr. Bitz said that was prior to this past winter. J.H. Rudolph & Co., upon request, came out and looked at the lot, and Mr. Bitz said he thinks a good 40% of it would have to be dug up and new put in. In the long run, he believes it will pay us to resurface the entire lot. In response to Commissioner Cox's question if the \$15,000 estimate given last November included re-striping, Mr. Bitz said it did not. He said he did not know the availability of the County Garage, or if they would be able to take on that sizable a project, or if they even have time to do it for that matter. However, it might be worth investigating. Maybe some of the preliminary work on getting the lot cleared could be done by the County, thereby resulting in a cost savings. Commissioner Willner suggested that the Commissioners take a week to discuss the proposal, but indicated he liked it. President Borries indicated the Commissioners appreciated Mr. Bitz's work on this, but faced with a decision as to what to do -- the mechanical arms are a problem day in and day out, particularly the one over there now. It is impossible to find parts for it. He said he wished there was some way to work it out on a daily basis without having to put an employee out there full time. Commissioner Willner stated that the Commissioners are going to appoint two Advisory Board Members; Therefore, he suggested that the Commissioners hold off on any decisions until after the Board has their first meeting and come back with their ideas, recommendations, etc. This would also involve evening events. President Borries said he knows there has been

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discussion of the triangle shelters at Roberts Stadium, but the amount of time the people are out there is strictly a part-time thing. It is generally an evening event. He said he does not know of any situation where they would have a person out there daily...on a continual 8-hour basis. When you look at that, you're then talking about providing shelter for that person; heat in winter and cooling in summer -- so you're talking about a considerable investment if we look at that, again. Mr. Bitz said that along with that, he would point out that 90% of the gates operating in the city are manned at the same time by a person -- so the gate alternative is another drawback to that.

Bids for Replacement of Stage Curtains: Mr. Bitz indicated that although we currently have bids out for replacement of the stage curtains at the Auditorium, once those bids are realized it will take approximately 2-3 months to make those curtains. Right now, we desperately need to do a bit of repair work on some of the black curtains that hang on the stage. He simply wants the commissioners to be aware that there are several events scheduled that will need these curtains, so he wants to go ahead and gets those fixed. He said he will spend as little money as possible, but he does need to keep them hanging until they get something better. The commissioners indicated they understood the situation.

RE: COUNTY SURVEYOR.....Bob Brenner

Re: Bridge & Guardrail Report - W/E 6/1/84 : Mr. Brenner said they cut weeds, cleared guardrail and painted ends on the following: Green River Rd., State Road, #6 School Road, Old Petersburg Rd., Browning Road, and Old State Road. They rip rapped McCutchan Road. Installed new 12-inch C.M.P. on Old Henderson Road and backfilled 53's, and compacted on Old Petersburg Rd.report received and filed.

Old Henderson Road Culvert: Mr. Brenner said he did not know if the Commissioners got the report concerning the Old Henderson Road culvert. The culvert we put in (he thinks he showed the Commissioners the photos of another culvert that had been blocked by massive pieces of concrete which caused about a 5-acre flood right near the boat ramp) the highway department went out there and they could barely move it with the gradall, but it is open and draining. As far as the concrete is concerned, we're still trying to figure out who put it there ---no one will confess to it.

Maryland Street Bridge: Mr. Brenner said another matter he was to get back to the Commissioners on with a report was the Maryland Street Bridge. Mr. Easley has been out to look underneath it. Mr. Brenner also took Mr. Guillaum and Mr. Hartman (bridge engineer) and John Vezozzo (who has had a great deal of iron-working experience) out there on separate occasions to look at the bridge. They all reached the same conclusion -- one that has been reached before -- we believe it would be advisable to close the bridge to all traffic or replace it. There is the option of limiting it to automobile traffic only, but Mr. Brenner said he is not certain we can enforce that. The trucks going across the bridge (he does not wish to say any bridge that shakes, as all bridges have some movement in them) -- but when a truck goes across this bridge, the movement is interesting. It's deteriorated in the upper structure and the lower structure. In 1978, we spent \$38,000 putting steel in the webs of the floorbeams and crossbeams; and he'd venture to say we spent \$12,000 hanging the exbracing back under it at various stages (we had three contracts). The exbracing is hanging down now and has been for six months. Maybe that's not critical, but the deteriorated condition of the steel -- there is no engineer that's going to be able to tell you that that bridge will stand under the traffic that it's seeing right now. There's a 14-ton load limit. You could get by with putting a 4-ton limit on it, but because of the demand for truck traffic across it, he believes the trucks will cross it no matter what load limit is posted. He does not see how the county can adequately enforce it. Commissioner Cox asked if we have a traffic count on that bridge. Mr. Brenner said 6,600 was the last count. Mrs. Cox said that she knows that between 3:30 - 4:00 p.m. there are at least 30-40 cars at Maryland and St. Joe Avenues on Maryland, backed up toward the east side. She doesn't see much truck traffic, but she does know that a lot of people who work in the northern part of the area use that as a commuter cut-off. Mr. Brenner said he knows this. Further, it is just as bad at the other end trying to get in or out (at Fulton and Maryland). If you want to turn north on Fulton you can't get out. Mr. Easley interjected that we had some experience with this a short time ago. The railroad had the bridge closed for right at 45 days, repairing the tracks. It does cause some traffic jams. Commissioner Willner asked Mr. Brenner if he had an engineer's estimate on his plans and, if so, would he care to divulge that secretly? Mr. Brenner said, "No, it's about \$400,000." Mr. Brenner noted that it would be his guess that if we have a Federal project, the two sandstone piers that are there and quite adequate for

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this type of bridge -- will have to be replaced. It's unusual to obtain Federal funds and go in and use parts of what is already there. But still, you could spend up to a million dollars and save fifty percent. If the new bridge cost \$1 million, your cost would only be \$200,000. President Borries said he had a phone conversation with David Gerard before he left for vacation prior to last week's meeting of the Board of Commissioners, and he indicated that the current design on the bridge wouldn't really be any problem. As he sees it, the problem would merely be for them trying to meet all the deadlines they would have to meet (public hearings, etc.) in relation to the project. Mr. Brenner said he doubted if David Gerard had ever seen their design...they haven't laid it out anywhere. Commissioner Willner asked if we had State approval on it? Mr. Brenner said, "Not really!" Commissioner Cox asked if it is high enough? Mr. Brenner said that it was. All of those have been approved by the Department of Natural Resources, the Corps of Engineers, the Coastguard, etc. Commissioner Cox asked if it had to be elevated, to which Mr. Brenner replied that it cannot be. We've arched it in the middle 1-ft. over what it is now, but because of the railroad tracks and the levee there is no way to further elevate it. One way we got around this was that it was a repair. Even though we were taking the super structure and the deck off, we were using the existing piers. Commissioner Cox asked how long it will be before we know about the Federal funding -- has that been approved? Mr. Brenner said it had not. Commissioner Willner noted that to be precise, it has been disapproved -- at least for Fiscal year 1984. President Borries remarked that Mr. Gerard said that if we reapply, that he felt that funds were almost a certainty for funding year 1985. The big problem would be applying with all the deadlines they have to meet in getting certain information, holding all the necessary hearings, and forwarding of materials. Commissioner Cox asked if it was denied because of no monies? President Borries said that possibly it was because they couldn't meet the current deadlines insofar as getting everything together -- he has no idea. Commissioner Willner said it was his understanding during the conversation that it was due to lack of funding and they would have a new State budget beginning July 1st, and that is why it would get approval next year. Mr. Brenner said in seeking Federal funds there are two things against us: First, our overall inventory -- we're rated high in the state, like in the top four -- that's against us. The other thing is that we do have the money to do it. This is one time the bridge itself will qualify -- there's no doubt about it -- it's in enough of a deteriorated condition that there will be no question about that. Commissioner Willner asked the time limit on using precast concrete -- three months, four months? Mr. Brenner said he doesn't know...possibly 60-90 days. He said that is the information they're waiting for from the state. They were to do the spacing of the pre-stress in beams and we've been waiting about four weeks. Every week it was to have been done; today they turned us down and said they had made a contact with Purdue for them to do it for us. Thus, we're in contact with Purdue. Commissioner Willner said he would certainly like to enjoy the opportunity of Federal funds, but he would also hate to close the bridge for a period of one (1) year until we got those funds in line. In light of what everybody seems to agree (the bridge should be closed immediately) he would like to shift our Federal funding to Kentucky Avenue, because that could well sit there for a year or two -- and go ahead and do Maryland Street Bridge with local funds. Commissioner Cox asked if Kentucky Avenue would qualify for Federal funds? She thought Federal funding was allowed for those bridges in a deteriorated state. Mr. Brenner said he did not know, she would need for Mr. Gerard to tell her that. She said we had some other projects which tie in with the transportation plan -- the widening of Fulton Avenue, replacement of the Kratzville/5th Avenue Bridge, etc. How much money will we need for that? Commissioner Willner remarked we'd shorted our bridge account basically by \$300,000. Mrs. Cox said her concern over Maryland Street is that we're faced here with the railroad track, which is dangerous because it lies right on the bridge itself almost. It's still going to be a two-lane. Maryland Street is narrow; the whole idea of the Columbia-Delaware Overpass was to carry the big, heavy traffic thru the area. Here we are, thinking in terms of spending almost a half million dollars for really no improvement whatsoever insofar as the traffic plan is concerned -- because cars are not going to move any faster over the new two-lane than they do right now. Mr. Brenner said this is absolutely right. Mrs. Cox said this is an absolute shame. This would be a beautiful place to develop a marina of some kind on Pigeon Creek; it would be ideal in that area -- but we've got the railroad track to contend with on one side, which almost negates that. She said this is her big concern. If we're going to replace the bridge, what are we going to do about the traffic? It is going to take time to get everything in line to replace it -- we're talking about six (6) months to get everything ready to start. What are we going to do in the interim? Close the bridge right now, proceed immediately to replace it, and how long are we talking about

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here? As she understands it, the two proposals are to close the bridge (block off Maryland Street) or replace the bridge. Mr. Brenner pointed out that the third alternative is to lower the weight limit to passenger vehicles 4-tons and under. He said you just can't do that -- you've got to enforce it. You've got to make certain heavier vehicles stay off the bridge. He said that is the one concern he has. We've had load limits placed a lot of places around town -- and we've never successfully enforced it. We've chased coal trucks all over the northern end of the county -- and they still go where they feel like going. Commissioner Cox then asked what repairs would be needed if we limit the bridge to passenger cars only -- and questioned the one big piece hanging down that is very visible? Mr. Brenner pointed out that oddly enough that particular piece is more cosmetic than anything. There is nothing to weld it back to, which is why it was left alone. It's a sway bar type thing and doesn't particularly add to the stability of the bridge. It looks awful -- and he's had a lot of phone calls concerning this eyesore. Commissioner Willner pointed out that the problem with limiting the bridge to passenger vehicles only is that when there is a train, you may have as many as 4-5 automobiles on the bridge at one time; if so, that weighs almost as much as a truck. Mr. Brenner said, however, that the trucks are considered a "shock load"; he doesn't believe we'll have that problem with cars. It was noted that the new bridge would have low rails, enabling drivers to see somewhat better. Commissioner Willner asked that if we decide to limit the bridge to car traffic only and seek these funds, do they then have to send the design and obtain approval -- they've already received DNR approval, so who else would have to approve it? Mr. Brenner said he thought we'd have to start all over with a new design. As indicated previously, he believes we'd have to use new piers. Commissioner Willner asked how soon Mr. Brenner thought we could find out on that? Mr. Brenner said no one will tell you until you submit the plans. If we submit our plans, it is going to take a period of time for them to say "no". You come thru a list; and when it's your turn, you're reviewed. Commissioner Willner said this is not an easy decision. Mr. Brenner said he doesn't want to put words in Andy Easley's mouth, but the time has come -- he and Mr. Easley agree that we must make one of the three choices. Mr. Easley said he agrees; however, he believes the third alternative would permit us to go another year with the bridge -- if we can enforce keeping the trucks off the bridge and letting only automobiles use it. The only reason we'd go another year is that some assurance could be made that the Federal carrot is indeed going to drop in our mouths. Mr. Brenner said the possibility exists that we will not get the Federal funds and then we're back to either make the decision to replace the bridge or leave it closed. Commissioner Cox said thinking in terms of the truck traffic which would use the area, it wouldn't be too much of an inconvenience for trucks coming up Park Street from Kent Plastics to cut over and get on Columbia-Delaware. Wabash Avenue is also not too far down, which they could pick up and get on the Columbia-Delaware Overpass. Commissioner Willner said they can get there...there is no reason they can't. Mr. Brenner said the fines are stiff for being overload; if a big truck went across the bridge with a 4-ton limit, his fine could conceivably be \$800-\$900. If you stick them, it's on the incentive plan. He pointed out this would be under City jurisdiction. It's a City bridge which we maintain--and the sheriff could also do this -- it overlaps. Mr. Brenner talked to him and he said it would be up to the City police. Commissioner Willner said we're doing a lot of speculation insofar as the Federal money is concerned. Is there some way that Mr. Brenner could talk with Mr. Gerard this week and get a pretty clear understanding as to what our realistic chances are at this point? Then we could go ahead and make the immediate decision here to go ahead and limit it to car traffic. Based on Mr. Brenner's feelings, if we don't have any chances, then we need to not only close the bridge to passenger traffic but go ahead and make a decision to use local money and do it this year. Mr. Brenner said they're sending the wrong man. He is biased -- he's had it happen to him several times. First Avenue was a Federal project coming; X-Bridge was a Federal project coming -- and both ended up the same way -- we did them. Commissioner Cox said that Maryland Street, according to four people's opinion here, is in a deteriorated state. We couldn't say that about either the First Avenue or X-Bridge projects. Mr. Brenner said we could about X-Bridge -- it was pretty awful. Mrs. Cox said that is questionable. But at that time, as she understands it, bridge funds were only available for replacement of delapidated structures. She thinks they have now eased up a bit on how the funds can be used. But certainly Maryland Street ought to qualify -- even under the old rules. Mr. Brenner said he hopes so -- but he is not optimistic. That is why the Commissioners do not want to send him to talk with Gerard; he will come back and paint the picture black -- because he doesn't believe them -- that's just the way he is. He simply doesn't believe Federal funds are coming. Mr. Brenner said the Commissioners need to make the decision regarding this bridge -- he can't make it for them. Mrs. Cox

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said she would think we need from the Traffic Engineering Department a number of detour signs, etc., -- we can't just wait until they get down there ready to go across the bridge and have a weight limit on it. It needs to be posted at major intersections. Mr. Brenner said he agrees; and it is not like it is going to fall down tomorrow -- but we need to do something. You can't enact an Ordinance that quickly anyway. But we do need to make a step forward -- somewhere there's the circumstance you don't want to hear about. Mrs. Cox said she doesn't want a situation similar to the one which occurred up in the northern part of the state, where a big truck went across and crashed in. You can at that point, of course, pinpoint them -- and she's sure they paid a heavy fine -- but we don't want that to happen here. Commissioner Willner said he thinks the Commissioners need a week to take the matter under advisement and talk with Mr. Gerard, in view of what Mr. Brenner has said. President Borries said he is not so sure we shouldn't begin to look at developing an Ordinance and asking the City to begin the detour routes.....Mr. Brenner said he would recommend going with the 4-ton load limit right away; he wouldn't mess with that, because it takes time to get that done. President Borries asked that Mr. Easley also talk with Mr. Gerard and see what the timetable here is; we don't want a lot of "ifs". We may want something in writing as quickly as we could get it. That would help in the decision -- if we knew that money would be available next year. Commissioner Cox said she thought placing a 4-ton load limit on the bridge would certainly protect the county in case something would happen. If it is left at 14-tons and a 10-ton truck goes over it and something happens -- then.....Commissioner Willner said that if it is posted at the major intersections and properly posted well advance, he would think.....Mr. Brenner said he doesn't think that is how it's posted now. He thinks there is a 14-ton limit sign posted within spitting distance of the bridge. President Borries then entertained a motion that the Commissioners have the attorney begin to prepare a truck route around the bridge and limit the load limit to four (4) tons. The Commissioners then queried Mr. Easley as to whether he thought the 4-ton limit would be advisable. Mr. Easley said, "Use your own judgment". In discussing loaded pick-up trucks, it was noted that it depends on whether the truck is carrying feathers or sand! A pick-up truckload of sand was estimated at 6,000 pounds. Mention was also made that trucks carrying concrete weigh about 40,000 lbs. It was pointed out that the Columbia-Delaware Overpass bears a tremendous load at times; there may be a truckload of gravel coming from one direction with a concrete truck from the other. President Borries then indicated the Commissioners now are in agreement to have the County Attorney draft the Ordinance, establishing the 4-ton load limit and getting with the City officials to determine the detour route well in advance. It was subsequently determined that a vote would not be required on the issue since there was no opposition.

Blacktopping of Various Bridges & Culverts: Mr. Brenner continued by stating that a while back they started compiling a list of various bridges and culverts that needed to be blacktopped. He said it has grown so much that he thought they could do it by soliciting bids, but since we're now in the \$30,000 - \$40,000 bracket, they will have to advertise. In response to Commissioner Cox's query, Mr. Brenner said surface would be hot-mix blacktop. At the request of the Commissioners, Mr. Brenner read the list of locations for the record as follows:

- 1) Schutte Rd. -- 500 ft. N. of Broadway
- 2) Rosenberger Ave. -- 400 ft. S. of Hogue Rd.
- 3) Hogue Rd. -- between tracks 125 ft. E. of Vanness Ave.
- 4) Red Bank Rd. -- 900 ft. S. of Hogue Rd.
- 5) Wimberg Rd. at the railroad -- right on the City/County line
- 6) Schenk Rd. -- 400 ft. W. of Orchard Rd.
- 7) Old Boonville Highway at the Crawford-Brandeis Extension
- 8) Petersburg Rd. - S. of Schlensker Rd.
- 9) N. Green River Rd. -- 1,200 ft. S. of Ruston
- 10) Unnamed bridge on Boonville-New Harmony -- 1,300 W. of Darmstadt
- 11) Bridge #44 - Baseline Rd. near Highway 57
- 12) Bridge #88 - Mt. Pleasant Rd. (1,000 W. of U.S. Highway 41)
- 13) Bridge #110 - Old State Rd. at Eissler Rd.
- 14) Bridge #47 - Prince Rd. over Pond Flat "C"
- 15) Owensville Rd. -- 1,800 ft. S. of I-64
- 16) Bridge #73 on Old Owensville Rd. over Pond Flat Main
- 17) Unnamed culvert on Adler Rd. 1/2 mi. W. of St. Joseph Ave.
- 18) Unnamed culvert on Hillview Rd. 1/4 mi. S. of St. Wendel
- 19) Volkman Rd. - 2 unnamed culverts/Bluegrass Creek

Mr. Brenner said they totaled the hot-mix and came up with 830 tons of blacktop to

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COUNTY COMMISSIONERS
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accomplish these projects. The City has a bid in bigger quantities of some \$30.00, and Mr. Brenner hopes we can get it at around \$40.00, which amounts to some \$30,000. It will be more expensive because it is in smaller quantities. He said since we're going to have to bid it, he will draw up a sketch indicating how many feet we want to go from the bridge, etc. Commissioner Cox asked if these bridges and culverts are in good shape on the underneath side. Mr. Brenner said most of them are new; there are none on this list which were in danger of replacement. Mr. Brenner said that while this is an incomplete list, it is what we will bid at this time. He remarked that it takes a long time for one person to drive around and measure these -- we need to do more. Commissioner Cox asked Mr. Brenner if he is proposing that this be completely done by a private firm and he said "oh yes!" Commissioner Willner made a motion that the County Surveyor be authorized to advertise for prices on the hot-mix blacktop, etc. for the main structured bridges. Motion was seconded by Commissioner Cox. So ordered.

RE: COUNTY ENGINEER.....Andy Easley

Mr. Easley advised that he contacted Mr. Wilbert Zeller this past week concerning the ditch which is currently full of concrete. Mr. Zeller said the concrete material came from a driveway that he had removed at his private residence at 1005 Meadowbrooke Drive and while he was out of town he had someone haul the concrete material away from his property. While he did instruct the individual to put the material in that particular area, he did not specifically tell him to fill over the east end of the culvert. He said this was done inadvertently, and he will remove it. Mr. Easley said he visited the area one night last week, but did not get to see Mr. Zeller as he was out of town. He and Mr. Zeller plan to get together to discuss the possibility of the County lending some assistance in the cleaning of a 24" - 30" storm drain (300 ft. long). Mr. Zeller says the drain serves the subdivision and it is full of mud which has come off a farmer's field. Mr. Zeller wants to know if the County will clean it? Mr. Easley said he has not as yet discussed the matter with Bill Bethel to determine whether this is in his jurisdiction or whether his department has the capability. The drain runs west of Meadowbrooke; there is a break of some four to five feet in the pipe, and there is a culvert under Meadowbrooke. The concrete was piled at the east end of the culvert under Meadowbrooke; but, again, Mr. Zeller was very cooperative and said he would get this material moved. Mr. Easley said he will endeavor to get with Mr. Zeller this week. Commissioner Willner said he wondered if he got the correct name last week, as he had a call from the Health Department and they mentioned a "Jerome" Zeller. Commissioner Cox noted, however, that this is an entirely different matter. She believes the matter concerning "Jerome" Zeller involves property on Boehne Camp Road. In conclusion, Mr. Easley said he will get back to the Commissioners with a report after he and Mr. Wilbert Zeller have had an opportunity to get together.

Ohio River Bank Erosion Protection: Mr. Easley indicated he had one final item to bring to the attention of the Commissioners. He has prepared a letter to the District Engineer in Louisville (typed by the Commissioners' secretary) for the Commissioners' signatures. He said this "Letter of Intent" follows the format previously approved by County Attorney David Miller, which came out of the information brochure sent to us by the Corps of Engineers. Mr. Easley indicated the Commissioners should read the letter thoroughly (insofar as the fine print) prior to signing it. The letter will then be held until such time as Mr. Easley has the accompanying photos. Hopefully, he will have those by Friday of this week and the letter can then be forwarded. The letter read as follows:

R. Andrew Easley, Jr. P.E.
County Highway Engineer

District Engineer
U. S. Army Engineer District, Louisville
P. O. Box 59
Attn: ORLPD-L
Louisville, Kentucky 40201

RE: Ohio River Bank Erosion Protection
at Mile 806, Vancerburgh County, Indiana

Dear Sir:

The Vanderburgh County Commissioners (hereinafter called "Sponsor") are interested in obtaining assistance in alleviating a Bank Erosion problem in the Ohio River at subject location south of Dogtown in Union Township. This

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location is approximately 1.6 miles west of the L & N Railroad Ohio River Bridge, measuring along the Old Henderson Road. In this regard, the Sponsor requests that the Corps of Engineers proceed with a study to determine the practicality and current economic feasibility of obtaining such assistance under the Continuing Authority Program. We understand that this letter specifically does not obligate the Sponsor to any expenditure of funds or to any legal or financial actions at this time.

The Sponsor is aware that its' responsibility in project participation includes the following:

- a. Provide without cost to the United States, all lands, easements, rights-of-way, access routes, relocations and alterations of all buildings, utilities, highways, highway bridges, sewers, and facilities, whether or not shown on the project plans, necessary for project construction and subsequent operation and maintenance of the project.
- b. Hold and save the United States free from damages due to the construction, operation, and maintenance of the project excepting damages, if any, due to the fault or negligence of the United States or its' contractors, and adjust all claims concerning water rights, if applicable.
- c. Maintain and operate the project after completion without cost to the United States in accordance with regulations prescribed by the Secretary of the Army.
- d. Assume full responsibility for all project costs in excess of the Federal cost limitation, according to statute of \$250,000.00.
- e. Execute a final and legally binding local assurance agreement incorporating all above required measures of local co-operation.

We have received and reviewed a sample assurance agreement that is typical of the binding agreement to be signed by Federal and local interests prior to construction activity. We understand that detailed project costs will be determined by the District Engineer near the completion of plans and specifications, and we further understand that construction of any project under the Continuing Authority Program is contingent upon showing that the considered works of improvement are cost effective and in the overall public interest for reducing flood damages.

The Sponsor will use county highway funds for future maintenance of these projects.

In carrying out the specified non-federal responsibility for the potential project, the Sponsor agrees to comply with the provisions of the "Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970", Public Law 91-646, approved January 2, 1971, and Section 221, Public Law 91-611, approved December 31, 1970, as amended.

We have received and are familiar with the provisions of Title VI of the "Civil Rights Act of 1964", Public Law 88-352, and the "Uniform Relocations Assistance and Real Property Acquisition Policies Act of 1970", Public Law 91-646, and our attorney, David Miller, has advised us that the Sponsor is legally and financially capable of entering into binding and enforceable contractual agreements pursuant to the provisions of Section 221 of Public Law 91-611.

It is the intention of the Sponsor to use its' authority in fulfilling the above-listed measures of local co-operation. It is understood that the purpose of the letter is to establish the Sponsor's intent and does not constitute a contract involving the expenditure of any set sum of money.

Sincerely,

The Board of Commissioners of
the County of Vanderburgh

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

David Jones,
County Attorney

File 81022

(continued)

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Commissioner Cox remarked that in all fairness, they looked at this spot when they were looking at the other place. The Commissioners took them down there and told them this would probably be coming up -- but she did not dream that it would be this quickly. It has really eaten into the bank. Commissioner Borries passed the letter to Attorney David Jones for his review, prior to having the Commissioners sign the letter. (Note: See Page 17 of these minutes for motion approving this letter.)

RE: COUNTY HIGHWAY.....Bill Bethel

President Borries stated that Mr. Bethel is currently out of town, so he will present the County Highway Reports to the Commissioners in Mr. Bethel's behalf.

Weekly Absentee Report: President Borries submitted the Weekly Absentee Report of the employees at the County Garage for the period May 29th thru June 1st.....report received and filed.

Weekly Work Report: Attached to the Work Report was the following work schedule for the same time period.....report received and filed.

Paving: Hillsdale Rd.

Pulling

Shoulders: Schlensker Rd and McCutchan Rd.

Mowing: Darmstadt Rd., St. Joe Av., Mohr Rd., Oak Hill Rd., Hedden Rd., Millersburg Rd., Kansas Rd., One section of Green River Rd., Heckel Rd., Huebner Rd., part of Boonville-New Harmony Rd., part of Baseline Rd., St. George, Schenk, Orchard, Hinch-Peters, Lynch, Old State Rd., and Schmitt Lane.

Patch: Audubon Drive, Burkhart Rd., Intersection of Millersburg Rd, and Green River Rd., Schlensker Rd., McCutchan Rd., Bromm Rd., Barton Rd., and Nisbet Rd.

Grading: Happe, Schissler Rd., Old Henderson Rd.

Gradall: St. Joe Avenue, South Weinbach, Old Henderson Rd., Hill Top Rd., Green River Rd., and Hirsch Intersection.

RE: REPORT OF APPRAISERS IN MATTER OF STATE VS. JAMES SCHOONOVER ET AL & VANDERBURGH COUNTY

President Borries stated the Commissioners received a Report of Appraisers in Matter of State vs. James Schoonover et al & Vanderburgh County. He passed this along to County Attorney David Jones.

RE: REQUEST OF ELMER BUCHTA TO MOVE A HOUSE

The meeting proceeded with President Borries reading the following letter from Mr. Elmer Buchta:

Building Commission
William Zimmerman
310 Civic Center
Evansville, IN 47708

Dear Sir:

Elmer Buchta, Inc. requests permits to move a house that has been cut in two (2) sections. We will travel from Warrick County on County Rd. 800N to Elberfield; we will go west at Elberfield to State Road 57; south on 57 about .8 mile, then will travel west on Seven Hills to Volkman Rd. to Old State Rd. Take Old State Road north to Haubstadt Jct. We will cross State Road 41 into Haubstadt.

Stan Ziliak is the owner of this house. If approved, plan to move house on June 11, 1984.

Sincerely,

Jim Brace

P.s. Comaier Services will be on this move with us for traffic control.

(continued)

Commissioner Willner moved that Mr. Buchta be granted permission to move the house, as requested. Motion was seconded by Commissioner Cox. So ordered. President Borries stated that we also need to notify the news media, as this could tie up some traffic here and there.

RE: APPOINTMENTS TO VANDERBURGH AUDITORIUM ADVISORY BOARD

President Borries said he had asked the Commissioners to each submit one name for appointments to the Auditorium Advisory Board; the County Council (the budgetary body) would submit two names; so this Advisory Board would be five (5) in number. Names submitted by the Board of Commissioners were as follows:

Joseph E. O'Daniel -- 850 S. Meadow Road
Robert Hayden -- R.R.#5, Boonville-New Harmony Rd.
Mrs. Jo Merrill -- 20 Adams Avenue

The above-named were declared the nominees of the Board of Commissioners to serve on the Vanderburgh Auditorium Advisory Board for a period of two (2) years. President Borries said the County Council would be meeting on Wednesday, June 6th, and hopefully they will have nominees at that time, so we can get this Board in action as soon as possible. As previously indicated in today's meeting, one of their first tasks will be to take a look at the Vanderburgh Auditorium Parking Lot Proposal.

RE: MONTHLY REPORT FROM THE CLERK OF THE CIRCUIT COURT

Commissioner Borries said he had a copy of the Monthly Report from the Clerk of the Circuit Court for month ending March 30, 1984.....report received and filed.

RE: OLD BUSINESS

Among the items of old business, President Borries said he wanted to again emphasize the importance of the Data Processing Board.....as we look at it for some long-range planning, particularly as budget time approaches for the county. There will also be representatives from the City on this Board, and much of what they would discuss would be to look at various requests to see if they are possible, to see what kind of long-range planning we need to do in this particular area. In looking at that Ordinance, he said the Commissioners will need to appoint two members to that Board. Two members would also be appointed by the Mayor or the Internal Board of Public Works of the City -- at the Mayor's discretion. If at all possible, President Borries said these appointments should be made by next week so we can get that Board operational as quickly as possible. The budget season will be upon us, which means there will be a lot of requests and discussion concerning what kinds of expanded services can be done by data processing and what the cost of those would be. While neither a member of the City Council nor the County Council is on the Board, we would certainly want to invite them and ask for their input as well, since they would have to consider any funding increases considered by this particular Board. President Borries said that without having to change the Ordinance, it would be his suggestion that we ask them to participate and offer any suggestions wherever possible. But since this is already a ten (10) member board and would include many of the major users of data processing, he doesn't believe we would want to enlarge the Board per se. The commissioners were all in agreement. Commissioner Cox said she did have one question; she thinks it was recommended that the Commissioners appoint "citizen" members to this Board, which is already so well endowed with City/County officials. What would be the ramifications for an individual who perhaps in the private sector that would be willing to serve and is interested in government, but maybe would be in the position to offer a bid or sell some of the products that his company furnishes to the City or County. Would he be exempt from doing business with the City or County if he serves on this Board? Attorney Jones said this is just an Advisory Board. The general rule is that anybody in that situation not sit in judgment upon any situation where that individual's business connection comes into play. Since the Advisory Board has no voting power, no authority other than to study, advise, recommend, counsel, etc., and it all comes back to the Commissioners, he sees no problem with this. Individuals in this situation do not set policy, they do not accept bids, they cannot direct anybody to purchase, etc. Again, President Borries said he would definitely like to make those appointments next week. He will also direct correspondence to the City officials to make sure they do likewise so discussions can take place before budget time.

(continued)

RE: LETTER TO DISTRICT ENGINEER RE OHIO RIVER BANK EROSION

President Borries stated that after reviewing the letter to the District Engineer concerning the Ohio River Bank Erosion problem, which was prepared by Mr. Easley, County Attorney David Jones thinks it is in order and he has signed it. Therefore, a motion was entertained for the Commissioners to sign the letter so it could be forwarded. Motion was made by Commissioner Cox that the designated letter be signed. Commissioner Willner provided a second to the motion. So ordered.

RE: CERTIFICATE OF INSURANCE

Old Republic Insurance Company: President Borries said we have a Certificate of Insurance from Old Republic Insurance Company to cover claims arising out of Peabody Coal Company's use of Vanderburgh Convention Center on Saturday, June 2, 1984, for a Safety Banquet. It was noted that they were very pleased with the facility; this is the first time they've used it, and they have already booked another engagement there.

RE: CLAIMS

Vanderburgh County Soil & Water Conservation District: Claim in the amount of \$985.00 to cover the second half of their 1984 budget. Motion was made by Commissioner Willner that this claim be approved for payment. Commissioner Cox provided a second to the motion. So ordered.

Steve Baker: This claim covers a refund on a duplicate Plumbing Permit #6715 in the amount of \$35.00. Motion to approve this claim for payment was made by Commissioner Willner, with a second from Commissioner Cox. So ordered.

RE: EMPLOYMENT CHANGES.....Releases

Clerk of Circuit & Superior Courts

Arlene Harelson	3607 Herrmann Rd.	Dep. Clk.	\$412.26/pay	Eff: 6/4/84
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Voters Registration Office

Rosemary Munsterman	6025 Broadway	Deputy	\$10,760/yr.	Eff: 6/4/84
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Burdette Park

Mike Gerard	7601 Hogue Rd.	P.T. Ground	\$4.00/hr.	Eff: 5/24/84
Brooke Heathcotte	3512 Koring Rd.	P.T. Ground	\$4.00/hr.	Eff: 5/24/84
Laura Hutchison	2026 W. Michigan	P.T. Ground	\$4.00/hr.	Eff: 5/24/84
Sharon Jankowski	6912 Cliftwood Dr.	P.T. Ground	\$4.00/hr.	Eff: 5/24/84
Chris Branham	6000 Apple Grove	P.T. Ground	\$4.00/hr.	Eff: 5/24/84
Greg Franklin	2154 E. Monroe	P.T. Ground	\$4.00/hr.	Eff: 5/24/84
Lori Wagner	Kramers Drive	P.T. Ground	\$4.00/hr.	Eff: 5/24/84
Michael Johnson	12650 Apache Pass	P.T. Ground	\$4.00/hr.	Eff: 5/24/84

RE: EMPLOYMENT CHANGES.....Appointments

Clerk of Circuit & Superior Courts

Mary Rose	439 Crossvalley		\$412.26/pay	Eff: 6/4/84
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Voters Registration Office

Pamela Bailey	512 S. New York	Deputy	\$10,760/yr.	Eff: 6/4/84
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Prosecutor's Office

Carla Melinda Melloy	4300 Fickas	Investigator	\$ 5.00/hr.	Eff: 5/29/84
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Burdette Park

Brooke Heathcotte	3512 Koring Rd.	Guard	\$ 3.60/hr.	Eff: 5/24/84
Sharon Jankowski	6912 Cliftwood Dr.	Guard	\$ 3.60/hr.	Eff: 5/24/84
Britt Heathcotte	3512 Koring Rd.	Ex. Guard	\$ 3.35/hr.	Eff: 5/24/84
Deidre Brenner	501 Senate Ave.	Ex. Guard	\$ 3.35/hr.	Eff: 5/24/84

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Robb J. Bumb	3225 Lemcar Lane	Asst. Head Gd.	\$35.00/day	Eff: 5/24/84
Kim Hankins	2908 Lakeview Blvd.	Extra Guard	\$3.35/hr.	Eff: 5/24/84
Dona Jo Barton	3721 Koresse Rd.	P.T. Cashier	\$3.35/hr.	Eff: 5/24/84
Tina Trauvetter	3010 Harmony Way	Extra Guard	\$3.35/hr.	Eff: 5/24/84

Motion to approve all foregoing employment changes was made by Commissioner Willner, with Commissioner Cox providing a second to the motion. So ordered.

RE: SCHEDULED MEETINGS

President Borries said that insofar as scheduled meetings at this time, he has none per se.

Area Meetings of Association of Indiana Counties: President Borries said he had received some communication concerning the Area Meetings of Association of Indiana Counties. He will pass this along to the County Auditor; the Auditor may already have received something concerning handicapped requirements, etc.

Union Township (Marion Biggerstaff): Pending the letter written to Mr. Biggerstaff by the Commissioners concerning the deplorable condition of his property in Union Township, President Borries said the 6-week period will be up at the end of this week -- since they last visited the subject property. Perhaps the Commissioners should schedule a meeting next week to pay another visit to see if any improvements have been made regarding this situation.

There being no further business to be brought before the Board of Commissioners at this time, President Borries declared the meeting adjourned at 4:50 p.m.

PRESENT:

COUNTY COMMISSIONERS

COUNTY AUDITOR

COUNTY ATTORNEY

Richard "Rick" Borries
Robert L. Willner
Shirley Jean Cox

Alice McBride

David Jones

COUNTY ENGINEER

COUNTY SURVEYOR

OTHER

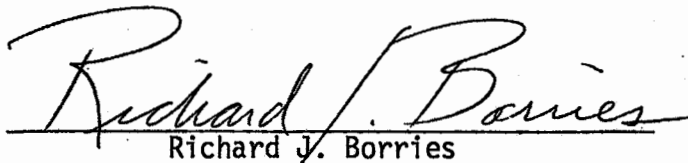
Andy Easley

Robert Brenner

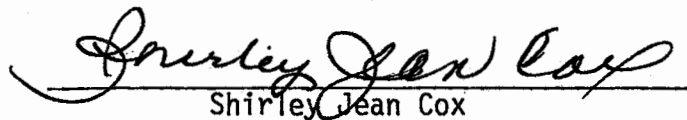
Walter Maude (Community
Cablevision)
Alan Shovers, Atty.

SECRETARY:

Joanne A. Matthews


Richard J. Borries


Robert L. Willner


Shirley Jean Cox

COUNTY COMMISSIONERS MEETING
June 11, 1984

The meeting of the Board of County Commissioners was held on June 11, 1984, at 2:30 p.m. in the Commissioners Hearing Room, with President Borries presiding.

The Chair entertained a motion concerning the minutes of the previous meeting. Commissioner Willner moved that the minutes of the previous meeting held on Monday, June 4, 1984, be approved as engrossed by the County Auditor and the reading of same be waived. Motion was seconded by Commissioner Cox. So ordered.

RE: POOR RELIEF.....PIGEON TOWNSHIP

John Brumbau - 614 Main Street: President Borries asked Mr. Brumbau to approach the podium and state his name, address, and the nature of his request. Mr. Brumbau stated his name, gave his address as 614 Main Street, and said he is seeking rent assistance. Mr. Borries asked Mr. Brumbau if he had previously seen the Trustee and, if so, the nature of his request at that time. Mr. Brumbau said he had seen the Trustee on May 9th concerning rent assistance -- which Trustee paid. President Borries then asked Mr. Brumbau concerning his past history, from his standpoint, why was he denied assistance this time? Mr. Brumbau said he did not know -- Trustee's office just said they were paying one (1) month. Mr. Brumbau stated that he had just gotten out of a Correctional Center and has been seeking employment, but as yet has not been successful. President Borries asked Mr. Brumbau if has a parole officer or someone else to whom he reports? The applicant said "Yes, Reverend Saunders in the Probation Department in Circuit Court." He reports to him once a month. President Borries asked what The Reverend Saunders' comments were when Mr. Brumbau went to see him. Mr. Brumbau said he was not in. Commissioner Cox asked Mr. Brumbau if he was on the Work Release Program when he was in prison? He responded that he was not. She then asked if he could work on the Workfare Program of the Pigeon Township Trustee's office? Mr. Brumbau said he had signed up for Social Security and SSI because he has a bad back, and he has a doctor's appointment at 4:00 p.m. today -- he cannot do heavy lifting or anything like that. Commissioner Cox queried Mr. Brumbau concerning the nature of his last employment. He said he worked at the Civic Plaza Hotel. She then asked if he is unable to work there now because of his physical disability? He said, "No, that's the reason I went to a Correctional Center. It was thru the Civic Plaza Hotel that his trouble started -- but he is now living back there." President Borries asked Mr. Brumbau if he is currently enrolled in any other kind of program. He said he plans to go to "OAR" or something like that -- they help ex-felons obtain employment. He said he just found the address and phone number of that agency when he went to get food stamps today.

President Borries asked the representative from the Trustee's office to approach the podium. Ms. Louise Hall stated that she was the investigator for Mr. Brumbau. She said he came to their office in May, and Mr. Goff paid a month's rent, explaining that it would be for one (1) month only. When Mr. Brumbau came to their office on June 8th, she asked the Trustee about the rent and she said they could just pay one (1) month. Ms. Hall said had she known that Mr. Brumbau had applied for Social Security, she has several at Civic Plaza pending Social Security -- and they go along with them. But she did not know that he had applied. President Borries then asked Mr. Brumbau if he has already applied for Social Security -- or does he plan to apply? He said he applied April 11th. Mr. Borries asked if there is some way he can verify that to the Trustee? Mr. Brumbau then handed documents to Ms. Hall. She read the documents and said the matter is pending, and if the Trustee gives her approval, then she can go ahead and pay his rent. President Borries asked Mr. Brumbau if he is on food stamps, and he replied in the affirmative. President Borries asked Ms. Hall that when a person comes back from a Correctional Center such as Mr. Brumbau, doesn't his parole officer or someone help him in relation to finding employment and counsel with him at this point? She said there should be -- but they have experienced the problem before where the Trustee has had to pay their rent and take care of them while they are on parole -- so she doesn't know if the parole officer does that or not. Commissioner Willner said he thought they were supposed to have a job before they came out. Ms. Hall said that there are many who come out who have no place to go and don't have anything. Mr. Willner then asked "what about the Halfway House? Sheriff Shepherd was present and interjected that that facility is for early-outers. He suggested that Mr. Brumbau should go to the Offender Aid & Restoration Center on 8th Street -- they work to help offenders find employment. President Borries said he then recommends that Mr. Brumbau contact the Offender Aid & Restoration Center as quickly as possible; also, he should contact The Reverend Saunders again as quickly as possible -- because he might have some suggestions for Mr. Brumbau. President Borries asked Mr. Brumbau that when he was employed at the Civic Plaza Hotel -- were his problems the result of his employment or the fact that he was living there? He indicated he "took things" while he was employed there.

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In response to Commissioner Willner's query as to how long it takes to get reply from Social Security, Ms. Hall said that it takes approximately six (6) weeks, depending upon the doctor. Commissioner Cox commented that she had been reviewing the matter, and she asked Ms. Hall if she knew on what part of the Trustee's Guidelines & Standards Mr. Brumbau was refused assistance after only one (1) month? She said she can't see where it says that applicants would only be eligible for one (1) month. She said she did note on his request and denial form that Alternate Resources were not contacted? Could that be the basis for the Trustee's refusal? Ms. Hall said she put this down on the form because the Trustee said Ms. Hall could not pay his rent. She does not know why the Trustee refused Mr. Brumbau, other than possibly the fact that she does not know about the case -- Mr. Goff is the individual who paid the rent the previous month. This was Ms. Hall's first time to see him (when he came in on June 8th) and the Trustee's office tells them "one month only" to give them incentive to find a job so they will not seek assistance on a steady basis. Ms. Hall reiterated that she has several at Civic Plaza Hotel -- and she is telling them that now that the weather is pretty -- they can find odd jobs doing yard work, etc. Sometimes they get in a slump -- as we all do -- thinking that if it's going to come to them, then they don't have to worry about going out to find work. President Borries asked Ms. Hall if we will know something about Mr. Brumbau's Social Security status within one (1) month? She said that we should. Commissioner Willner moved that the Commissioners refer Mr. Brumbau back to the Pigeon Township Trustee and allow him one (1) month's aid from the Trustee, and report back to the Board of Commissioners at that time. Commissioner Cox provided a second to the motion. So ordered. President Borries instructed Mr. Brumbau to contact OAR and The Reverend Saunders as soon as possible.

Kalus Noel - 614 Main Street: President Borries asked applicant to approach the podium and state his name, address, and nature of his request. Mr. Noel stated his name, gave his address as 614 Main Street (Civic Plaza Hotel) and said he is seeking rent assistance. He requested permission to present papers to President Borries (items up to his last working day). He said he came to Evansville from South Carolina; a tornado hit his place of employment and they are currently out of business. He said he and his family were broke -- they went back to live with their family -- and he stayed here in Evansville where, hopefully, he could find employment until such time as his former place of employment is restored to operational condition. In the interim, he has to live and work somewhere. He said he has worked all of his life. He said he would have had \$100 (which would have paid his rent) except he had to put that up because of a little incident that happened -- and he has to be here June 28th for a Court date. He said he believes the reason he was denied assistance is because he was given 27 hours to work. He said his rent was due on the 8th also. He went the following day to C.A.P.E. and they said they had so many it didn't matter -- how many were going to be over that day? In turn, they said that if he didn't want to work he could come back some other day -- as long as he got his work done within the one month time period. He said this was on a Thursday. He said he looked for a job on Thursday, Friday and Saturday. And while this may sound like a repeated story about backs -- it is not. He said he slipped on the steps at the Civic Plaza Hotel and his back has been giving him problems. He also tried to sell his blood via the Blood Bank; however, he has a health problem and they will not accept his blood. They have told him he has an infection (liver, kidney, or something) and they will not tell him for certain what it is until they have reply on three reports they sent off. He said he has not been back to C.A.P.E., as he has hardly left his room -- except to eat (which is not too often sometimes). He said he wants to work, because he wants to get his family back. He said he has no place to live -- and he has to be here on June 28th to appear in Court (as indicated by the cash bond posted). President Borries asked Ms. Hall if she had any questions. Commissioner Cox asked Mr. Noel if he has an attorney. He said, "No, there were 12-15 witnesses...I don't need an attorney." Ms. Hall commented that when Mr. Noel came here in May, the Trustee authorized her paying one (1) month's rent. On the 8th of June he came in and said he had not worked his hours because of his being sick, etc. She said she told him that if he had contacted them and let them know what the problem was, they could have gone along with him. But having heard nothing, they did not know he was hurt or whatever. Therefore, since he did not complete his hours they did not pay his rent. She said he told her he went to C.A.P.E. and they told him to go back home -- that they didn't need him. Ms. Hall said she felt that in a month's time he could have worked a few of the hours, or the Trustee's office could have been contacted to let them know what was going on. Commissioner Willner asked Ms. Hall how many hours Mr. Noel owes the Trustee's program, to which Ms. Hall responded, "27".

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It was Mr. Willner's recommendation that Mr. Noel work his twenty-seven (27) hours and make re-application. After very brief comment or two, Commissioner Willner made motion that Mr. Noel work his twenty-seven (27) hours and then reapply to the Trustee for aid. Commissioner Cox seconded the motion. So ordered.

Donald L. Morphew - 1153 Covert Ave., Apt. B-1 (Knight Township): The Chair asked Mr. Morphew to approach the podium and state his name, address, and nature of his request. Mr. Morphew stated his name, gave his address as 1153 Covert Avenue, Apt. B-1 and said he needed assistance with his utility bill (SIGECO). He explained that he received a bill from SIGECO April 9th or 10th. He said he took it back to them because the March bill was as high as the February bill -- and he only lived in his previous residence on Rheinhardt Ave. for two (2) weeks, as he lost his house via foreclosure. Yet, the bill was still higher for half a month than it was for a whole month. He said he has a bill where they charged him five (5) extra days in April, because they could not get into the house to shut off the gas. He said he rented the apartment on Thursday, March 15th, and he moved in that weekend. He said he requested that utilities be shut off on Rheinhardt on March 19th (he talked with a Mr. Eaton). Mr. Eaton told him they would not be in a position to shut off the utilities until Wednesday, March 21st. Therefore, Mr. Morphew was there on Wednesday, Thursday and Friday and SIGECO never showed up to shut off the utilities. Mr. Morphew and his family had a rummage sale on Friday, Saturday and Sunday. He did not go back to the house until he received a bill which was mailed April 9th, which he received April 10th. He said that was when he went to SIGECO to complain about the bill. Mr. Morphew stated that Mr. Eaton (SIGECO) called Mr. Hadley at Union Federal on April 10th to make arrangements to get the keys so Mr. Morphew could let SIGECO in to shut off the gas -- and the man who read the meter said the meter had only been read three (3) times the prior year. Mr. Morphew said he knows that is true, because he would see SIGECO personnel walk past his house reading other meters in the neighborhood. He said his meter is the only meter on the block inside the house. Additionally, SIGECO did not remember calling the bank to request the keys. Mr. Morphew said he can provide a photocopy concerning this, if the Commissioners wish. Commissioner Willner asked Mr. Morphew if he works? Mr. Morphew said he had an accident three (3) years ago and he was off eight months for that. He subsequently went to work for a Pizza Hut restaurant, where he worked several months. He then had to quit that job and subsequently worked for Orkin Pest Control -- where he was later asked to resign, because they found out he was making plans to see a psychiatrist and had been with Southwestern Mental Health (and still is) since February 1983. He said there are thirteen (13) doctors who say he has organic brain damage from the accident. He said the only eyewitness to his accident said he was thrown 30-ft. up in the air and came down head-first on the concrete. Another individual in the room asked permission to speak, stating she is Mr. Morphew's sister. She said Mr. Morphew is requesting assistance with his utility bill. He was mentally disabled three (3) years ago due to an accident. Since that time, he has received some help -- and his wife does work part time at K-Mart. He was denied help with this bill. Commissioner Cox asked if Mr. Morphew is on Social Security? Ms. Oglesby said he has applied -- but he is not drawing Workmen's Comp or anything. There is a suit pending in Ohio, where the accident occurred. It was noted that he did draw Workmen's Comp for eight (8) months. Ms. Oglesby said he lost his house on Rheinhardt, and his family got together and paid a \$400 deposit to get him into the apartment on Covert Avenue -- but he is without gas and electric -- and has been -- for two weeks. Commissioner Cox asked how many people are in the household? Ms. Oglesby responded, "3"...the Morphews have a 9-year old son. She said Mrs. Morphew works part time at K-Mart. With people going on vacation, etc., she has been getting 40 hrs. per week the past month and she accepted it. The Trustee told her she made too much money (she made \$402.00). Their apartment rent is \$255.00/month. Commissioner Willner noted that \$350.00 is the limit. Commissioner Cox asked if Mr. Morphew made application to any other agencies for assistance? Mr. Morphew said he had been to C.A.P.E., Catholic Charities and Patchwork Central. Commissioner Willner asked whether Mr. Morphew applied for Project SAFE? He said he applied late....and received some assistance. Commissioner Willner asked if Mr. Morphew has made any payment at all to SIGECO? HE said he had -- in bits and pieces. Commissioner Willner commented that SIGECO had a program called "GAP". Mr. Morphew said the Congressman's secretary told him that SIGECO had a program, you could get on that (he'd never heard of it). He said he asked Mr. Eaton about it at the time Mr. Eaton gave him a computer copy of his bill -- but he said Mr. Morphew would have needed to come to him before they shut off the utilities. Both Mr. Morphew and his sister stated that Mr. Morphew did not receive a shut-off notice....and without a shut-off notice you cannot get help. Commissioner Willner then asked when Mr. Morphew applied for Social Security Disability, and it was noted that it was some 14-15 months ago. Ms. Oglesby said the Social Security doctors denied

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his request, stating he is mentally and physically fit --and they cannot understand why Indianapolis turned it down. In response to Commissioner Cox's query as to how much the SIGECO bill is, Ms. Oglesby said the bill Mr. Morpew has shows \$185.00, but when she called SIGECO to find out the proper amount (they were going to try to pay it) they said it was \$235.60. She said she talked to Janet McKissick from Congressman McCloskey's office, and she is the one who advised them to come to the Board of Commissioners. Ms. Oglesby said Ms. McKissick also tried to help, but did not get anywhere. Commissioner Willner asked if Mr. Morpew has an attorney who tried to help him on his Social Security application? Ms. Oglesby said Mr. Morpew has an attorney here (John Hamilton) and one in Ohio on the Workmen's Comp suit. She said there is supposed to be another hearing; action is pending on more information from the doctors, etc. Ms. Oglesby stated the utility problem is the immediate problem. Commissioner Willner asked if SIGECO gave Ms. Oglesby any indication as to why the difference in the amounts on the bill? Mr. Morpew said he was down there twice last week -- and SIGECO kept him confused the entire time. Ms. Oglesby said it was her understanding from SIGECO was that they penalized him five (5) days because they could not get into the house because the bank had the keys since they foreclosed on the house. SIGECO said they couldn't get in -- so they added five extra days. Commissioner Cox remarked that the bank should have to pay this! Again, she asked if this bill is on the former house on Rheinhardt? Both Ms. Oglesby and Mr. Morpew reiterated it was for the house at 2737 Rheinhardt. Mr. Morpew remarked that he received his shut-off notice for the apartment this past Friday -- and the utilities have been off for two weeks; thus, SIGECO is a little behind! (It was subsequently noted that Mr. Morpew's shut-off notice had gone to the wrong address, been sent back to the Post Office and re-forwarded.)

The meeting proceeded with President Borries asking the investigator from Knight Township to approach the podium to offer her comments on this case. Emarie West said that Mr. Morpew made application on April 30th, at which time his wife was making \$453.86/month. Request was denied because of \$350.00 income limit for family of three. Application was made, again, thirty (30) days later. This time, his wife's income was \$402.39 (\$52.00 over the income limit). Again, Mr. Morpew was given a denial letter. She said they did make notation on application that he had applied for Social Security. When he made application in April, he was asking for shelter assistance. When he made application on May 31st, he was requesting utility assistance. She said she does not believe he inquired about any type of SIGECO assistance back in April. Thus, he was given a letter of denial because he was over income. She said she understands that Mrs. Morpew is getting more workhours now than she normally gets. But they still have to count that income. She noted there is also information on the application concerning Veteran's benefits. She said she does not have the history of his service record here. Then she asked Mr. Morpew how long he was in service? He said he was in Military Service the full four (4) years and received an honorable discharge. Commissioner Willner asked if Mr. Morpew is currently receiving any type of medication? Mrs. West said none is indicated on the application. Both Mr. Morpew and his sister were queried as to whether Mr. Morpew is currently on medication and they responded that he is on none at this time. Ms. West said the Workmen's Comp thing has been going on for years. There are notes in the folder dating back to 1981, where the Trustee's office tried to make inquiries about getting that going for him -- but apparently there just hasn't been any luck in hearing anything on it. She said the first note is dated July, 1981. Commissioner Willner commented that perhaps he was cut off Workmen's Comp because he moved to Indiana -- but other individuals remarked they didn't think they could cut him off for that reason. The Commissioners then asked Emarie West if she knew why Mr. Morpew was cut off Workmen's Comp in Ohio after eight (8) months? She said she didn't think there was anything in his file pertaining to that, other than the fact they did try to get it started for him. She said the file does contain note that on June 22, 1981 a call was made to Three Rivers, MI concerning Workmen's Comp, and they said at that time that it takes eight (8) weeks from the time the claim is filed. The lady in that office was going to mail copies of letters she had sent to Mr. Morpew -- but Ms. West does not see the copies in the file. There is also notation that Knight Township Trustee called Midwest Federal to determine if Mr. Morpew had disability insurance on his mortgage loan. Also, an address is included for Bureau Workmen's Comp in Youngstown, Ohio. No mention is made of an attorney. Mrs. West said there is a brief note saying, "Cut off October 30th -- \$62.93three checks from August...drew Workmen's Comp of \$207.00/week until October 30th? Mr. Morpew said doctors told him he could go to work -- and Ms. West said she did not know if this was the reason he was cut off or not. She said she might possibly be able to talk with some of the private agencies to see if perhaps the Trustee's office can

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help him get a few dollars from here and a few dollars from there -- insofar as paying on this utility bill -- but the Trustee's office felt they could not assist since the family was over income. Commissioner Willner said he feels that Mr. Morphew needs some type of legal assistance. President Borries stated that the Trustee's Office has followed their guidelines correctly -- and that is where the Commissioners' dilemma is. They can appreciate Mr. Morphew's needs. At the same time, they can find no grounds at this time for acceptance -- because his wife is gainfully employed. The Trustee has followed the guidelines insofar as the \$350.00 limit for the household. The Commissioners are unclear on this; if Mr. Morphew is disabled, can he provide documentation to substantiate that he is disabled? Why is he not eligible for Social Security benefits? Mention has been made that he applied for these and was turned down in Indianapolis? Mr. Borries asked Mrs. Oglesby if she knows why he was turned down? Mrs. Oglesby said she does not. She does know that he has been to 14-15 doctors, and they all say he has brain damage. Commissioner Willner said that Mr. Morphew needs an attorney to take this to court -- and he probably can't afford an attorney. Thus, we should send him to Legal Aid or Legal Services with the Trustee's help (even though he is over income) to see if we can't help this gentleman. It is plain to see that he needs help -- mainly in proving to government that he needs help and is not able to hold employment. Mrs. Oglesby said Mr. Morphew has always worked. He was working for Antenna Associates (Cable TV) and was working at the time the accident happened. He has not been able to hold a job since. He went to work for Orkin and got fired because they said he was crazy. He worked for Pizza Hut and fell apart and couldn't hold that either. She said the family has helped all they can -- and will try to continue to help where they can; but they have families of their own and something has got to give. She said Congressman Deckard helped get the Workmen's Comp checks started; but they were late. The hospital in Cincinnati sued Mr. Morphew, as did the hospital here. The family contacted Congressman Deckard and thru his help Mr. Morphew received eight checks; but when he went out of office the checks stopped. Month before last, Morphews only got a portion of the food stamps they normally get -- because Mrs. Morphew had worked the extra hours. Commissioner Willner moved that the Board of Commissioners refer the matter back to the Trustee; not for any monetary assistance, but certainly some assistance in handling Mr. Morphew's affairs. If the Trustee cannot get Mr. Hamilton take his case, then Legal Aid or Legal Services should be contacted -- or whoever, until the Trustee gets someone to take Mr. Morphew's case. Commissioner Willner said it has been shown that Mr. Morphew does need some assistance. Commissioner Cox seconded the motion. So ordered. President Borries then asked Mr. Morphew and Ms. Oglesby if they understand that the Trustee could suggest some agencies where they might pursue this legally, because that is what needs to be done. He said that with that many doctors, Mr. Morphew should be able to provide ample documentation to prove that he is disabled. Both Mr. Morphew and Ms. Oglesby expressed their appreciation.

RE: COUNTY ATTORNEY.....Cedric Hustace

Attorney Hustace said he had a communication from County Attorney David Jones with respect to the Agreement with the Indiana Department of Corrections concerning Grant Funds relating to the Community Corrections Advisory Plan. Mr. Jones has looked over the form of agreement and he approves same as to form. Mr. Hustace is, therefore, presenting it to the Commissioners today for their approval and signature. Mr. Hustace said he had received some communication from Allan Henson in the office which administers this, and he would like to have it signed as quickly as possible. Commissioner Willner moved that this Agreement be approved. Motion was seconded by Commissioner Cox. So ordered.

Mr. Hustace then directed the Commissioners' attention to the Administrative Proceeding with the Environmental Management Board, which involves the chemical waste at the County Highway Garage. Mr. Jones has a Consent Decree with the Environmental Management Board, which he approves as to form -- everything in it -- except as prepared by the Deputy Attorney General with regard to Paragraph #5, which relates to the reasons how this all came about. Mr. Jones has revised Paragraph #5 to show that the County has gotten into this inadvertently and through no intentional fault, and that they were required to keep these drums of materials under Court Order and during this process of time the drums have deteriorated -- and that is where the problem lies. Mr. Jones has requested that the Board approve the Order as he has revised it and then he will, in turn, submit the Consent Decree to the State for their approval. President Borries asked if the commissioners had any questions concerning this document. Commissioner Willner asked if the State has agreed to go along with his changes? Mr. Hustace said Mr. Jones

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has been trying to get the State to approve the changes. The State has indicated that they simply ran out of time to approve the changes prior to today's meeting of the Board of Commissioners. He said it is not one hundred percent certain that they will accept the changes but, these are the changes that protect the County. Therefore, the Commissioners are signing this document with the understanding that the changes have not been approved by the State....but will be submitted to the State for approval. Commissioner Willner moved that the document be approved as changed, subject to David Jones wishes. Motion was seconded by Commissioner Cox. So ordered.

Mr. Hustace said he has another item to bring to the attention of the Commissioners, although it is not on the agenda -- and that is the Preliminary Cable Television Franchise Proposal. He said this is in the form of an Ordinance relating to Community Cablevision. He said Attorney Jones had asked him to look this over, and he has done this. He said it is a very long involved type of Ordinance. Actually, it is really a franchise agreement in the form of an ordinance. The thing that strikes Mr. Hustace about this is that it is substantially different from the other form of agreement and ordinance that the Commissioners approved some time ago. It is Mr. Hustace's suggestion -- for uniformity's sake -- that we have a similar type of ordinance and similar type of agreement with respect to Community Cablevision, rather than the form they have submitted here. While it has many good things in it, Mr. Hustace is concerned from his initial review of it that there are a number of affirmative obligations that the County would undertake insofar as supervising the day-to-day management or functioning of this Cablevision outfit, which the County may not wish to get into. Mr. Eustace said he would be happy to look at this again and work up something which would be more in conformity as to what the Commissioners have looked at before, with respect to Cablevision. Commissioner Willner moved that the County Attorney's office forward a copy of our previously signed Ordinance to Community Cablevision and see if that is acceptable to them, and if they will revise their version to conform with it. Motion was seconded by Commissioner Cox. So ordered. Mr. Eustace indicated that this concludes the matters he wanted to bring to the attention of the Commissioners today, with the exception of the Data Processing Services Joint Agreement and the form of Ordinance with respect to the weight limits on the Maryland Street Bridge, both of which are scheduled for discussion later on today's agenda.

RE: VANDEBURGH AUDITORIUM.....Kim Bitz

Mr. Bitz said that approximately one (1) month ago he met with Jan Thuerbach and Pete Helfrich of the Evansville Convention and Visitor's Bureau and discussed a new Tourism Promotion Fund that is available to either County-owned facilities or to County non-profit organizations. The way this fund is set up, any local organization can submit a Grant Request for Matching Funds for brochures that can be distributed via local tourism centers, or to every outlet that would display that sort of literature. Mr. Bitz proceeded by distributing copies of the Grant Application to the Commissioners. He said that as the Commissioners are aware, all we have to distribute now concerning the Vanderburgh Auditorium is the original brochure from when the building was opened (it still has Mr. Dressback's name on the back and several other outdated items). He said that while the brochure was very nice for when we started -- the way things are set up now with most organizations, they do have their own individual brochure. When the initial brochure was devised, it was meant to be an entire package for the city -- just focusing on the Auditorium & Convention Center. Mr. Bitz then commenced to show the Commissioners a mock-up which he submitted along with the Grant Application. Included in the mock-up were the following: A cover photo of the Auditorium exterior at night; three photos of the Auditorium; a photo of the new marquee saying "Welcome". etc. Also included would be a mail-in card, a map of downtown Evansville locating the Auditorium along with telephone numbers, and a photo of the Gold Room. He said individuals are more interested in looking at pictures and what happens at a facility than they are in reading about it. Mr. Bitz said the first Review Committee Hearing was scheduled for June 6th, but that date was changed. However, they should know within a week or so if our Grant Application was accepted. The preliminary cost figures for the proposed brochure is about \$3,000. Hopefully, we will be receiving about \$1,500 towards this project. Mr. Bitz said he currently has about \$12,000 in our promotions fund, and he requested permission that if this grant proposal is accepted to go ahead and use matching funds from that account. Motion to use matching funds if the grant proposal is accepted was made by Commissioner Willner, with a second from Commissioner Cox. So ordered.

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Commissioner Willner pointed out that the photo on the back of the brochure currently being used might be one for the "historic annals". He said it shows Main Street as it was before the walkway; it does not show the Civic Center but shows the old Community Center; and it does not show the Auditorium nor the Executive Inn. Commissioner Cox noted that at least the photo looks alive -- there's not all the vacant land that we currently have downtown.

RE: COUNTY HIGHWAY.....Bill Bethel

Weekly Absentee Report: Mr. Bethel submitted the Weekly Absentee Report of the employees at the County Garage for the period June 4 thru June 8, 1984.....report received and filed.

Weekly Work Report: Attached to the Work Report was the following work schedule for the same time period.....report received and filed.

Gradall: South Weinbach, Old Henderson Rd., St. Joe Ave., Plaza Dr., Walsh Rd., and Mesker Park Drive

Pull Shoulders: Old Henderson Road

Paving Wedging: McCutchan, Schlensker, Hillsdale Rd.

Patch: Oak Hill Rd., Elmridge, Pine Tree, Knob Hill, Little Schaefer, Coffee Tree Lane, Kirkwood, Outer Lincoln, Old Henderson, Martin Station, #3 School Rd., Hillsvie Rd., Red Bank, Hogue, Magnolia Drive, Baseline, Roth Road, Happe, Duesner, St. Joe Ave., Nisbet Station, Millersburg Rd., Baseline West of Hwy. #65

Mower: Mesker Park Dr., Mill Rd., Allen Lane, Kasson Rd., Detroy Rd., Browning Rd., Old Petersburg Rd., Green River Rd., Broadway, Nurrenbern, and Schutte Rd.

Commissioner Willner indicated that we need a list of the roads to be paved. Mr. Bethel went before the County Council and obtained approval for \$150,000. Motion was made by Commissioner Willner that Mr. Bethel get on Council call for next month and ask for an additional \$150,000. Commissioner Cox provided a second to the motion. So ordered.

Mann Road Project: Commissioner Willner said he believes we have a settlement regarding ditches on this road and the removal of one or two ditches. However, he is not certain who has that agreement at this point. He said the money for this project is to come from Judgments & Refunds Account, so we do not need to go to Council on this. We have the money and we need to check that account, get a blue claim made up and have Mr. Adler sign it. He also asked if the Commissioners ever signed the Attorney's complete agreement? Mrs. Cox noted that Mr. Adler wanted the County to give him all the dirt. President Borries said we need to check the minutes, as he is not certain who has the Agreement. It was noted by Commissioner Willner that the Commissioners are in unanimous agreement to use the money from the Judgments & Refunds Account; all that remains is the leg work and this will be finished. President Borries explained that what is being referred to here is a discussion on settlement on Mann Road, where we've had numerous complaints, problems with bridges, problems with right-of-way, not the least of which were some problems with private individuals who owned the land in that area. We believe we have a settlement, which we had discussed with all the private individuals regarding the road and the ditch along the road, which would settle the whole issue. This would mean the elimination of at least one (1) bridge and possibly two (2). President Borries said either John Staser or David Miller has the Agreement. Then, we will need to get a claim from Mr. Adler regarding his agreement. This should end that matter.

RE: COUNTY SURVEYOR.....Bob Brenner

Bridge & Guardrail Repair/Weekly Report: Mr. Brenner indicated a lot of time was spent on Heppler Road, as we were about to lose it. They completed drop box; built retaining walls and filled with rip rap. Additionally, they cut and sprayed weeds, cleared guardrail, and painted ends on Allens Lane, Mill Road, Kentucky Avenue, St. George Rd.,

Oak Hill Rd., Emge Rd., Buente Rd., St. Wendall Rd., Trapp Rd., Martin Station, and Nesbit Station, etc.

Maryland Street Bridge Project: Mr. Brenner said he contacted our Insurance Carrier and asked them to send him their structural engineer, which they have under contract (which is part of what we paid for), and they agreed to do so. However, he has not seen him yet.

Vehicles: Mr. Brenner said last week the Sheriff told the Commissioners he was turning some vehicles back in (a van and some detective cars). Mr. Brenner said he has looked thru the maintenance records and what have you; according to the people who were driving them, there are a couple of Impalas and a van which are supposed to be in excellent condition. Three months ago the van was appraised at \$6,800 and the Impalas at \$5,000. Mr. Brenner said he would like to pick up one of the Impalas and the van. He said he has a van and a 1973 Chevrolet to scrap. He said he's come to the point where he simply can't maintain them any longer. Commissioner Willner asked Mr. Brenner if he had money in his account for the vehicles. He said that he did not, he'd have to go to the Council. He said there is money in the bridge account, and he needs both vehicles for the bridge crew.

Hydraulic Jackhammer: The hydraulic jackhammer purchased six (6) years ago -- which came from Hughes Tool Co., which sounds like a nice reputable company -- except Hughes Tool Company has gone out of the hydraulic impactor business....and Mr. Brenner is needing a special seal which doesn't exist anywhere. The impactor broke down some 3-4 months ago on Bender Road and is caput! (Mr. Brenner said there are still a lot of concrete headwalls sitting around, even though they did make quite a bit of progress.) Nonetheless, Diamond Equipment Co. (the firm from whom he purchased the jackhammer) says they feel bad because six (6) years is not a useful life -- and they'll give him a heck of a deal on a new one. Mr. Brenner said with no trade he is looking at about \$8,100...and with trade about \$8,000. Diamond can use it for parts, because they have sold a great many of them. Commissioner Cox said it can't be six years old, because Dave Guillaum came up and told the Commissioners about a "Wacko" -- but Mr. Brenner interjected that it was a "Wacker" -- and that's a \$500-\$600 item -- he has several of those. He explained that the latter is a "compactor" -- it is mechanical tamper. Mr. Brenner said Bill Bethel doesn't have an impactor, the surveyor's group does work for him with theirs. Mr. Brenner said on all the little bridges in the county, they've probably cut concrete rails off and replaced them with metal-layered rails on about 60% of them. He said he can document where many, many times people have hit the metal rail and they would have been dead had it been a concrete rail -- this is one of the best projects the county has ever had. In response to Commissioner Willner's questions concerning the hydraulic jackhammer, Mr. Brenner said he had to give the information to the County Auditor by June 15th to get it advertised, then he goes on the agenda July 15th. Commissioner Willner said he gives Mr. Brenner approval to advertise and go on Council call. Mr. Brenner said that is all he is seeking, because he then has to come back before the Commissioners for their approval to purchase, etc. Commissioner Willner moved that Mr. Brenner be given permission to advertise concerning the hydraulic jackhammer and go before the Council. Motion was seconded by Commissioner Cox. So ordered. Mr. Brenner subsequently explained that the impactor costs \$6,900 and the kit to hook it up to the backhoe costs \$1,200.

Dump Truck: Mr. Brenner said his last sad tale of woe concerns his dump truck, which we've owned for two (2) years. We paid \$6,000 for it. He has probably put another \$6,000 into it. It has a diesel engine. His latest estimate for repair (to replace the engine) was \$7,500 and to rebuild it would be \$3,800 and he'd still have a 1968 "grunt truck". He said he has nothing to haul the backhoe with -- so they're just driving the backhoe. While the dump truck will run, it uses 7-8 quarts of oil per day; but it won't run long. By running, it is worth something as a trade-in, however. He recommends that we purchase a single-axle gasoline truck (used). Commissioner Willner moved that Mr. Brenner go on Council call next month to purchase the two (2) vehicles which the sheriff is turning back in to Cooke Chevrolet, if they are mechanically sound. Mr. Brenner said Sheriff Shepherd told him two of the Impalas are in excellent shape; one has a new engine and transmission (\$4,600 worth of work) and is going to be traded back in for \$5,000. Commissioner Cox said Sheriff Shepherd had told them they were in such bad shape -- that's why he was anxious to have the least agreement signed. In response to Mrs. Cox's question as to how many miles these vehicles have on them, Mr. Brenner said these vehicles are in the 47,000 - 48,000 mile bracket. He said his have 150,000 miles. Mr. Brenner remarked that perhaps the 48,000 mile bracket is way up for a police vehicle. The 1981 van was not being used, so Sheriff Shepherd is turning it

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back in and replacing it with a station wagon. Mr. Brenner said the car he is getting rid of is a 1973 model (he got it from Pleasantview Rest Home). At the same time, he also got a Volkswagon -- and he wore it out a couple of years ago! He said the Commissioners can see his van leaning up against the fence out at the Highway Department. Second to Commissioner Willner's motion was provided by President Borries. So ordered. With regard to the truck, Commissioner moved that Mr. Brenner draw up specs and come back to the Commissioners and have those approved. He said if Mr. Brenner specifies gas model, he'd just as soon he went with a new vehicle and be done with it and that way we could expect it to last ten years. Mr. Brenner said on diesel model -- everytime he goes anywhere to have one fixed they take his head off! Motion was seconded by Commissioner Cox. So ordered.

Impactor: After brief discussion concerning impactor, Commissioner Willner moved that Mr. Brenner draw up specs on this, have same approved and go on Council call next month for this, also. Mr. Brenner said there are only three (3) companies making these now, so he'll just bid it. In the bid, we'll have to include our old impactor, because it is of absolutely no use to the County now. Commissioner Cox provided a second to the motion. So ordered.

Boonville/New Harmony Overpass: Commissioner Willner requested Mr. Brenner to give the Board a rundown on the Boonville/New Harmony Overpass, saying he hoped it will be open tonight. Is it? Mr. Brenner said he did not know, he hadn't heard from the fellow on this. Commissioner Willner said it's all down -- and Saturday evening it was in the center of the road and had to be picked up. He said there's a culvert on the east side of that which needs to be extended. Has Mr. Brenner given him permission to go ahead and do that? Mr. Brenner said, "no, I wanted a price -- I've been there before". Mr. Brenner said there's a culvert which needs extending -- but it's in his right-of-way. The fellow was to get him price; Mr. Brenner wanted to have it when he came to the meeting today, but he doesn't have it. Commissioner Willner asked that Mr. Brenner check on this and give the Commissioners a call, as this needs to be done. He said the culvert was only as wide as the bridge; now that the bridge is gone, it leaves a void in there -- it should be 5-6 ft. on either side. Mr. Brenner said it shouldn't be too expensive -- but he'd like to have a price before he proceeds.

Maryland Street Bridge Project/Ordinance: President Borries indicated that the Ordinance on Maryland Street Bridge Project (if we sign it today) sets the Gross Weight Limit as Four (4) Tons and Vertical Clearance at 20-ft., and the Bridge Number (he thinks this is the City number, of course) Two (2). The Ordinance needs to be signed by the Board of Commissioners and the Vanderburgh County Council..is this the correct procedure? He then asked if Mr. Brenner expects to hear from the County Insurance Carrier soon? Mr. Brenner said last Monday they promised they'd get the structural engineer right to him. However, he's called them back twice since. Mr. Borries said during a conversation with Mr. Gerard prior to today's meeting, he said that given all the necessary requirements taken into consideration, with hearings (and there may be some bridge modifications), the earliest we could expect any kind of money -- and he did not believe that either the State or Federal Authorities would commit themselves to any pointblank statement that we have the money -- would be in September 1985...which is some time away. He said that time wait would be unacceptable to him. This is why he is anxious for Mr. Brenner to hear from this structural engineer. He thinks the Commissioners could go ahead and pose this Ordinance now and see what the structural engineer says; at that point, depending upon what we hear from him, make a decision to move ahead on that bridge with our local monies -- because that seems like an awfully long wait for an "if" and he is not sure at this point but what we have other bridge needs that those funds could be used for -- such as Fulton Avenue, etc. But the critical condition of this bridge seems to be that we need to make a decision sooner than September 1985. It was the consensus that the Commissioners needed to move on the Ordinance. President Borries said another thing Mr. Gerard had, was a current Supplement under Indiana Code 36-2-4-8 is that the Superintendent of County Highway Department shall immediately erect appropriate signs on each approach of the Maryland Street Bridge -- but wouldn't the Board of Public Works also be involved in this? Mr. Brenner said it would be the Transportation Department--David Savage. Commissioner Cox asked if Mr. Brenner has the truck route? Mr. Brenner said, "No, once we have the Ordinance we'll have to go to the City and they will have to establish the truck route. Commissioner Cox asked if this Ordinance doesn't have to be advertised? Commissioner Willner said he was sure it did. President Borries continued reading the Ordinance, indicating that Adoption will require publication once each week for two (2) consecutive weeks. However, because of the emergency herein, the Board may proclaim the urgent necessity for immediate effectiveness without publication

upon posting in three (3) public places in each district in Vanderburgh County pursuant to Indiana Code 36-2-4-8. I would however publish it in addition to having it posted at one (1) place in each of the three Commissioner Districts. Commissioner Cox asked if the Ordinance provides for who is responsible for enforcement? Mr. Brenner said this becomes part of your traffic law -- just like a speed limit. Mr. Hustace commented that this is only an Amendment of this one provision of the Code of Ordinances of Vanderburgh County -- and the enforcement provisions are already in the Code of Ordinances -- that is not being changed. Commissioner Willner commented that in other words, the Sheriff can enforce it, the City Police can enforce it -- the State Police can enforce it. But the law says you can only make them go so many miles to cover the scales -- and we don't have scales, but the State Police do. Commissioner Cox said she had a suggestion from an individual who is just a regular citizen right now. Other than the concerns on the weight limit on the bridge, the ultimate reason for posting it is to keep heavy vehicles off the bridge. This individual came up with the idea of a clearance bar on each end. Mr. Brenner said he didn't know about this; they're not allowed to put speed bumps out -- he said when you put an obstacle in the road, you become liable for anything that happens. Commissioner Cox said you'd post this -- not only on the bridge, but at the intersections of the major crossroads before coming to the bridge.....establish a clearance. Mrs. Cox said we have so many laws, etc., on the books -- and it doesn't do any good to have them if we're not going to stand behind them and have them enforced. Mr. Brenner said he's sure we "intend to enforce them" -- but how? Mr. Brenner said the clearance bar is good if you can do it. He does know that they can't put speed bumps out, which would be a good idea for school crossings, etc., -- but they can't do it. Mr. Hustace said that offhand that the purpose of these notifications is to notify the public what the safe load limit is and what the safe vertical clearance is -- it is not to create any obstacles or anything like that. Mr. Brenner said it would be interesting if we take the top of a truck off or kill a driver! Commissioner Cox said it is her understanding that they are using these in other places. Mr. Brenner said it's not a bad idea -- he kind of likes it. But he suggested that we give it to the County Attorney to find out for certain if we can do this. President Borries said he thinks we need to keep a positive attitude-- and realize that if we inform the public that they will cooperate. Commissioner Willner suggested that the vertical aspect be researched to see what the County Attorney can come up with. Commissioner Willner stated that it is his intention to go ahead and vote to use County funds to replace the Maryland Street Bridge as soon as possible. Therefore, he feels the Ordinance is not necessary at this time. If the Board wants a week to hear from the Insurance Company, that is agreeable to him. But he will be prepared at that time to make a motion, after hearing from the Insurance Company. We could declare it an emergency and go ahead and ask for bids. Mr. Brenner said he's been sitting on the soil samples and beam design -- and it shouldn't take long. In the interim, County Attorney's office is to research vertical clearance issue -- in the event this is something the Board of Commissioners wants to add. Commissioner Willner asked if Mr. Brenner thinks he can hear from the Insurance Company by next week? He said he certainly hoped he would. However, he thinks it would also be helpful if the Commissioners call the Insurance Company to get things moving.

St. Joe Avenue Bridge: Commissioner Cox queried Mr. Brenner about St. Joe Avenue where we took out the Railroad Bridge. She said they are filling in out there. Did we put a culvert under the road? Mr. Brenner said he is glad she asked that question. There is a culvert down there. He sent his people in there and they dug it out as far back as they could go -- and the pipes collapsed. In response to Mrs. Cox's question as to who put it there, Mr. Brenner said the contractor did back in 1972 or 1973. (This was a Kentucky contractor -- one who was subsequently banned, but no one could recall the specific name.) Commissioner Cox said people are complaining because the water is pooling there and it is breeding mosquitoes. Mr. Brenner said the guardrail should be put back up and grass seed planted. Commissioner Willner said the real problem is that the property owners are dumping there and closing the waterway off.

Harmony Way: Commissioner Willner said another problem exists on Harmony Way, of which she is sure Mr. Brenner is aware. That is where Wally's Boat Shop used to be. The Caruthers and Steinmetzes are the complaintants on this. She said the story they told her was that the drainage tile under the road is broken and needs to be replaced -- but the County does not have the money to do it. Mr. Brenner responded that this was news to him. He hasn't heard anything about this problem. He will, however, send someone out there to check this out and give Commissioner Cox a report on this at next week's meeting.

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RE: COUNTY ENGINEER.....Andy Easley

United Consulting Engineers, Inc./Claim: Mr. Easley said that United Consulting Engineers, Inc., had sent a Monthly Status of Progress Report (5/31/84) concerning the Eichoff Road Project. They also submitted a statement for their work thru 5/31/84 in the amount of \$3,983.85. He said he has checked this in accordance with their contract and recommends that it be approved for payment. United also completed an Early Coordination Packet, which is notification to a lot of people of what we intend to do. Mr. Easley noted this is for State and Federal procedure approval and said this should not be included in the minutes, as it is quite lengthy. He did, however, pass it to the Commissioners for their quick review. President Borries remarked that the claim details what percentage of the Environmental Location Study has been done, etc. It has been signed by the president of UCE, as well as Andy Easley. Motion to approve this claim in the amount of \$3,983.85 was made by Commissioner Willner, with a second from Commissioner Cox. So ordered.

Morley & Associates, Inc./Claim: Mr. Easley presented a claim to Morley & Associates, Inc., in the amount of \$145.00 for extra work on the Burkhardt Road project right-of-way and some meetings he had on the Euler purchase. It is Mr. Easley's recommendation that this claim be approved for payment. Motion to approve this claim in the amount of \$145.00 was made by Commissioner Willner, with a second from Commissioner Cox. So ordered.

Erosion on Ohio River Bank:

Mr. Easley said he took twelve (12) photos of the erosion along the Ohio River bank and will send them to the Corps of Engineers. He said it is another season of flood -- and it may be hard to keep that road open. If they can live up to their proposed six (6) months to get a project ready, it may be too late to do it in 1984.

Mill Road Crossing: Mr. Easley said he had a meeting last Friday with the Illinois Central-Gulf Railroad concerning the Mill Road crossing just east of the County Garage. They are tentatively scheduled to close that on the 25th of June for three (3) days. Mr. Easley said he has talked with the Traffic Engineer; there is also a siding that goes into Fiberfil and they are concerned about their trucks having to get up and down Kratzville -- and they have requested some special signs to slow people down so their big trucks can make a right turn at Kratzville. There's 15-ft. between Fiberfil's siding and the main line and it is Mr. Easley's understanding that according to the regulations the railroad works under -- we may have to provide some asphalt between those two points. They have offered to adjust the grade properly and said if we would purchase some 3/4" or 1" x 1 1/2" steel to raise the header, they would weld it on there so we could pave up to it. We may have to spend \$180 on some steel; the header is low and you cannot raise it because it is poured in a piece of concrete. Mr. Easley said he is going to have some elevations taken, as we want to have a decent crossing there. He said he hopes it will be o.k. to spend up to \$400 of County money out there, if necessary to do a good job. Commissioner Willner said we've done that before where there were two tracks 15-ft. apart. He said as long as we get the same price on the asphalt as we have thru the purchasing department it's alright. He said he doesn't understand what steel Mr. Easley is talking about. Mr. Easley said there is a steel rail (called a header) away from the tracks. Ordinarily, our pavement stops at the header and then they work between the headers. It looks as though the rails ought to be raised 1 1/2" and the header is going to be low. If you try to put the asphalt over the top of the header.....he's got to go back and study this. The railroad probably has 100 of these things between here and Illinois, and cannot afford to be overly generous on each one. Commissioner Willner asked that Mr. Easley furnish his recommendation on this matter.

RE: JOINT AGREEMENT/DATA PROCESSING SERVICES

President Borries proceeded by noting that the Joint Agreement between the City and the County on Data Processing Services needs to be amended. He said the Council expressed an interest in having a member of the County Council and a member of the City Council on the Data Processing Review Board (during their meeting last Wednesday). Attorney Jones has, he thinks, set it up where that is now the case. In other words, there would be two additional persons added to this particular Agreement, choice of individuals to be at the Councils' discretion. Commissioner Cox asked how many members this will make on the Board, to which President Borries responded, "twelve (12)".

(continued)

Continuing, President Borries indicated the Review Board would consist of the following twelve (12) members:

County Auditor
City Controller
County Clerk
Prosecutor
City Clerk

A representative of the Vanderburgh County Court System, who shall be selected on the joint concurrence of the chief judges of the Vanderburgh Superior Court and the Vanderburgh Circuit Court

Two (2) members appointed by the Board of County Commissioners

Two (2) members appointed by the Mayor of the City or by the Internal Board of Public Works of the City in the Mayor's discretion

One (1) member appointed by the County Council

One (1) member appointed by the Common Council of the City

In response to Mrs. Cox's query as to whether the Councils want one of their own members to serve or whether they wish to appoint someone else, Commissioner Willner noted that the way the Agreement is written they can appoint either a Council member or a citizen member...they have their choice. President Borries said it was his understanding they would appoint a member of the Councils; however, they could exercise their prerogative. There being no further questions or comments, Commissioner Willner moved that the Board of Commissioners approve the Amended Joint Agreement. Motion was seconded by Commissioner Cox. So ordered.

RE: CHECKS RECEIVED FROM THE STATE

President Borries advised that two checks were received from the State as follows re Environmental on Eichoff Road:

\$1,647.75 (75% -- Local claim was \$2,441.10)

\$1,340.14 (75% -- Local claim was \$1,985.40)

\$2,987.89 Total

Motion was made by Commissioner Willner that acceptance of these two checks be approved. Commissioner Cox provided a second to the motion. So ordered.

RE: TELEPHONE REQUEST/County Welfare Dept.

The Chair directed the Commissioners' attention to a telephone request from the County Welfare Department for Hillcrest Home Superintendent. Indication is given that the department has sufficient funds to cover the request. Nature of request is to move the phone from one room to another at estimated installation cost of \$90.00. (Mr. Jim Lindenschmidt advised that the explanation given concerning this request is that the former superintendent had the telephone on one bedroom. Under the current set-up, the superintendent's phone is located in the small bedroom occupied by his son. He wants it moved to his master bedroom, where it will be convenient for him to answer any night calls.) Motion was made by Commissioner Willner that this request be approved, with a second by Commissioner Cox. So ordered.

RE: MONTHLY REPORT/CLERK OF THE CIRCUIT COURT

President Borries said he had a Monthly Report for the period ending April 30, 1984, from the Clerk of the Circuit Court.....report received and filed.

RE: TREASURER.....Lew Volpe

Commissioner Borries said he also had the Treasurer's Report of June 4, 1984.....report received and filed.

RE: DEPARTMENT OF NATURAL RESOURCES/NATIONAL REGISTER

A letter from the Department of National Resources was received, indicating that the Michael D. Helfrich House at 700 Helfrich Lane in Evansville/Vanderburgh County was entered on the National Register of Historic Places on May 24, 1984.

(continued)

RE: CERTIFICATES OF INSURANCE

Ashby-Rauscher Agency, Inc.: Certificate of Insurance for Charles Leich & Company (Pulse Systems) for Room 205, Civic Center Complex.

Citizens Realty & Insurance Co.: Certificate of Insurance for Wedding Reception of Tony & Jill Schnur on June 9th at Vanderburgh Auditorium.

James L. Will Insurance Agency, Inc.: Certificate of Insurance for Jan's School of Dance, Inc., for a Dance Recital held on June 8 and 9 at Vanderburgh Auditorium.

Goff Insurance & Realty: Certificate of Insurance for Evansville Black Expo for Pageant on June 10th at Vanderburgh Auditorium.

Ashby-Rauscher Agency, Inc.: Certificate of Insurance for Senior Citizen's Dance on June 19, 1984 in Gold Room at Vanderburgh Auditorium.

RE: OLD BUSINESS

Marion Biggerstaff/Union Township: President Borries said he has not been out to Mr. Biggerstaff's property in Union Township to determine if anything in good faith has been done to cooperate with the residents in that area. He suggested that the Commissioners set a date to go out and inspect said property. Commissioner Cox said there have been several reports filled out by the Sheriff's Department concerning this property. It seems the animals have gotten loose and into the neighbor's planted fields and yards, on at least two different occasions to her knowledge. Other than that, she has heard nothing on additional items being carried in on the property, etc. She asked if the Commissioners knew what the status of the Prosecutor's case is? Is there a hearing date on that? The Commissioners indicated they have never been informed as to the status of this. President Borries established Thursday, June 14th, at 10:00 a.m., as the time the Commissioners will go out to inspect Mr. Biggerstaff's property. Mr. Borries said that because of the heat, he is not asking that they be invited back on the property -- he feels an inspection from the road might be sufficient.

Obsolete Addressographic Equipment: Commissioner Cox stated she'd had a telephone call re purchase of the obsolete addressographic equipment from the Registration Office. She said she advised the individual to send a letter of inquiry, and that sale of said equipment would have to be via public auction. The County is collecting various items of surplus equipment; do we know when that auction will be held? Mr. Lindenschmidt advised that they have been gathering surplus equipment from the various County offices. President Borries asked that Mr. Lindenschmidt be prepared to give the Commissioners a report at next week's meeting concerning the surplus equipment, so they can determine if we have enough items to set a date for the Public Auction.

Maryland Street Bridge Ordinance: President Borries said decision on this has been delayed one (1) week, pending the outcome of Commissioner Willner's conversation with the County's Liability Insurance Carrier concerning this bridge.

Vanderburgh Auditorium Advisory Board: Commissioner Cox said she was unable to attend the County Council meeting because of a previous commitment. Did they make their appointment to the Vanderburgh Auditorium Advisory Board? President Willner responded that they did not; but indicated they would do so before the next meeting. This will be accomplished via telephone.

RE: CLAIMS

Fred Nenneker: Claim in the amount of \$44.75 for Duplicate Permit #7897V. Motion to approve this claim was made by Commissioner Willner, with a second from Commissioner Cox. So ordered.

Kahn, Dees, Donovan & Kahn: Claim in the amount of \$1,228.13 re Patrick Shoulders for professional services rendered thru May, 1984, with regard to the Bender Road Railway Underpass. He has itemized his litigation work to the hundredth of hours. Motion to approve this claim was made by Commissioner Willner, with a second from Commissioner Cox. So ordered.

Kahn, Dees, Donovan & Kahn: Claim in the amount of \$15.00 for professional services rendered thru May, 1984, regarding Complete Lumber Company vs. Vanderburgh County vs. Vanderburgh County Commissioners. Commissioner Willner moved that this claim be approved. Commissioner Cox provided a second to the motion. So ordered. Subsequently, Commissioner Willner asked that Jim Lindenschmidt check on the status of this matter and advise the Commissioners as to whether this is now over.

Evansville-Vanderburgh County Building Authority: President Borries read the following letter concerning this claim:

June 6, 1984

Mr. Richard J. Borries, President
Board of County Commissioners
Room 305 - Administration Bldg.
Civic Center Complex
Evansville, Indiana 47708

Re: Fixed Rental/Additional Rental

Dear Mr. Borries:

In accordance with Article III, Section 3.01 Fixed Annual Rental and Section 3.02 Additional Rental, the following amounts will be due and owing as of June 29, 1984.

<u>Lessee</u>	<u>Fixed Rental</u>	<u>Additional Rental</u>
City of Evansville	\$ 163,830.50	\$256,501.50
County of Vanderburgh	338,189.00	529,487.50
Evansville-Vanderburgh School Corp.	<u>52,980.50</u>	<u>82,949.00</u>
	\$ 555,000.00	\$868,938.00

The Fixed Rental check should be made payable to The National City Bank of Evansville, Trustee and the Additional Rental check should be made payable to the Evansville-Vanderburgh Building Authority.

Sincerely,

C. G. Ruston
General Manager

Motion to approve these two (2) claims, subject to verification by the County Auditor, was made by Commissioner Willner, with a second from Commissioner Cox. So ordered.

Bowers, Harrison, Kent & Miller: Claim in the amount of \$2,859.38 re litigations handled by David L. Jones. President Borries says these litigations have been detailed and include Vanderburgh County Inmates, Sperry-Univac, Michael Lee, Sheriff's Merit Board, Engineer Associates, etc., etc., for the month of May, 1984. Commissioner Willner moved that this claim be approved for payment. Motion was seconded by Commissioner Cox. So ordered.

Helfrich Insurance Agency: Claim in the amount of \$1,200.00 for premium adjustment on Accident Insurance Policy/Community Service Work Release Program, increasing the number of participants to 160. Motion to approve this claim for payment was made by Commissioner Willner, with a second from Commissioner Cox. So ordered.

RE: EMPLOYMENT CHANGES.....Releases

Clerk of Circuit Court

Dottie Cole 521 Congress Ave. Deputy Clerk \$412.26/pay Eff: 6/11/84
(Leave of Absence due to Broken Leg)

Juvenile Court

Fred Haton Hillcrest Home Prob. Officer \$17,178/yr. Eff: 6/20/84

(continued)

COUNTY COMMISSIONERS
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Pigeon Township Trustee

Lula Cova Morris 1419 Adams Ave. Investigator \$12,540/Yr. Eff: 6/8/84

Circuit Court

Karen J. Destache 3109 E. Blackford Special Intern \$3.35/Hr. Eff: 5/18/84

Burdette Park

James S. Oliver 3109 W. Indiana St. P.T. Ground Crew \$3.50/Hr. Eff: 5/29/84

RE: EMPLOYMENT CHANGES.....Appointments

Clerk of Circuit Court

Regina Casey 1722 E. Columbia Deputy Clerk \$412.26/pay Eff: 6/11/84

German Township Assessor

Merle Effinger	R.R.#7, Box 240B	Field Man	\$30.00/day	Eff: 6/1/84
Jerry Grannan	1520 Russell Ave.	Field Man	\$30.00/day	Eff: 6/8/84
John K. Rexing	7600 Marx Rd.	Field Man	\$30.00/day	Eff: 6/8/84

County Commissioners (County Board of Review)

Casper Hudson	2501 N. Governor St.	Member	\$40.00/day	Eff: 6/4/84
Fred Stocker	Martin Road	Member	\$40.00/day	Eff: 6/4/84

Cooperative Extension Service

Ann E. Buthod	703 S. Willow Rd.	Part-time	\$27.00/day	Eff: 5/21/84
Warren Korff	R.R.#7, Box 349-H	Part-time	\$27.00/day	Eff: 5/21/84
Daniel R. Miller	1616 E. Indiana	Part-time	\$27.00/day	Eff: 5/21/84
Karen L. Koester	R.R.#2, Box 97	Part-time	\$24.00/day	Eff: 5/21/84
Shannon M. Scholz	2307 Mulberry	Part-time	\$24.00/day	Eff: 5/21/84
Raymond A. Rivard	R.R.#8, Box 168-F	Part-time	\$24.00/day	Eff: 5/21/84

Circuit Court

Jon K. Aarstad 626 S. Norman Special Intern \$140/wk. Eff: 5/28/84

Burdette Park

Leisa Michelle Good	11540 Village Lane	Extra Guard	\$3.35/hr.	Eff: 5/24/84
Greg Topper	1906 S. Red Bank	Extra Guard	\$3.35/hr.	Eff: 5/24/84
Mark Walker	1163 Regency Ct.	P.T. Ground Crew	\$3.50/hr.	Eff: 6/2/84

RE: SCHEDULED MEETINGS

President Borries announced that insofar as scheduled meetings are concerned, the Commissioners will be out at Union Township checking on the Marion Biggerstaff property on Thursday, June 14th, at 10:00 a.m. (His office will call Mr. Biggerstaff in advance.)

There being no further business to come before the Commissioners at this time, President Borries declared the meeting adjourned at 5:05 p.m.

(continued)

PRESENT: COUNTY COMMISSIONERS

Richard "Rick" Borries
Robert L. Willner
Shirley Jean Cox

COUNTY SURVEYOR

Robert Brenner

COUNTY AUDITOR

Patrick Tuley, Deputy

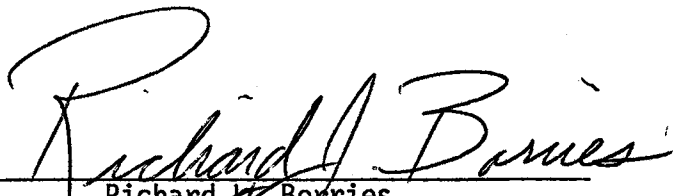
COUNTY ATTORNEY

Cedric Hustace

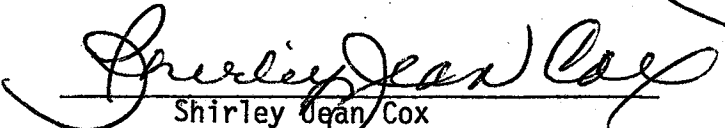
COUNTY ENGINEER

Andy Easley

SECRETARY: Joanne A. Matthews


Richard L. Borries


Robert L. Willner


Shirley Jean Cox

COUNTY COMMISSIONERS MEETING
June 18, 1984

The meeting of the Board of County Commissioners was held on June 18, 1984, at 7:30 p.m. in the Commissioners Hearing Room, with President Borries presiding.

The Chair entertained a motion concerning the minutes of the previous meeting. Commissioner Willner moved that the minutes of the previous meeting held on Monday, June 11, 1984, be approved as engrossed by the County Auditor and the reading of same be waived. Motion was seconded by Commissioner Cox. So ordered.

RE: AGENDA CHANGES

President Borries announced that some changes had been made in the agenda for tonight's meeting, which probably accounts for the scant public attendance. The "3rd Readings" on rezoning petitions announced on the agenda have all been withdrawn as follows:

VC-1-84 - Petitioner, Erwin & Ilene Deig
VC-5-84 - Petitioner, Martin & Bayley, Inc.
VC-6-84 - Petitioner, James L. Myers

RE: OPENING OF BIDS FOR PIPE REPLACEMENT ON SCHISLER ROAD

In response to President Borries' question concerning number of bids received on this project, County Surveyor Robert Brenner said that this was by invitational bid and the following were contacted: Deig Bros. Lumber & Construction Co., Inc., Blankenberger Bros., and Key Construction. Only one bid was received, that being from Deig Bros., in the amount of \$8,720.00. Mr. Brenner said the county is furnishing the pipe and contractor will be furnishing both the #53 rock and the rip-rap at unit price. He said the final cost may be less than anticipated, as required amounts of rock and rip-rap were generously estimated. Motion was made by Commissioner Willner that bid be awarded to Deig Bros., since it was the only one received. Commissioner Cox, however, said she would like to see us obtain at least one more bid for this work. President Borries provided a second to Mr. Willner's motion and asked for a roll call vote: Commissioner Cox - No; Commissioner Willner - Yes; Commissioner Borries - Yes. So ordered. The awarded bid read as follows:

Re: Schissler Road Culvert Project

1) Mobilization	\$ 500.00
2) Signs and barricades	300.00
3) Remove and haul existing bridge deck and beams to county garage	280.00
4) Excavation for pipe bed	400.00
5) #53 rock for entire job (225 tons @ \$12.00)	2,700.00
6) Set culvert and bolt together	360.00
7) Rework existing roadway as described	880.00
8) Rip-rap (150 tons @ \$15.00)	2,250.00
9) Dirt fill (120 cu. yd. @ \$5.00)	600.00
Total	\$8,270.00

Deig Bros. Lumber & Construction Co., Inc.
By: Dick Hartman

RE: REZONING PETITIONS - FIRST READING

VC-7-84 - Petitioner, Steven & Sharon Hadley: President Borries said this area is on the west side of Grove Street near Diamond Avenue Overpass (just outside the city and inside the county). Petitioner is requesting change from Agricultural to M-2 for proposed concrete plant. There being no remonstrators present, Commissioner Willner moved that VC-7-84 be approved on First Reading and forwarded to the Area Plan Commission. Commissioner Cox seconded the motion. So ordered.

VC-8-84 - Petitioner, Jeanette L. Kendall: Property affected is on North Green River Rd., between Heckel and Millersburg Roads. Petitioner is requesting change from Agricultural to M-1, for purpose of building a two-story office building and possibly to include a small fruit and vegetable stand, as well as equipment storage building and occasional engine overhauling. While Commissioner Willner remarked he did not understand why M-1 zoning was designated rather than C-4, he did move that VC-8-84

(continued)

COUNTY COMMISSIONERS
6/18/84

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be approved on 1st Reading and forwarded to the Area Plan Commission, since there were no remonstrators present. Motion was seconded by Commissioner Cox. So ordered.

RE: FINAL READING ON PETITION TO VACATE A DRAINAGE EASEMENT IN BURCH INDUSTRIAL CENTER

Attorney Alan Shovers (representing petitioner Wabash Plastics, Inc.) remarked that at the two previous meetings we did vacate this drainage easement for construction for enlargement of Wabash Plastics, Inc., but because there was some concern about titles and the 12-ft. easement was vacated and there was some question as to whether it could be interpreted as 24-ft, he is asking that the Board correct that legal problem since they have already accomplished the vacation of the easement. There being no remonstrators present, Commissioner Willner moved that the drainage easement be vacated per the written document executed by the Board of Commissioners. Commissioner Cox provided a second to the motion. So ordered.

RE: BURDETTE PARK.....Mark Tuley

Financial Statement Thru May 31, 1984: Mr. Tuley presented the following report concerning income and expenditures for Burdette Park:

1984 Budgeted	\$ 396,037.00
1984 Encumbered by P.O.	6,303.94
1984 Encumbered by Contract	<u>70,547.44</u>
Total 1984 Budget	\$ 472,888.38

Expenditures & Balances 1/1/84 to 5/31/84

Total Expenditures	\$ 187,391.95
Total Balance	\$ 285,496.43

Income 1/1/84 to 5/31/84

Pool	\$ 375.50
Rink	19,174.67
Rentals	17,795.50
Miscellaneous	<u>1,498.11</u>
Total	\$ 38,843.78

5/31/84

Total Expenditures	\$ 187,391.95
Total Income	<u>38,843.78</u>

Total Deficit \$ 148,548.17

Mr. Tuley said that he thinks the swimming pool has generated about \$18,000.00 income for the month of June to date -- it's been averaging \$1,000.00 per day and he hopes this continues.

Notification of Funding: Mr. Tuley said they applied for funding for 4-color brochure. Project cost is \$3,887.50 for 25,000 copies. Funding was requested for 50% and 50% was granted (\$1,943.75). President Borries commented on the excellent article on Burdette Park which appeared in the Leisure Guide, included in the Sunday Courier & Press supplements. He then asked Mr. Tuley if bookings at Burdette are up? Mr. Tuley said rentals are up from last year -- and last year was a record year. Insofar as the pavillion is concerned, he has very few open dates.

Playground Equipment: Mr. Tuley said the playground equipment funded by the West Side Nut Club's \$4,000.00 donation has been purchased and installed and it's very, very attractive.

New Entrance Sign: Mr. Tuley showed the Commissioners a drawing of the New Entrance Sign to be placed at the Park, which will list events taking place at the park, etc.

(continued)

RE: COUNTY HIGHWAY DEPARTMENT....Bill BethelWork Report: Mr. Bethel presented Work Report for week June 14 thru June 15, 1984..... report received and filed.Gradall: South Weinbach, Broadway, Marx Rd., Detroy Rd., #6 School Rd., McCutchan Rd., Short Harmony Way, and Mesker Park Drive.Grader: King Rd., Newman, Happe Rd., Hornby, Ruston Lane, and Old Henderson Rd.Paving & Wedging: McCutchan and Schlensker Rd.Patch: Upper Mt. Vernon, Five Dollar Rd., West Franklin, Smith Diamond, Old Henderson, Henze Rd., Red Bank Rd., Old Petersburg, Graff, Old State Rd., #3 School Rd., Boonville-New Harmony and Schenk Rd.Mower: Boonville-New Harmony, Echo Hill Dr., Koring Rd., Middle Mt. Vernon, Upper Mt. Vernon, Korressel Rd., Dieffenbach, Baseline, Marx Rd., Heinlein, St. George, Baumgart, Evergreen, Eissler, Hillsdale, Browning, Detroy, Harmony Way, Happe, St. Joe Rd., and Denzer Rd.

Commissioner Cox said she'd like for Mr. Bethel to check Mt. Pleasant Road from Highway 41 north to Baumgart Road. There is some mushrooming out of the road; she doesn't know whether some heavy equipment has caused this -- but the shoulders of the road have ruts, etc., and the dirt is piled up. Mr. Bethel said he will check this -- and they'll probably pull the shoulders, etc.

Absentee Report: In response to Mr. Willner's query, Mr. Bethel said he failed to put the copies of the Absentee Report in his briefcase, but he will get it back to the Commissioners.

Mr. Bethel said he was proud of the repair work they had done on Old Henderson Road -- it was in very bad shape. They pulled the shoulders and brought that up to where they can pave part of the road now; this is from Dog Town on down to the Henderson Bridge.

RE: COUNTY SURVEYOR.....Robert BrennerBridge & Guardrail Repair - Weekly Report (June 11 thru June 15):

- Marx Road - Straightened and repaired damaged guardrail hit by car
- Martin Station Road - Rip-rapped culvert under road and installed guardrail
- Hillview No. 3 School Rd., St. Joe Avenue and Slate Road - Cut weeds, cleared guardrail and painted ends.
- Boonville-New Harmony Rd. - 2 Flagmen; Put up road closed barricades at both ends of the road. Repaired drive shaft on van.
- Maryland Street Bridge - Closed the Bridge on Thursday, June 14th.
- Boonville-New Harmony Rd. - Set up barricades again and installed guardrail across the road on Thursday.
- Detroy Road - Replaced old guardrail
- Marx, County Line West, Korressel and Hogue Rds. - Cut weeds, cleared guardrail and painted ends.
- Maryland St. & Boonville-New Harmony - Put up new flashers on barricades.

Commissioner Cox noted it was a good thing we had the guardrail up on Marx Road, in view of the accident in that area. Mr. Brenner said the sheriff caught the individual and via the insurance company we're getting about \$700 to replace the guardrail. He said there was an accident out on Oak Hill Road about a week or so ago, where they took out a whole section of guardrail off a bridge. He said "they'd been very dead if the concrete headwalls had still been there!"

Harmony Way Culvert: In response to Commissioner Cox's query about this, Mr. Brenner said they went out and dug dirt out of the pipe. They are going to try to flush out if they can, even though it is the property owner's responsibility. After flushing, they will put the pipe back together. Commissioner Cox said the people in this area

(continued)

really have problems. She endeavored to contact the Steinmetzes and Carithers tonight before the meeting -- when we had that downpour. She could not reach the Steinmetzes, but did get Mr. Bob Carithers. Presently the situation is not improved; Mr. Brenner said it may not -- it may be blocked up under their yards. It was noted, however, that this was a heavy rain in a brief period of time. However, Mr. Brenner said they are not finished with this project but will be finished by next week. He noted there is a cast iron pipe under there, which is the first time he's run into this.

Maryland Street Bridge: Mr. Brenner said the Maryland Street Bridge is closed, but they're going to put up a guardrail -- as they can't keep people off it. They are thru the county's barricades more often than the county. Core samples were taken this past Saturday. We will not use piles on this bridge; the bedrock is 3-4 feet under the muck. Plans and specs will be finished and available to contractors by Monday, June 25th. SIGECO was supposed to leave a message for Mr. Brenner or be at tonight's meeting (Mr. Gulich, who is not present). They have a gas line hanging on the bridge -- it's the last utility there, the others are all off. The area on the west side is supplied by a loop, but it is not enough to supply gas in the winter. Therefore, they claim their gas line must be back on by October 1st. They are also going to remove their power lines from either the north or south side.

President Borries said he wanted to read into the record the correspondence received from Home Insurance subsequent to the Commissioners' meeting last week concerning the Maryland Street Bridge. He understands they also called today and wanted to know if the bridge had been reopened, since there was some doubt. Home Insurance stated today they strongly suggest we do not reopen the bridge. Mr. Borries said the letter he will read was dated June 12th, and we received it on the 13th. The bridge was closed on Thursday, June 14th. The letter read as follows:

"June 12, 1984

Mr. Bob Willner
Vanderburgh County Board
County Commissioners
305 Civic Center
Evansville, IN 47735

Bob Willner:

We have received information to the fact that the West Maryland Street bridge over Pigeon Creek is in an unsafe condition. It was reported that this matter was also in the public eye as the local newspapers have played this up.

As to your request for us to inspect this, surveys made by our Loss Control staff can in no way be used to certify that the bridge is structurally safe. An outside engineering firm should be contracted at once to inspect the bridge and make this determination of its safety.

Until such time as this is accomplished, we must insist that the bridge be closed to all vehicular traffic. Unless we get certification of the bridge closing within 24 hours of your receipt of this correspondence, we will have no other recourse but to suspend liability coverage on the bridge until we get certification from the engineering firm.

Sincerely yours,

Howard Yount
Loss Control Manager

Richard N. Guimond, CPCU
Underwriting Manager

cc: Penco Columbus - Diane Puccetti"

Continuing, President Borries said he believes Andy Easley is listed as a structural engineer; he did, however, contact two other individuals. One could not do it for three (3) weeks. The other individual was out of town. Based on those facts, plus this letter, we had no choice. We could have waited for three weeks to have people

(continued)

tell us we had a bad bridge. We already knew this; we had many recommendations from that standpoint. It would have been a waste of money to resurvey that bridge. Commissioner Willner moved that the County declare the situation an emergency and seek invitational bids to replace Maryland Street Bridge. Mr. Brenner said he would like to throw an advertisement in the newspaper and let anybody we can find bid on it. He said he would notify everyone we know of who bid on First Avenue Bridge (so they can pick up specs). Commissioner Cox interjected that she had some questions on the specs. At one time, Mr. Brenner indicated that the piers of the bridge were pretty sound; is he going to use those? Mr. Brenner indicated they would utilize the two sandstone piers; they would put a new concrete cap on them and use them just like they are. One new pier in the middle would be required. There should be some savings there since they only have to go down 4-5 ft. to hit the hardrock. In response to Commissioner Cox's query on completion time limit, Mr. Brenner indicated completion is scheduled within ninety (90) days. Also included is information that gas line has to be rehung by October 1, 1984. Commissioner Cox also asked if a penalty clause was included. Mr. Brenner said he doesn't have one yet - he doesn't know what to put in there. It shouldn't be anything like First Avenue, because it is not a main artery. He said these are two (2) 78-ft. bridges -- that's all we're building. Ninety (90) working days time is a lot -- there should be no problems. Commissioner Cox then asked if they can do all the work without interfering with the railroad tracks, to which Mr. Brenner responded in the affirmative. With regards to the advertising, President Borries asked if we go thru the usual procedure of advertising, is it Mr. Brenner's opinion that we would not be able to make it within this calendar year? Mr. Brenner said we would not be able to hang the gas pipes -- we're pressed now. He said the gas will be cut off during construction; the loop via which the gas is supplied to the area is not big enough to handle the winter load. This bypass must be in service as of October 1, 1984 to handle the winter gas load. Mr. Brenner said we almost must award the contract on the bridge on July 2, 1984. Plans and specs will be available for contractors to pick up on June 25th. While the advertisement will not be run twice, etc., in accordance with usual procedure since this is an emergency situation, the advertisement will be run on June 22, 1984. In the interim, Mr. Brenner will contact everyone he knows of who bid on First Avenue Bridge concerning the invitational bid. Advertisement in newspaper will read as follows:

NOTICE TO BIDDERS

The Board of County Commissioners of Vanderburgh County will accept sealed bids for the replacement of Maryland Street Bridge over Pigeon Creek on Monday, July 2, 1984 on or before 2:00 p.m. local time, in the office of the Vanderburgh County Auditor, Room 208, Civic Center Complex, Evansville, Indiana.

All bidding shall conform to all applicable statutes of the State of Indiana in letting Public Work Contracts on State Board of Accounts Form #96 with Non-Collusion Affidavit properly notarized. Form #96A shall also be on file with the County Auditor. A Bid Bond for 5% of Bid or Certified Check, Money Order or Cashier's Check equal to 5% of Bid, made payable to the Board of County Commissioners shall accompany the Bid. Successful Bidder shall be required to file 100% Performance Bond before commencing work. The Vanderburgh County Commissioners reserve the right to reject any or all bids. Copies of the plans and specifications will be available at no cost on Monday, June 25, 1984, from the County Surveyor, Room 325, Civic Center Complex, Evansville, Indiana.

Approved by the Board of Commissioners this 18th day of June, 1984.

Board of County Commissioners
Richard "Rick" Borries, President
Robert L. Willner, Vice President
Shirley Jean Cox, Member

Attest: Alice McBride
Vanderburgh County Auditor
(Courier & Press June 22, 1984)

(continued)

There being no further discussion or comments concerning the Maryland Street Bridge, the Board was reminded of the motion on the floor made by Commissioner Willner. Commissioner Cox provided a second to the motion. So ordered.

RE: COUNTY SURVEYOR

President Borries indicated that Andy Easley was not present for the meeting. Prior to the meeting, however, he handed one item of business to President Borries to bring before the commissioners. This concerned a letter directed to the Board of Commissioners from Mr. Easley regarding the Illinois Central Railroad Crossing on Mill Road. The letter read as follows:

June 18, 1984

Mr. Richard J. Borries, President
Vanderburgh County Board of Commissioners
305 Administration Building
Civic Center Complex
Evansville, IN 47708

Re: Illinois Central Railroad Crossing on
Mill Road, 550 feet East of St. Joseph
Avenue, Vanderburgh County, Indiana

Dear Mr. Borries:

Mr. William Shelby, the Area Track Supervisor for the Illinois Central Railroad Company, has requested permission to close subject railroad crossing for a period of three (3) days on June 25, 1984.

It is recommended that this request be approved.

If you have any questions, please contact the undersigned.

Sincerely,

R. Andrew Easley, Jr.
County Highway Engineer

cc: Mr. Bill Shelby, Track Supervisor
Illinois Central Railroad Company
Olney, Illinois 62450

Motion was made by Commissioner Willner that permission be granted to close the subject railroad crossing for the requested period of time. Motion was seconded by Commissioner Cox. So ordered.

RE: BLUE CROSS SETTLEMENT

The Board was advised by President Borries that the County had received from one of their insurance carriers, Blue Cross, a settlement that was for the contractual year May 1, 1983 thru April 30, 1984. We operate on a different year than the calendar year with Blue Cross because of financial problems that that fund had for several years previous to this time. We made a decision in 1983 to use what reserves the plan had accumulated to that time. Financial costs were revised and refigured at that time in order for the county to fulfill its obligations and make its payments and we were able to do that thru this past year. This year, we received a sizable settlement from Blue Cross. That check was received in our office this past Friday and I deposited it immediately thru the County Auditor and County Treasurer. The check was for \$430,147.20. President Borries said he conferred with County Attorney David Jones concerning the check, and it was felt it would be very advisable to deposit that check immediately -- in order to gain the interest over the weekend. Since there are several factors that are still uncertain concerning Blue Cross/Blue Shield, he would not say that this check -- in any circumstances -- would represent a windfall. It does, however, represent some very significant improvement in our history with that company. The employees, as a group, have had a much better health record this past year.

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There have also been some major changes in the county's health insurance structure, as well. One of those is that many employees have now elected to use the Maxicare Plan (the HMO Plan) available thru Welborn Clinic. Another significant change within this particular plan occurred when, as of January 1, 1984, the Welfare Department employees were enrolled in a State Blue Cross Plan, partially financed or funded by the State of Indiana. This also resulted in a change in our Blue Cross fees. We do have a report on hand and are very pleased with it. There are, of course, some very uncertain signs that could face us in the year ahead...particularly the rise in health care costs reflected by hospital room increases at the various hospitals and some change that could take place in what is paid and what is not paid in relation to funding changes within the plan, itself. So, there are some uncertainties on the horizon. President Borries asked that the report be entered for the record, as follows:

VANDERBURGH COUNTY BOARD OF COMMISSIONERS
EMPLOYEE CODE 484

Reconciliation of Stop-Loss Provision for the Contract Year
May 1, 1983 thru April 30, 1984

1. Claims Paid		
Blue Cross	\$ 307,696.07	
Blue Shield	188,029.49	
Major Medical	44,354.22	
Prescription Drugs	-	
Dental	30,451.88	
Vision	10,616.25	
Total		\$ 581,147.91
2. Retention Charges		
Blue Cross	\$ 28,646.51	
Blue Shield	17,505.54	
Major Medical	4,129.38	
Prescription Drugs	-	
Dental	2,835.08	
Vision	988.38	
Total		\$ 54,104.89
3. Total Charges (Item 1 plus Item 2)		\$ 635,252.80
4. Stop-Loss Deductible (6,432 Contract Months at \$164.41 per Month)		\$ 1,057,485.12
5. Amount Due Employer (Excess of Item 3 over Item 4)		\$ <u>0.00</u>

Prepared by Actuarial
6/1/84

VANDERBURGH COUNTY BOARD OF COMMISSIONERS
EMPLOYEE CODE 484

Annual Settlement for the Contract Year from
May 1, 1983 thru April 30, 1984

1. Income		
Blue Cross	\$ 587,300.00	
Blue Shield	289,900.00	
Major Medical	100,800.00	
Prescription Drugs	-	
Dental	60,300.00	
Vision	27,100.00	
Total		\$ 1,065,400.00

2. Claims Paid		
Blue Cross	\$ 307,696.07	
Blue Shield	188,029.49	
Major Medical	44,354.22	
Prescription Drugs	-	
Dental	30,451.88	
Vision	10,616.25	
Total		\$ 581,147.91
3. Retention Charges		
Blue Cross	\$ 28,646.51	
Blue Shield	17,505.54	
Major Medical	4,129.38	
Prescription Drugs	-	
Dental	2,835.08	
Vision	988.38	
Total		\$ 54,104.89
4. Total Charges (Item 2 plus Item 3)		\$ 635,252.80
5. Amount Due to (from) Employer (Item 1 minus Item 4)		<u>\$ 430,147.20</u>

Prepared by Actuarial
6/1/84

RE: COUNTY TREASURER.....Upcoming Reassessment

President Borries said that while he was discussing the check from Blue Cross with County Treasurer Lew Volpe, Mr. Volpe made the suggestion that, as discussed with the Commissioners recently during their meeting, a meeting be held with the County Township Assessors concerning the upcoming reassessment that will be occurring within a couple of years. Again, it is his feeling that each of the Assessors could begin to plan -- and it should be discussed that within their budgets they plan to set aside a certain amount of money to take care of the computerization of these assessments. Mr. Volpe feels that this would be a very significant savings to the county if, obviously, there is no confusion or hassles to occur as the assessment takes place. Commissioner Borries said that while he hasn't mentioned a specific time to Mr. Volpe, if the Board concurs, he suggest a meeting be scheduled at 1:00 p.m. on Monday, June 25th, just prior to the regularly scheduled Board of Commissioners meeting at 2:30 p.m. Hearing no argument concerning his suggestion, President Borries said he will contact each of the Assessors and ask them to meet with the Commissioners at 1:00 p.m. on Monday, June 25th, in Room 303 concerning this matter.

RE: COUNTY ATTORNEY.....David Jones

County Attorney David Jones entered the meeting, and his attention was directed to the following legal matters:

Benjamin Gay Lawsuit: Mr. Jones said he is familiar with the facts of this case and believes the case has some strong potential for some strong conflicts. It may be that the Insurance Company may deny this claim because of the type of conduct alleged and Mr. Jones feels it may be incumbent to give notice to the individual involved that he may need to get his own counsel -- that the County will have separate counsel and the Insurance Company may have separate counsel in the event the claim is denied because of the alleged deliberate act which caused the injury. That being so, there is a provision in the law enforcement liability policy that conduct which is not within the scope of employment or not authorized by employer is not covered and, therefore, a deliberate act to intentionally injure somebody is not authorized by anybody --it's not in our county ordinances and it is not part of the policy in that department; therefore, it would logically be denied. He said he says that potentially. In this particular case, he will enter an appearance for the county and he will advise the individual involved via letter that in the event that happens he is responsible for his own expenses and any judgment. There is an Indemnification Ordinance which has been in effect in this county for law enforcement officers, and there is a Statute that says the Commissioners may provide defense and indemnification for officers, agents and employees who are sued in their capacity, etc., but it is descretionary and this county has always chosen to do that. If at such time the shoe falls and there is

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a judgment should be found -- and Mr. Jones is not making a comment on that one way or the other -- but by way of explanation, the Commissioners would have to decide whether or not that was something the County would fund or whether the individual would be responsible. If it would happen to be a finding that the conduct was unauthorized and outside the scope of employment, then the Commissioners have the prerogative to decline to provide defense and/or pay any judgments found. Mr. Jones said he says all this by way of letting the Commissioners know the alternatives and why certain notices and litigation have to be given, particularly when you're in an insurance defense situation. Commissioner Cox said she is certain this will happen, because the individual wasn't even named as a party to the suit. Mr. Jones said there is a direct allegation by the plaintiff that the conduct was within the scope of insurance. He said he doesn't even know who the carrier is, as we've changed carriers -- but he's seen enough of these to believe that that's something that is going to be looked at.

Notice of Suit re Ralph Young Property: Mr. Young lives at 2009 Chickasaw Drive and the Surveyor's office had sent written communication to Mr. Young asking that he move a fence so they could get in to perform maintenance on legal drain. As Mr. Brenner said, "He didn't -- so we did!" Mr. Young is claiming damage to shrubs, lawn, etc., and this is a notice that he intends to file suit.

RE: APPOINTMENTS TO TAX ADJUSTMENT BOARD

Having checked back, President Borries says that the individuals named to the Tax Adjustment Board were first appointed to serve in 1983. All four (4) individuals indicated a willingness to serve again during the 1984 period. Appointments are as follows:

Patsy A. Bell (Demo) 5010 Cunningham Drive Evansville, IN 47711	(477-4024)
Paul V. Batts (Demo) 2430 E. Walnut Street Evansville, IN 47714	(476-2645)
Jean Marie Baker (Rep) 460 Martins Lane Evansville, IN 47715	(477-6781)
Byron Wright (Rep) 6126 Knight Drive Evansville, IN 47715	(477-3209)

Motion was made by Commissioner Willner that the foregoing be reappointed to serve on the Tax Adjustment Board during 1984. Motion was seconded by Commissioner Cox. So ordered. President Borries said that notification letter to Tax Adjustment Board appointees will be sent immediately, so they can arrange to complete the necessary paperwork prior to the first scheduled meeting at 9:00 a.m. on Monday, September 10, 1984.

RE: REQUEST TO GO ON JULY COUNCIL CALL - COUNTY COMMISSIONERS

President Borries said that last year, when the discussion with Pulse Systems, Inc., was taking place, it was decided that the County Data Processing would be set up a different way to set up a ServiceCenter Agreement. There was discussed with the Council a \$5,000.00 initial computer conversion. What this conversion was to do was to install 8,000 ft. of cable, pay the freight, pay for the computer conversion itself, and equipment and supplies. The money apparently was not encumbered to pay that -- so these bills for the cabling and miscellaneous supplies that took place in this \$5,000.00 conversion were not budgeted. It simply was not encumbered. We already had to transfer monies to meet our obligations to Pulse Systems, said President Borries, and it would be his recommendation that the Commissioners go before the County Council to call this to their attention -- since we've had these bills since 1983 -- and ask for that \$5,000.00. Commissioner Cox noted we had the \$5,000.00, but President Borries said it was not encumbered. Commissioner Cox said we used part of it to pay Gil Ruston for

(continued)

relocation of cables, running another cable, etc. She recalls that we discussed the fact that \$5,000.00 had been put aside -- but President Borries said we can't find it at this time. We can pay them out of the existing account, but we're still going to wind up \$5,000.00 short -- and these invoices are dated October 1, 1983; November 22, 1983; and while we did discuss it, at that point it was not encumbered..... we cannot find a record of it. Commissioner Cox asked Mr. Borries if actual expenses were more than this, to which he replied in the affirmative. He said they are not documented on this particular invoice. Commissioner Cox said it would have been better had Pulse documented their actual charges, then included the amount he said it would take. Mr. Borries said the amount of time they have had to spend on the conversion, in his opinion, has been very significant -- it's a lot of hours. Commissioner Cox said that may be true, but what is Mr. Borries basing this on? What facts does he have to base that assumption of that judgment on? Mr. Borries said we have three invoices for cabling, miscellaneous supplies, etc. Commissioner Cox reviewed the invoices as follows:

1)	\$2,012.79
2)	2,536.31
3)	<u>450.90</u>
	\$5,000.00

Commissioner Borries said that he thinks that in the spirit of Pulse Systems living up to the contract, and we had indicated that that was the maximum amount that was going to be budgeted for the conversion -- he said he can't recall that any other amount was ever discussed. Commissioner Cox again said she does know that the Commissioners approved some bills for Gil Ruston and they were paid -- she doesn't know what they were paid out of -- but we did say that \$5,000.00 had been set aside for conversion to new cables that were required, etc. County Attorney David Jones interjected that there was one contractual line item that he can recall since the budget -- that was the complete transfer of all other line items into a contractual services account to cover this entire contract. Everything that has been incurred out of there has come out of this single line item consistently, he believes. That is how it was negotiated -- that whatever came out of that contract was paid out of that line item. Commissioner Cox said then, that she guesses we simply failed to encumber the money. President Borries said what we're trying to determine is that we don't want to pay the bills twice. Commissioner Cox said she recalls bills being submitted by the Building Authority for relocation of cables and other work associated with this change in the computer system. Commissioner Willner remarked that if the Building Authority participated, then we have not reimbursed them insofar as he is aware -- but we will clarify that. Attorney Jones said the original situation developed when Council asked what amount of money should be budgeted in that account-- and it came in too low to begin with. Commissioner Willner moved that the Commissioners go on Council Call in July to ask for the \$5,000.00, but recommended that their explanations be up to date.....as the Council will ask. President Borries said we will determine if there is money in the services which we can approve, but we still would owe a last quarterly payment and that's where we're concerned we'd be short since this money was not encumbered -- which is why we're going before the Council. Motion was seconded by Commissioner Cox. So ordered.

RE: BUILDING COMMISSION MONTHLY REPORT (April, 1984)

President Borries stated that he'd received a copy of the Monthly Report of the Building Commission for April, 1984.....report received and filed.

RE: MONTHLY REPORT - CLERK OF THE CIRCUIT COURT

Monthly Report for period ending May 31, 1984 from the Clerk of the Circuit Court was brought to the commissioners' attention.....report received and filed.

RE: MONTHLY REPORT FROM ALEXANDER AMBULANCE SERVICE, INC.

Monthly Report from Alexander Ambulance Service, Inc. for month of May, 1984, along with list of County Receivables for month ending May 31, 1984 was presented.....report received and filed.

(continued)

RE: CERTIFICATES OF INSURANCE

General Consultants of Ithaca, LTD.: For Stereo Liquidators, Inc., equipment sale held on June 13th at Vanderburgh Auditorium.....received and filed.

West American Insurance Co.: For Tommy Dorsey Orchestra Concert to be held on June 27, 1984 at Vanderburgh Auditorium.....received and filed.

RE: OLD BUSINESS

Marion Biggerstaff/Union Township: President Borries indicated that he visited the property of Mr. Marion Biggerstaff in Union Township to determine what had been done there. He said Mr. Biggerstaff is aware of legal action pending, and pending that outcome, Mr. Borries may have additional comments at a later date.

Surplus Property Auction: Mr. Jim Lindenschmidt reported that we will have enough surplus county property to hold a Public Auction. He is, however, still gathering information. He said he has been going thru copies of previous minutes and come across several things which were to have been done a long time ago -- and he hopes to get this together some time this week. County Attorney David Jones said he had been contacted by an individual from the Sheriff's Department about holding a sale. It seems they have a large mixed bag of items, which they're trying to sort into categories. These are properties which have been abandoned, seized and never disposed of, etc., etc. Mr. Jones said there may be something there to throw into the pot once the legality of the various categories has been determined. Among the items Mr. Lindenschmidt has listed to date from the various county offices are: Typewriters, adding machines, Addressograph equipment, file cabinets, etc. He said he hasn't had much cooperation from some of the offices -- but he will endeavor to get these items all together so he will have a complete list of the surplus property.

RE: CLAIMS

Deig Bros. Lumber & Construction Co., Inc.: Expansion Improvement for the Vanderburgh County Jail in the amount of \$73,986.00 (total earned less 5% retainage). This certificate of payment has been signed by County Attorney David Jones, Arthur Deig, and co-signed by architects involved with this project (Ed Hafer & Robert Gerst). Attorney Jones explained that the accompanying certificates for payment are being brought to this meeting, then he has to attach the Federal form and certify that, also. Motion to approve payment of this claim was made by Commissioner Cox, with a second from Commissioner Willner. So ordered. Commissioner Willner asked if there is anything we can do to facilitate completion of the project. Commissioner Cox said we are waiting on the door frames.

Alice McBride (County Auditor): President Borries presented a claim to Alice McBride, County Auditor, with attached Indiana Code Certificate for mileage expenses for attendance at the State-called Auditor's meeting on May 17th. This is for mileage only at 23¢ per mile for a total of \$64.40. Commissioner Willner moved that this claim be approved. Motion was seconded by Commissioner Cox. So ordered.

Carl Wallace: Claim in the amount of \$307.06 to Carl Wallace for hotel and meals while attending I.D.V.A. Service Officers School in Indianapolis, which has been co-signed by Alice McBride. Commissioner Willner moved that this claim be approved for payment. Motion was seconded by Commissioner Cox. So ordered.

Mark Acker/Deputy in Veteran's Service Office: Claim in the amount of \$84.43 for meals and registration fee for I.D.V.A. Service Officers School in Indianapolis, which has also been co-signed by Alice McBride. Motion to approve this claim for payment was made by Commissioner Willner, with a second from Commissioner Cox. So ordered.

Carl Wallace: Mileage claim in the amount of \$84.41 for trip to Indianapolis to attend I.D.V.A. Service Officers school was presented. It also was co-signed by the County Auditor. Motion to approve this claim for payment was made by Commissioner Willner, with a second from Commissioner Cox. So ordered.

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Goebel Bros., Inc.: Claim in the amount of \$38.00 for refund on Building Permit (duplicate) to Goebel Bros., Inc. Motion to approve this claim for payment was made by Commissioner Willner, with a second from Commissioner Cox. So ordered.

RE: EMPLOYMENT CHANGES.....RELEASES

Sheriff's Department

JoAnn Reed	8512 Ranier	Civ. Jailer	\$12,308.00/Yr.	Eff: 6/9/84
Mary Evans	2070 Waggoner	Civ. Jailer	\$12,308.00/Yr.	Eff: 6/9/84

RE: EMPLOYMENT CHANGES.....APPOINTMENTS

Knight Township Assessor's Office

Jayne A. Melchiors	3307 Bayard Pk.	Deputy	\$ 30.00/Day	Eff: 6/14/84
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County Auditor's Office

Shirley A. Ankenbrand	804 N. Alvord	P/T Clerk	\$ 30.00/Day	Eff: 6/11/84
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Motion to approve foregoing employment changes was made by Commissioner Willner, with Commissioner Cox providing a second. So ordered.

RE: QUIT-CLAIM DEEDS

Three (3) Quit-Claim Deeds to Terry Pagett, C. Hugh McGee, and James A. Julian were executed by the Commissioners and handed to the secretary for transmittal to the County Auditor for handling. (These were for county-owned properties sold to foregoing.)

RE: SCHEDULED MEETINGS

President Borries stated that the Board has been trying to set a time for the first meeting of the Vanderburgh County Auditorium Advisory Board, but he does not have a date to report as of yet. Commissioner Willner asked if the appointees to that Board have been notified via mail, to which President Borries responded in the affirmative. In response to Commissioner Cox' query, the names of the appointees were confirmed as follows:

Commissioner Appointees

Joseph O'Daniel
850 S. Meadow Rd.

Robert Hayden
R.R.#5 - Boonville/New Harmony Rd.

Jo Merrill
20 Adams Avenue

Council Appointees

Anthony Bennett
821 E. Walnut St.

Sharon Sanders Rudolph
2401 Trail Drive

It is hoped that now that the appointees to the Advisory Board have been completed, that the Board will become functional as soon as possible. President Borries said he hopes that he and Council President, Mark Owen, can meet with the group before the end of the week to discuss objectives.

Scheduled Meeting with Township Assessors: President Borries reminded the Board of the meeting scheduled at 1:00 p.m. on Monday, June 25th, with the Township Assessors to discuss budget needs, etc., for the upcoming Reassessment.

There being no further business to come before the Board of Commissioners at this time, the Chair declared the meeting adjourned at 9:00 p.m.

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PRESENT: COUNTY COMMISSIONERS

Richard "Rick" Borries
Robert L. Willner
Shirley Jean Cox

COUNTY ATTORNEY

David Jones

COUNTY AUDITOR

Pat Tuley, Deputy

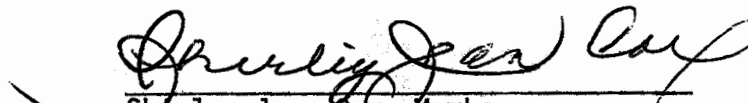
COUNTY SURVEYOR

Robert Brenner

SECRETARY: Joanne A. Matthews


Richard "Rick" Borries, President


Robert L. Willner, Vice President


Shirley Jean Cox, Member

COUNTY COMMISSIONERS MEETING
June 25, 1984

The meeting of the Board of County Commissioners was held on June 25, 1984, at 2:30 p.m. in the Commissioners Hearing Room, with President Borries presiding.

The Chair entertained a motion concerning the minutes of the previous meeting. Motion was made by Commissioner Willner that the minutes of the previous meeting held on Monday, June 18, 1984, be approved as engrossed by the County Auditor and the reading of same be waived. Motion was seconded by Commissioner Cox. So ordered.

RE: REQUEST TO ADVERTISE FOR BIDS.....Tom Dorsey/Purchasing Dept.

Pick-Up Truck for City-County Dog Pound: Mr. Dorsey indicated the County Highway Superintendent has provided Purchasing with necessary specification information. Mr. Bethel stated that he'd asked Mr. Dorsey to advertise for two different motors; then, decision could be made by Commissioners concerning type of motor prior to awarding of bid. Motion was made by Commissioner Willner that the Purchasing Dept. proceed to draw up specs and advertise for bids. Motion was seconded by Commissioner Cox. So ordered. Commissioner Willner expressed his appreciation to Mr. Dorsey for his prompt attention to this matter, as he has had numerous requests from the office at the Dog Pound concerning same.

Review of Laundry & Dishwashing Detergent Bid for Sheriff's Dept.: Mr. Dorsey said he had a request to review the Laundry & Dishwashing Detergent Bid for the Sheriff's Department, which expires June 30, 1984. It currently is with Economics Laboratory. Mr. Dorsey said he had talked with Mr. Wayne Nolan at Economics Lab, and he indicated that should the County decide to extend the current contract, that they would maintain the prices currently in force for the 1984-1985 year. Mr. Dorsey said the Sheriff's Department has indicated they have received very good service from this company, and it is his recommendation that this contract be extended. Motion to this effect was made by Commissioner Willner, with Commissioner Cox providing a second. So ordered.

Bids for Tires & Tubes: Mr. Dorsey said that the City of Evansville, through the Board of Public Works, has awarded bids for tires and tubes. When those were bid, they did include contemplation of the County purchasing through that bid. Bid was awarded to Reis Tire, with the exception of speed tires for the Police Department and bus tires for the City. Those bids were awarded to Raben Tire Company. Mr. Dorsey said it is *his* recommendation that the County award those same bids. Motion to this effect was made by Commissioner Willner, with a second from Commissioner Cox. So ordered.

RE: REQUEST FOR LEGAL ASSISTANCE ON COMPLAINT.....Sheriff's Department

Mr. Lee West said the Sheriff's Department terminated two (2) civilian jailers about two weeks ago, a fact known to the Commissioners. However, the Commissioners may or may not be aware of the fact that these two individuals have leveled some accusations against the Sheriff's Department through the Human Relations Commission of the State Equal Opportunity Employment Office. Mr. West is here today to seek permission for the Sheriff's Department to use the County Attorneys for assistance on these complaints against the department. He said this is something with which department personnel are not at all familiar insofar as the procedure for handling complaints, etc., and they feel they need an attorney to respond to said complaints. Motion was made by Commissioner Willner to grant permission to Sheriff's Department to utilize County Attorneys' services on these complaints. Motion was seconded by Commissioner Cox. So ordered.

RE: COUNTY ATTORNEY.....David Miller

WIS, Inc. - Personal Property Tax Judgment: President Borries said the Commissioners have some correspondence regarding a certain property from a judgment lien -- WIS, Inc. (Wholesale Installation Specialists, Inc.). Mr. Borries said his secretary, Margie Meeks, had just entered this on the records prior to the start of this meeting. Timothy Hubert of the County Attorney's office prepared this "Release of Certain Real Property from a Judgment Lien". Mr. Borries asked County David Miller to comment on same. Since Mr. Miller indicated he had not previously read the document, President Borries referred it to him momentarily. After reviewing Release and accompanying correspondence, Attorney Miller offered the following comments. With respect to the letter sent to the Commissioners by Mr. Hubert, it appears that a company indebted to the County for

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approximately \$2,660.00 is in financial trouble and has made an assignment for the benefit of creditors of all its assets to a client of Mr. David Shaw (Mr. Shaw is an attorney here in town). Mr. Shaw has suggested a manner in which a certain parcel of real estate can be sold, which will net the County, due to other priorities that have to be paid before the County's lien, \$1,500.00. Mr. Hubert is suggesting that the County enter into an agreement to accept the \$1,500.00 in return for releasing our lien on the real estate. That will not release the balance of our claim for taxes in the event other assets upon which the County has a lien are sold. We have a couple of judgment liens noted by Mr. Hubert in his letter which were filed on October 18, 1983, and to the extent that we by reason of that have a security interest in other property, we stand the possibility of recouping the other \$1,100.00 in subsequent sales of assets of this company. Therefore, in response to Mr. Hubert's suggests, Mr. Miller suggests the Commissioners approve and execute the "Release of Real Estate from Judgment Lien" and authorize Mr. Miller to return it to Mr. Hubert for purposes of delivering it at the time the real estate is sold in return for the proceeds to which the County would be entitled. Mr. Miller said the alternative (as suggested in Mr. Hubert's letter) is to refuse and require the primary lien holder to proceed with a foreclosure action, which would result in additional amounts being charged against the property prior to the County's distribution and, therefore, the County's distribution would be less or nothing at the time of the same sale. This kind of an orderly liquidation is just what we look for with people in trouble and Mr. Jones said he thinks this is the way the Commissioners want to handle this matter. Commissioner Willner asked if this property has been appraised -- do we know what we're doing here? After glancing through the documentation again, Mr. Miller said no appraisal information is attached to the information sent to Mr. Hubert by Mr. Shaw. Mr. Miller said he would suggest to the Commissioners that since it is a creditor of this company that is making the sales, it is in the interest of that creditor to get as much as possible out of all the real estate -- so that the creditor achieves the greatest amount possible. However, he cannot sit here and tell the Commissioners that this is or isn't a good or a bad price -- because he doesn't know and there is nothing in the available documentation to indicate that an appraisal has been made. He said we could postpone a decision for a week and let someone look at the property -- whatever the Commissioners want to do. Commissioner Willner said, "We're talking about property tax?" Attorney Miller said we're talking about personal property tax. This is a personal property tax lien -- and a sale of real estate (we will receive any real estate taxes that are owed over and above -- to the extent that they were a lien prior to October 18, 1983). The March, 1984 lien will not be satisfied from this sale -- but they are not due yet anyway. But the March 1983 lien, which became due in May, 1984, will be a priority prior to this payment of this personal property tax lien. Commissioner Willner then asked Attorney Jones, again, if it is his recommendation that the Commissioners execute this release? Attorney Miller said that since Mr. Hubert recommends it -- he, therefore, recommends it. Mr. Miller said Mr. Hubert works for him -- and there is no purpose in his redoing everything Mr. Hubert does! Mr. Miller said that if the Commissioners want him to inquire as to an appraisal, he will certainly do that. Commissioner Cox said the appraisal isn't going to do anything for the offer from the buyer. The buyer has offered to buy it for \$2,500.00. Mr. Miller interjected that the effect would be that if we refuse to do this, then there would be a foreclosure. The foreclosure would bring whatever it would bring -- (Commissioner Cox said, "Probably nothing -- because it will be so far down on the list -- that is usually what happens".) Mr. Miller said that is Mr. Hubert's view; we're at the bottom of the list now. Commissioner Cox said she has seen this happen in the Courts; the County taxes and Court costs always come at the end -- after everyone else -- and they very seldom get much -- they get little, if any. At least we're guaranteed \$1,500.00 approximately here, with the possibility of getting even more from other sales. Therefore, she feels the Commissioners should approve and execute the release. Motion was made by Commissioner Willner that the Commissioners approve and execute the Release prepared by Mr. Hubert. Motion was seconded by Commissioner Cox. So ordered. The executed release read as follows:

RELEASE OF CERTAIN REAL
PROPERTY FROM A JUDGMENT LIEN

THIS INDENTURE WITNESSETH, that for an in consideration of the sum of One Dollar (\$1.00) and other valuable consideration, the receipt of which is hereby acknowledged, the undersigned BOARD OF COMMISSIONERS OF VANDERBURGH COUNTY, INDIANA, does hereby release the following described real property located in Vanderburgh County, Indiana, to-wit:

All or Part of Lot Nos. 1, 2, 3, 4, 5, 6, 7, 8 and 9 in Block 10
Shanklin's Enlargement of the Southwest Quarter of the southeast
Quarter of Section 20, Township 6 South, Range 10 West in

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Vanderburgh County, Indiana, more particularly, described as follows:

Beginning at a point in the Northwest corner of said Block 10, said point also being in the East line of Sherman Street and the South line of Illinois Street; thence East along the South line of said Illinois Street 224.05 feet to an iron pipe on a line 20.0 feet Northwestwardly from and measured perpendicular to the centerline of C & E I Railroad's Track No. 11, said iron pipe also being 49.95 feet West of the Northeast corner of said Block 10 as measured along the said South line of Illinois Street; thence in a Southwesterly direction, 20.0 feet Northwestwardly from and parallel to the centerline of said Track No. 11, South 56 degrees 49 minutes 00 seconds West 44.8 feet; thence South 56 degrees 59 minutes 30 seconds West 50.0 feet to a point measured 20.0 feet Northwestwardly from and at right angles to the C & E I Railroad's Track No. 15; thence South 59 degrees 09 minutes 30 seconds West, 20.0 feet Northwestwardly from and parallel to the centerline of said Track No. 15, 50.0 feet; thence South 63 feet Northwestwardly from and at right angles to the centerline of said Track No. 15; thence South 69 degrees 13 minutes 30 seconds West 57.7 feet to an iron pipe in the East line of said Sherman Street, said pipe also being 20.0 feet North from and at right angles to the centerline of said Track No. 15 and 116.6 feet measured along the said East line of said Sherman Street; thence North along said East line of Sherman Street, 116.6 feet to the point of beginning containing 0.344 acres, more or less.

from the lien of a certain judgment for delinquent personal property taxes, docketed on 18 October 1983, in Personal Property Tax Lien Record 23, page 57, identified as Duplicate No. 11-10-31276 in the office of the Clerk of Vanderburgh County, Indiana, against WIS Porta Signs, c/o James E. Pender, 526 Northwest Fourth Street, Evansville, Indiana 47708, and from the lien of a certain judgment for delinquent personal property taxes, also docketed on 18 October, 1983, in Personal Property Tax Lien Record 23, page 57, identified as Duplicate No. 11-11-31060 in the office of the Clerk of Vanderburgh County, Indiana, against WIS Porta Signs, c/o James E. Pender, 526 Northwest Fourth Street, Evansville, Indiana 47708.

IN WITNESS WHEREOF, the undersigned, BOARD OF COMMISSIONERS OF VANDERBURGH COUNTY, INDIANA, has caused the execution hereof by its duly elected officers this 25th day of June, 1984.

BOARD OF COMMISSIONERS OF
VANDERBURGH COUNTY, INDIANA

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

CERTIFIED AND APPROVED:

Alice McBride, Auditor
Vanderburgh County, Indiana

This instrument prepared by Timothy J. Hubert, an associate of the law firm of Bowers, Harrison, Kent & Miller, Fourth Floor, Permanent Savings Building, Evansville, Indiana 47708.

Hirsch-vs.-Vanderburgh County: Attorney Miller directed the Commissioners' attention to the case of Hirsch-vs.-Vanderburgh County and the discussions about the settlement, as to whether we were going to settle for \$12,000 and two bridges or \$18,000 and no bridges. First, we settled for \$12,000 and two bridges; then they said "no" -- they didn't want to do that. It didn't make any difference to the County because the net out-of-pocket for the County was virtually the same. A Settlement Agreement was sent over here and approved in Mr. Miller's absence, which called for payment by the County of \$18,000 -- flat payment. Mr. Miller is now back here with the Settlement Agreement which is the proper agreement; that is, the payment of \$12,000 and the construction of the bridges in connection with the improvement of Burkhardt Road. Mr. Miller read the following stipulation with respect to the bridges:

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"3. In consideration of the dismissal with prejudice of the consolidated action, the Defendant shall pay the Plaintiffs the sum of Twelve Thousand Dollars (\$12,000.00) in cash, to be distributed amongst the Plaintiffs as they determine, without recourse to the Defendant with respect to such distribution," (That is to say, we are not responsible for who gets what of that \$12,000.00.) "...and the Defendant shall, in the course of the currently planned improvement project relating to that section of Burkhardt Road located in Vanderburgh County between Division Street on the South and Boonville Highway on the North, replace two (2) bridges across the drainage easement in favor of the Defendant along the eastern side of Burkhardt Road, such replacement to be made in accordance with the plans and specifications for the improvement of Burkhardt Road at said location which have been heretofore approved by the State of Indiana." Continuing, Mr. Jones said we specifically describe what bridges we're going to build and when we're going to build them and in connection with what improvement.....and this Agreement says that the bridge replacement is to be performed by the Defendant only in connection with the contemplated improvement project and only in accordance with those plans and specifications as they exist on the date of the execution of the Settlement Agreement. Commissioner Willner interrupted by stating that this is a Drainage Board matter, that they sign the release. Secondly, he asked if he was correct in stating that it would be the Commissioners' Agenda to build the bridges. Attorney Miller said that is correct; that is why he is bringing it up at the Commissioners' meeting and will bring it up at the Drainage Board, as well. The Drainage Board is the "Defendant" in this case. Commissioner Willner asked Mr. Brenner if we are still in agreement with the Architect on Burkhardt Rd., and is it his recommendation that this agreement be signed? Mr. Brenner replied in the affirmative. Commissioner Willner then moved that the Agreement be approved insofar as the Commissioners are concerned, but be executed during the Drainage Board Meeting. Motion was seconded by Commissioner Cox. So ordered.

Letter from Executive Inn Requesting Use of Its Own Personnel to Handle Lighting & Sound at Vanderburgh Auditorium: Attorney Miller said he had a letter directed to the Commissioners regarding the Executive Inn's desire to use its own personnel to handle the lighting and sound at Vanderburgh Auditorium for Grand Assembly of Rainbow Girls. He spoke with Kim Bitz prior to today's meeting, and he indicates that the Executive Inn has satisfied him, at least, that they have the appropriate insurance coverage for the use of its own personnel. Attorney Miller said he would suggest to the Commissioners that if any harm comes to the equipment by reason of their involvement, that it would be no different than if the equipment were damaged in the course of any other use by any other lessee of the Vanderburgh Auditorium. Therefore, he knows of no reason that this request cannot be approved, subject to the provision of proper Certificates of Insurance. Commissioner Cox asked if there would be one of the regular union personnel there? Attorney Miller said he doubted if there would be. It appears not -- the County has no standing contract with any particular group or organization; therefore, we can't force.....Commissioner Cox interjected that she was under the impression that we should have one carry-over person there. As she understood it from these various agencies, the big concern is that they had personnel who could do this or who said that they could do it -- and this would keep them from having to hire in "x" number of people from the locals at a different rate. For the sake of continuity and protection, she thought there would be at least one stage-hand. Was that not ever decided? Attorney Miller said that this is a policy matter that is up to the Commissioners, and he certainly has no quarrel with that -- it can be made a condition of the lease...that they agree to have at least one of the experienced stage people and that they agree to pay the charge for same. President Borries said that we had discussed this with "not-for-profit" groups. This particular agreement is with the Executive Inn. Had it been with the Rainbow Girls, themselves, we probably would have worked that arrangement out. Apparently this was an agreement with the Executive Inn that they switch to the Auditorium because they will not be finished with their Convention Center in time for this event. Commissioner Cox said she has no doubt that the personnel at the Executive Inn know what they're doing at the Executive Inn, but her concern is how familiar are they with the lighting and sound equipment at the Auditorium, etc.? She thinks that's the bottom line. She is of the opinion that we need to require this at least of the users of this facility. This is one request -- and she sees us getting hit with a lot more requests. We should have at least one stage hand we could recommend, who has experience and expertise in the use of the lighting system and sound system at the Auditorium.....which are not the easiest in the world to understand. Attorney Miller

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said that anything the Commissioners do in this regard should be in the form of a written requirement to lessees of this type -- and should, in all probability, be attached to the rental agreement. Commissioner Willner said he does not feel the Commissioners are prepared to establish a written policy at this time. He thinks that to say we have to have one, two or three experienced stage hands, etc., arbitrarily .. one or none.... he feels the Commissioners are not prepared to do this. Commissioner Cox asked when the Rainbow Girls event is scheduled, to which Attorney Jones responded that it is scheduled July 8th. Commissioner Willner commented that if he was assured that the Executive Inn personnel are qualified to operate the County equipment -- that would help. President Borries noted that the Commissioners can defer the matter for one week, discuss it with both parties, then make a decision at next week's Commissioners' meeting. Commissioner Willner asked if the Commissioners can require a lessee to utilize one of the experienced stage hands. Attorney Jones said that from a legal standpoint, it is the County's piece of property and they can require it or not require it -- and the lessee can lease it or not lease it. It was the consensus that the matter be deferred for one (1) week and a decision be reached on Monday, July 2nd.

RE: COUNTY HIGHWAY.....Bill Bethel

Work Report - Week of June 18 thru June 22, 1984: Mr. Bethel presented Weekly Work Reportreport received and filed.

Gradall: St. Joe Ave., Heppler Rd., Schlinsker Rd., Browning Rd., Allens Lane, and Mesker Park Dr.

Paved: Schlinsker Rd. (Finished today)

Patched: Volkman Rd., Upper Mt. Vernon Rd., Red Bank Rd., Mill Rd., Lynn Rd., and Colonial Garden Rd.

Tree Crew: Green River Rd.

Mower: St. Joe Ave., Old Boonville Hwy. Frontage Rd., Pollack Ave., Lynn Rd., Fuquay Rd., Outer Lincoln Ave., Water Works Rd., Williams Rd., Owensville Rd., Baseline Rd., Hogue Rd., and Upper Mt. Vernon Rd.

Absentee Report: Mr. Bethel also presented the Absentee Report for employees at the County Garage for week of June 18 thru June 22, 1984.....report received and filed.

RE: COUNTY SURVEYOR.....David Guillaum

Mr. David Guillaum was present to present a report from the Surveyor's office. He directed the Board's attention to the Weekly Report of Bridge & Guardrail Repair, indicating areas where they had repair crews. Specifically cited were the repairs on Harmony Way and Korressel. Guardrails were also put up on the Maryland Street Bridge. Additionally, guardrail was put up on St. Joe Avenue to help stop the illegal dumping. With regard to Harmony Way, Mr. Guillaum said this was an area discussed previously by Commissioner Cox. The surveyor's office checked into the pipe under the road itself, and there was no problem with the pipe under the road. However, there is a problem about 400 ft. past the easement -- that same drainage pipe runs under Harmony Road and onto a private easement. There appears to be some stoppage back in the line -- but it is the type of problem where the surveyors people could not get into it with their equipment to do any repair work. No doubt there is a problem with the pipe itself, but it is beyond our easement. The broken piece of pipe has been repaired. One other thought their people had on it (and he'll throw this at Mr. Bethel now) is that they did notice it appeared the water may have trouble getting to the inlet in that area. Perhaps Mr. Bethel could possibly consider doing a little cleaning of that side ditch. While it is nothing critical, it could be looked at when time permits.

Maryland Street Bridge: Mr. Guillaum indicated that they have their plans ready to go. Thus far, they've had three (3) contractors pick up sets of plans. They have also notified Barnett Bros., Deig Bros., Traylor Bros., Key Construction, G. H. Allen, Rig-Mar and Reith Reilly. Thus, they have seven (7) good qualified biddersand Mr. Guillaum thinks we will get some good bids on this project. He said the bid opening is scheduled for next Monday, July 2nd.

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In conclusion, Mr. Guillaum called the Commissioners' attention to the fact that there will be a Drainage Board Meeting today, immediately following the Commissioners Meeting.

RE: CERTIFICATE OF INSURANCE

President Borries presented a Certificate of Insurance for Christian Fellowship, Inc., for a Church Service to be held in the Vanderburgh Auditorium on August 5, 1984..... certificate received and filed.

RE: PIGEON TOWNSHIP TRUSTEE - Addition to "Standards & Guidelines"

President Borries said he had a letter from the Pigeon Township Trustee, Dorathea MacGregor, which relates to a matter which occurred in a Poor Relief case the Commissioners heard several weeks ago. (Copies of the letter have been placed in all of the Commissioners' meeting folders.) The letter reads as follows:

June 18, 1984

COUNTY COMMISSIONERS
Room 305, Civic Center Complex
Evansville, IN 47708

To: Vanderburgh County Commissioners

Upon recommendation by our attorney, Mr. David Shaw, we are submitting the enclosed "Disallow" to be added to our Standards and Guidelines for the above office.

Respectfully,

DORATHEA M. MACGREGOR
Pigeon Township Trustee

Encl: 1
Copy to County Auditor

Enclosure read as follows:

June 18, 1984

TO ALL INVESTIGATORS

The following is to be added to your list of Disallows in the Standards and Guidelines of this office:

- #25 The Trustee's office will not pay rent for more than a 90-day period for any able-bodied person without dependents, or for two able-bodied persons with dependents.

DORATHEA MACGREGOR
Trustee

Mr. Borries said this was in regard to questions the Commissioners had concerning one individual who asked for rent assistance. Therefore, this has been added to the Trustee's Standards & Guidelines. Commissioner Willner said it was his recommendation that the Commissioners return this memorandum from Pigeon Township Trustee on disallowance of persons -- for retyping and clarification. He said this whole thing should be re-done. It just doesn't make sense. Attorney Miller said it raises more questions than it answers. Commissioner Cox said she didn't think the Commissioners were supposed to interfere with their rules and regulations. Commissioner Willner said "we're not -- but this is just bad". Attorney Miller said that one of these days

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someone is going to come to the Commissioners with an appeal -- so he thinks the Commissioners have at least the right to give that individual some input. Commissioner Cox said that the whole idea was to have the Trustee put down in writing what the personnel in that office were verbally telling these people...and they didn't do it. At least she summarizes this -- she hasn't seen it yet, since Mr. Willner stopped it before it reached her. Mr. Willner passed the letter, with attachment, to Commissioner Cox. She noted that the attachment only contains four (4) sentences! Commissioner Willner again reiterated that something is wrong with it! It was the consensus that this should be returned to the Pigeon Township Trustee where it can be re-written and re-submitted to the Commissioners.

RE: REQUEST FOR COUNTY COMMISSIONERS TO GO ON AUGUST COUNCIL CALL

President Borries stated that the County Commissioners are requesting permission to go on August Council Call to request \$5,000.00 in Legal Advertising. He said he had been informed by Mrs. Evans in the Bookkeeping Department that we only have \$199.00 left in this account; the bills have been running about \$900.00 per month. Hopefully, the \$5,000.00 will cover advertising bills for the remainder of the year. He further explained this would come from the Commissioners' budget (Account 130-342, Legal Advertising). Motion was made by Commissioner Cox that the request to go on August Council Call be approved. Motion was seconded by Commissioner Willner. So ordered.

RE: OLD BUSINESS

Vanderburgh Auditorium Advisory Board: President Borries said the Advisory Board for the Vanderburgh Auditorium held their first meeting on last Friday, June 22nd, at 4:00 p.m. He said this seemed to be a very diverse and interested group, one that he feels will take a real interest in the future of the Auditorium. They met for approximately one (1) hour and toured the building. Mr. Joe O'Daniel was elected Chairman of the Advisory Board; members are as follows: Jo Merrill, Robert Hayden, Anthony Bennett and Sharon Sanders Rudolph. The Board will be meeting on the first Tuesday of every month; however, because this coming week presented a problem with the July 4th Holiday, they will be meeting at 4:00 p.m. on Tuesday, July 10th. Commissioner Borries said there are many things to be discussed concerning the Auditorium, such as all of the improvements that will be looked into and examined, various directions they need to look at in relation to parking, other capital improvements which will need to be made, etc. In President Borries' opinion, this was a very productive meeting -- one in which all of the newly appointed Board members seemed to be interested and indicated they wanted to become very much involved in the workings of the Auditorium.

Community Cablevision of Posey County: President Borries said Mr. Maude who had presented a Franchise Agreement to be taken under advisement by the Commissioners could not be present for today's meeting. Hopefully, we will have a further report on that next week. As the Commissioners will recall, the County Attorney's office was to send Community Cablevision a copy of the Franchise Agreement currently being used with other firms, and requested that they revise their proposed Agreement to conform, etc.

RE: NEW TELEPHONE SPECS

President Borries said that this past week he and Jim Lindenschmidt met with representatives from the City, the School Corporation and the Building Authority concerning the new telephone specs that are being considered. To update the Board, he asked them to recall that last year in the rather slowly moving wheels of government it was decided that if any change were to be made regarding the phones, that all agencies and users of this building and the Civic Center Complex would be contacted to see if they would be interested in remaining or staying on the same telephone system. At that time, a consultant was hired. Things which occurred at that time included the vestiture of the Bell System into a number of different companies; things were very unclear at that time. One particular bid was selected. One company felt that that particular bid did not meet the advertised specs. A Court Hearing was held; that particular opinion was upheld by the Judge at the particular hearing. A new consultant was hired by the

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Building Authority; specs again were written that would, again, invite all advertisers new companies that had been formed to present their statistics. Those have been received and, according to this particular procedure, a decision has to be reached within 75 days of when those particular bids were issued. If not, we would run out of time and would not have accurate data upon which to base a decision. One company has been suggested by the consultant after a rather extensive review. The consultant was a TCS communications consultant from Nashville, TN and their report was unbelievable. They have examined all of the figures, specs and bids and various hardware that each of these bidders included, and they have put together an entire prospectus -- a very lengthy thing -- and there is also a shorter summary, with a recommendation. Mr. Borries said they endeavored to get this information to each of the Commissioners this past weekend so they could study it and reach a decision -- because the other units of government are also going to participate -- and it is very important at this time that if there are any questions that he and Jim Lindenschmidt might answer -- that those be discussed -- and ask for a decision today. The 75-day deadline is rapidly approaching. One of the items discussed (because the Council has to approve any funding -- and there are several Councils involved) was that there would be a Joint Meeting of the City and County Councils to listen to the consultant and at that time answer any questions they might have concerning the funding; what system was the most economical; which system would allow for some stabilization of rates, etc; plans for future growth to suit the needs of the City and the County. The County phone usage is 51%; the City usage is 34%; the School Corporation's usage is approximately 13%. Commissioner Borries said he understands that the School Corporation would intend to, he thinks, purchase their portion and has set aside funds to do that. The County's portion would be more, but we have set aside a significant amount in order to lower any additional cost we might have. He said this is as much as he can explain at this time and asked if Jim Lindenschmidt had anything to add? Mr. Lindenschmidt said he thinks Mr. Borries said it pretty well. He thinks they're just wanting the Commissioners' recommendation as to when the Joint Meeting can be held. They would like to have it next Monday. He said the Board of Commissioners has indicated they would like to have the consultants at that meeting -- so we will have to notify them as soon as possible. It was noted that the 75-day period would be on July 9th. President Borries said the consultant suggested that first of all the system should be selected; then, the second task would be for the Councils to determine how the various financial arrangements would be worked out. The County has planned ahead here where we have approximately \$112,000.00 set aside in a special account for our portion of this. Our goal has been to try to stabilize cost; there has been some discussion that there might be some change in various rates, but the consultant said these are varied "ifs" and, at some point, you have to make a decision based on the current information available. Mr. Lindenschmidt said he spoke with the consultant's secretary this morning and she gave him a run-down on cost on completely financing the whole thing -- with no money down. Our bill would be approximately what it is right now for a number of years; but when it is paid off, then it would drop drastically. However, she did not take into consideration that if we paid \$112,000 down and someone else paid the whole thing, and someone else paid nothing -- how much our share would be. But that would all be worked out. As the consultant advised, our first task would be to select what we want. After that the financial arrangements could be worked out. However, her estimated cost was based on nothing being paid (what they have as the apparent low bidder) and our bill would be about the same amount we are currently paying...until it was paid off; then the drastic drop in cost. President Borries said this would be a "state-of-the-art" system; one that would adopt easily to data processing and data processing expansions. It is an electronic system. He said not to ask him to explain this, again; there was a 3-day court case involving this situation with attorneys from all governmental units involved and there were various people who testified and did convince the judge in that case that the information which the one company objected to was accurate. This particular communication consulting firm, in his opinion, was very impressive. They are extremely knowledgeable; extremely comprehensive in all they had proposed; they made a recommendation that said if two concerns are satisfied -- that the growth and associated cost issue is not a realistic problem. What he was talking about in terms of growth is whether or not the stations in this Civic Center Complex would be adequate for future growth. He said that if the entire Complex would grow to 944 stations, one other system might be (and again it was a "might be") less. However, we currently have 676 stations as of today. When the Civic Center opened in 1969, according to figures we were able to obtain, they had 533 stations. Commissioner Cox noted that at one time we had over 700; Commissioner Borries said we went through in 1982 and 1983 and removed lines wherever possible and removed stations. This consultant did not feel this particular concern would be significant; in other words, we're not going to grow some 300 stations according to the present growth rate in local government. That was concern Number One. The second concern was that the reference checks be satisfactory; and Mr. Gil Ruston, who was the coordinator thru the Building Authority, had checked on every reference

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provided by this particular company; all were very favorable. Therefore, we felt those two concerns were met. Commissioner Cox said the only comments she had concerned the growth and associated cost issue; not only the number of stations, but also the number of lines available. We will have a combined total of seventy (70) lines which serve the 688 stations and we can only assume and take the recommendation of the consultant that this will adequately serve our needs. We're talking about the School Corporation, County government and City government. Even though we have 688 stations, we're only going to have only seventy (70) outside lines. Mr. Lindenschmidt said insofar as the internal lines go -- we can all be talking at the same time. Commissioner Cox noted, however, that should there be thirty-five (35) outbound calls and thirty-five (35) inbound calls, then the trunks would all be tied up. In order to get the capacity up to ninety (90) lines, there would be additional cost. Mr. Lindenschmidt stated that any one of the three new switches recommended would be seventy (70) lines -- no matter which company we go with. The only other alternative would be to stay where we are now. President Borries said that with these new switches and all of the advancements which have taken place since the current system was installed, it is all electronically directed -- it's all done by computer to avoid overload or free access to open lines whenever calls are coming in. Mr. Lindenschmidt said that one other point brought out was that with a new switch you can do all the changing yourself internally, whereas now if you do any changing there is a minimum \$90.00 charge and it usually averages out around \$200.00. The only thing that cost us with the new switch is to run a new line; any moving of offices or phones -- you can change the numbers to another location as long as you have a plug-in and do that yourself; you would not have to call someone from the outside in to do this and pay for that service. Actually, the City has more of that going on than the County -- they change their offices quite often. President Borries said the consultant did indicate that he would be here for the Joint Meeting. City Council will be meeting next Monday evening; hopefully, the Commissioners meeting would be concluded by 6:00 p.m. and we would be able to participate and ask any questions. Commissioner Cox asked how many outside lines we have currently, to which Mr. Lindenschmidt said that every phone is an outside line. Currently, all you have to do is pick up your telephone and dial "9" and you're out. Under the new system, conceivably within a peak time you could pick up your phone, dial "9" and get a busy signal and have to wait to get outside. They have done studies on how many calls in and out within an hour and they can tell you the number of calls within a peak time, but they cannot tell you how long they were on the phone. If you dial now and get a busy signal and have to hang up and dial back, you might make ten (10) calls in five minutes trying to get out -- but you're not on the phone but a few seconds at a time. But that would all register as a call during that hour's time. Mr. Lindenschmidt said this has happened to him on a number of occasions, as recently as a short time ago when he was trying to reach an individual on a toll-free long distance call; he had to dial it four times before he could get through. President Borries said that if the Commissioners have no further questions, we need to make a recommendation. If they want to study this another week they can certainly do so. However, we want the consultant to come in so he can answer any kind of financial matters. Mr. Borries said he is confident the consultant will be able to answer any kind of technical questions that anyone on the Commission or Councils may have; he's an articulate person and has done real extensive work on this. Commissioner Cox noted that this will result in quite a projected savings to Vanderburgh County over a seven-year period. If seventy (70) lines is not sufficient and we find out it is an inconvenience of necessity to add on more, then this is the way we'll have to go. However, the seventy lines may very well serve us. Mr. Lindenschmidt stated that the new switch would only accommodate growth to ninety-two (92) lines. However, the switch could be made bigger -- it just takes more money. President Borries said they have included figures in what is based on a net present value of all of these systems and the apparently from their low totals this entire system could be purchased for \$66,000.00 divided by all the units of government plus you would add the cable. At that point, you would be able to stabilize your cost for an extended length of time. Mr. Lindenschmidt said if it all could be paid off up front you could start right away with your monthly savings for all units. But if we don't have enough money to pay it off to begin with and finance the whole thing -- then we'd be paying what we're paying right now until we get it paid for; then, there would be a drastic reduction. But we would have a first-class, modern system. Commissioner Willner asked if it is true that in the deliberations of the expert he did not study the Centrex system, because they will not be able to guarantee their rates until after the Public Hearing? Mr. Lindenschmidt said he has the present, the one where they had a reduced rate, and then he has a proposed on what they are saying what they are going to get (which they have not filed for yet). However, Commissioner Willner said.....Attorney Miller interjected

(continued)

that they can't guarantee it at this point so they can't bid it. Commissioner Willner asked what if we waited to do anything -- or asked for an extension from these companies until after the Public Hearing to see whether that was granted? Mr. Borries said it throws out your bid -- and you simply can't make a decision based on what might be". Mr. Borries said we had the alternative of doing nothing; however, the consultant said our cost would continue to rise if we keep the present system. Commissioner Willner asked how the consultant knows this if they haven't ruled on this yet? President Borries said he knows this because of maintenance cost, because of the limitations we would begin to face should we decide to move into some increased telephone use on data processing, etc. Mr. Lindenschmidt said some people fear they will turn around and raise the other part of it to make up for what they cut down and are giving us on one end. Commissioner Willner asked how they can do this when they're going to guarantee the rates for fourteen (14) years, so they tell him. Mr. Lindenschmidt said "not the complete 100% -- they were going to guarantee those trunk line charges for that long". However, Mr. Lindenschmidt said it has gotten so complicated it is getting beyond him. Commissioner Willner asked if there is a possibility of the Commissioners delaying their decision until we hear from the consultant? Mr. Borries said he is going to be here, since he is going to attend the joint meeting of the City and County Council. Commissioner Willner asked if the decision can be made after the joint meeting? Mr. Lindenschmidt said the Commissioners are going to have to make a recommendation, because the joint meeting is going to concern the money end of it. Attorney Miller suggested that the Commissioners have the consultant attend their next meeting since he is going to be at the joint session later in the day? The decision should be next Monday since we're up against a deadline. President Borries said it is also his opinion that the Building Authority is not going to continue to retain consultants after consultants to have studies after studies to determine what we're going to do. If it is going to let us see some savings -- if it's going to improve what we can do for the future -- then we need to do those things. Mr. Lindenschmidt said it is his understanding that both the School Corporation and the City are ready to go ahead with their recommendation, but we all have to be in agreement. Two can't go and one stay out. President Borries said that obviously we saw a cost savings based on a large network here that the Building Authority could coordinate. Commissioner Cox pointed out that any extension of trunk lines would have to be shared on a three-way basis, because there would probably be no way to pin down which entity of government was using the seventy lines. President Borries said the Commissioners could ask him to attend their meeting next week, but if we're going to get a negative vote it would make the second part of his meeting rather useless. Commissioner Cox asked just what information could he further provide the Commissioners in order for them to make a better decision next week? Commissioner Willner said there are so many unknowns. He thinks someone should be able to say we have a system in South Bend or Texas or somewhere that is similar to ours -- and said seventy (70) lines was very much adequate or seventy (70) lines was inadequate. At this point, nobody wants to go on the fence and say whether it will or will not be adequate. Mr. Lindenschmidt said he was told by the consultant (when asked about this when Mr. Lindenschmidt expressed his concerns) that he would guarantee that seventy (70) lines would be sufficient -- that's what he told him! Commissioner Willner asked how he could guarantee this? President Borries said you again go back to this electronic system of routing and how this whole system operates. Again, it's done on a state-of-the-art switch here that is more improved than that which we have at this point. Commissioner Willner said you buy a new automobile and it's a state-of-the-art -- the very latest. But, that doesn't mean it's a good system! Commissioner Cox said that whether you spend \$50,000 or \$5,000, you're still only supposed to go 55 miles per hour and this is what we have here, whether state-of-the-art or anything. It still boils down to seventy (70) lines -- and she doesn't see how he can provide any additional information within a week that would help the Commissioners to make a better decision. President Borries said he feels the consultant answered all the questions discussed and this is why the books were distributed to the Commissioners for their perusal. His recommendations were excellent; he is extremely knowledgeable in this field and Mr. Borries recommended approval. If the Commissioners set a time and date and he attends a Commissioners meeting and the Board is not satisfied at that time -- then he assumes the Board would just nullify their motion. He suggested that the Commissioners need to set up a meeting, indicate they have accepted the consultant's recommendation and that we're going to call the Councils together, etc. We would ask him to come in at 2:30 for the Commissioners meeting to answer any questions they might have concerning the recommendation at that time, then be on hand for the Joint Meeting that evening to answer any questions on funding, etc. Commissioner Cox said there is also the possibility that when the Commissioners meet with the Councils they may say we don't have the money!

(continued)

Motion was made by Commissioner Willner that the Board of Commissioners accept the recommendation of the consultant to go with KLF (as he said "Lord help me if I'm wrong"). Commissioner Cox provided a second to the motion. So ordered. President Borries instructed Mr. Lindenschmidt to notify the consultant to this effect and ask him to attend the scheduled meeting of the Commissioners at 2:30 p.m. on Monday, July 2nd. Further, he asked that Mr. Lindenschmidt notify the Building Authority and set up the Joint Meeting at 6:00 p.m. for the Councils, etc., once he has confirmation from the consultant that he can be present for both meetings.

RE: COUNTY ENGINEER.....Andy Easley

Mr. Easley presented a letter written to the Indiana Department of Highways in response to their letter of May 15, 1984, concerning the Right-of-Way on Burkhardt Road Project. The letter read as follows:

June 18, 1984

Ms. Carol L. Erler, Acting Supervisor
Local Assistance Unit
Indiana Department of Highways
Room 1101, State Office Building
Indianapolis, Indiana 46204

Re: PROJECT M-E100 R/W Acquisition
Burkhardt Road, Vanderburgh County
Right-of-Way Certification

Dear Ms. Euler:

We are in receipt of your letter dated May 15, 1984, concerning the right-of-way documents for subject project.

We are enclosing the following items:

1. Excerpts from the minutes of the County Commissioners meetings showing that Mr. Kenneth Hansen, the right-of-way buyer, was authorized to purchase the easement parcels that have been obtained from the following owners:

Alfred & Julia Euler
Warrick National Bank
Floyd Lemmon
Alfred & Martin Durchholz

2. Appraisal and offer letter for the Alfred & Julia Euler parcel.
3. Appraisal and offer letter for the Warrick National Bank parcel.

It will be appreciated if your office will issue the right-of-way certification to the Federal Highway Administration, so the project can be placed on the earliest construction letting.

If any additional information is required, please contact the undersigned.

Very sincerely,

R. Andrew Easley, Jr., P.E.
County Highway Engineer

cc: County Commissioners
Mr. David Gerard

Mr. Easley said it has been indicated that they're going to get that on the August lettings, as he understands it.

(continued)

Illinois Central Gulf Crossing/Mill Road: Mr. Easley said he met with Mr. Bill Shelby at around 2:00 p.m. today concerning the Illinois-Central Gulf Crossing on Mill Road (Mr. Shelby is the foreman). The crossing is closed. Mrs. Margie Meeks notified the newspaper that it will probably be closed until Thursday. We purchased \$165.00 worth of steel to raise the header rails and everything is working out well on that coordinated closing.

Wilbert Zeller/Meadowbrooke Drive: Both Mr. Easley and Mr. Bethel met with Wilbert Zeller on Meadowbrooke Drive on Friday afternoon during the height of the big storm, and witnessed a gigantic run-off -- and Mr. Zeller did have quite a bit of the broken concrete removed from the ditch -- but we want to go back when it isn't raining and review his problem. There is quite a bit of silt coming down there. It is Mr. Easley's intention to contact the Soil Conservation Service to see if they will help him convince the farmer that he has to do something to keep that silt from coming down the street. The silt has apparently choked the storm drainage system and Mr. Easley says he has considerable work to coordinate to see if they can get those people to work together to solve their problem. There may have to be some county money spent out there -- but that will have to be discussed with the Commissioners at a later date.

Creasey Co., Inc.: Mr. Easley said he also received word last week from the president of the Creasey Company that they have decided not to relocate the track to the west of that warehouse, and they are going to cooperate in letting us move the door over two (2) feet -- so that can now proceed. They have had the ball for about ninety (90) days, trying to come up with a corporate decision as to what would be best for them.

Romaine Subdivision: Mr. Easley said that he and Mr. Bethel inspected the Romaine Subdivision. They're almost ready to have it accepted; just a couple of things remain to be done. He said he would not be surprised at all to be back next week with a letter requesting acceptance.

President Borries said that is some good news from Creasey; that means that if they have agreed to relocate.....Mr. Easley said the switch will be moved out and the Federal Highway Administration said that they would pay for that. The only minor hitch in it is the cost limitation on the door relocation. Creasey said that if it is in excess of \$10,000, it is more difficult to accomplish without a negotiated or informal bid procedure.

RE: CLAIMS

The following claims were presented for approval:

Darrell Collins: Claim in the amount of \$29.58 for reimbursement of meals. Mr. Borries said this concerned employee of Human Relations Commission for Indiana Consortium in Columbus, Indiana. County has paid \$35.00 registration fee and \$37.00 lodging. An amount of \$30.00 for meals was approved by the Commissioners on May 21, 1984. Motion was made by Commissioner Willner that this claim be approved for payment. Motion was seconded by Commissioner Cox. So ordered.

RE: EMPLOYMENT CHANGES.....Releases

Convention & Visitors Bureau

Peter D. Helfrich 1144 Chelsea Lane Asst. Dir. \$ 20,000/Yr. Eff: 7/16/84

Auditor's Office

Kathy Lowe Wadesville, IN Posting Clk. \$ 10,720/Yr. Eff: 6/29/84

(L.O.A. until August 27, 1984)

Shirley Ankenbrand 804 N. Alvord P/T Clerk \$ 30.00/Day Eff: 6/29/84

Terri Pace 5104 Hoosier Ct. Transfer Clk \$ 11,281/Yr. Eff: 6/29/84

Cindy Mayo 1200 S. Harlan Secondy Dep. \$ 12,052/Yr. Eff: 6/29/84

Lucille Musgrave 4304 Pennington Bkkpr. \$ 13,264/Yr. Eff: 6/29/84

Vanderburgh Superior Court/Juvenile Division

Roberta Jourdan 2100 N. Redbank Court Reptr. \$ 16,217/Yr. Eff: 6/18/84

Susan Metz 12336 Browning Rd. Probation Off. \$ 17,178/Yr. Eff: 6/15/84

(continued)

Vanderburgh Superior Court

Sue G. Steele	Ct. Reptr.	\$16,717/Yr.	Eff: 6/22/84
Mary Jane Stucki	Riding Blf.	\$13,491/Yr.	Eff: 6/22/84

Circuit Court

Joseph Adams	3517 Wansford	P/T Bail Bond	\$ 6,600/Yr.	Eff: 6/15/84
Shawn E. Devoy	1400 S. Grand	Intern	\$ 3.35/Hr.	Eff: 6/1/84
Karen M. Memmer	1162 S. Lombard	Intern	\$ 3.35/Hr.	Eff: 6/1/84

Burdette Park

Perry Gostley	R.R.#1, Nurrenbern	Rink Guard	\$ 4.00/Hr.	Eff: 6/20/84
Dona Barton	3721 Koressel Rd.	P/T Cashier	\$ 3.35/Hr.	Eff: 6/20/84
Jeff Craft	2834 Pennsylvania	P/T Ground	\$ 3.50/Hr.	Eff: 6/20/84

RE: EMPLOYMENT CHANGES.....Appointments

Auditor's Office

Marjorie June Miller	1621 Wedeking	Temp. Clk.	\$414.26/Pay	Eff: 7/2/84
Shirley Ankenbrand	804 N. Alvord	Transfer Clk.	\$10,760/Yr.	Eff: 7/2/84
Terri Pace	5104 Hoosier Ct.	Second Dep.	\$12,052/Yr.	Eff: 7/2/84
Cindy Mayo	1200 S. Harlan	Bkkpr.	\$13,264/Yr.	Eff: 7/2/84

Vanderburgh Superior Court - Juvenile Division

Roberta Jourdan	2100 N. Redbank Rd.	Ct. Reptr.	\$16,717/Yr.	Eff: 6/18/84
Betty J. Denk	1254 Western Hills	Clk. Asst.	\$10,972/Yr.	Eff: 7/2/84

Vanderburgh Superior Court

Mary Grace Ryan	Riding Blf.	\$13,491/Yr.	Eff: 6/25/84
Mary Jane Stucki	Ct. Reptr.	\$17,717/Yr.	Eff: 6/25/84

Circuit Court

Shawn E. Devoy	1400 S. Grand	Intern	\$140/Wk.	Eff: 6/4/84
Suzanne Shipp	1505 Thompson Ave.	Intern	\$ 3.35/Hr.	Eff: 6/13/84
Julie L. Wittman	7377 Acorn Drive	Intern	\$ 3.35/Hr.	Eff: 6/11/84
Karen M. Memmer	1162 S. Lombard	Intern	\$140/Wek.	Eff: 6/4/84

Burdette Park

Perry Gostly	R.R.#1 Nurrenbern	R. Guard	\$ 3.60/Hr.	Eff: 6/20/84
Dona Barton	3721 Koressel Rd.	Cashier	\$ 3.50/Hr.	Eff: 6/20/84
John Winiger	2308 N. Heidelberg	Ex. Guard	\$ 3.35/Hr.	Eff: 6/16/84
Mike Powless	Cole Ct.	Ex. Guard	\$ 3.35/Hr.	Eff: 6/20/84
Larry Nickens	R.R.#2 Hillview Dr.	P/T Ground	\$ 4.00/Hr.	Eff: 6/20/84

Circuit Court

Christine Arnold	506 S.E. 1st St.	Sp. Reptr.	\$2.50/Hr.	Eff: 6/11/84
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Clerk of Circuit Court

Patricia Fentress	913 S. Governor	P/T Dep.	\$4.00/Hr.	Eff: 6/18/84
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Treasurer's Office

Lisa G. Hart	2210 Sunburst	P/T Clerk	\$30.00/Day	Eff: 6/19/84
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Sheriff's Department

Jim Embry	1519 Fuquay Rd.	Merit Board	\$750/Yr.	Eff: 6/15/84
Billie S. Goff	2500 Anthony Dr.	Merit Board	\$750/Yr.	Eff: 6/15/84
Kelli J. Seddon	2312 E. Virginia	Civ. Jailer	\$12,308/Yr.	Eff: 6/12/84
Otto Schnakenburg	3500 Koring Rd.	Merit Board	\$750/Yr.	Eff: 6/15/84
Glenn A. Grampp	212 Ladonna Ct.	Merit Board	\$750/Yr.	Eff: 6/15/84
Mike Ellenstein	861 Blue Ridge	Merit Board	\$750/Yr.	Eff: 6/15/84

RE: SCHEDULED MEETINGS

President Borries said that since this is Freedom Festival Week there will be a lot going on. Tomorrow, June 26th, Mr. Bill Pfister of IOSHA will be in Commissioners Hearing Room at 9:00 a.m. He is the individual contacted by the Commissioners concerning reviewing and suggesting what we need to do in relation to our on-going safety activities. This has been a longstanding appointment -- so tomorrow is the day.

There being no further business to come before the Board of Commissioners at this time, the meeting was declared adjourned at 4:05 p.m., with the announcement that the meeting of the Drainage Board would be held immediately.

PRESENT:	<u>COMMISSIONERS</u>	<u>AUDITOR</u>	<u>COUNTY ATTORNEY</u>
	Richard J. Borries Robert L. Willner Shirley Jean Cox	Alice McBride	David Miller
	<u>COUNTY SURVEYOR</u>	<u>COUNTY ENGINEER</u>	<u>COUNTY HIGHWAY</u>
	David Guillaum	Andy Easley	Bill Bethel
	<u>PURCHASING</u>		
	Tom Dorsey		
SECRETARY:	Joanne A. Matthews		

Richard J. Borries
Richard J. Borries, President

Robert L. Willner
Robert L. Willner, Vice President

Shirley Jean Cox
Shirley Jean Cox, Member

MINUTES
COUNTY COMMISSIONERS MEETING
July 2, 1984

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COUNTY COMMISSIONERS MEETING
July 2, 1984

The meeting of the Board of County Commissioners was held on July 2, 1984, in the Commissioners Hearing Room, with President Borries presiding.

Since the meeting room was almost filled to seating capacity with various individuals, President Borries announced that copies of today's meeting Agenda, as well as copies of Minutes from the previous meeting, were available on the credenza placed near the entrance to the room for those who might be interested in same.

Sheriff Clarence Shepherd declared the meeting in session at 2:40 p.m., pursuant to adjournment.

The Chair entertained a motion concerning the minutes of the previous meeting held on Monday, June 25, 1984. Motion was made by Commissioner Willner that the minutes be approved as engrossed by the County Auditor and the reading of same be waived. The motion was seconded by Commissioner Cox. So ordered.

President Borries said that before proceeding with the agenda (and we will proceed with it as published), at last week's meeting the Vanderburgh County Commission had acted upon a recommendation and sent the recommendation to the Building Authority concerning the matter of telephones and the telephone systems that has been coordinated by the Evansville-Vanderburgh County Building Authority. The consultants from TCS Communications, Inc., (Mr. James Garden, president and Margaret Mitchell) have been in the city today to talk with the Commissioners and answer any questions the Commissioners might have had concerning his recommendation. Mr. Garden will also be at the Joint Public Meeting of the City and County Councils tonight at 6:00 p.m., which is being held for purposes of discussing funding. At this time, because there are representatives from each of the groups here (and we appreciate your attendance) -- since the Building Authority is the coordinating agency in regard to that particular decision -- we do not feel that the matter should be discussed at this time. Mr. Garden and Miss Mitchell will be at the 6:00 p.m. meeting. The Commissioners have met and talked with these persons individually concerning questions they might have had. Therefore, we will proceed with today's agenda as published.

RE: OPENING OF BIDS FOR STAGE RIGGING MODIFICATIONS AND DRAPERIES FOR VANDERBURGH AUDITORIUM

The Chair entertained a motion for the County Attorney to open the bids on Stage Rigging Modifications and Draperies for Vanderburgh Auditorium. Motion to this effect was made by Commissioner Willner, with a second from Commissioner Cox. So ordered. After reviewing the bids, County Attorney David Jones reported that two bids were received; both bids are in order. Bids received were as follows:

- 1) Tiffin Scenic Studios, Inc. (Tiffin, OH) -- Bid in sum of \$118,567.00.
- 2) Peter Albrecht Corporation (Milwaukee, WI) -- Bid in sum of \$131,320.00.

Motion was made by Commissioner Willner that both bids be forwarded to the Auditorium Manager for his review and recommendation. Commissioner Cox remarked that while she will second Mr. Willner's motion, she does have one question: "Were there any break-downs insofar as stage rigging and draperies, or were the bids all-inclusive?" Attorney Jones indicated they were both lump sum bids. Commissioner Cox provided a second to Mr. Willner's motion. So ordered.

RE: OPENING OF BIDS FOR MARYLAND STREET BRIDGE OVER PIGEON CREEK

The Chair entertained a motion for the County Attorney to open the bids for the Maryland Street Bridge. Motion to this effect was made by Commissioner Willner, with Commissioner Cox providing a second. So ordered. After reviewing the bids, County Attorney David Jones said the Engineer's estimate on the Maryland Street Bridge given 6/29/84 was in the amount of \$457,805.20. There were four (4) bids on the Maryland Street Bridge, as follows:

(continued)

- 1) Reith Reilly Construction Co., Inc. (Goshen, IN) -- Bid in the amount of \$508,723.50. (Bid is in order)
- 2) Traylor Bros., Inc. (Evansville, IN) -- Bid in the amount of \$502,173.90. (Bid is in order)
- 3) Deig Bros. Lumber & Construction Co., Inc. (Evansville, IN) -- Bid in the amount of \$595,835.50. (Bid is in order)
- 4) Rig-Mar Contracting Co. (Henderson, KY) -- Bid in the amount of \$441,178.00. (Bid is in order)

Motion was made by Commissioner Willner that the four bids be given to County Surveyor Robert Brenner for his perusal and recommendation, with request that he get back to the Commissioners with his recommendation while said meeting is still in progress. Mr. Brenner agreed to do so and left the meeting. The meeting was nearly over when Mr. Brenner returned with his recommendation, following a lengthy review of the bids submitted. Mr. Brenner said he reviewed the bid of Rig-Mar Contracting Co., Inc., and it extends out correctly. The bid is a balanced bid; there are no items overloaded. They haven't done too many bridges, but they do have a Bid Bond and a Construction Bond and it is his recommendation that the Commissioners accept this bid. Commissioner Willner asked where the firm's corporate office is located, to which Mr. Brenner responded that it is located in Henderson, Kentucky. Commissioner Willner then asked if the firm has done any business locally of which Mr. Brenner is aware? Mr. Brenner said they had an approximate \$400,000.00 contract with General Foods (demolition of the grain bins on First Avenue). Commissioner Cox queried Mr. Brenner concerning the differences detected in the bids. Mr. Brenner said there were no big items -- the coffer dam was a little cheaper. He said he went thru all the bids -- and they varied up and down. Commissioner Cox cited the some \$61,000 difference between the bid of Rig-Mar and one of the other bids. Mr. Brenner said both were balanced bids. However, he said they could not accept Traylor Bros., Inc. bid without re-bidding, because they are too far over the engineer's estimate (you're allowed to go within 5%). Mr. Brenner said as he recalls it, we had the same problem about a year ago on the First Avenue Bridge project. Commissioner Borries asked if anything time-wise was included -- was there any estimate? Mr. Brenner said the bid specs called for ninety (90) working days with a \$500.00 per day penalty. Working days start from either five (5) days from the time you sign the contract -- Notice to Proceed -- or when SIGECO gets their power line off the bridge on the north side, whichever comes first. He said no one seemed to think that time was a factor. Ninety (90) working days works out close to one hundred twenty (120) calendar days. Commissioner Cox said she didn't think the time element would be that much of a factor, because while she cannot speak for the other Commissioners, but she has not received any calls about the bridge being closed now -- this was not the case on the First Avenue Bridge project. Motion was made by Commissioner Willner that the low bid from Rig-Mar Contracting Co., Inc. in the amount of \$441,178.00 be accepted. Motion was seconded by Commissioner Cox. So ordered. In response to Commissioner Cox's query -- Mr. Brenner said he really knows nothing about the contractor. The only thing we've got to go on is the Financial Statement from them -- the Commissioners can check some of the items on it. But, to get a bond from CNA (that's who's guaranteeing us -- Continental Casualty Company is guaranteeing us). Somebody is building that bridge -- we have nothing but what is in our plans and specs. While you would always rather do business with somebody with whom you've done business before -- because it is easier -- but it didn't work out that way. So you just step up and take low bidder -- or don't, in this case. You don't have any choice. Commissioner Cox remarked that the lowest bid is not always the best bid -- we've talked about that before. And, just because this company is new does not mean they are not qualified. But she is simply asking for some justification -- because she knows nothing about the firm. Insofar as the other bidders are concerned, she has heard of them; she has seen bridges they've built and work they have done. But we are spending a half million dollars (1/2 million) here and we need justification and proof. She said she didn't ask enough questions about the First Avenue Bridge -- and that is why she needs to ask these questions today. For instance, Continental Casualty Company will build the bridge if Rig-Mar doesn't. Mr. Brenner said that basically that is correct -- that is what a construction bond is. He asked Attorney Jones for confirmation; Attorney Jones replied in the affirmative. President Borries said the motion had been made and seconded to accept the bid from Rig-Mar Contracting Co., Inc., and he would ask for a roll call vote on the awarding of the bid, based on the recommendation of the County Surveyor. Commissioner Cox interrupted with the question as to whether or not

COUNTY COMMISSIONERS
7/2/84

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Rig-Mar is union affiliated? Mr. Brenner responded that he has no idea; they do have to pay scale per the State -- non-discriminatory, etc. Roll call vote was taken, with the following results:

Commissioner Cox - Yes
Commissioner Willner - Yes
Commissioner Borries - Yes

Bid on Maryland Street Bridge was awarded to Rig-Mar Contracting, Inc. in the amount of \$441,178.00.

RE: FRANCHISE PROPOSAL/COMMUNITY CABLEVISION OF POSEY COUNTY....Walter Maude

The Chair asked Mr. Walter Maude of Community Cablevision of Posey County to approach the podium. Mr. Maude indicated that he appeared before the Commissioners to present a Franchise Proposal some weeks ago, which was taken under advisement. He is returning at this time to answer any questions the Commissioners might have and, if possible, determine the possibility of the Commissioners granting said franchise to Community Cablevision for portions of the Western part of Vanderburgh County. President Borries stated that the major issue discussed two (2) weeks ago was the attorney who had represented the County during the meeting which Mr. Maude attended. This concerned the differences in the proposed contract presented by Mr. Maude and the contracts accepted by the Commission for installation of cable facilities in Vanderburgh County. President Borries asked Attorney David Jones for comments concerning this matter. Attorney Jones said the attorneys have been approached by several people now, and what the County wants to do is keep some uniformity in this. Unfortunately, the length of time that these things have been granted is not uniform -- and that is because of the different ones that have come in. He asked Mr. Maude if his company is a corporation, to which Mr. Maude replied in the negative, saying that it is a limited partnership. Attorney Jones said that means we have some more problems here. We are going to have to have some more information -- since they're not a corporation -- in terms of what is represented in the franchise agreement. Could Mr. Maude leave a business card with him so he can get in touch either with Mr. Maude or the firm's attorney -- so we can come up with some changes (in fact, he could send copies of what he's done so far). Attorney Jones said he believes the problems relate more to form -- not substance. But there are some changes the County would like to see. If Mr. Maude will leave his business card, Attorney Jones will get back to him yet this week. He said the problem does not relate to programming -- it's more allowing them to use County right-of-way and operate and that sort of thing. The County is not involved in the content of the programming at all. President Borries indicated he believed the questions can be resolved, but the County is not free to act on this until the attorneys have finished their work.

RE: COUNTY TREASURER'S REPORT.....Lew Volpe

The following report was presented by County Treasurer Lew Volpe:

TREASURER
Vanderburgh County

July 2, 1984

TO: COUNTY COUNCIL
COUNTY COMMISSIONERS

Collections to date are:

COUNTY REVENUE	\$389,387.76
FEDERAL REVENUE SHARING	6,669.44
POOR RELIEF	6,254.17
	<u>\$402,311.37</u>

(continued)

Outstanding Investments are:

- 1) Investments, \$3,000,000, dated December 28, 1983, due December 27, 1984. Estimated income \$273,700.00, of which \$22,812.00 will go to Reassessment Fund. Rate 9.125%.
- 2) Investments, \$500,000, dated December 29, 1983, due December 27, 1984. Estimated income \$46,200.00. Rate 9.25%.
- 3) Investments \$2,000,000, dated January 4, 1984, due December 27, 1984. Estimated income \$188,000.00. Rate 9.50%.
- 4) Investments \$3,000,000, dated June 29, 1984, due July 30, 1984. Estimated income \$27,700.00. Rate 10.75%

When all outstanding investments are collected, income will appear as follows:

COUNTY REVENUE	\$901,475.76
REASSESSMENT	22,812.00
FEDERAL REVENUE SHARING	6,669.44
POOR RELIEF	6,254.17
	<u>\$937,211.37</u>

A surplus of at least \$100,000 will be earned. The resolution should be amended to reflect the new estimate.

Yours truly,

Lewis F. Volpe
Treasurer Vanderburgh County

Mr. Volpe ran briefly thru the report, indicating that \$402,311.37 has been receipted in. He directed the Board's attention to the several investments. He said that with no further investments the second half of the year, when this comes about he will have earned in County Revenue \$901,475.76, Reassessment - \$22,812.00; Federal Revenue Sharing - \$6,669.44 and Poor Relief - \$6,254.17 for a total of \$937,211.37. However, his investments during the second half of the year will be quite substantial. Therefore, he is certain -- and can say to the Commissioners with every conviction in the world -- that he has made of surplus of at least \$100,000.00 this year. It will probably be more. But in order to operate, he would like to have a Resolution recognizing the fact that an additional \$100,000.00 shall be put in County Revenue. Then, when this money becomes available the Council can use it. He knows they have problems such as with the Coroner's office, etc., where they can actually use this money. The money is available at the present time in excess of \$100,000.00 of what was in the budget. Mr. Volpe said he is also reasonably confident that he can come back in the future and increase that at least one more time by \$100,000.00, and quite possibly twice by \$100,000.00 -- but this is definite. Therefore, he does request the Resolution. Commissioner Willner asked what the County guaranteed the Council this year, to which Mr. Volpe replied "\$1.1 million". He said this is above the \$1.1 million. Commissioner Cox indicated she'd missed the last question and response. Commissioner Willner said when our commitment to the Council is met with the investments of this money, do we not want to put the investment back into the Bridge Fund, Roads & Streets and other things? Commissioner Cox said she had a question. We are on record with a Resolution as dedicating \$1.1 million to County Revenue. He says now that he is going to reach that peak? Mr. Volpe said if there is no further investment during the second six months, he will make \$901,000.00. That's already in the bag. He's only \$199,000.00 short at the present time in County Revenue -- which is very minimal. Commissioner Cox asked why we are realizing this increased amount? Mr. Volpe said this is the eighth year in a row that we have realized a surplus from his investments. The reason is that before the year starts, he really doesn't know what is going to happen during the year. It is always best to assume the worst possible scenario. Because, if you assume the worst possible scenario you cannot be hurt. But if you assume too rosily, then you can be hurt. So this has always been his method of doing things -- and he thinks this is far the wiser. Commissioner Cox said he is saying that he sees another \$100,000.00 there and possibly \$200,000.00? He said he is saying possibly \$100,000.00, possibly \$200,000.00 and possibly \$300,000.00. Commissioner Cox asked when Mr. Volpe will know whether it's \$100,000, \$200,000 or \$300,000? Mr. Volpe said the \$100,000.00 is definitely in the bag if he doesn't do anything else this next 6 months. Actually, only

(continued)

maybe \$389,000 has been collected. Commissioner Cox said she knows this. But when would Mr. Volpe be able to give the Commissioners a fairly accurate projection of the additional money.....Mr. Volpe interjected that most of the money he invests is in October. Commissioner Cox said then, in October he is going to be able to tell the Commissioners whether we have \$100,000, \$200,000, or \$300,000? Mr. Volpe said he knows already that we have the \$100,000.00 -- no problem. The other two figures are "possibly". Without too much difficulty you can count on close to \$200,000.00. Commissioner Willner said he thinks it's too early now for a Resolution. Mr. Volpe said that as he understands it, the Council's problem -- it's a combination of money already earned plus money expected to be earned. For one thing, the Coroner would like some more money. They can't give the Coroner more money unless they can reasonably assume the money is coming in, because the State Board of Tax Commissioners will stop them. But if they can say, "The Commissioners said we could have another \$100,000," they could give the money to the Coroner next Wednesday when they meet. And there's probably a few others needing money. So, the estimate is necessary to that extent -- and until you finalize that estimate the Council cannot act. And it's his understanding that they have a necessary backlog of things on which they have to act this month -- and they're stumped until you formally tell them there is another \$100,000.00 they can have. He said he would urge that \$100,000.00 be done right now so they can clean up these back bills. Commissioner Cox said she had asked Chief Deputy Pat Tuley from the Auditor's office if he had a copy of the Council's agenda for next Wednesday, thinking possibly that if he had that it would give the Commissioners some insight. She asked Mr. Volpe that if the Commissioners act on this at their meeting next Monday, July 9th, if that would still be in time? Mr. Volpe said it would, because the Council does not meet until the second Wednesday of this month. President Borries indicated he concurred with some of the needs that are there, and he said if the Commissioners could have a week he believes they could reach an agreement on exactly where they want to place that -- to take care of some of the expenses pointed out by Mr. Volpe.

RE: DRUG & ALCOHOL DEFERRAL/RENEWAL OF LEASE ON OFFICE SPACE....Bill Campbell

Mr. Campbell said that as of August 17th the lease they signed two (2) years ago expires. The space has been more than adequate for them. But one liability is that it is downstairs, and for those people who they need to see who may have something affirmative, they have worked out some arrangements with some of the other tenants in the building. They would like to enter into the same agreement again for the next three (3) years at the same amount (\$4.50/sq. ft. and it's guaranteed for the next three (3) years). Motion to approve renewing lease on office space for Drug & Alcohol Deferral, as presented, was made by Commissioner Willner. Motion was seconded by Commissioner Cox. So ordered.

RE: VANDEBURGH AUDITORIUM.....Kim Bitz

Mr. Bitz said that the first meeting of the new Vanderburgh Auditorium Advisory Board was held last week. Things went very well; it was basically an introductory meeting. Joe O'Daniel was chosen as president of the Advisory Board. At this meeting, the basic groundwork was laid for what they're going to do in the future -- and objectives and some minor matters were discussed. Mr. Bitz said they are trying to establish the Board meetings on a regular monthly basis on the first Tuesday of each month. However, because of the July 4th holiday weekend, the next meeting of the Advisory Board will take place on July 10th at 4:00 p.m.

RE: COUNTY HIGHWAY DEPARTMENT.....Bill Bethel

Mr. Bethel presented the Weekly Work Report for period of June 25 thru June 29, 1984.... report received and filed.

Gradall: Heppler Rd., Maasberg, Debbie Lane, St. Joe, St. Wendel, and Five Dollar Rd.

Paved: Burkhardt Rd. (East side from Lincoln to Morgan Ave.), Inglefield Dr. from Highway 41 to Old State, Schlensker.

(continued)

Patch: Volkman, New Harmony, Koressel, River Rd., Lynn Rd., Green River Rd., Old State Rd., and Ridgeview Heights.

Mower: Frontage Rd., River Rd., Bayou Creek, Holly Hill, Larch Lane, Evergreen, Allen Lane, Felstead, St. Joe Avenue, Orchard, Old Henderson, Owensville, Nisbet Station, Old Princeton Rd.

Absentee Report: Absentee Report for employees at County Garage for period of June 25 thru June 29, 1984 was presented.....report received and filed.

Burkhardt Rd.: Commissioner Cox queried Mr. Bethel about Burkhardt Rd., asking again what section was paved. Mr. Bethel said they went over the EAST side toward the ditch -- from Lincoln Avenue to Morgan Avenue. Commissioner Cox said we're getting ready to do a whole lot of improvement out there. President Borries said there were several complaints concerning the condition of the surface of the road. Several drivers had indicated that because of the deep ditch on the East side of the road that there were problems. He said he asked Mr. Bethel to meet with Jim Morley, the consultant on the project. They drove it -- and came to some agreements that the work they were going to do out there was not going to be wasted. Mr. Bethel said this would just be the shoulder right now -- it's going over some 7' - 8' -- and that will be the end of the shoulders of the road. Andy Easley, County Engineer, was present and interjected that he drives that road practically every evening. The Northbound lane (which is the East side) was sorely in need of repair. It could have caused an accident or caused a car to go over in the ditch. Bill did a good job of paving that northbound lane. President Borries asked Mr. Easley then if, in his opinion, we're alright now? Mr. Easley said it's very safe now. Once it's widened it will be a lot better. President Borries said that for the record, Mr. Easley has been in contact with Mr. Jim Morley and also an individual from the Indiana Department of Highways, and they have reviewed the final plans and are due to let the contract in August. September should see the awarding of the contract. As to how much available time they're going to have to finish that project remains to be seen. But that is the status of it. We didn't want to waste any previous dollars on doing some paving that was going to be unnecessary. But, I think Jim Morley pointed out to Bill some areas that would be incorporated into the project. Commissioner Cox said she just thinks it makes good sense for anyone to read this -- come along and see where we paved part of the road when they know we're going to do a complete thing -- to have it documented that it was only shoulder paving -- not the whole thing.

Debbie Lane: President Borries asked how Mr. Bethel is doing with Debbie Lane. He said he went out last week and filled in across the streets with the cement and made some little barricades-like, and packed it down. Today they're paving Debbie Lane. Commissioner Cox asked if we ever found out what was causing the water to run under that road? Mr. Bethel said that it was just the same thing as in Melody Hills. It's just concrete laid on the earth and water comes down under the cracks there and this is why he went under there and made these little barricades-like with gravel. That will stop this, we hope. It gets there -- but it will stop and build up. We packed it underneath.

RE: COUNTY HIGHWAY ENGINEER.....Andy Easley

Railroad Crossing/Mill Road: Mr. Easley said the Railroad finished the crossing on Mill Road and it looks good (in his opinion).

Meadowbrooke Drainage Problem: Messrs. Easley and Bethel are to meet with Mr. Wilbert Zeller tomorrow afternoon at 3:00 p.m. (July 3rd) on the Meadowbrooke drainage problem.

Romaine Subdivision: Mr. Easley said he checked the Romaine Subdivision this morning, and they still had about a half a day's work to do out there.

Debbie Lane: Commissioner Cox asked Mr. Easley if he had looked at Debbie Lane; she said she asked Mr. Bethel when she talked with him last week to maybe involve Mr. Easley with doing some coreing and seeing what is out there. We've spent a lot of money on Debbie Lane over the past. Mr. Easley said he does not recall hearing anything about Debbie Lane. He asked if it is up for acceptance -- or are we maintaining it? Commissioner Cox said it is ours -- and has been for quite some time now.

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RE: TRAVEL REQUEST - PERRY TOWNSHIP ASSESSOR

President Borries read the following Travel Request from the Perry Township Assessor:

June 28, 1984

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

Dear Commissioners:

I respectfully request your permission for myself and Chief Deputy Glen Koob to attend the ninth annual seminar of Indiana Assessor's Association which will be held in Clarksville, Indiana on July 9, 10 and 11, 1984.

The State Board of Tax Commissioners will certify per diem and mileage.

Sincerely,

Harry A. Tornatta
Perry Township Assessor

Motion was made by Commissioner Cox that the foregoing request be granted. Motion was seconded by Commissioner Willner. So ordered.

RE: REQUEST TO GO ON AUGUST COUNCIL CALL

President Borries said the Commissioners have received word from the Auditor's Bookkeeping Department that Mrs. Evans is holding a bill in the amount of \$10,671.00 on the lawsuit of State of Indiana vs. John A. Cabell, which cannot be paid since Account #130-327 (Change of Venue) only has a balance of \$100.00. Therefore, we are requesting permission to go on August Council Call to request \$10,600.00 in this account. Motion to approve request to go on August Council Call was made by Commissioner Willner, with Commissioner Cox providing a second to the motion. So ordered.

RE: REQUEST FROM WELBORN HOSPITAL TO USE COUNTY ROADS FOR BIKE RIDE

The following letter from Welborn Hospital concerning a fall bike ride was read by President Borries:

June 27, 1984

Vanderburgh County Commissioners
305 Administration Building
Civic Center Complex
Evansville, IN 47708

Dear Commissioners:

On Sunday, October 28, 1984, Welborn Wellness Center and Gilles Schwinn Cyclery are planning to sponsor a fall bike ride. This will be the third year this event has been held.

We would like your permission to use the county roads of Vanderburgh County for this event. Attached is the proposed route. The ride begins and ends at the Vanderburgh County 4-H Center.

Liability insurance will be obtained to cover the county. Traffic control will be developed through the Sheriff's Department and Sheriff's Reserve.

(continued)

Should you have any questions, please contact me at 426-8247. Thank you in advance for your consideration.

Sincerely,

Barbara Patten, R.N.
Coordinator Community Health Education

BP/cf
Attachment

Commissioner Willner moved that said request be approved, subject to their not impeding local traffic. Commissioner Cox asked what he meant by "impede"? Commissioner Willner said, "Don't bother it!" He said he would reiterate; the last time they had this, people said they couldn't even get to their business to open it up! But they take the Sheriff's reserves, and they're noted for their usurp in authority -- and do not want traffic to flow on their bike path -- and that's ridiculous and out of order. Therefore, that explains his motion. Commissioner Willner again asked what impede means? President Borries said it means to "restrict". He said he feels that if the Commissioners underline the sentence that says, "Traffic control will be developed through the Sheriff's Department"we're saying that we hope a person traveling to his/her place of business or anything of an emergency nature will be given consideration. Commissioner Willner said he did not think they would want to restrict traffic to their emergency entrance at the hospital either, would they? The same thing applies here. Commissioner Cox again asked if President Borries and Commissioner Willner are certain that "impede" means to "restrict"? She said there is going to be some restrictions; we do not want to see traffic banned off the road -- and that is what has happened in the past. But they are going to be "impeded" -- slowed down. Commissioner Willner said they can tell people to slow down and drive carefully -- but they can't stop the traffic. She said that if that is what that means, then she would second the motion. President Borries said he would let them talk about it -- but he would mark on the memorandum, "PLEASE DON'T IMPEDE TRAFFIC!" and they can figure it out. Mr. Jim Lindenschmidt had retrieved a Word Dictionary and presented the definition of "impede", stating it means... "to entangle", "to ensnare", "to hinder the progress of", "to obstruct". President Borries marked, "Please don't impede traffic" on the letter. Commissioner Cox provided a second to Commissioner Willner's motion that the request be approved, subject to their not impeding local traffic. So ordered.

RE: COUNTY ATTORNEY.....David Jones

Sperry - vs.-Vanderburgh County: County Attorney David Jones said there is a final claim -- the last claim with Sperry -- and this will finalize any and all amounts that are owed to them by virtue of the form of contracts that the County had with Sperry. This particular claim and the attached invoices are the actual freight in shipping to get it out of here -- and it was provided for in each of the contracts. He said that to his knowledge, all sums due and owing for useage of the computers have now been paid to the former vendor. Commissioner Willner asked if the money is available? Attorney Jones said he did not know about that -- he just checked the legality. President Borries said when you're talking about that extra money we transferred go with the original agreement and, of course, this claim was pending at that time. He said it would be his recommendation\$1,949.52 (Removal & freight for leased Sperry-Univac Computer equipment per contract).....Commissioner Willner asked how much money is left in the contractual services account? Commissioner Cox asked if a motion can be made to pay the claim, subject to the availability of funds? President Borries indicated that it could. Motion to this effect was made by Commissioner Cox with a second from Commissioner Willner. So ordered. It was subsequently learned that there was \$86,136.22 in the account, and Commissioner Willner moved that \$1,949.52 be transferred to Account 133.86, pending available funds.

(continued)

RE: AMENDED DATA PROCESSING SERVICE AGREEMENT.....Betty Lou Jarboe, City Clerk

President Borries stated that Evansville City Clerk, Betty Lou Jarboe, is here to discuss the Amended Data Processing Service Agreement. Mrs. Jarboe approached the podium.....and stated that she is here today in her capacity as secretary to the Common Council. Last week the Commissioners were given a copy of the Original Resolution and also a copy of the Amended Resolution passed by the Common Council on the 25th of June. This effort is nothing more than to provide for the procedures in monitoring Data Processing Services and also sets up an Advisory Review Board, so that we can plan for future needs. Mrs. Jarboe said she has the originals with her, if the Commissioners have read it, passed it and are ready to sign same. Attorney Jones spoke up and said he originally drafted it.....and it went to the City and County at the same time, and came backthen we changed it again and the County passed it with an additional number of Board members (by adding an automatic City Councilman and a County Councilman). Then it came back here in its amended form, and was sent to Kevin saying that the County Council has passed it by adding two (2) additional members to the Board. Mrs. Jarboe advised Attorney Jones that all she had in front of her was the Resolution as it was handed to her by the Law Department and the only amendment made by the Common Council was Paragraph #4, where it did not change the number of people appointed to the Board. What it did do was say, "At least one member appointed by the County Commissioners and one member appointed by the Mayor or the Internal Board of Public Works, shall be persons who are not governmental employees and who are familiar with Data Processing. And that was the amendment; it did not add an additional member to the Board. It just made that little paragraph in there that said we want somebody from the outside who is not in government to look at the system. It was passed on the 25th day of June. It was noted by Attorney Jones that we have two different forms passed by two different units of government. The County Council would not approve the agreement without the addition of the City councilman and the County Councilman. They passed the agreement by addition of these two (2) individuals. We rewrote the agreement to automatically add one member of the City Council and one member of the County Council to the Board. President Borries stated that the original agreement had two persons --and he had talked with two persons -- the agreement stated the Mayor could appoint two persons who were not in government and the Commissioners could do that -- and he had two recommendations to make. He said the Commissioners could delay that until we can get the format changed. Attorney Jones said that when the initial agreement was drawn up, there was no magic in the numbers -- the idea was to get the larger users in government involved and we didn't think about having somebody from the executive and somebody from the fiscal body, etc., and that is all that has happened. The Council said it would be a good idea (since we're controlling the purse strings) to have somebody sit on that board -- so they added themselves to it when it got in front of them. Mrs. Jarboe said that since we seem to have a communications gap, why doesn't she have the Finance Chairman and the President of the County Council meet with the County Commissioners and see if we can't come up with one document so that it can be signed. It just may be that we will have to repeal this one and sign another Resolution -- that's the only way she can see to resolve this. We can't have three documents floating around the building for one department. She said she would go ahead and contact Councilman Lindzy to tell him we have a problem here and get in touch with Mark Owen, President of the County Council, and have him contact President Borries.

RE: CONTRACT FOR BOVINE BRUCELLOSIS & TUBERCULOSIS ERADICATION PROGRAMS

The Chair directed the Board's attention to the matter of the contracts for Bovine Brucellosis & Tuberculosis Eradication Programs in Vanderburgh County and said the contracts were in the amount of \$1,000.00. Should the Board have any questions, they should be directed to the Acting State Veterinarian, L. R. Barnes. Motion was made by Commissioner Cox that contracts be executed, with a second from Commissioner Willner. So ordered. (One copy of contract to be returned after execution by State.)

RE: APPOINTMENTS TO DATA PROCESSING BOARD

President Borries stated that, since Mrs. Jarboe's appearance before the Commissioners today concerning the Data Processing Review Board agreement, Item #19 listed on the agenda for today's meeting will be omitted.

(continued)

RE: FINANCIAL REPORT ON THE BOB HAMILTON CHARITABLE GOLF FOUNDATION, INC.

President Borries stated he had a Financial Report on the Bob Hamilton Charitable Golf Foundation, Inc. to be received and filed (Financial Statements ending December 31, 1983).....report received and filed.

RE: ADDITION OF MEAD JOHNSON RIVER-RAIL-TRUCK TERMINAL AND WAREHOUSE TO THE NATIONAL REGISTER OF HISTORIC PLACES

Added to today's agenda, said President Borries, is receipt of correspondence from the Department of Natural Resources, STATE OF INDIANA, indicating they have received an application for Mead Johnson River-Rail-Truck Terminal at 1830 W. Ohio Street, Evansville, Indiana, to be considered by the State Review Board for nomination to the National Register of Historic Places. Attached to the correspondence is a note indicating that State Review Board will meet as follows:

"The August 1, 1984, meeting of the State Review Board will be held at the Schnull-Rauch House, 3050 North Meridian Street, Indianapolis. The house is on the west side of Meridian immediately north of the Children's Museum. Parking is available behind the house. The meeting will begin at 10:00 a.m."

Mr. Borries said if anyone wants to attend the aforementioned meeting -- remember that it begins at 10:00 a.m. He asked that the records reflect that this correspondence was received and filed.

RE: HOLIDAY CLOSING OF COUNTY OFFICES

President Borries advised that all County Offices will be closed on Wednesday, July 4th, for Independence Day. This applies to the City Offices, as well.

RE: MEETING WITH IOSHA OFFICIALS

According to President Rick Borries, a meeting was held with Mr. Bill Pfister and the Director of the IOSHA groups concerning the safety program for all County workers.... meeting was held on June 26th at 9:00 a.m. They have indicated that if we so desire, they will be most helpful in setting up a training program --conducting a full day training program for our workers. We communicated that to them immediately and we have set up the date of Tuesday, July 17th, at the Vanderburgh Auditorium where our workers from the county highway department, our bridge crew, Burdette Park and also, of course, the auditorium workers -- those who are moving and dealing with hazardous kinds of activities-- will attend this session, which begins at 8:00 a.m.

RE: BUILDING COMMISSION.....Jesse Crooks

The Chair recognized Mr. Jesse Crooks of the Building Commission. Mr. Crooks said he is glad to be back and hopes to be helpful. He said they have been working hard to catch up and, hopefully, they will one of these days. He said he has made one very urgent request -- that they get a computer operating in their department to do their permit record keeping. He said the publicity in the local newspaper said the Building Commission's budget books were completely out of date. He said that as of this moment they are up to date. Mr. Crooks expressed a desire to continue the good relationship with the County that he has enjoyed in the past. Commissioner Cox indicated she had a question for Mr. Crooks. Has the Building Commission always inspected plumbing for swimming pools or is this something new? Mr. Crooks said this has always been their responsibility. Mr. Crooks said they inspect the drains and connections. More importantly, they have to inspect the electrical swimming pools, because of the potential for shock on the patio or while swimming. Mrs. Cox asked if the Commission has a backlog on such inspections -- because she heard from several people over the weekend that they had been waiting several days to get this done. Someone called her office today because they wanted to get their pool in and operable by the July 4th holiday. Mr. Crooks said that to his knowledge there is no backlog. Commissioner Cox then asked again -- to reconfirm -- that this inspection of pools is nothing new. Mr. Crooks said that they do get a little insistant on looking at the electrical before the concrete is poured around it to make certain that everything is properly grounded -- because the criteria for the most part on that is proper grounding. Commissioner Willner asked Mr. Crooks to put together a set of specs or at least a workable agreement and bring it back to

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the Commissioners, as he believes the Commissioners need to work with the computer people rather than Mr. Crooks. In fact, that is the way they want it. Mr. Crooks said he will do this as soon as he has the necessary data. He said he basically has the Indianapolis system. They have been on it for five (5) years now. There are a few changes to be made so that the sheets reflect the information as the Vanderburgh County Building Commission wants it -- other than that, it will be the same thing. President Borries asked if there is a possibility of getting available software with that program -- or does Mr. Crooks have that software? Mr. Crooks said he does not have the software -- but he does have some other data. Commissioner Willner asked if we would have to develop our own software? Mr. Crooks said that maybe we would and maybe not, depending on how he can get his information put together.

RE: BOARD OF PUBLIC WORKS.....John Vezzozo

Mr. John Vezzozo of the Internal Board of Public Works was recognized by the Chair and approached the podium. Mr. Vezzozo was here to express his appreciation for the cooperation received from the County crews -- County Garage and Surveyor's office, etc., during preparation for Thunder on the Ohio event. He said they were a big help in making this a success this year. President Borries expressed thanks to Mr. Vezzozo for all the work he did and said he deserves a lot of credit for the hours spent in coordinating everything.

RE: CERTIFICATES OF INSURANCE

It was noted by Commissioner Borries that the following insurance certificates were received for filing:

Robert Cotton Management/Phil Keaggy Music: James Boord Ins. of Woodland Hills, CA. for concert to be held at Vanderburgh Auditorium Convention Center on July 3rd.

Aiken Management Corporation: Jesse F. Stock Insurance, Inc. - for Theatrical Performance, "Brighton Beach Memoirs", to be held on November 4, 1984. Mr. Borries said every time he releases information on these certificates someone always criticizes us -- that we always wind up leaking out stories about future events -- but he is certain this is public knowledge by now and perhaps Mr. Aiken has already released something in the newspaper about this performance.

Evansville Civic Theatre, Inc. - Ashby-Rauscher Agency, Inc. - Performances at Vanderburgh Auditorium on July 26, 27, 28 & 29.

RE: SCHEDULED MEETINGS

President Borries said he has already announced the 6:00 p.m. Joint Meeting between the Vanderburgh County Council and the Evansville City Council concerning any questions regarding funding/telephones, etc.

RE: CLAIMS

Hartford Specialty Company: Claim in the amount of \$1,750.00 for Loss Control Services for the period of 1/1/84 thru 6/1/84. Motion was made by Commissioner Willner that claim be approved for payment. Motion was seconded by Commissioner Cox. So ordered.

RE: EMPLOYMENT CHANGES

Commissioner Borries said there are no employment changes to be read into today's minutes.

RE: COUNTY SURVEYOR.....Robert Brenner

Bridge and Guardrail Repair - Weekly Report/June 25 thru June 29: Mr. Brenner distributed copies of the Bridge & Guardrail Repair report for week of June 25 thru 29. Commissioner Cox queried him concerning the Ohio Street Bridge; the project indicates "painted" -- does this mean they painted the guardrail? Mr. Brenner replied in the affirmative.

(continued)

Mrs. Cox remarked that at first glance it seems as though the "bridge" was painted -- she wishes! Mr. Brenner said he did, too -- but just the guardrails were painted. Other work accomplished during the week included cutting weeds and spraying on numerous county roads; Digging out both sides of concrete culvert on Heppler Road and repairing busted field tiles; and on St. Joe Avenue between Orchard Rd. and Fleener Rd., guardrail was placed to keep trucks from illegally dumping. The concrete culvert on Trapp Rd. separated and fell off, so it was replaced and rip-rapped to hold in bank.

Kansas Road & County Line: Mr. Brenner indicated he'd brought copies of a map which he wanted the Commissioners to peruse and distributed same. County Line Road comes from the south and it is the County's responsibility to maintain this road. Just before you get to Kansas Road there is a small bridge. On Kansas Road is a bridge, and just across the line in Warrick County is another bridge. Mr. Brenner met with the State right-of-way buyer today and paralleling County Line they are going to cut off -- I-164 is coming just about down to a specific power line -- there's 38 acres in there going to be isolated. Owner is going to sue the State for reduction of his access. The bridge across Kansas Road is a very small, narrow bridge and he can't get his equipment across it and there is a 12-ton weight limit on it, which should be reduced drastically. The bridges on County Line ... Kansas would have been replaced and County Line taken out ... we waited for I-164 to see what it was going to do. He said he is going to give the Commissioners a recommendation and he wants them to go out and look the situation over. The cheapest thing he can come up with -- the State has evaluated the 38 acres at \$3,500 to \$3,000 an acre. The cheapest thing to do is take out the two bridges and buy the property. Attorney Jones asked, "38 acres of farmland?" Mr. Brenner replied in the affirmative. Mr. Brenner said the State is taking about 20 acres from a 60-acre field -- 38 acres are isolated...if the County joins their suit. Or among other ways to do it is to take the bridges out completely and the farm is isolated except from the north. The bridges are going to cost \$150,000 and the County would get nothing. If we put two bridges back in, we're servicing this one farm. You can buy the farm cheaper than you can build the two bridges. We could re-sell it or auction it off to some smart farmer who will figure out how to get in there. Attorney Jones said to abandon the road? Mr. Brenner said then we isolate him and he sues us....you can't just isolate a farm. Mr. Brenner said the farm lies right along Blue Grass Creek -- the second largest creek in Vanderburgh County. It probably has 2 ft. of water standing in it right now -- 30 ft. across. Mr. Brenner said his first thought was to take the two bridges out and let the State sue us, because access is provided until I-164 goes through. The bridge is not good -- it's a Maryland Street repeat. Legitimately, we could take it down. Commissioner Cox said that Mr. Brenner indicated that when I-164 comes thru that will close the farmer off. How else can he access now? Commissioner Willner noted that the State has the power to landlock a piece of property without access; they have that power. Mr. Brenner suggested that Commissioner Willner argue this point with the Attorney. Attorney Jones noted that is it correct that this farm gets cut off after I-164 goes thru without the County doing anything? Mr. Brenner said there is still our 16-ft. bridge -- but he's cut off with his big equipment! Commissioner Cox pointed out that we have two sections of Kansas Road; one coming from Highway 41 up to the point where I-164 is and then the small section on the East side that hooks up with County Line. Mr. Brenner said I-164 kills Kansas on both sides. President Borries said there was no grade separation planned there. Andy Easley pointed out that you could obtain access to right-of-way by eminent domain via Schlensker Ditch. Mr. Brenner said he just wants the Commissioners to go out and look at it -- they can't believe it until they go and see it. Mr. Brenner said this is the second time he's been out in this area with the State men, and each time they've come out throwing their hands up in the air -- because they know they're going to be sued by the gentleman who owns the farm. The Commissioners agreed to go out to the area, but asked that Mr. Brenner get a cost estimate on replacing two (2) bridges.

RE: NEW BUSINESS

There being no further business to come before the Commissioners at this time, President Borries declared the meeting adjourned at 4:05 p.m.

(continued)

MINUTES
COUNTY COMMISSIONERS MEETING
July 9, 1984

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COUNTY COMMISSIONERS
7/2/84

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PRESENT: COUNTY COMMISSIONERS

Richard J. Borries
Robert L. Willner
Shirley Jean Cox

County Auditor

Pat Tuley, Chief Deputy

COUNTY ATTORNEY

David Jones

COUNTY SURVEYOR

Robert Brenner

OTHER:

Walter Maude, Community Cablevision
News Media
Proposed Telephone Representatives

SECRETARY: Joanne A. Matthews

Richard J. Borries
Robert L. Willner
Shirley Jean Cox

BOARD OF COUNTY COMMISSIONERS

COUNTY COMMISSIONERS MEETING
JULY 9, 1984

The meeting of the Board of County Commissioners was held on July 9, 1984, in the Commissioners Hearing Room with President Borries presiding.

The Chair entertained a motion concerning the minutes of the previous meeting held on Monday, July 2, 1984. Motion was made by Commissioners Willner that the minutes be approved as engrossed by the County Auditor and the reading of same be waived. Commissioner Cox seconded the motion with the following comments. On page #4 under the heading of the County Treasurer's Report, the last sentence on the page states Mr. Volpe said the \$100,000.00 is definitely in the bag if he does anything this next six months. This sentence should read...Mr. Volpe said the \$100,000.00 is definitely in the bag if he doesn't do anything else this next six months. Also, on page #6, under the heading of Debbie Lane, she believes she asked Mr. Bethel if he had cored the street and she cannot find that question in the minutes and she is sure it can be verified by listening to the tape of 7-2-84. Also, on page #12, under the heading Kansas Road and County Line, near the end of the discussion, Mr. Borries said there was no great separation planned there, and this should read there was no grade separation planned there. Minutes of July 2, 1984 were approved with the stated comments being corrected.

RE: POOR RELIEF.....PIGEON TOWNSHIP TRUSTEE

Applicant: James E. Jackson, 520 E. Cherry Street, Evansville, Indiana
Investigator: Ms. Margaret Sallee, Pigeon Township Trustee's office

President Borries said Mr. Jackson appeared before the Commissioners on June 4th and at that time the Board requested he come back today with a follow-up report. The board also requested that the workfare program be extended for one (1) month for Mr. Jackson, giving him additional time to seek employment and Mr. Jackson was to report back to the Commissioners concerning the places he has gone to apply for jobs and a statement that there is no work available and, if possible, the Pigeon Township Trustee's office was to give Mr. Jackson a letter simply stating that while he has been on the workfare program he has been dependable and showed up on time.....more or less a reference letter.

Mr. Jackson was present and came forth to the podium at this time and stated he has made application at several places and also returned to a lot of places he had previously applied, however, he still has not obtained employment. He has with him a list of places he applied to. He has to face reality and he knows that he is fourth on the list for hiring, that he has been on the other side of the law and when applying for a job he has to so state. He isn't trying to get something for nothing, he really wants to work and if someone can help him find employment, he will work, that is what he really wants to do, just work and make his own way, because he is tired of going through the system....he would rather work.

President Borries said he understands there is an agency that gives assistance to persons who are past offenders.

Mr. Jackson said he is aware of this rehabilitation agency and he was on it at one time but then he went through a CETA program and now he doesn't qualify for the rehab program, however, he is not clear exactly why not.

Ms. Sallee came forth at this time and stated she really has nothing to add to this matter other than to say they did give Mr. Jackson the reference letter, as requested by the Commissioners in June, but they have heard nothing else from him until today, therefore her records show nothing further on the case.

President Borries asked if Mr. Jackson has been on the workfare program for the past month and Ms. Sallee said Mr. Jackson was issued a rent slip after they appeared here in June, however, at that time they did not issue him a work slip because she, along with her supervisor, felt that could have an effect on him obtaining employment elsewhere and he would have the entire days to seek a job.

President Borries asked Ms. Sallee if she has any indication that Mr. Jackson has been seeking employment and she replied no, that Mr. Jackson says he can provide a list of places he has been, but she has seen no written documents as such.

President Borries asked Ms. Sallee if Mr. Jackson has received assistance from them this past month and she replied yes, that Mr. Jackson has received continual rent from them since August, 1983.

July 9, 1984

President Borries briefly explained to Mr. Jackson that the Trustee's office is set up for "emergency" help and their guidelines are set up for such, that they cannot keep a person on their rolls for long periods of time and Mr. Jackson said he understands that and he is not asking that their guidelines be changed for him...he only wants a job, and he will work if he gets one.

Commissioner Cox asked Mr. Jackson if he uses the classified ads when he goes out to apply for employment and he replied yes, as much as he possibly can. She asked him if he has been to some of the steak houses and he said yes, but when he worked at the Western Sizzlin Steak House and was fired, that really messed things up for him. Mrs. Cox told Mr. Jackson if he felt he was treated unfairly at the Western Sizzlin then he could appeal that firing action through the Human Relations office and he replied he was not aware that he could appeal it.

President Borries asked Ms. Sallee if she knows of any agency that could help Mr. Jackson obtain employment and she replied perhaps the Salvation Army could help, that at one time they would take a person in, let them live there and work for them, however, she does not know if this still holds true or not.

President Borries asked Mr. Jackson if he is registered with the Indiana Employment Department and he replied yes, that he reports every so often to a lady there who is trying to help him find a job somewhere, but nothing has turned out yet.

The Commissioners decided there was nothing further to be done for Mr. Jackson, other than to refer him to the Human Relations office, should he want to file an appeal and also perhaps he should contact the Legal Aid Society for some legal assistance, because the Trustee does have certain standards and guidelines and the Commissioners cannot change those.

RE: DAVID GERARD....E.U.T.S.

Agreement on Burkhardt Road: Mr. Gerard said he has with him today the state and local public agency agreement between the County Commissioners and the State of Indiana, Indiana Department of Highways, which is for the Burkhardt Road widening project, which is on a September construction letting. It guarantees the Commissioners will provide the local match, but more importantly, it guarantees 75% federal highway funds. The construction is estimated at this time at \$1.5 million and if that holds true then the 25% local funds will be \$375,000.00 for the construction. It is a standard agreement like the Commissioners have signed in the past on other projects and he would recommend approval and execution.

Commissioner Willner moved the agreement be approved. Commissioner Cox seconded the motion. So ordered, after attested to by the County Auditor.

Mr. Gerard took all three (3) of the signed copies with him, to be fully executed by the State, at which time the County Auditor should receive a copy of it.

Agreement to Make St. Joseph Avenue a Detour: Mr. Gerard said with him today is an agreement to make St. Joseph Avenue a detour while the Division Street project is under construction. This is a small section located in the county, therefore it needs the Commissioners approval, however, the county attorney would like to review the agreement before passage by the Board, therefore he would submit it to Mr. Hustace (Acting county attorney) for their inspection.

Commissioner Willner moved the agreement be referred to the County Attorney for his legal expertise. Commissioner Cox seconded the motion. So ordered.

RE: LEWIS F. VOLPE, COUNTY TREASURER, CONCERNING COUNTY INVESTMENTS

County Treasurer, Lewis F. Volpe, was present and stated he was before the Commissioners last week and at that time he stated the probability of increasing the Resolution for the County General from \$1,100,000.00 to \$1,200,000.00, because there was no doubt that he would make that much. Today he is present to inform the Commissioners there is now another \$100,000.00, that the state owed us some money and they paid us a lot sooner than he expected them to and he invested that at a nice interest rate for 174 days and he will make a fair amount of money from that, so now the Commissioners have the great pleasure of deciding what to do with \$200,000.00 instead of only \$100,000.00. He would also say there is the very good possibility that in about October he could come up with the third \$100,000.00.

July 9, 1984

President Borries asked what advice the County Auditor might have concerning this money and Mrs. McBride said going into the July Council Call we have \$22,145.00 and the additional appropriations being requested from the County General is \$89,238.00, which, if approved, would leave us with a deficit of \$67,093.00, so in regards to the \$200,000.00 that Mr. Volpe is talking about, would the Commissioners consider giving the General Fund \$150,000.00 and \$50,000.00 to the roads and streets fund and then when the third \$100,000.00 comes in in October, give it all to the roads and streets fund. If the county does not spend the \$150,000.00 by the end of the year, and hopefully they won't, that would help us for our budget in 1985.

Commissioner Cox said if the money is there they are going to spend it, and she would support \$100,000.00 for the General Fund and \$100,000.00 for the R&S Fund, therefore she would move the County Attorney be instructed to prepare a Resolution directing the Treasurer to apply \$100,000.00 of the accrued interest money to the County General Fund and \$100,000.00 to the Local Roads and Streets Fund. Commissioner Willner seconded the motion which carried with three (3) affirmative votes.

RE: COUNTY ATTORNEY.....CEDRIC HUSTACE

Claim: Mr. Hustace (Acting County Attorney) submitted a blue claim from County Attorney David Jones for services rendered on litagations-condemnations, in the amount of \$1,906.27. Attached to the blue claim was an itemized statement for a total of 31.50 hours @ \$60.00 per hour.

Commissioner Willner moved the claim be approved. Commissioner Cox seconded the motion. So ordered.

RE: KIM BITZ.....VANDERBURGH AUDITORIUM

Awarding of contract for Stage Rigging Modifications and Draperies: Mr. Bitz reported he has had a discussion with Mr. O'Daniel, president of the Auditorium Advisory Board, and together they agreed to recommend the bid be awarded to the low bidder, who is Tiffin Scenic Studios, Inc., for the stage rigging modifications and draperies, in the amount of \$118,567.00.

Commissioner Willner moved the bid be awarded to Tiffin Scenic, in the amount so stated. Commissioner Cox seconded the motion. So ordered.

Request to Appear Before County Council: Mr. Bitz said the Commissioners are well aware that the \$160,000.00 approved by the County Council, in the past, had a specific list as to where the money was to be spent. After discussing the matter with Mr. O'Daniel he would like permission to go before the County Council in August. He will separate the cost of the rigging and the draperies and the installation of both and the cost for the rigging and installation of same, they would like to request that amount be replenished into the \$160,000.00 for improvements, so they can continue with that entire list.

Commissioner Cox asked how much has been spent from the \$160,000.00 and Mr. Bitz said there is currently \$150,000.00 in there. Mrs. Cox said she does not believe the Council would approve that until the money is spent and before she could support something like that she would have to see a list of what the Advisory Board recommends, that after the \$118,567.00 comes out of the \$160,000.00, we will have some \$32,000.00 left and she would want to see a priority list.

Commissioner Willner said he also does not believe the Council would allow such a request and he too believes there should be another plan to follow, as to what should be done next.

Mr. Bitz said there is to be an Advisory Board meeting tomorrow and he would relay this concern to them.

RE: BILL BETHEL....COUNTY HIGHWAY DEPARTMENT

Weekly Absentee Report: Mr. Bethel submitted the weekly absentee report of the employees at the county garage for the period of July 2 thru 6, 1984....report received and filed.

Weekly Work Report: Mr. Bethel submitted the weekly work report of the employees at the county garage for the period of July 2 thru 6, 1984...received and filed.

Attached to the weekly work report was the following work schedule for the same period of time.

Gradall: Mt. Pleasant, Wedeking, Petersburg, Green River and Larch Lane.

Paved: Burkhardt, Debbie Lane, Knob Hill, Pinetree, Wedeking and Dusseldorf.

Trash: Lynn Road, South Weinbach, Nurrenbern, Old Henderson and Shaefer.

Patch: Burkhardt Road, Kansas Road, Martin Lane, Old Henderson Road, Hogue Road, Nurrenbern Road, St. Joe Avenue and Laubscher Road.

Mowing: Nurrenbern Road, Lynn Road, Broadway Avenue, Old Princeton Road, Eastview Drive, Oak Hill Road, Speaker Road, Nolan and Broadway Avenue.

Discussion of Debbie Lane: Commissioner Cox said she tried to reach Mr. Bethel last Monday afternoon concerning the problem on Debbie Lane. Her concern is that we are short on repaving dollars and when we do resurface an area we want to make sure we've done the preparation right and she did question the preparation of Debbie Lane, because when we have free expertise advice (from the County Highway Engineer) it behooves us to use that advice to do our job and spend the taxpayers money wisely.

Mr. Bethel said he too discussed this matter with Mr. Easley, afterward, and Mr. Easley said the only thing we could have done was determine how thick the concrete was, which was approximately 4" thick and there was no rebars in it and the water running under it, through the cracks was causing it to erode and wash out. We did not realize it at the time but we missed that one spot, which was about the size of a wash tub. He is sorry it was missed, but it may happen again on another job, he cannot give the assurance that it won't ever happen again.

Commissioner Cox said she understood that an engineer's report would not only show us how thick the concrete was but also show us if we had base underneath there, that when it is cored and you hit nothing, you know there is no base there.

Mr. Bethel said they pushed #53 gravel in from the side to make a base and sometimes it is easy to miss a place.

Commissioner Cox said in looking at the work schedule, it appears there was no tree crew out this past week and she had called in concerning three (3) large sycamore trees. Mr. Bethel said he recieved the message and he is not certain if his crew can handle these, that it might be to dangerous for us to do with the county men. He will report back on them at a later meeting.

RE: REPORT OF THE BUILDING COMMISSION

Ordered received and file was the annual report of the permits issued by the Building Commission for the year 1983.

Computer Request: President Borries read aloud the following request from the Building Commission, dated July 9, 1984 and directed to the Board of County Commissioners.

Please have the central computer department give us a cost study to provide computer service to the Department of Buildings including Code Enforcement. It is anticipated three (3) terminals and two (2) printers will be required.

The work incompassed will be to input all building permit data, interface with the tradesmen license file, compute the permit fee and print out the permit. In the code enforcement group it will need to store all housing inspection data and print out periodic updates.

In both groups it will be required to print out a monthly and yearly report or yearly cumulative activity.

There is currently 14-4 drawer files of projects to be handled. There is approximately 7,000 permits issued per year.

Jesse C. Crooks, Building Commissioner

The above request was referred to Pulse Systems for a cost estimate.

RE: ANDY EASLEY.....COUNTY HIGHWAY ENGINEER

Progress Report on Eichoff Road Project: Mr. Easley submitted a progress report from United Consulting Engineers, Inc. on the Eichoff Road Project, which is simply a routine report.....received and filed.

Discussion of Problem on Meadow Brook: Mr. Easley said he and Mr. Bethel, last Tuesday, spent about two and one half hours with the residents of Meadow Brook, concerning where the broken concrete has been put in the ditch out there. The Soil and Water Conservation Department also had a representative out there and there was about four (4) residents, including Mr. Zeller and they outlined a method of attack on the problem that will include the construction of a silt basin and the Soil and Water Conservation representative felt like it would qualify for some Department of Agriculture funds, to help hold back the great quantities of silt that is coming in and flooding the pipe and causing a lot of the problem. Mr. Zeller is getting some bids to see what it will cost to clean out the ditch that he had the concrete put into. Since this has been a county road for quite some time there are some things he would like for the county to do, as a matter of good public relations, and he will discuss them with the Commissioners at a later time.

Request for Road Closing from Conrail: Mr. Easley said he received a call this morning from the Petersburg, Indiana office of Conrail and they would like to have permission to close Oak Hill Road, just south of 57, one day this week. They would like to get started just as soon as he can verify his paving contractor.

Lindaur
Lynndar Subdivision: Mr. Easley reported that he and Mr. Bethel looked at a subdivision street in ~~Lynndar~~ Subdivision, which is about to be accepted. This is near the Posey County Line, north of ISUE. The subdivision is about four (4) years old and they just finished paving the streets about two (2) weeks ago, and they did a good job on them.

Commissioner Willner said concrete or asphalt.....Mr. Easley replied asphalt.

Commissioner Willner said he believes now is decision time on changing our building code and Debbie Lane is a good example of putting concrete right down on clay and it washing out from under the street. There was nothing wrong with the concrete that was poured out there, but what was wrong.....was this Board of Commissioners letting it happen by allowing the concrete to be poured. He would like for Mr. Easley to pursue changing the county's specifications, leaving concrete out unless we have an elevated roadway which is out of the flood plain. The state highway gets by with concrete because they first go out and prepare a road bed and usually it is five (5) or six (6) feet higher than the terrain and they have excellent drainage, therefore, they don't normally have a problem, but on some of our county roads, with so little to work with, it is ridiculous for us to allow concrete in most instances and he thinks it is time the specifications are changed.

Mr. Easley said he feels the county should come up with some sort of criteria and if they can't meet that criteria then it should be asphalt.

Commissioner Willner moved the Commissioners instruct Mr. Easley to prepare new specifications for road and street construction.

Commissioner Cox said would we also like to include roll curb and gutter.

Mr. Easley said if you are talking about requiring curbs and gutters in all instances then we may run into some problems, that right now they are running about \$7.00 per ft., per side and that is a tremendous expense if you get into a 150' lot. He said he will come up with some criteria and some recommendations and present them to this board when completed, but we are going to get some great howls of protest if we make it mandatory.

Commissioner Willner said he will amend his motion to include curbs and gutters. Commissioner Cox seconded the motion. So ordered.

Discussion of Bridges on Kansas Road: Mr. Easley said he also looked at the bridges on Kansas Road that he was asked to do and it is a shame they serve only one field or one farmer.

Commissioner Willner said not one farmer but just one 38 acre lot.

Commissioner Cox asked that doesn't water pretty well always stay in Blue Grass Creek and Mr. Brenner replied yes it does.

Mr. Easley said he thinks there should be another solution other than building replacement bridges.

Commissioner Willner said the farmer tells us they are not wide enough for him to get his farm equipment across and Mr. Easley said that is not the county's problem.

Commissioner Cox said could we turn the bridge itself over to the farmer and then he could take the sides off, because we've had some taken off before.

Mr. Brenner said not like these, that the sides of this bridge is the support beams. He said the one on the county line, there is no question about that one....he would close it.

Commissioner Willner said he believes we have to look at the long range instead of the short range, that nothing would please him more then to be able to say we have found a way to get rid of these two (2) bridges forever, but not to say we can repair them cheaply, because next year we will have the same problems. Lets look at all the possibilities and make an intelligent decision.

Mr. Brenner said if we buy the land we'd have something, but when we put these bridges in, or repair them, we don't have anything except problems. We could buy the ground, subject to no access and tear the bridges down.

Mr. Easley said but what if he doesn't want to sell it and Mr. Brenner said it is going to be condemned by the state.

RE: BOB BRENNER.....COUNTY SURVEYOR

Discussion of Bridge Inspection: Mr. Brenner said he is not going to be able to get to the bridge inspections this year, that Mr. Hartman simply will not have the time to do it and he would like to contract it out. The last time it was done it cost \$10,000.00 and we had to pay a quarter of it, which is a very good deal.

Commissioner Cox said she believes that is a wise decision.

Mr. Brenner said last time we merely selected someone to do it, that it was a firm from Seymour but it is possible that someone here can do it.

Commissioner Cox said she believes the Commissioners received some information from the state offering a bridge inspection service.

Commissioner Willner said all engineering firms do this type of service if they want to take the job.

Mr. Brenner said we need to specify we want a new report, because last time we got our old report marked up and we were not satisfied with it.

Commissioner Willner said he understands that Mr. Gerard has made application to do it in-house and we do need to change that application, and we need to inform him of this. Commissioner Willner moved the Commissioners hire an outside firm to do the bridge inspection for 1985. Commissioner Cox seconded the motion. So ordered.

Commissioner Willner said it will be nice when the Surveyor comes to the Board with a recommendation on a certain bridge that we will have another firm's recommendation also that will be completely separate and this is important.

Harmony Way: Commissioner Cox said concerning the flushing out of the culvert on Harmony Way, has it been completed.

Mr. Brenner replied it is all finished and was flushed out from the road all the way to the lake, that what would drain the county property has been flushed and it was done by Hollerbach, who also lives in that area.

Culvert on Petersburg Road: Mr. Brenner said they (the county) put a culvert on a joint city/county road.....Petersburg Road and right now the road is closed and has an open cut in it for sewer work and this seems like a good time to get it patched and he would suggest the Commissioners allow Mr. Bethel's crew to do this. He said it should be closed for a few more days.

Commissioner Cox said will this be hot or cold mix and Mr. Brenner said it doesn't make any difference, whichever they can do, however, hot mix stays better. All it will take is a load of hot mix and a roller.....no paver.

Mr. Bethel indicated to the Commissioners that he will take care of it.

Weekly Bridge and Guardrail Report: Mr. Brenner submitted the weekly bridge and guard-rail report of the bridge crew for the period of July 2 thru 6, 1984...report received and filed.

RE: REQUEST TO APPEAR BEFORE COUNTY COUNCIL....COUNTY COMMISSIONERS

President Borries said that Mrs. Evans, in the bookkeeping department of the County Auditor's office has informed us that she is holding a bill in the amount of \$939.00 to be paid from County Commissioners budget, account #130-305....Patient and Inmate Care, but has no money left in this account for 1984 therefore, we need to appear before County Council and ask for an additional appropriation.

Commissioner Willner moved the request be approved for the August Council Call. Commissioner Cox seconded the motion. So ordered.

RE: AGREEMENT BETWEEN THE COUNTY AND THE INDIANA DEPT. OF HIGHWAYS ON WORK RELEASE

Submitted was the following agreement for Commissioners action.

Memorandum of Agreement Between Vanderburgh County and Indiana Department of Highways

This Memorandum of Agreement, made and interred into this ____ day of ____, 1984, by Vanderburgh County, hereinafter referred to as the "County" and the State of Indiana acting by and through the Indiana Department of Highways, hereinafter referred to as the "Department".

WHEREAS, the County, acting through the Vanderburgh Circuit Court, has work release inmates and persons with court-ordered community service requirements capable of providing a labor force and supervisors, and

WHEREAS the County has offered to make this labor force available for the purpose of maintenance of the Department's various properties in Vanderburgh County to include mowing and trimming on U.S. 41 and Division Street, and

WHEREAS the Department, a branch of State government, does maintenance on these various properties in Vanderburgh County.

NOW THEREFORE, for and in consideration of the mutual promises to each other, as hereinafter set forth, the parties do mutually agree as follows:

1. The County will provide this labor force for a one (1) year period from the date of this agreement and will supervise said labor force on a day to day basis. The work to be accomplished will be coordinated with the Department.
2. The County will provide all necessary transportation to and from designated work site areas.
3. The Department will provide signs, reflective vests and tools necessary to perform said work as well as fuel and oil for the mowing and trimming equipment.
4. The County agrees to indemnify, defend, exculpate, and hold harmless the State of Indiana, its' officials and employees from any liability due to loss, damage, injuries, or other casualties of whatsoever 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 existence of this Agreement or the work connected therewith, whether due in whole or in part to the negligent acts or omissions (1) of the State, its officials, agents or employees; or (2) of the County, its agents or employees, or

other persons engaged in the performance of the work, or (3) the joint negligence of any of them; including any claims arising out of the workman's compensation act or any law, ordinance order, or decree. The County also agrees to pay all reasonable expenses and attorney fees incurred by or imposed on the State in connection herewith in the event that the County shall default under the provisions of this paragraph.

Commissioner Willner moved the agreement be approved. Commissioner Cox seconded the motion. So ordered.

RE: TWO (2) CHECKS RECEIVED FROM THE AUDITOR OF THE STATE OF INDIANA

President Borries said the Commissioners recieved two (2) checks from the Auditor of the State of Indiana, that one (1) of them is reimbursement for the environmental on Eichoff Road from Upper Mount Vernon, north to S.R.66, in the amount of \$1,340.14. The second check is reimbursement for the environmental on Eichoff Road from S.R. 62, north to Upper Mount Vernon Road, in the amount of \$1,647.75.

Commissioner Willner moved the checks be endorsed, turned over to the County Auditor and put into the proper accounts. Commissioner Cox seconded the motion. So ordered.

RE: EMPLOYMENT CHANGES.....APPOINTMENTS

PIGEON TOWNSHIP TRUSTEE

Donna S. Jones	1408 Nestor	Investigator	\$12,540.00	Eff: 7-2-84
Michelle Gubler	1305 S. Kentucky	Clerk	\$30.00 Day	Eff: 7-2-84

AREA PLAN COMMISSION

Irene Mastison	1618 E. Indiana St.	Secretary A	\$10,760.00	Eff: 7-9-84
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PIGEON TOWNSHIP ASSESSOR

Charles R. Althaus	713 S.E. Second St.	R.E. Deputy P/T	\$30.00 Day	Eff: 6-25-84
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CENTER TOWNSHIP ASSESSOR

Anna M. Wolf	3124 W. Maryland St.	Deputy	\$412.26	Eff: 7-3-84
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BURDETTE PARK

Sharon Jankowski	6912 Cliftwood	Head Guard	\$37.00 Day	Eff: 7-4-84
Tony Behme	1721 E. Franklin	Ground Crew	\$4.00 Hour	Eff: 6-20-84
Jonathon Gugin	417 Schreeder	Ground Crew	\$4.00 Hour	Eff: 6-20-84

CIRCUIT COURT

Suzanne Shipp	1505 Thompson	Intern	\$3.35 Hour	Eff: 6-19-84
Beverly Corn	1025 Covert Ave.	Law Clerk	\$250.00 Week	Eff: 6-18-84
John H. Dill	1327 N. Harlan Ave.	Bail Bond P/T	\$4.50 Hour	Eff: 6-25-84
Norman Hoskinson	922 Bellemeade	Bail Bond P/T	\$5.00 Hour	Eff: 6-18-84

RE: EMPLOYMENT CHANGES.....RELEASES

CENTER TOWNSHIP ASSESSOR

Evelyn Meyer	1515 Laubscher Rd.	Deputy	\$412.26	Eff: 6-30-84
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PIGEON TOWNSHIP ASSESSOR

Charles R. Althaus	713 S.E. Second	R.E. Deputy P/T	\$30.00 Day	Eff: 7-3-84
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July 9, 1984

Releases Continued:AREA PLAN COMMISSION

Irene Mastison	1618 E. Indiana	Secretary A	\$10,260.00	Eff: 7-9-84
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PIGEON TOWNSHIP TRUSTEE

Donna S. Jones	1408 Nestor	Clerk	\$11,500.00	Eff: 7-2-84
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TREASURER

Maureen Veach	4000 Jennings Lane	Part/time	\$30.00 Day	Eff: 7-2-84
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CIRCUIT COURT

Suzanne Shipp	1505 Thompson	Intern	\$3.35 Hour	Eff: 6-19-84
Beverly Corn	1025 Covert Ave.	Law Clerk	\$5.00 Hour	Eff: 6-15-84
Jon Aarstad	626 S. Norman	Special Intern	\$140.00 Week	Eff: 6-22-84
Norman Hoskinson	922 Bellemeade	Bail Bond P/T	\$4.50 Hour	Eff: 6-15-84

BURDETTE PARK

Sharon Jankowski	6912 Cliftwood	Reg. Guard	\$3.60 Hour	Eff: 7-4-84
Lori Sinclair	613 Walden Lane	Head Guard	\$37.00 Day	Eff: 7-4-84
Tony Behme	1721 E. Franklin	Ground Crew	\$3.50 Hour	Eff: 6-20-84
Jonathon Gugin	417 Schreeder	Ground Crew	\$3.50 Hour	Eff: 6-20-84

RE: SCHEDULED MEETINGS

President Borries said there is to be a public meeting tomorrow before the City Council Finance Committee regarding the paramedic task force report, which is to be held at 6:00 p.m. in the Council Chambers.

The regular meeting of the County Council will be held on July 11th, at 2:30 p.m. in the Council Chambers.

There being no further business President Borries declared the meeting recessed at 4:00 p.m.

PRESENT:COUNTY COMMISSIONERSCOUNTY AUDITORCOUNTY ATTORNEY

Richard "Rick" Borries
Robert L. Willner
Shirley Jean Cox

Alice McBride

Cedric Hustace
(Acting County
Attorney)

SECRETARY:

Janice Decker

Richard Rick Borries

Robert L. Willner

Shirley Jean Cox
BOARD OF COUNTY COMMISSIONERS

MINUTES
COUNTY COMMISSIONERS MEETING
July 16, 1984

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401.

COUNTY COMMISSIONERS MEETING
July 16, 1984

The meeting of the Board of County Commissioners was held on July 16, 1984, at 7:30 p.m. in the Commissioners Hearing Room with President Borries presiding.

The Chair entertained a motion concerning the minutes of the previous meeting held on Monday, July 9, 1984. Motion was made by Commissioner Cox that the minutes be approved as engrossed by the County Auditor and the reading of same be waived. Commissioner Cox did comment that one correction did need to be made to the minutes, however. On Page 5, Item #4 under County Highway Engineer's segment refers to "LynnDar" Subdivision. This is incorrect; the name of the subdivision is "Lindauer" and minutes should be corrected to reflect "Lindauer" to avoid possible confusion in the future. Commissioner Willner provided a second to the motion. So ordered.

RE: REZONING PETITIONS

VC-9-84 - Petitioner, Paul & Robert Hatfield; Location - 2801 N. Green River Rd. Presently zoned Agricultural; Requesting change to C-4. Motion was made by Commissioner Cox that VC-9-84 be forwarded to Area Plan Commission. Commissioner Willner provided a second to the motion. So ordered.

VC-7-84 - Petitioner, Steve Hadley. President Borries said that the Third Reading of this petition was scheduled for tonight, but the petition has been withdrawn in view of substantial opposition. He read the following letter:

July 9, 1984

TO WHOM IT MAY CONCERN:

This letter is to inform you that in view of the substantial opposition of residents in the neighborhood of 2804 N. Grove Street, Evansville, Indiana, and of the members of the Area Plan Commission to the placement of a concrete plant at that address, Steven W. Hadley and Sharon R. Hadley are discontinuing all efforts to rezone said real estate to M-2 and to request a dismissal of their petition for rezoning.

Thank you for your interest in this matter.

Sincerely,

Jerry A. Atkinson
Attorney for Petitioners

RE: OPENING OF BIDS FOR REPAIR & ROADWORK - 18 LOCATIONS

President Borries entertained a motion that County Attorney David Jones be instructed to open bids for repair and roadwork for 18 different locations. Motion to this effect was made by Commissioner Willner, with a second from Commissioner Cox. So ordered.

RE: BURDETTE PARK.....Mark Tuley

While Attorney Jones opened the bids and examined same to see if everything was in order, President Borries asked Burdette Park Manager, Mark Tuley, to approach the podium and give his report to the Commissioners. Mr. Tuley distributed copies of the Six Months Financial Statement for Burdette Park, as follows:

1984 Starting Budget

1984 Budgeted	\$396,037.00
1983 Encumbered by P.O.	6,303.94
1983 Encumbered by Contract	70,547.44
Total 1984 Budget	\$472,888.38

(continued)

Expenditures and Balance 1/1/84 to 6/30/84

Total Expenditures	\$236,295.20
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Total Balance	\$236,593.18
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Income 1/1/84 to 6/30/84

Pool	\$ 31,874.00
Rink	20,959.86
Rentals	30,152.06
Miscellaneous	1,751.29
Total	\$ 84,737.21

6/30/84

Total Expenditures	\$236,295.20
Total Income	84,737.21

Total Deficit	\$151,557.99
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It was noted by President Borries that the income is up about \$52,000 as compared to the same time period for last year. Mr. Tuley said their income is up by several thousand dollars while the deficit is down about \$49,000. He doesn't know how they will do the rest of the summer, as he doesn't know how hot it will be -- and swimming is controlled by the weather. President Borries said he was out at Burdette yesterday and it looked as though the park was being used in just about every area. He commended Mr. Tuley for his good work.

RE: BIDS FOR REPAIR & ROADWORK FOR 18 LOCATIONS.....David Jones

County Attorney David Jones advised that a single bid was received from J. H. Rudolph & Co., Inc. in the amount of \$47.69 per ton for hot asphaltic concrete surface. That amount was bid across-the-board for the work that was bid in the specifications -- removal and reapplying necessary pavement. The bid was in order. Commissioner Willner asked if the quoted cost included removal of aggregate and replacement? Attorney Jones said this was bid for 18 separate locations throughout the county -- a total estimate of 170 tons of base and 616 tons surface. To that, the bid was as removing all loose and unstable material from paved surfaces from job site and patching all potholes and other irregularities to create sound level sub-surface, applying a "tack coat" to each job surface, applying wedges of H.A.C. base where designated, applying a surface of H.A.C. mix as per Engineer's orders, and bidding all work on an in place, per ton basis. Hot Asphaltic Concrete Furnished & Applied, including Preparation Work & Tack Coat as above, removal of asphalt, excavation and new stone as may be required for Baseline (Item 12), not included. Hot Asphaltic Concrete Base or Binder @ \$47.69 per ton. Hot Asphaltic Concrete Surface @ \$47.69 per ton. Motion was made by Commissioner Willner that the bid be referred to the County Surveyor for review and recommendation. Mr. Bob Brenner, County Surveyor, was not present for the meeting. However, Mr. David Guillaum entered the meeting and Commissioner Willner asked that he review the bid from J. H. Rudolph & Co. while the meeting continued and get back to the commissioners with his recommendations while the meeting is still in progress.

RE: COUNTY ATTORNEY.....David Jones

County Jail Expansion: Attorney Jones stated he has another monthly advance billing -- as completed billing -- from the contractor on the Vanderburgh County Jail Improvement project, for submission to the U. S. Marshall Service. The blue claim is in the amount of \$27,370.82 and attached to the claim are the original invoices for the materials and a certification by the project manager and the architect on the job that the work and the materials have been furnished and completed. In addition to that, the monthly report that is submitted to the U.S. Marshall Service after this thing has been completed indicates that with the exception of glass, all materials have been furnished to the job site for the jail project. The glass is scheduled for the first week in August. There is an estimated completion date by both the contractor and the architect of August 15, 1984. When that project is completed that will, in effect, close

(continued)

out what has been termed as the "jail suit" and the County will have been in complete compliance -- and we will have fulfilled the terms of the grant and the matter ends at that point. Motion was made by Commissioner Willner that the claim to Deig Bros. Lumber & Construction Co., Inc. in the amount of \$27,370.82 be approved, with a second from Commissioner Cox. So ordered.

Evansville Cable T.V. Merger: Attorney Jones said the second matter he wanted to bring to the commissioners' attention was a request from Evansville Cable T.V. with respect to a merger which is about to take place with the corporate parent of Evansville Cable. Their request was what authorization is necessary by the County. He said the short solution is that "there isn't any". They're really not transferring the franchise in terms of the agreement and Mr. Jones has authorized Mr. Hustace in his office to prepare a letter with the County Attorney's authorization to advise them of that, with a copy being sent to Mr. Jim Lindenschmidt for the file. But, in essence, Evansville Cable T.V., after the corporate merger taking place, will still remain as a corporate entity and, therefore, there is no change on its franchise with Vanderburgh County. However, further up the corporate ladder there's other changes which really do not affect Vanderburgh County down at the bottom -- so everything stays the same.

RE: COUNTY HIGHWAY DEPARTMENT.....Bill Bethel

Work Report: Mr. Bethel distributed copies of the Weekly Work Report for employees at the County Garage for the period July 9 thru July 13, 1984.....report received and filed.

Gradall: Dusseldorf, Swinging Way, Walsh and Twickingham

Paved: Venetian, Dusseldorf, Ward Rd., and Swinging Way

Tree Crew: Broadway, Millersburg, Alta-Vista, Twickingham, O'Hara, Mohr Rd., Darmstadt, Hogue Road and Upper Mt. Vernon

Grader: Burdette Park, Newman Rd., Kings Rd., Seminary, Golden Rule and Hickory Ridge.

Mower: Lynn Rd., Outer Lincoln, Telephone, Middle Mt. Vernon, Jobes Lane, Mill Rd., St. Joe Rd., and No. 6 School Rd.

Weekly Absentee Report: Mr. Bethel submitted the Weekly Absentee Report for employees at the County Garage for the period July 9 thru July 13, 1984.....report received and filed.

Commissioner Cox queried Mr. Bethel about some trees at 4709 Oak Hill Road, and he advised that he has those out for bid -- but the man hasn't gotten back to him yet. Commissioner Cox asked Mr. Bethel if he knows where Inland Container Corp. is, to which he replied in the affirmative. She said she had a call tonight about some weeds and scrubby trees -- she is uncertain of the exact location near Inland Container.... but Mr. Jones interjected that it was Peters Road. Mr. Bethel said he looked at that this morning and there is a place there which needs cutting. Some of those roads in that area have been cut off because of the work in progress on Highway 57...and they can't get into the area. Commissioner Cox said the other problem she wants to bring to Mr. Bethel's attention is the drainage problem at Allen Rd./Allen Lane and Mesker Park Drive. The lady who lives on the northwest corner of the intersection has spent almost \$1,000.00 putting in tile down the side of Allen Road to hook up with the intersection.....and Mr. Bethel asked the lady's name? Commissioner Cox said her name is Knot. Mr. Bethel said Mrs. Knot is a very elderly lady. Her boy tries to do things for her. Mr. Bethel's personnel go out there and try to explain to him what he has to do -- and when they leave it is all confused again. Mr. Bethel said they put tile in for them -- we didn't have to -- but he did it for public relations. Commissioner Cox asked if this was on Mesker Park, to which Mr. Bethel said it was. Commissioner Cox said that Mrs. Knot put the tile in, however, on Allen Lane. But Mr. Bethel said she did not put that tile in -- we did it. What Mrs. Knot needs is a drop box. In other words, she needs a hole cut in that tile for the water to go into. She will not put those drop boxes in -- and we cannot do it for her -- that is her job. Commissioner Cox said Mrs. Knot told her she had spent \$1,000.00 on tile and stuff -- is this not true? Mr. Bethel said that, again, he will say that she is a very elderly lady. Commissioner Cox said that regardless of whether she is elderly or a young lady, they do have a problem -- because that water runs down Allen Lane -- and it has

(continued)

created some ruts along the shoulders of the road and it's running down the road. Mr. Bethel said that less than a month ago he had that perfect. He said he told both Mrs. Knot and her son -- and Mr. Stucki told them -- what had to be done. Just a matter of maybe 2-3 hours work; but that is not the County's job. Commissioner Cox said there is a bad wash-out on the shoulder of Allen Lane. Mr. Bethel said he knows exactly where she is talking about.

President Borries said Mr. Bethel's crew has been doing paving in the Melody Hills area (he was out there Thursday to see the crew at work) and they're doing a nice job out there.

RE: COUNTY SURVEYORDavid Guillaum

Repair & Roadwork for 18 Locations - BID: Mr. Guillaum said that in reviewing the bid opened earlier from J.H. Rudolph & Co., Inc., it appears to be in order. Commissioner Willner asked if Mr. Guillaum knows when they can start on those? Mr. Guillaum said that when they put the information out they indicated they wanted the work done during this working season. Commissioner Cox asked if any of these locations are within the City limits? Are any of them along detour projects which we have in progress now. Commissioner Cox asked if it will be necessary to close the road for a period of time in order to get the work done? Mr. Guillaum said they did not intend to close any of the roads at all -- they would be completed under traffic.

Bridge & Guardrail Repair: Mr. Guillaum distributed copies of the Bridge & Guardrail Report for week of July 9 thru July 13, 1984, which he said is pretty well self-explanatory. They have done some clearing in conjunction with the engineering work that they had on Maryland Street.

Schissler Rd. Project: Mr. Guillaum said he received information that the Schissler Road project was going to begin today.

Petersburg Road: The pipe was completed on Petersburg Road. Mr. Guillaum told Mr. Bethel that they may need some help in getting remaining pipes out of there. The truck situation in the Surveyor's office is pretty poor right now.

Truck for Surveyor's Office: Mr. Guillaum said that is another matter he needs to discuss with the commissioners. What would be their pleasure on the truck situation? At one time, he believes indication was given that they could advertise for bids on a new truck. (Brenner wasn't real excited about a new truck -- but if that's the only choice they've got they will go ahead and advertise.) They had a small amount in an equipment fund, but not enough to buy a truck. Commissioner Willner said the consensus of opinion among the commissioners was for the surveyor's office to draw up specs and he believes this is what they authorized Mr. Brenner to do several weeks ago. Mr. Guillaum asked if the commissioners wanted specs on a new truck? Mr. Willner said, "Definitely -- I think you've done with junk long enough!"

Maryland Street Bridge: Mr. Guillaum said the contractor has been removing the deck on Maryland St. Bridge and is making progress. SIEGCO has been in -- but they have not seriously relocated any poles yet -- that is the next major item. This is pretty much free time for the contractor insofar as work days are concerned. But we're not having any problems at all on the project. Mr. Guillaum said he has the bid bond from the contractor on the Maryland Street Bridge.....Bid Bond received and filed.

Awarding of Bid on Repair & Roadwork for 18 Locations: Commissioner Willner asked Mr. Guillaum for his recommendation on the bid received from J. H. Rudolph & Co., Inc. for the repair and roadwork on 18 locations. Mr. Guillaum said it was his recommendation that the bid be accepted. Motion was made by Commissioner Willner that the bid from J. H. Rudolph & Co., Inc. in the amount of \$47.69 per ton for 18 county roads and bridges be approved. Commissioner Cox provided a second to the motion. So ordered. Commissioner Willner asked if money is available, and Mr. Guillaum responded in the affirmative, indicating it would come from the bridge repair fund.

(continued)

RE: COUNTY ENGINEER.....Andy Easley

President Borries stated that County Engineer, Andy Easley, is not present for tonight's meeting. He did, however, hand several pieces of correspondence from the State of Indiana concerning several projects in the County to Commissioner Borries to enter into the record.

July 5, 1984

Vanderburgh County Board of Commissioners
Vanderburgh County Courthouse
Evansville, Indiana 47708

Dear Commissioners,

The fiscal year 1985 annual programming request (FA-2) for Federal-aid Urban funds for the construction phase of the following project is not being approved. Your request to fund the project with Minimum Allocation (Special 85%) funds in case regular funding would not be available is being approved.

<u>Project No.</u>	<u>Des.</u>	<u>Location</u>
MAM-M-E100 (001)	07790	Burkhardt Rd. from South Corp. line to SR 62

The construction letting in fiscal year 1985 must be after the regular Urban funds have been spent. Development of the project should proceed so as to be ready when the Minimum Allocation funds can be spent. You should contact Mr. Steve Dilk, Area Engineer, Division of Local Assistance in January or February, 1985 for an estimated time of construction letting.

Sincerely yours,

R. E. Woods, Chief
Division of Local Assistance

cc: Mr. Owens
Mr. David Gerard
Mr. Boyle
Mr. Dilk

* * * *

July 13, 1984

Mr. Jeffrey A. Vlach
United Consulting Engineers, Inc.
5332 North Temple Avenue
Indianapolis, IN 46220

Re: DNR #2408 - Projects ME-180 (1) and RS-6582(1), Vanderburgh County
Eichoff Road - Koressel Road Improvement

Dear Mr. Vlach:

The above-referenced project has been reviewed by the Indiana Department of Natural Resources and the following comments are offered for your information.

This proposal will not require the approval of the Natural Resources Commission for construction in a floodway.

Losses to fish, wildlife and botanical resources will occur as a result of this project. A meeting with our Division of Fish and Wildlife staff, the project engineers, and Indiana Department of Highway environmental review staff is requested to discuss right-of-way requirements.

(continued)

The Natural Heritage Program's data have been checked and, to date, no vulnerable plant or animal species of either state or federal significance have been reported to occur in the project vicinity.

Comments from our Division of Historic Preservation will be forthcoming.

We appreciate this opportunity to be of service. If we can be of further assistance, please do not hesitate to contact me.

Sincerely,

William J. Andrews, Acting Director
Department of Natural Resources

cc: County Commissioners

* * * *

July 3, 1984

Vanderburgh County Board of Commissioners
Vanderburgh County Complex
Evansville, Indiana 47708

Dear County Commissioners,

The fiscal year (FY) 1985 annual programming request (FA-2) for Federal-aid Urban funds for the construction phase of the following project is approved.

<u>Project No.</u>	<u>Des.</u>	<u>Location</u>
M-E220 ()	21280	Covert Ave. Extension from Green River Rd. to Corp. line

Included is our projected schedule for this project based on the present status of work. The progress of the project should be maintained on this schedule to assure construction in FY 1985.

If there are any questions concerning the enclosed information, please contact me.

Sincerely yours,

R. E. Woods, Chief
Division of Local Assistance

cc: Mr. Owens
Mr. Gerard
Mr. Boyd
Mr. Dilk

* * * *

July 2, 1984

Vanderburgh County Board of Commissioners
Vanderburgh County Courthouse
Evansville, Indiana 47708

Dear Commissioners:

The fiscal year 1985 annual programming request (FA-2) for Federal-aid Bridge Replacement funds for the following project is being returned unapproved.

(continued)

<u>Project No.</u>	<u>Des. No</u>	<u>Location</u>
BRM-E300 ()	NA	BR 67 over Pigeon Creek Fulton Ave., Sufficiency Rating 51.9

The sufficiency rating for this bridge exceeds 50.0 which is the maximum allowable to be eligible for bridge replacement funds. The sufficiency rating as listed above is the current rating in accordance with your latest Bridge Inspection report. If a future county wide report calculates the sufficiency rating less than 50.0, reconsideration for eligibility can be made.

If there are any questions concerning the returned requests, please contact me.

Sincerely yours,

R. E. Woods, Chief
Division of Local Assistance

cc: Mr. Owens
Mr. Gerard
Mr. Boyle
Mr. Dilk

* * * *

July 2, 1984

Vanderburgh County Board of Commissioners
Vanderburgh County Courthouse
Evansville, Indiana 47708

Dear Commissioners,

The fiscal year 1985 annual programming request (FA-2) for Federal-aid rural secondary funds for the construction phase of the following project is being returned unapproved.

<u>Project No.</u>	<u>Des.</u>	<u>Location</u>
M-#560 ()		St. Joseph Ave. at Meier Rd.

St. Joseph Avenue is on urban system and Meier Rd. is off-system; therefore, not eligible for rural Secondary funding.

If you have any questions concerning this project, please contact me.

Sincerely yours,

R. E. Woods, Chief
Division of Local Assistance

cc: Mr. Owens
Mr. Gerard
Mr. Boyle
Mr. Dilk

President Borries said this concluded the correspondence from the State concerning these several projects. We are rolling along on Covert Avenue and Burkhardt Road, according to Mr. Borries. He said we also received another letter indicating that Burkhardt Road will now go to the construction phase in October, rather than in September, so the State has moved it back one more month. Locally, however, we have complied with all specifications, so the project is proceeding. But at this point, it looks as though it will be let in October.

(continued)

RE: CHECK FROM EVANSVILLE CABLE T.V., INC.

A check in the amount of \$525.00 (per Easement Agreement) has been received from Evansville Cable T.V., Inc., per President Borries. Commissioner Willner remarked he thought this was per franchise agreement, rather than easement agreement. However, Commissioner Cox was not in agreement as she said if this is the case, it certainly is down -- as we usually get \$2,000 plus dollars. County Attorney David Jones said he'd have to check the agreement; there may be more than one way we get monies. Internally, probably, they characterize it as an easement -- the right to use County highways, etc. Motion was made by Commissioner Willner that the check be accepted and given to the County Auditor's office with stipulation that the agreement with Evansville Cable T.V., Inc. be checked since a copy of the agreement is in that office. Motion was seconded by Commissioner Cox. So ordered. Chief Deputy/Auditor's office, Pat Tuley, agreed to check the Agreement to be certain monies are deposited to the proper account, etc.

RE: CERTIFICATES OF INSURANCE

Welborn Memorial Baptist Hospital, Inc.: Greene & Greene Agency, Inc. - Welborn/Gilles Bicycle Run/Great Pumpkin Metric - October 28, 1984. President Borries said there was a note attached saying, "Thank you for your approval of this project. Barbara Patton, Welborn Hospital."

Famous Brands, Inc.: American Business Insurance Agency, Inc. (Overland Park, KS) - Sale July 21 and 22, 1984 at Vanderburgh Auditorium. President Borries said he did not know what kind of sale this is going to be. Commissioner Cox raised a question on this certificate, asking whether we do or do not still have the "Transient Merchant Law"? Would they come under that? She said we had complaints previously about people coming in with off-brands (she cited "Kodak", where it really wasn't the brand people thought it was and leather coats which really weren't "leather" coats, etc.). She said this firm is out of Lenexa, Kansas and she has never heard of them. Are any of the other commissioners familiar with this outfit? President Borries said that as he understands it, the law does apply, and if there are complaints directed against those persons that the prosecutor could initiate charges. However, he would like some clarification from Attorney David Jones concerning that Ordinance. Commissioner Cox said they have to have a "Peddler's License"....but Commissioner Willner said "Peddler's License" applied to those who go from home to home, etc. Commissioner Cox said we need to look into this. Even though the prosecutor can initiate charges -- these people are in here and then they are gone. Commissioner Borries said he would also think that if they have the certificate of insurance for use of the auditorium.....but Commissioner Cox interrupted by stating that it is also an out-of-town company; they are from Overland Park, Kansas. President Borries advised Attorney Jones that Commissioner Cox is wondering about the "Transient Merchants Ordinance" since this out-of-town company is having a sale at the Vanderburgh Auditorium and has submitted a certificate of insurance for same. Attorney Jones said the County does not have an Ordinance. The City did have one, but he doesn't know where that matter stands -- whether it's been repealed, revoked, declared unconstitutional or what. But, there is a State Statute that stands in place of an ordinance and that is what would otherwise apply. Enforcement of it is by the prosecutor. We've been bombarded by letters from some people in the Chamber of Commerce who are concerned about it and, rightfully so. But the fact of the matter was that they kept looking to us to enforce it and the enforcement powers are with the prosecutor. Any complaints or reference to a questionable situation ought to go to the prosecutor. That is who is charged under that Statute with enforcing it and he would look into the circumstances. The Statute defines that situation -- as to what's a transient merchant. Attorney Jones said he does not recall all the ins and outs of it, but it was basically people who did business and did not have a fixed location, etc. He does recall, however, that it does require that one who fits the definition of a transient merchant goes to the City Clerk (in the case of the city) and to the County Auditor (in the case of the county) and pays a fee to obtain a certificate or license and that is basically to be able to do transient business from a temporary location rather than from a fixed location. But when this came up about two years ago, he sat down with Alice McBride, County Auditor, and talked about it and no one has ever come in and asked for onea Peddlers License..... so what it takes is if someone spots one of those situations, they've got to call the prosecutor and let him take it from there. President Borries questioned Attorney Jones concerning the "Certificate of Insurance" (a comprehensive form) and asked what this covers? Attorney Jones said if some third party sues and his outfit has nothing -- they do not come back to the county to pay the damages. This is just a protection for the County insofar as the use of the facility itself is concerned should someone be injured there.

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Commissioner Cox noted the coverage is only for \$1,000, but it was noted the form reads "Limits of Liability in Thousands (000)"....so would this not be \$1,000,000? However, Attorney Jones said it is not clear. Commissioner Cox said does it mean they only paid \$100 for \$1,000,000 coverage? Commissioner Willner said the exposure period is only for two days. Commissioner Cox asked if Famous Brands, Inc. needs to obtain a "Peddlers License" then? Commissioner Willner said, "Not from the County". Attorney Jones said it is possible they would fall under the requirement of the "Changing Merchants License", but he would hesitate to give a flat solid answer without having the Statute before him. Commissioner Willner stated they would be violating a City ordinance rather than a County ordinance. Attorney Jones said the Statute allows that the County or City could adopt an ordinance. However, in the absence of an ordinance, the State Statute would apply. So, there is a requirement. If it is inside the City limits and the City still has an ordinance in effect, it would be there. But he has not been on top of the City ordinance; he doesn't know if they revised it, rewrote it, or what happened. Attorney Jones left the meeting briefly to get the State Statute in an effort to resolve questions concerning the matter.

Returning to the meeting, Attorney Jones said there were recent amendments to the Transient Merchants Law and, in a nutshell, it provides first of all that there is a County requirement for County License, and that is in addition -- it authorizes cities and towns to also regulate or license -- tax, license and regulate -- but it provides that city or town license may not be in lieu of the County License. If the City of Evansville has, in fact, a duly authorized ordinance that taxes, license, or purports to regulate transient merchants, it is in addition to what is required in the County. Therefore, anybody doing anything inside the territorial limits of Vanderburgh County -- whether it is inside the city limits or not -- is subjected to a fee of \$10.00 per day for each day or part of any day that he purports to transact business. So that is the flat statutory county rate -- whether or not there is a city fee required, as well. A "Transient Merchant" is defined as, "includes all persons, firms and corporations, both as principals and agents, who engage in, do or transact any temporary or transient business in this State, either in one locality or in traveling from place-to-place in the state, offering for sale or selling goods, wares and merchandise. And, including those who for the purpose of carrying on such business hire, lease or occupy any permanent or mobile buildings, structure, or real estate for the exhibition by means of samples, catalogs, photographs, price lists or sale of such goods, ware and merchandise, but shall not include any person, individual, co-partner, corporation, which grows the goods, wares and merchandise which he or it sells or offers for sale. Basically, anybody who agriculturally produces anything is exempt as a transient merchant; hence, the city market and all those folks who come in there. President Borries asked about those who bring up plants from Florida? Attorney Jones said the person -- if he understands that -- and he won't mention any names -- who most often complains about this -- it doesn't apply to this as it is obviously grown. He hasn't seen any of them that are rubber or wax yet. No matter how little they water them out there in the sun -- those little palm trees from Florida are still grown. So, all the complaining in the world is not going to stop that. However, there is another problem to the thing. The State Legislature in its infinite wisdom over years and years then drafted exemptions on top of that. These say in a nutshell that the provisions of this chapter shall not apply to sales made to dealers by commercial travelers or selling agents in the usual course of business nor a bonafide sale of goods, wares or merchandise by sample for future delivery or to sheriffs, constable or other public officers selling goods, wares and merchandise according to law, nor to bonafide assignees or receivers appointed in this state selling goods. Attorney Jones said he can only take this to mean that if the sale is not to the public, in general, but to a dealer by a commercial traveler selling agent, then that doesn't apply. If it is held for the public, it does. Or, if it is by sample or it's future delivery. If the palm tree is held up and you're not going to sell it then but it will be shipped in from Florida -- it's legitimate...it's exempt under the Statute. If you're going to sell that little palm tree on the spot, then it is still not covered because it is grown. But if it is a wax palm tree and you're going to sell it in the future -- it's not covered. Commissioner Borries asked what about art sales? Attorney Jones said art is not grown. He said the only real exceptions are when something is not grown, it's future delivery, or it's by sample. Pat Tuley, Chief Deputy Auditor, asked where they get the license? Attorney Jones said he is glad Mr. Tuley asked that question. They go to the County Auditor's office! Attorney Jones said the State even anticipated the state of affairs in the 92 auditors offices in the State of Indiana and said "no particular form is necessary"! Therefore, Attorney Jones takes this to mean that he can take any piece of paper, sign it Deputy Auditor Pat Tuley and \$10.00 and that's it. That's all it takes for the County. The city is free to do what it wants. Again, he doesn't know the state of affairs with

(continued)

the City -- sometimes they do and sometimes they don't. Attorney Jones said there is one other thing he wants to mention. That is, the monies collected go to the School Corporation Fund from the County, but the city gets to keep theirs. President Borries said there is a bit of wisdom in that, they want to educate the people in the county to not buy that merchandise! Attorney Jones said there is one more important thing, however. Transient Merchants are required to post a bond so that any citizen out there who gets burned by buying the goods can come in and seek to recover thru the bond after the transient is long gone. There is a protection for the average citizen out there by requiring the merchant to post that bond. Commissioner Cox asked if the Certificate of Insurance covers that? Attorney Jones said not in any way. This Certificate of Insurance is a separate thing and only covers the Auditorium. Commissioner Cox again brought up the problem with the outfit that came in and advertised leather coats and they weren't leather and we had some complaints. She said she brought this up at one of the meetings several months ago -- to alert Kim Bitz to the fact that when he has that going on at the Auditorium he needs to double check those things out. She said she feels the commissioners owe a certain protection to the citizens of Vanderburgh County, because after they are here and gone -- and, frankly, she's never even heard of Lenexa, Kansas -- she knows it's a big place, but....Attorney Jones said he had another written question, and while he doesn't know the author, he suspects it came from the media. The question is, "Are lemonade stands covered?" Attorney Jones said his answer to that is, "It depends upon whether you grew the lemons or not!" Commissioner Cox asked if we can just ask Kim Bitz to check on Famous Brands, Inc., since they're coming in this week -- and if they need a license -- let's let them be legal about it and have them get a license. It was noted by Commissioners Borries and Willner that enforcement is a problem -- they're a lot of them out there on the street corners, etc. Attorney Jones said it just simply takes a couple of people calling in complaints and he thinks when a couple of them who are popped who are not legitimateand there is publicity....such merchants may beCommissioner Willner interjected that he's not sure -- they couldn't even get the illegal fireworks stopped. Mention was also made of the recent Symphony performance at the levee....Attorney Jones said he wasn't so sure the Symphony was legitimate. They were transient as they were passing through. Commissioner Cox pointed out that if you live in the city and you have a dog -- the law states you have to have a city tag and you have to buy a county tag from the County Assessor. Mr. Tuley queried Attorney Jones, again, to clarify that even if there is a city ordinance pertaining to transient merchants they still must obtain a County license? Attorney Jones verified that the city license, if required, is in addition to the County license. According to State Statute, the County license always applies throughout every county in the state. The Statute also states that if any city/town within the state wants to also tax, license or regulate that they may do so by ordinance. Commissioner Cox said that in other words, any street corner sale should have a County license? Attorney Jones said this is correct, even though that corner is physically located within the city limits. Then, if the City has an ordinance, they must also have a City License. Commissioner Cox said we could make the School Corporation rich! The question was brought up concerning newspaper carriers. Commissioner Cox pointed out that that individual is not a transient merchant; he is a resident selling on that same corner day in and day out and if he isn't there, someone else is there. Mrs. Meeks said Loretta Townsend, Director/Weights & Measures, had been asking about the Transient Merchant Law. Commissioner Cox said she thinks Mrs. Townsend even wanted to post a copy of the law at the entrances to the city. Commissioner Borries said the Commissioners would ask that the County Attorney give the matter some thought as what needs to be done. In the interim, Commissioner Cox again asked that Mr. Bitz check on Famous Brands, Inc., and any others coming into the Auditorium to conduct sales, etc.

RE: ALEXANDER AMBULANCE SERVICE, INC.

A claim from Alexander Ambulance Service, Inc., in the amount of \$51,737.20 for the claim quarter ending June 30, 1984 was presented for approval. Attached to the claim was the basis of their charges, according to the formula, together with a quarterly statement ending June 30, 1984. In response to query from Commissioner Cox, President Borries stated this claim was for the second quarter. After reviewing the claim and attachments, motion was made by Commissioner Willner that the claim be allowed, with Commissioner Cox providing a second to the motion. So ordered. President Borries then asked that Chief Deputy Pat Tuley and Jim Lindenschmidt go over the list of County receivables, etc., at the earliest possible date.

RE: BUILDING COMMISSION REPORT

A report from the Building Commission on Permits issued during May, 1984 was submitted..... report received and filed.

(continued)

RE: CLAIMS

Drug & Alcohol Deferral Service/Deborah Ransom: A claim in the amount of \$74.52 for mileage only to/from Indianapolis was presented for approval, with indication that said claim had been approved by the County Auditor and Judge Terry Dietsche. President Borries stated that the commissioners had previously approved the travel request. Motion to approve claim was made by Commissioner Cox, with a second from Commissioner Willner. So ordered.

David V. Miller: A claim in the amount of \$867.00 to David V. Miller for litigation services regarding Hirsch, Farm Services, Southwest Engineering, etc., was submitted for approval. Motion to approve claim was made by Commissioner Willner, with a second from Commissioner Cox. So ordered.

Assessors Claims: President Borries said he had several Assessors' Claims for the Instructional Meetings on tangible property assessments held on July 9, 10 and 11, 1984 in Clarksville, Indiana. The following were submitted for approval:

Robert T. Dorsey/Pigeon Township - Claim in the amount of \$393.48 covering 3 days per diem, mileage and lodging for three nights. Motion to approve claim was made by Commissioner Willner, with a second from Commissioner Cox. So ordered.

Maxine E. Ginger/Knight Township: Claim in the amount of \$256.80, which has been co-signed thru the Auditor's office. Motion to approve claim was made by Commissioner Willner, with a second from Commissioner Cox. So ordered. Subsequently, Commissioner Cox asked what the mileage allowance amount is on the claim, to which President Borries responded that it has gone up; it is 24¢ per mile.

Helen Jane Nicholson/Knight Township: Claim in the amount of \$192.00 for lodging and the \$22.00 per day diem allowance. Motion to approve claim was made by Commissioner Willner, with a second from Commissioner Cox. So ordered.

Marge Keeney/Knight Township: Claim in the amount of \$192.00 for lodging and per day diem allowance. Motion to approve claim for payment was made by Commissioner Willner, with a second from Commissioner Cox. So ordered.

United Consulting Engineers, Inc./Indianapolis, IN: A claim in the amount of \$40.75 for milars -- reimbursement for aerial photos from Indiana Department of Highways -- signed by Joe Brown -- was submitted for approval. Motion to approve claim was made by Commissioner Willner, with a second from Commissioner Cox. So ordered.

RE: EMPLOYMENT CHANGES - RELEASES

Vanderburgh County Recorder's Office

Dorothy A. Lindsey	1625 Delmar	Mtg. Deputy	\$10,760/yr.	Eff: 7/13/84
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RE: EMPLOYMENT CHANGES - APPOINTMENTS

Vanderburgh County Recorder's Office

Kimberly J. Ford	708 E. Chandler	Mtg. Deputy	\$10,760/yr.	Eff: 7/13/84
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Clerk of Circuit Court

Jill Hermann	7307 Bayard Pk.	Intern	\$80.00/wk.	Eff: 7/2/84
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(continued)

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COUNTY COMMISSIONERS
7/16/84

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RE: AIRPORT AUTHORITY APPOINTMENT

President Borries read the following letter from James B. Stapleton, Airport Manager:

July 3, 1984

Mr. Richard J. Borries
Vanderburgh County Commissioners
305 Administration Building
Civic Center Complex
Evansville, Indiana 47708

Dear Mr. Borries:

This is to inform you that the appointment of Jack H. Kinkel to the Evansville-Vanderburgh Airport Authority Board expired June 30, 1984.

Please inform Mr. Kinkel of any reappointment action taken in this matter.

Sincerely,

EVANSVILLE-VANDERBURGH AIRPORT
AUTHORITY DISTRICT

James B. Stapleton
Airport Manager

It was noted that Mr. Kinkel was a democratic member of the Board and President Borries entertained a motion for his reappointment. Motion to reappoint Mr. Kinkel for a three year term was made by Commissioner Willner, with a second from Commissioner Cox. So ordered.

RE: PRIVATE INDUSTRY COUNCIL APPOINTMENT

The following letter from the Metropolitan Evansville Chamber of Commerce was read by President Borries:

July 6, 1984

Mr. Rick Borries
5112 Graham Avenue
Evansville, IN 47715

Dear Mr. Borries:

The following are the nominations for the Private Industry Council:

Joseph Ellsworth - President/Rainbow Productions

Ted Ziemer - Early, Arnold & Ziemer/Attorneys at Law

Thank you very much.

Sincerely yours,

James T. Dittoe, CCE
President

Mr. Borries said he had Ms. Meeks call to see what the deal was on this appointment. She found that there are usually 33 members on the Council and there are now only 30. They serve in five (5) counties. The commissioners appoint the private sector people and they need three (3) more members. They serve 3, 4, or 5 year terms. If the Chamber nominates two (2) people, the commissioners are to appoint one of them. The appointment is then sent to the Governor, at which time it is decided

(continued)

as to which term he will serve. This is all we could find out at this time. Therefore, the commissioners are to select one of the nominees. Commissioner Willner noted that Mr. Ziemer would be a worthy member of considerable experience. President Borries remarked that both nominees are both certainly worthy individuals. Commissioner Cox asked if the commissioners must choose one of these two individuals? She thought these were the two from the Chamber. Mr. Borries said the Chamber submits two (2) names and it says that if the Chamber nominates two (2) people, the commissioners are to choose one (1) of them. Commissioner Cox remarked that she guesses the Chamber already has the nominees' consent to serve. It was noted by Commissioner Willner that Mr. Ziemer has been on the Council before. Motion was made by Commissioner Willner that Mr. Ziemer be appointed, with a second from Commissioner Cox. So ordered.

RE: OLD BUSINESS

Insofar as items of old business are concerned, President Borries announced that the In-Service IOSHA Program will be held tomorrow at the Vanderburgh Auditorium beginning at 8:00 a.m. for the employees of the County, such as the bridge crew, garage, Burdette Park and Vanderburgh Auditorium. This is the program discussed with IOSHA officials in June.

Also, last Thursday, Mr. Borries toured around the county with Lee Gallivan viewing various projects (bridges as well as roads) that had received Federal funds since 1956. Mr. Borries said it was a very good tour and Mr. Gallivan will be forwarding his comments and suggestions. Mr. Gallivan had an opportunity to see our road paving crew in action on Walsh Road in the Melody Hills area and they were hard at work that day. We had one bridge at a mysterious location where there were Federal funds (a three-span bridge) and we're still getting some clarification on that.

Commissioners Cox and Borries were also at one of the meetings of the City Council where the Paramedic Program was discussed. Mr. Borries said his statement was one wherein we had received a very loud and clear message from county residents concerning their need and what they felt was the importance of the Paramedic Service. As he understands it, the City Council will have another meeting tomorrow night, July 17th, and at that time they are to make a recommendation as to whether to maintain the service under the present set-up via the Evansville Fire Department or to change that and look at a private contract provider. That meeting is scheduled tomorrow night at 6:00 p.m.

RE: SCHEDULED MEETINGS

President Borries said he believed any scheduled meetings have already been covered.

There being no further business to come before the Board of Commissioners at this time, the Chair declared the meeting adjourned at 9:00 p.m.

PRESENT: COUNTY COMMISSIONERS

Richard J. Borries
Robert L. Willner
Shirley Jean Cox

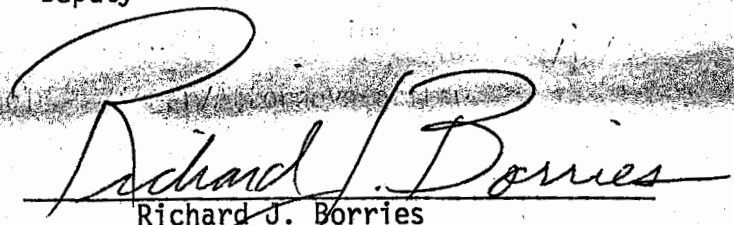
COUNTY AUDITOR

Pat Tuley, Chief
Deputy

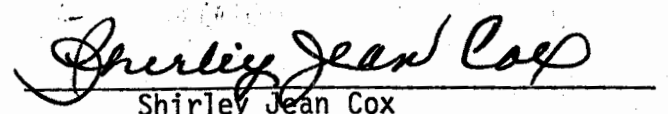
COUNTY ATTORNEY

David Jones

SECRETARY: Joanne A. Matthews


Richard J. Borries


Robert L. Willner


Shirley Jean Cox

MINUTES
COUNTY COMMISSIONERS MEETING
July 23, 1984

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415.

COUNTY COMMISSIONERS MEETING
July 23, 1984

The meeting of the Board of County Commissioners was held on July 23, 1984, at 2:30 p.m. in the Commissioners Hearing Room, with President Borries presiding.

The Chair entertained a motion concerning the minutes of the previous meeting. Motion was made by Commissioner Willner that the minutes of the meeting held on July 16, 1984, be approved as engrossed by the County Auditor and the reading of same be waived. Motion was seconded by Commissioner Cox. So ordered.

RE: POOR RELIEF/KNIGHT TOWNSHIP

Alicia Cutteridge: Ms. Cutteridge had applied for shelter assistance and said assistance had been denied. The Chair called Ms. Cutteridge's name three (3) times, but she was not present. (She subsequently entered the meeting, as indicated later in the minutes of today's meeting.)

Mildred Sullivan/Monte Wallace: President Borries reviewed the application and questioned the "Monte Wallace" shown after name of applicant, Mildred M. Sullivan. Terry Stokes, investigator for Knight Trustee's office, indicated this was actually Mr. Wallace's application.

Katherine Rybak approached the podium and said she is at today's meeting to represent Mr. Wallace. She said Mr. Wallace applied for Trustee Assistance in order to obtain eye glasses. The eye glasses he has are not correcting his vision adequately, and he has blurred vision. There is no question -- he needs the eye glasses. The reason Mr. Wallace was denied assistance was because of Mildred Sullivan's income. Mrs. Sullivan permits Mr. Wallace to live in her home. He has no right to be there -- but she permits him to be there. The Trustee counted her income in determining whether or not Mr. Wallace is eligible for Trustee Assistance. Now, Mrs. Sullivan's income is only \$314.00 per month from S.S.I. and she is in no position to provide any further assistance to Mr. Wallace. Mr. Wallace, himself, has no income at all. He has been cut off S.S.I. and Ms. Rybak is representing him in Federal Court in order to get his S.S.I. reinstated. Therefore, she asks that the Commissioners order the Knight Township Trustee to provide Mr. Wallace with a voucher so he can get his eyes examined and get a new pair of eye glasses. President Borries thanked Ms. Rybak for her comments.

Commissioner Cox asked Mr. Wallace if he is a Veteran, to which he responded in the negative. President Borries questioned Mr. Wallace as to the nature of his disability. Mr. Wallace said he has extenuating problems with discs in his back. Mr. Borries asked where his food, etc., come from, to which Mr. Wallace responded "food stamps". President Borries asked if his food stamps are entirely free or does he pay? Mr. Wallace indicated they are free. President Borries asked if the Commissioners might ask Mr. Wallace and Ms. Sullivan if there is any relationship at all between the two parties? Mr. Wallace are not brother and sister? Mr. Wallace indicated there is no relationship at all -- they are not brother/sister or man/wife. President Borries then asked Mrs. Sullivan that if she did not provide shelter to Mr. Wallace, in her opinion he would have no means at all? Mrs. Wallace said that is correct. Ms. Rybak remarked that the odd thing about the situation is that if Mr. Wallace moved out and became eligible for Trustee Assistance, the Trustee would be the one who would have to provide him with housing, because he has no means of his own.

President Borries asked if someone was present from the Trustee's office, and Tara Stokes approached the podium. She stated that the Trustee's office counts everyone who lives in a household -- working or not working -- Mr. Wallace counts because he lives there and utilizes Ms. Sullivan's gas, electric, water, etc., and the Trustee has to count everyone who lives at that address and Mr. Wallace says he lives at that address. The application the Trustee's office has on file is that of Mildred Sullivan. Her name is on the bills and, technically, she is the head of the household -- but Mr. Wallace does live there. Even if Mr. Wallace did not live there, Ms. Sullivan would be over income. She is \$150.00 over income. She is on Section "H" (there's \$136.00 paid for that) and she gets the \$314.00 S.S.I. The Trustee's guidelines stipulate that income for one (1) person is \$250.00 per month and income for two (2) is \$300.00 per month. Further, a luxury service is maintained at that address -- cable television. According to the Trustee's Guidelines, that knocks the applicant out of the system. Applicant was denied because of over income. To put an application

(continued)

in at the Knight Trustee's office, you have to have an established residence -- an address -- and Mr. Wallace gives this address. Therefore, the Trustee has to count all income in that household.

Ms. Rybak requested permission to comment concerning Ms. Stokes remarks. Ms. Rybak said Mr. Wallace has no control over what luxury items Ms. Wallace may have in her home, so it is not relevant really as to whether or not he should be receiving poor relief benefits. The Poor Relief Statute requires the Trustee to provide medical assistance -- and that's what this really is -- eye glasses come under the heading of medical assistance -- to people who are in need. And, without question, Mr. Wallace is in need of Trustee Assistance.

Commissioner Cox addressed Tara Stokes and said that when we get down to the actual "dollar and cents" figures, she believes.....has Ms. Stokes investigated Mr. Wallace at all? Or, did the Trustee just look at Ms. Sullivan? Did they look at Mr. Wallace by himself? In other words, if he was not at M. Sullivan's and wanted to rent an apartment or something like that, the Trustee would be legally obligated to pay his rent, depending upon whether he could find something that falls within the Trustee's guidelines, and give him other assistance out of the Township Trustee's funds? Ms. Stokes said they would if Mr. Wallace had no income. They do not pay the deposit nor the first month's rentthey do not relocate people. If they did this, they'd be doing it all the time. But, yes, they would have to pick up his bills if he were on his own with no income. That is true. But the Trustee can't just let it go here -- because people could have five or six other people living with them and they could be working.....Mrs. Cox interjected that that was her question; has the Trustee investigated and determined that Mr. Wallace has no income? Ms. Stokes said that the Trustee had not investigated, because Mr. Wallace did not fill out the application -- Ms. Sullivan did..and they only have her signature.

Ms. Rybak remarked that Mr. Wallace did provide the Trustee's office with a notice from the Social Security Administration saying that his S.S.I. was terminated; therefore, the Trustee has no reason to doubt Mr. Wallace's testimony that he has no income of his own. Ms. Rybak continued by stating that the Trustee's Guidelines do not specifically define "household"; therefore, she thinks the Commissioners are free to give a "household" a reasonable definition which would be that people living in the same household who are financially, legally responsible for each other's bills -- and this is not the case here. Mr. Wallace should be considered on his own. Tara Stokes asked if Ms. Rybak is saying that the Trustee should have two separate applications from the same address? What about the cable service? He's living in that house. Ms. Rybak responded that the matter of cable service is not Mr. Wallace's decision.

The Commissioners were discussing the matter among themselves, and Commissioner Willner said he believes the Board needs an attorney's opinion, because it used to be procedure that you must give an address for assistance; once you get that address, then you determine how much income is at that address -- but he thinks the Trustee is absolutely right. Commissioner Cox stated that if Mr. Wallace were out on the street, the Trustee, financially (dollar and cents of taxpayers' money) would have to be picking up his rent, a portion of his utilities, a non-food order and no telling what all. Here we have a case of a lady, who is probably just getting by on her own, who has offered a place where the gentleman can stay. That's what you call "the pits".

President Borries asked Mr. Wallace if he has anything to add to the foregoing comments. Mr. Wallace said he visited the Housing Authority Office, and they said they would honor Trustee vouchers for rent. Their housing has arrangements where it can be paid at the end of the month, rather than in advance. He was previously on their list of applicants; at one office he is eligible and at the other he is on the list right now. President Borries asked Mr. Wallace if he is saying that he intends to move into a housing unit? Mr. Wallace said, "Yes, if arrangements can be made." Mr. Borries advised County Attorney David Miller that the Board has reached the point where, as Ms. Rybak had mentioned, the County ambiguity or the difficulty experienced in defining what a "household" is -- as in the Trustee's Guidelines. The Trustee's office has indicated that if Mr. Wallace gives Ms. Sullivan's address, then the

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Trustee considers the household then -- all those members living in the household -- and because Ms. Sullivan is over income and also has a cable television service (which is not included in the Trustee's guidelines) that this would disqualify her. President Borries said he guesses the Board's question is, "How do we interpret here the household, from the standpoint of the address that Mr. Wallace has given?"

County Attorney David Miller said he is sure the Trustee is following the guidelines given to him by the appropriate State level. However, that is what makes for appeals of this nature. However, he believes that Counsel is correct in observing that if Ms. Sullivan decided to put Mr. Wallace on the streets, the County would have to pick up the tab for putting him someplace until such time as he could find employment or establish that he is entitled to Social Security Income. Therefore, he would become a greater burden to the taxpayers. It would be Mr. Miller's recommendation concerning this situation that the Trustee go ahead and buy Mr. Wallace's eye glasses and hope that Counsel is successful in Federal Court, so that if ever he does get kicked out of Mrs. Sullivan's we won't have to support him! Under the circumstances, that is his recommendation. He said he does not at all mean to make light of the situation; he thinks the practicality of the situation is that this man does have to have some eye glasses. If Ms. Sullivan put him out on the street next week, Mr. Wallace could walk right back into the Trustee's office and file an application and he would be entitled to assistance. Therefore, we should give him the eye glasses and be done with it.

Mr. Wallace said that he was turned down because of Ms. Sullivan's income for a non-food order (soap, razor blades, toilet paper, etc.---things you don't buy with food stamps)....Commissioner Willner pointed out that Mr. Wallace had never made application.....Ms. Sullivan did. Ms. Rybak emphasized that the Trustee would not permit Mr. Wallace to make application. The Trustee's office said that Ms. Sullivan had to apply for Mr. Wallace -- that he could not make an application on his own. Attorney Miller said that he thinks the instructions should be that she should accept an application from Mr. Wallace and, upon receipt of the application Trustee should go ahead and approve it. If Mrs. Sullivan put him out on the street tonight, he could walk into the Trustee's office and file an application. Mr. Wallace stated that he then would have no residence, and the Trustee said he had to have an address. If he didn't -- they couldn't help him, because they didn't know where he lived. Attorney Miller repeated his recommendation.

Commissioner Willner asked Mr. Wallace where was his last place of gainful employment and when? Mr. Wallace said he worked in Ground Maintenance at the University of Evansville in 1979. Mr. Willner asked if Mr. Wallace hurt his back on the job? Mr. Wallace responded in the negative, stating his back has bothered him for years -- it's called "osteoarthritis" -- and it has worsened with age. It's a bone/back disease; it has progressively grown worse thru the years. Commissioner Willner then asked if Mr. Wallace has any living relatives in the State of Indiana, to which Mr. Wallace responded in the negative. Commissioner Willner asked Mr. Wallace when he was gainfully employed at the University, where did he live? Mr. Wallace said he lived on South Elliott Street (as a renter).

Tara Stokes asked Mr. Wallace if she could ask him question. What address did he give for food stamps? He said he gave the 1105 Joan Avenue address (Ms. Sullivan's address) as they wanted them both on the same application. He said that was the way the Welfare Department wanted it. He said he told them about it, and they had him bring Ms. Sullivan in -- and they get food stamps for two people because they live in the same household. Ms. Stokes said the Welfare Department distributes their food stamps based on two (2) people living in the same household. Ms. Stokes asked how they would base him on a non-food order? Mr. Wallace said Ms. Sullivan was getting a non-food order. She was eligible and the check she gets now, the only raise she's gotten has been her cost-of-living raise and apparently Knight Township hasn't raised their guidelines according to cost-of-living increase. It's \$250.00 for one person and \$300.00 for two (2) persons. He doesn't see how one (1) person can live on \$50.00 per month. But that is what the Trustee's Guidelines specify. President Borries remarked that the Trustee does have the right to set the guidelines. The other point in regards to Ms. Sullivan, however,which is also published in the Trustee's guidelines.... would be this aspect of Cable Television. That's not an allowable thing--and he thinks all of the Trustees have that same thing in their guidelines. They feel that because it is a service that you pay for that it should not be included within the guidelines. Mr. Wallace said Ms. Sullivan gets a newspaper, too.

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Commissioner Cox asked Mr. Wallace if he has an eye doctor? Where did he get his last eye glasses? Mr. Wallace said he got his last glasses from a Dr. Schnuck on the east side of town (but he doesn't think he did too good a job). In response to Ms. Rybak's query, Mr. Wallace said he got them just before his S.S.I. started in 1981 -- so that's been about three (3) years ago.

President Borries asked if there is a motion from the Board? Commissioner Willner said he agrees with Attorney Miller's assessment of the situation. However, the Commissioners must also realize that if we break the code -- the guidelines -- set down by the Trustee for this case, then we've also broken them for the next one hundred cases that appear before the Commissioners. It's just that simple. It is his recommendation that the Board of Commissioners refer the matter back to the Trustee and when they meet the eligibility standards, then they would be eligible for Township Poor Relief. He said he is not talking about the "household", but the "individual".... and, the cable television and other aspects -- then they should be allowed poor relief assistance. If they want to give up the cable T.V. to be eligible, then that is fine with Mr. Willner. Mr. Wallace interjected a question; he asked "what about the income guideline? She draws \$314.00 per month and the guideline states \$300.00 per month." Commissioner Willner pointed out that he was speaking of "individual" guidelines. He said he was asking that the Trustee take Mr. Wallace's individual application separately, but still include the guidelines laid down by the Advisory Board and the Trustee as a means for the application. When Mr. Wallace signs the application and states he has cable T.V., then it is automatically null. Mr. Wallace emphasized that "he" does not have cable T.V. Commissioner Willner said he lives in a residence that does have it. Mr. Wallace said the residence could have a swimming pool! Commissioner Willner said, "That's true, that's true!"

Commissioner Cox asked Mr. Wallace how long he has lived at the Joan Avenue address where he is now? He said he moved there in 1981, then he was away from there for over a year, then he moved back. Mrs. Cox asked if he paid something for room rent when he was able to do so, to which he replied in the affirmative.

Ms. Rybak asked the Board for permission to speak. She said she thinks there is a way the Commissioners can give Mr. Wallace eye glasses without breaking the guidelines, because she doesn't think the guidelines define "household". She thinks this is a problem that may have to be corrected -- she doesn't think the State hands down a definite definition of "household" that the Trustees have to use. Therefore, you can define something that is ambiguous to favor the applicant in this case and award the applicant the benefits without having to say the standards are being disregarded by the Commissioners. According to the case of Vanbusher (?) the guidelines have to be reasonable, and what reason is there in making Ms. Sullivan give up her cable T.V. so Mr. Wallace can have glasses? She is not going to use the money she saves by not having cable T.V. to buy Mr. Wallace's glasses. She has no obligation to do that.

President Borries asked Commissioner Willner if his motion was for Mr. Wallace to apply in his own individual name for assistance? Commissioner Willner said that if Mr. Wallace lives in an apartment at Ms. Sullivan's household and pays no rent, then he thinks he is allowed to make an application for poor relief. Mr. Willner does not know whether Mr. Wallace has an apartment or whether he has the total run of the household -- but if he were the Trustee, he'd be investigating this. If he has the total run of the household, including the television and bathrooms, and there is no apartment, then he thinks the Trustee has to look at this as a total household. If he has an apartment with a private bath, sealed off from the rest of the house -- then he thinks Mr. Wallace could make a separate application.

Ms. Stokes of the Trustee's office said their guidelines state that the Trustee count the number in the household to ascertain how much they would get on a non-food order. So, if he were to apply for a non-food order, the Trustee would have to go by how many are in that household! Commissioner Willner said, "No, in that apartment!" If he lives in an apartment.....but Ms. Stokes interrupted by saying he lives in a "house"! Commissioner Willner said, "There are a lot of apartment houses, aren't there... whether it's duplex or whatever? If he had a private apartment in that home -- then I think he could make a private application himself. If he has the total run of the household, then I think the Trustee's office is exactly right and he must file as a total household. That's the way it is. If he has an apartment within that household, then I think he's perfectly within his rights to file an application on his own. I do not know this. I presume he has the run of the house."

Mr. Wallace verified that this is correct. Commissioner Willner said then he thinks the Trustee's office is right. That's just his opinion. Mr. Wallace asked that if had to move out, where would he go? Ms. Stokes said that happens every day.

Ms. Rybak interjected that the alternative here is for the Commissioners to find the guideline to be unreasonable. That's something the Commissioners can do. Given the consequences of following the guideline in this case -- maybe this is the case to do it. Mr. Wallace said he thought perhaps other townships had different guidelines -- is that true? Commissioner Willner said that is true. The Trustee and the Advisory Board of his perspective township set up the guidelines -- that is perfectly within the law -- and that is the way it should be done. Mr. Wallace asked if they have housing available in Knight Township? Ms. Stokes said that as far as cable T.V. is concerned, as long as it is an active service in that house, it doesn't make any difference whose name it is in. Commissioner Willner said that is not true if there were an apartment within that house. Ms. Stokes acknowledged that that is true.

President Borries asked Commissioner Willner if he is saying for the Trustee to investigate the house and see if there is a separate apartment? Mr. Wallace interrupted by saying the Trustee doesn't have to investigate it -- he doesn't have an apartment, he lives in the house. They're welcome to investigate it if they like, but that's the way it is. He keeps his clothes in a separate closet!

Commissioner Cox started to speak, and Commissioner Willner asked her if she wanted to make a motion? She said she would make a motion that the Trustee be requested to -- and she's sure the Trustee has guidelines on how much they can cover for eye costs here -- to recommend several eye doctors or via one of the clinics, and cover any reasonable costs of the gentleman's glasses. The motion was seconded by President Borries, after Commissioner Willner passed the opportunity to second the motion. President Borries then asked for a roll call vote:

Commissioner Cox - Yes
Commissioner Willner - No
Commissioner Borries - Yes

President Borries said he took this action, providing that Mr. Wallace go to the Trustee's office and file an application on his own. Mr. Borries said he voted this way because he feels Mr. Wallace needs the eye glasses. But, he does see some real problems, because he thinks the Trustee has done what is reasonable in this case. It is an unusual case and one that Mr. Borries feels Mr. Wallace is the victim of a technicality. But he would say that Mr. Wallace must file an application on his own. Mr. Wallace indicated to the Chair that he would do this. Continuing, Commissioner Borries said the Trustee is under severe strain insofar as the place of individuals' residence, for what length of time, etc., and, frankly, he does not feel they have the staff or financial means to deal with cases unless they set up reasonable guidelines. Ms. Stokes asked what consideration should be given concerning the cable television? President Borries said the cable television should not be considered in the case of Mr. Sullivan's application. (There was subsequent discussion aside by the Commissioners that perhaps the eye glasses for Mr. Wallace could be obtained via the Kiwanis Club, as opposed to the Lion's Club, as mentioned by one of the commissioners or the County Attorney.)

RE: BIDS FOR PICKUP TRUCK FOR THE DOG POUND

The next order of business, according to Board President, Rick Borries, was the opening of bids for the Pickup Truck for the Dog Pound. Motion was made by Commissioner Willner that the bids submitted be given to the County Attorney for opening and perusal to determine if they are in order. Second to the motion was provided by Commissioner Cox. So ordered.

RE: AREA PLAN COMMISSION/SUBDIVISION ORDINANCE -- Mrs. Barbara Cunningham

Mrs. Cunningham said that, generally, she would have sent copies of the material to the Commissioners beforehand, but this particular version just came off the presses about 1:30 p.m. this afternoon. She had distributed material copy to the Board members and said one is the proposed County Subdivision Ordinance, and the other is a cover letter which is self-explanatory. The second packet is a procedures packet -- it is not to be adopted. Via the procedure is how we insure that either the bonding or the

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improvements or basic improvements are put in before the time the secondary plat is approved. She understands that the Commissioners have not had an opportunity to look at the subject material, but they have had a preliminary subdivision ordinance at a previous time during the last year or so -- as they have been working on this for about two years. The subject ordinance was adopted by the Area Plan Commission on July 5, 1984, and by the City Council on July 16, 1984. Mrs. Cunningham said she is appearing before the Commissioners to determine if they want to set up a Committee meeting, or whether they would like to have a Public meeting at another time -- whatever they desire to do re the matter. She said it is not her intention to dump a rather complex ordinance on the Commissioners without perusal, she knows they want to look at it. The APC is very satisfied with it and feel it is a good ordinance. They feel it will protect both the home builder and the home buyer. It is a stronger ordinance. The APC has worked very closely with the technical staff, the neighborhood groups, and with the Home Builders Association. Mrs. Cunningham pointed out that the ordinance just presented includes all the County-reflected changes, such as legal drains, etc. (In particular, she cited Page 14 which refers to curbs, gutters, and sidewalks, wherein it states that said items "shall conform to the standards adopted by the Board of County Commissioners of Vanderburgh County.") Commissioner Willner asked Mrs. Cunningham if the standards adopted by the Board of Public Works and the County Engineer's office are the same? Mrs. Cunningham said she would doubt that. Commissioner Willner remarked that we already have a problem then. Mrs. Cunningham said she did not know the standards being adopted by the County Commissioners and it was her understanding that the City Engineer's office was coming up with some more standards. Is Commissioner Willner talking about road standards, in particular? Commissioner Willner said he was talking about curbs, gutters, etc. Mrs. Cunningham stressed that in the ordinance they do not address the standards per se; they say they must be as adopted by that legislative body. Commissioner Willner then asked why doesn't the ordinance say that if the subdivision is in the county the individual be guided by the County standards and if the subdivision is in the City that he be guided by the Board of Public Works standards? Mrs. Cunningham said that it does with this one. Commissioner Willner said that is not what it says. Again, Mrs. Cunningham referred to Page 14, which shows what the City adopted on curbs and sidewalks, etc. Mrs. Cunningham said the only interlap there is with respect between City and County is that in the City ordinance (as seen on Page 2, which was just put in for the Commissioners' information, to show them what the City did) is that the sidewalks are to be installed within one (1) mile of the City, and she thinks this is a legal question which, to her understanding, has always been the accepted policy. Mrs. Cunningham said the one adopted by the City is perhaps more restrictive than public meetings -- seem to think that the County standards would be on sidewalks. If he will notice what they say, they say, "...sidewalks and curbs and gutters, if applicable." She doesn't know after the Commissioners think about it what they want to come up with. But it is not as restrictive on sidewalks, curbs and gutters. Mrs. Cunningham asked if the Commissioners wanted her to be on the agenda for next week's meeting, or do they want her to wait? President Borries asked Mrs. Cunningham if she could meet with the Board of Commissioners at 1:30 p.m. next week, prior to the regularly-scheduled meeting? She said that she would be glad to do so. Mrs. Cunningham said there have been certain groups that have been instrumental in working on this ordinance and other west side improvements and she has told them that when the Commissioners get ready to look at the ordinance toward adoption that she would let them know. But there's no need for them to be at the meeting next week? President Borries said that next week would be a time when Mrs. Cunningham could meet with the Commissioners to answer any questions they might have after they have had an opportunity to peruse the ordinance. Mrs. Cunningham said if the Commissioners have any questions in the interim, to please just call the APC. Mrs. Worthwine has worked on it a lot, too, so she could perhaps answer any questions in the interim, also.

RE: BIDS FOR PICKUP TRUCK FOR DOG POUND.....David Miller

Attorney Miller stated that he had completed opening the two (2) bids submitted on the pickup truck for the Dog Pound:

1) Hendrickson Enterprises, Inc./Warrick County:

Bid on 1985 Model Dodge Truck	\$8,672.00
(Truck has 225 cu. in. 6-cylinder engine;	
front suspension capabilities 3,300 lbs.	
rear suspension capabilities 3,600 lbs.)	

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2) Kenny Kent Chevrolet, Inc./Evansville, IN:

Bid on 1984 Chevrolet Truck with a 250 cu. ft. engine, 6-cylinder engine. Front suspension 2,684 lbs. front and rear axles. \$ 7,481.00

Attorney Miller said the bid specs required 3,750 lbs. suspension, so neither of the bids meet that specification, although the Hendrickson bid comes closer. The Kenny Kent bid notes that the suspension capacities are not to the required specifications in the bid information and says that this bid is subject to production availability for 1984 Chevrolet model year and prior sale. It says this unit is on "order status" currently for the dealer's stock, indicating that they do not have it in stock. The Hendrickson bid does not speak to that, but Kenny Kent Bid states that it is on order. (Attorney Miller said he doesn't know any dogs who weigh 3,000 lbs., but if there is one he would want that truck to hold it!)

Commissioner Willner said that General Motors has a 256-cylinder engine that is not a very good one either, and he'd want to know exactly which engine they had. It was Mr. Willner's recommendation that the bids be turned over to the County Highway Department for their expertise and recommendation. President Borries asked Mr. Willner if he could submit what he thought would be the better engine? Commissioner Willner said he would talk with Bill Bethel. Motion was made by Commissioner Willner that the bids be referred to the County Highway Department for their expertise and recommendation. Motion was seconded by Commissioner Cox. So ordered.

RE: SALE OF COUNTY-OWNED SURPLUS PROPERTY

President Borries said that Terry Padgett was the name of the individual who had bid on County property at 1413 Florence, 1417 Florence, and 1419 Florence. At 1413 address he had bid \$200.00; on 1417 address he bid \$400.00; on 1419 address he bid \$300.00 for a total of \$900.00, and there was a recording fee of \$6.50, for a total of \$906.50. Now, Mr. Padgett does not want these parcels of property. President Borries has a memo asking if these parcels of property can be sold, since they were advertised -- he has now refused them -- so the Quit Claim Deeds for the three parcels are attached. Attorney Miller said it appears to him that Mr. Padgett had a contract, but Commissioner Willner interjected, "Not necessarily"! Attorney Miller asked if the proper procedure was followed in the sale? Commissioner Willner said, "No, we advertised them once. Then, the new Statute says that if you sell them below their appraised price that you must advertise once more...or readvertise. The second time he did not come back and bid." Commissioner Willner said they have been advertised twice, but the second time we did not have a bid. Attorney Miller asked that the Commissioners let him look at the Statute to see if Mr. Padgett is legally obligated to buy and, if he is, Attorney Miller will give the Commissioners a letter to that effect. If he is not obligated to buy, Attorney will tell the Commissioners that, too.

RE: VANDEBURGH AUDITORIUM.....Kim Bitz

Mr. Bitz indicated that what he had today for the Commissioners was a request to go on Council Call in September for some monies. He would like for the Commissioners to go over the information just distributed to them and next week he will come back with some more facts and figures to back up what is needed at the Auditorium. The request read as follows:

July 23, 1984

Vanderburgh County Commissioners
Civic Center Complex
Evansville, Indiana 47708

Dear Commissioners:

I respectfully request permission to appear at the September Council call for the following appropriations, approved by the Advisory Board.

ACCOUNT #412

AMOUNT - \$58,173.00

REASON FOR REQUEST: Of the Capital Improvement Monies budgeted for the Auditorium, \$1,800.00 was allowed for an Inspection

(continued)

of the Stage Rigging Equipment. The completed study pointed out the immediacy of Implementing repair work on this system. After approval of the Task Force's recommendation for immediate change in the original list of priorities set forth at the budget time, specs were compiled and through the bidding process, Tiffin Scenic Studios was awarded contract for rigging work and Drapery replacement. Total cost of the project is \$118,567.00, of which \$58,173.00 can be attributed to repair and installation costs of the Stage Rigging equipment. It is the consensus of the Advisory Board that this work is an emergency repair that cannot be postponed, therefore, we request these monies be placed in the Capital Improvement Fund in order to complete the original outline of necessary improvements first budgeted.

ACCOUNT #428AMOUNT - \$14,400.00

REASON FOR REQUEST:

The above figure is the cost for the purchase and installation of the Blow-Down Separator for the large Boiler. Finding this amount of money in my existing accounts is next to impossible. In order to effectively maintain the Facility and to complete minor repairs and renovations not part of the \$160,000.00, I request these monies be appropriated to this account. Taking existing accounts will leave the Auditorium with little operating capital at a time we can least afford it.

ACCOUNT #363AMOUNT - \$1,500.00

In 1983, the cost for Trash Hauling services at the Auditorium was \$2,482.00. The Budget allotted only \$1,200.00 in 1984. With an increase in price for these services and a Budget figure lower than was necessary, I request these monies for this account.

Thank you for your consideration.

Kim B. Bitz, Manager
Vanderburgh Auditorium

Commissioner Cox indicated she had a question. She asked Mr. Bitz if these amounts he is wanting to request have been approved by the Auditorium Board? He indicated they had been. He said they wanted to pull together some of the current budget figures and different things relating to the Capital Improvement Fund before it was presented formally to the Commissioners. The Commissioners expressed their appreciation to Mr. Bitz.

RE: COUNTY HIGHWAY DEPARTMENT.....Bill Bethel

Weekly Work Report: Weekly Work Report for period July 16, - July 20, 1984 was submitted.....report received and filed. Attached to the work report was the following work schedule:

GRADALL: Hogue Road, Petersburg Rd., Nurrenburg Rd., and Buente Rd.

PAVED: O'Hara Drive, Twickingham, and Baseline Rd., East

PATCH: Mill Rd., Lincoln Ave., 8300 Newburgh Rd., Old Green River Rd., Baseline Rd., E. Allen Lane, Heppler Rd., Twickingham Dr., Buente Rd., Trapp Rd., Vanness Ave., and Red Bank Rd.

TRASH CREW: Mill Rd., Lynn Rd., W. Weinbach Ave., and River Rd.

GRADER: Burdette Park, Hickory Ridge, Long Rd., Cypress-Dale Rd., and Happe Rd.

(continued)

MOWER: Green River Rd., Booker Rd., Skyline Dr., Baseline Rd., Peck Rd., Korff Rd., and County Line Road, East.

TREE
CREW: Skyline Dr., Hitch-Peters Rd., and Mann Rd.

Weekly Absentee Report: The Weekly Absentee Report for employees at the County Garage for the period July 16, - July 20, 1984, was submitted.....report received and filed.

Commissioner Cox asked Mr. Bethel if he has ever received a bid on the removal of the sycamore trees on Oak Hill Road? Mr. Bethel said that as of this morning he had not received a bid; he does, however, have them out to be bid.

RE: POOR RELIEF

Immediately after Mr. Bethel's report, there was brief conversation among the Commissioners concerning poor relief. President Borries said, "The other gal has not shown yet; they were trying to get her (speaking of Alicia Cutteridge, poor relief applicant/Knight Township)-- is there any need for Terri to stay?" Terri said, "She called me and said she is running late." Commissioner Willner interjected, "We've already broken the rules; why not break them now?" Commissioner Cox remarked, "You know, that's just like a woman who has a child born out of wedlock, where her family will accept her living with them. But, she can't get one penny assistance unless she goes out and finds a place of her own on which we have to pay the rent, the utilities and everything right down the line-----and something is wrong. I think that's a total misuse of our monies to have a requirement like that.....just like this guy here (speaking of other poor relief applicant, Monte Wallace). Commissioner Willner said, "He might go to some other state, though." President Borries said he thinks he (Mr. Wallace) is a victim of a technicality...that's the way he feels. Commissioner Willner said, "I do, too!" President Borries said, "If we could get the glasses donated that would probably be.....". (Any other conversation was inaudible.)

RE: COUNTY SURVEYOR.....David Guillaume

David Guillaume was present at the meeting to represent the County Surveyor's office. He distributed copies of the Bridge & Guardrail Report for week ending July 20, 1984, as follows:

Maryland Street Bridge: Cut trees, cleared brush.

Schlensker Rd.: Rip-rapped and slurried with concrete.

Allens Lane: Finished headwall.

Maryland Street Bridge: Cut trees and cleared brush (Monday, Wednesday and Thursday.

Caranza Drive: Started repair of Drop Box, replacing drop box. (Thursday and Friday.

On Tuesday, employees attended the IOSHA Safety Meeting held at the Vanderburgh Auditorium.

Ohio Street Bridge: D. Guillaume said one of the expansion joints popped out of place on Ohio Street and they sent a welder down, along with a tow truck (they had to have a wench on the back to raise it up in order to weld it back down). Dallas Towing, by the way, did not send a bill. They were out there -- and said this is the first time they'd ever towed a bridge. therefore, under the circumstances, since this was a "first", they said they wouldn't give us a bill. This was a new experience for Dallas. The surveyor's office welded the point down that had popped off the top of the beam it was resting on and, hopefully, it will be o.k.

Schissler Rd. Pipe Project: This project has been completed and Mr. Guillaume has an invoice and claim from Deig Bros. Lumber & Construction in the amount of \$6,050.00. The job has been inspected and accepted; claim has been signed by surveyor's office and by Albert Deig, Vice President of Deig Bros. Lumber & Construction Co., Inc. Motion was made by Commissioner Willner that claim be approved for payment, with a second from Commissioner Cox. So ordered.

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Hydraulic Impact Hammer: Mr. Guillaum said the next item he has to bring to the attention of the Commissioners is that the impactor (which they use on their backhoe) has finally reached the point where they do not have an impactor! The Hughes Tool Company (manufacturer) has discontinued that particular line of equipment. The surveyor's office contacted Diamond Equipment Sales, Inc., and received a quote. County Surveyor, Bob Brenner, worked on Diamond just prior to today's meeting and got the price reduced somewhat. The original price quoted was a total of \$8,350.00; the final quote was \$8,203.00 (a total of \$147.00 less than original quoted price). Since the surveyor's department is without an impactor, they would like to go ahead and purchase a new one. Commissioner Willner asked if the surveyor's office has funds available? Mr. Guillaum said they did. Commissioner Willner asked if the quoted price included trade-in? Mr. Guillaum said actually the trade-in value is "zero". Commissioner Willner said it is heavy...maybe they could haul it down.... but Mr. Guillaum interjected that the supplier suggested that, or use the old one for a boat anchor or something. Mr. Guillaum said if they have the Commissioners blessing they will go ahead and purchase the new impactor.

Dump Truck: The last item Mr. Guillaum had for the Commissioners' attention was the fact that they want to get on the September Council call to get a bid for a dump truck, and they have talked to Tom Dorsey. He thinks the City may be looking to buy a single-axle dump truck, themselves. At any rate, Mr. Dorsey felt we could save some money if we bid the two (2) trucks jointly. He is going to check into which City department needs the truck and will advertise for two(2) trucks. But the surveyor does need to get it approved via the Council in September, so they would like to go ahead and put their request in at this time.

Motion was made by Commissioner Willner that:

- 1) Surveyor send letter to Dallas Towing thanking them for the assistance re the Ohio Street Bridge matter,
- 2) Purchase of Impactor be approved in the amount of \$8,203.00, and
- 3) Surveyor continue with new dump truck specs.

Commissioner Cox provided a second to the motion. So ordered. Commissioner Cox said she did have a question, however, concerning the Ohio Street Bridge. Does the surveyor's office have a reason for that portion of the deck popping out? Is there a reason for that? It is posted "10 miles per hour". And, we did some maintenance. We just paid to have that thing fixed last year...for the rewelding of the deck. Mr. Guillaum said the information he got (he was on the bridge shortly after it occurred) was that a State Highway truck ran over the end of the expansion (it is referred to as a finger-type expansion). One of them was run over by a heavy oil tanker truck and popped it up -- and the State Highway man was right behind him and ran over it. In Mr. Guillaum's opinion, it was a combination of an impact load and an excessive load at the same time. With regard to any member in the deck, your grid, your immediate area, your lateral floor beams, your stringers, and the sub-floor beams -- they are all as in as good a shape as when they were repaired several years ago. The only thing that he and Mr. Brenner are considering doing is painting. The super-structure overhead does have some scale on it and some bad areas. They came to that conclusion -- that a good coat of paint, sandblasting and cleaning would be in order. Thus, they will be talking with the Commissioners about that in the near future. But they feel there are no problems with the structure, itself, or the strength of the bridge.

RE: POOR RELIEF/KNIGHT TOWNSHIP

Alicia Cutteridge/2200 Sunburst Blvd.: President Borries requested Ms. Cutteridge to approach the podium and state the nature of her request. Ms. Cutteridge said the Knight Trustee's office helped her via \$110.00 rent assistance in June. She told them that she would have a hard time getting a babysitter for her daughter. Ms. Cutteridge is divorced. Trustee indicated that Ms. Cutteridge needed to work thirty-two (32) hours, because of the \$110.00 they had given her for rent. Investigator said Ms. Cutteridge would only have to work about four (4) hours of this. Ms. Cutteridge said she talked with another lady (not Ms. Stokes) subsequently and told her that her daughter had broken her leg and could not find someone to sit with her. Ms. Cutteridge said she thinks the other lady might have rescheduled her -- she is uncertain-- so when she went down in July to apply for rent assistance of \$110.00 it was denied.

(continued)

She said she told the Trustee's office she could work that day (because she did not have her daughter with her at the time) -- but the Trustee would not let her make it up. The Chair asked if the Commissioners had any questions of Ms. Cutteridge. Commissioner Cox asked if Ms. Cutteridge is receiving support payments, to which Ms. Cutteridge responded that she is receiving \$30.00 per week -- but doesn't go to the County Clerk's office, so she just gets it whenever she gets it. Commissioner Cox then asked if Ms. Cutteridge is on ADC (Aid to Dependent Children) and Ms. Cutteridge indicated she is. The Chair called for other questions or comments. Commissioner Willner remarked that he thought it should be referred to the Trustee. The Chair recognized Tara Stokes, investigator from the Knight Township Trustee's office. She stated that she was the individual who took Ms. Cutteridge's application and assigned her to the Workfare Program. "On June 1, 1984, she received \$110.00 for rent assistance and \$4.00 on food. I scheduled her for June 5th, and told her that she either had to call in or report or be cut for sixty (60) days. She said she understood. I had her sign the Workfare Program sheet, stating the fact she understood she could be cut for sixty (60) days. She called in June 5th and said she couldn't report; so, we rescheduled her for June 12th. On June 12th, she did not show nor did she call in. She came back in the office to seek July assistance; at that time she was told she'd have to make up her thirty-two (32) hours and reapply on August 12th...and this is in our guidelines." As for the four (4) hours, Ms. Stokes said she told Ms. Cutteridge she could work four (4) hours that day, because she has a small child and there is no way -- after four (4) hours she'd have to pay a babysitter. When they have small children, four (4) hours a day is all you can have them in. Then they have to re-schedule to make up the rest of the hours. The Chair again called for questions or comments from the Commissioners. Commissioner Willner asked Ms. Stokes that, insofar as her knowledge, Ms. Cutteridge would have known that she was to have reported on June 12th? Ms. Stokes said Ms. Cutteridge called in June 5th, and she had signed a statement indicating she understood the procedure. Ms. Cutteridge indicated she came in but Ms. Stokes would not let her work that day. Ms. Stokes clarified this by indicating this was in July -- Ms. Cutteridge was already cut. Again, the Chair called for questions or comments from the Commissioners...or a motion. There being none, President Borries advised Ms. Cutteridge that it appears the Trustee has followed the guidelines and Ms. Cutteridge should reapply. The Board of Commissioners does not have a motion; therefore, they will not be able to overrule the Trustee's opinion on this....because there is no way, from the Commissioners' understanding of the situation, that they can do anything. The Trustee has followed the procedure to the best of his ability. Ms. Cutteridge asked if it would be August 12th that she should reapply? President Borries confirmed that August 12th would be the date for her to reapply. Ms. Stokes interjected that Ms. Cutteridge still owes some thirty-two (32) hours to the Workfare Program. Ms. Cutteridge asked if she had to make up those thirty-two (32) hours before she reapplies? Ms. Stokes replied that this is correct. President Borries advised that Ms. Cutteridge should contact the Trustee's office immediately regarding this requirement.

RE: ONGOING SAFETY PROGRAM

President Borries advised that he had sent a letter to Mr. Harold Mills who is the Director of Safety Education & Training. He said the workers at Burdette Park, the County Garage, the Auditorium, and the Bridge Crew attended the Safety Program put on by the Bureau of Safety Program via IOSHA and he had written a brief letter expressing our appreciation. The letter read as follows:

July 19, 1984

Mr. Harold Mills, Director
Bureau of Safety Education & Training
Division of Labor, State of Indiana
1013 State Office Building
Indianapolis, Indiana 46204

Dear Mr. Mills,

I would like to express my thanks to you and your consultants for your time in holding the Safety Program for the Vanderburgh County employees on July 17th. We appreciate your efforts in working with us in our on-going

(continued)

Safety Program. We would appreciate any suggestions you may have to improve our efforts in this area.

Sincerely,

Richard J. Borries, President
The Board of Commissioners of
the County of Vanderburgh

RE: CHECK PER EASEMENT AGREEMENT/EVANSVILLE CABLE T.V.

President Borries said the check received last week from Evansville Cable T.V. was questioned by the Commissioners. He said we now have an explanation as to the check and a request. The check in the amount of \$525.00 from Evansville Cable T.V. was referred to Mr. Jack Tubbs at the local general office. Mr. Tubbs checked with their New York office (as all checks come from that office) and on July 20th advised that this check concerns some Easement Agreements which they are going to be filing with Vanderburgh County. The N.Y. office was to have sent the check (together with Easement Agreements to be filed) directly to Evansville Cable T.V., rather than directly to Vanderburgh County. Mr. Tubbs has requested that we forward the check to him and he will, in turn, resubmit it when the Easement Agreements are filed. (That memo comes from Joanne and Patrick Tuley.) Mr. Tuley asked for the Board's recommendation concerning the check. Motion was made by Commissioner Willner that the check be forwarded to Mr. Tubbs, as requested. Motion was seconded by Commissioner Cox. So ordered.

RE: COUNTY ENGINEER.....Andy Easley

It was noted by President Borries that he thinks the news media reported our meeting with Mr. Lee Gallivan and the fact that we did find the mystery bridge that is over Green River Rd., not over the creek. They were happy we found the missing bridge! Mr. Easley said the bridge is located between the jogs in the Boonville-New Harmony Rd. --almost half way where Green River Rd. crosses Schlinsker Ditch. The three spans are twenty-four, thirty, and twenty-four feet. In fact, Mr. Easley said they went across the bridge when they were looking -- and he is surprised they didn't notice it; however, no one was looking for it at that particular location.

Meadowbrooke Drive: Mr. Easley presented the following letter written to Mr. Wilbert J. Zeller:

July 23, 1984

Mr. Wilbert J. Zeller
1005 Meadowbrooke Drive
Evansville, IN 47712

Re: Removal of Broken Concrete
from Storm Drainage Ditch

Dear Mr. Zeller:

It has been several weeks since we had our meeting concerning our plans to correct the storm drainage problems on Meadowbrooke Drive.

It is requested that you complete your arrangements to have the broken concrete removed from the ditch by August 10, 1984, in order that the balance of the corrective work can be accomplished during August.

Please advise me if you are going to have any problems meeting the above deadline.

Very sincerely,

R. Andrew Easley, Jr., P.E.
County Highway Engineer

(continued)

Mr. Easley said that Mr. Zeller had previously indicated he would make arrangements to get the concrete out.

RE: ACCEPTANCE OF STREETS & STORM DRAINAGE/ROMAIN PARK & ROMAIN PARK II SUBDIVISION

The following letter was presented to Mr. Borries, President of the Board of Commissioners:

July 23, 1984

Mr. Richard J. Borries, President
Vanderburgh County Board of Commissioners
305 Civic Center Complex
Evansville, Indiana 47708

Re: Acceptance of Streets & Storm Drainage Improvements
in Romain Park and Romain Park II Subdivision

Dear Mr. Borries:

Mr. Bill Bethel and the undersigned have made an inspection of subject street and storm drainage improvements.

All streets are paved with 6 inches of concrete and have been constructed in accordance with the approved plans. All joints in the pavement have been sealed and the curbs have been properly backfilled. All storm drainage inlets and storm sewers have been constructed in accordance with the approved plans.

The following is a summary of the length of the completed streets in subject subdivisions:

ROMAIN PARK SUBDIVISION

Congress Avenue -----	1,060 feet
Iroquois Drive -----	550 "
Aspen Drive -----	400 "

ROMAIN PARK II SUBDIVISION

Congress Avenue -----	920 feet
Iroquois Drive -----	1,290 "
Rosewood Avenue -----	390 "
Elmridge Drive -----	120 "
Eastbrooke Drive -----	50 "
Total	4,780 Ft. (0.91 Miles)

It is recommended that the streets and storm drainage improvements in this subdivision be accepted for maintenance.

If you have any questions, please contact the undersigned.

Sincerely,

R. Andrew Easley, Jr., P.E.
County Highway Engineer

cc: Bill Bethel, County Highway Supt.
Bob Romain, Jr.

Mr. Easley said they started this last fall, and finished up the pavement sealing this spring. The Commissioners can take another week, if they want to go out and look at this work. However, he and Mr. Bethel have been out there a couple of times as they had some more work for them to do. But Mr. Easley feels it is in good enough shape now that it will not require maintenance for quite some time. Commissioner Cox said that if she recalls correctly, Mr. Easley had quite a lengthy report on this. Have they met all of those requirements? Mr. Easley said they had, with the exception of a couple of things he took out of David South's report that, upon close

(continued)

examination, he did not feel really had to be done. He said they had a lot of pavement to be repatched and they did take out a lot of it. Most of it was on Congress and Aspen Drive. Commissioner Willner asked if there is any more headway on the upper portion of Elmridge Drive? Mr. Easley said his contact apparently is on a lengthy vacation and he has not talked with Mr. McGill. He thinks he will try his office. But he did reach someone answering his telephone who said he was out of town. Commissioner Willner moved that Romain Park Subdivision (Congress Avenue, Iroquois Drive and Aspen Drive) be approved for County maintenance and that Romain Park II Subdivision (Congress Avenue, Iroquois Drive, Rosewood Avenue, Elmridge Drive and Eastbrooke Drive) be approved for County maintenance. The motion received a second from Commissioner Cox. So ordered. Commissioner Willner asked if Mr. Easley will file that .91 miles with the State and get our reimbursement?

Conrail Crossing/Oak Hill Road: It was noted by Mr. Easley that Conrail completed their work on Oak Hill Road (that crossing) and, quite frankly, he is not happy with the quality of the asphalt work and he is going to contact the track superintendent in Petersburg and discuss it with him. Mr. Easley understands they hauled the hot asphalt from Washington, Indiana, and put it down with pad tampers (did not use a roller) and it doesn't look much better and he thinks they got the track higher than it should have been. Mr. Easley said he is just rather put out with them. He told them to be very careful. Commissioner Cox asked just exactly where is this crossing located? Mr. Easley said it is on Oak Hill Road right at the airport, just south of Highway 57. It was a bumpy crossing -- a lot of school busses. It got a little higher than it should have been; Mr. Easley was out there the next morning and they said the asphalt was not very not when it arrived here from Washington, Indiana. Mr. Easley said he cannot imagine what they saved by hauling it all the way from Washington, Indiana. He doesn't think they could have saved anything.

Lindar Lane in Lindar Subdivision: Both Messrs. Bethel and Easley have looked at this project and he believes it is ready. They did lower the check dam and the ditch is draining -- and that was about the only thing which remained to be done. Mr. Easley said that he and Mr. Bethel might go out there one more time. But they have done a nice job on that one. They took over what he thinks was a subdivision in distress and put a lot of money into it. They are going to build houses, he thinks. President Borries asked that the following letter be entered for the record concerning Lindar Lane. There were suggestions that were given to the contractor by Mr. Easley; thus the Commissioners will wait insofar as formal acceptance is concerned. The letter from Tri-County should, however, be made a part of the record at this time.

July 5, 1984

Vanderburgh County Commissioners
Civic Center Complex
Evansville, Indiana

Dear Commissioners:

I have just completed construction of Lindar Lane in Lindar Subdivision on the west side of Vanderburgh County. During the construction, I have worked closely with Mr. Andy Easley. Mr. Easley has inspected the roadway on several occasions during its construction and is satisfied that it meets or exceeds County specifications.

I now request the road be accepted by Vanderburgh County as a County road.

Respectfully,

Keith Hocker,
President

Meeting w/State Highway Dept./Natural Resources: Mr. Easley said that he had been requested to attend a meeting with the Dept. of Natural Resources/State Highway Department in Indianapolis to be held on Thursday, August 2, 1984, concerning the corridor for the Eichoff-Koressel Road, primarily for purposes of dealing with the comments of the Fish and Wildlife staff. Mr. Easley thinks they would like to see the corridor shifted to Peerless Rd. Mr. David Gerard will also be going to that

(continued)

meeting. Should any of the Commissioners like to also attend, they are more than welcome to accompany Messrs. Easley and Gerard. It would take all day, as the meeting is scheduled to begin at 11:00 a.m., and they anticipate a 2-hour meeting. Joe Brown has said he would drive; so they could take an additional one or two individuals -- or, take a bigger car. President Borries said he will see how his schedule is and try to go. He asked if Mr. Easley definitely plans to go? Mr. Easley said he definitely is going. However, Mr. Gerard primarily has the justification for that big a corridor -- Mr. Easley doesn't know whether that was selected by computer, based on projected origin/destination (people coming down that route go to the University) -- that's been in the mill a long time. Commissioner Cox said she thought Mr. Easley mentioned Peerless Road. Mr. Easley said the Fish & Wildlife Service would like to see us move the corridor over to Peerless. Commissioner Cox said we have residences all along Peerless Road, West Terrace School empties out along there; we've got subdivisions by the dozens -- it's a narrow road; it's not wide enough to carry the traffic that's there now -- and if we get into right-of-way we can't afford to do that. Mr. Easley said a week or so remains before the meeting. Perhaps Commissioner Cox could give Margie Meeks a letter on that, recommending that we adhere to the present route. He said Mrs. Cox has lived here all her life and she should certainly know more about it than someone behind a counter up in Indianapolis. Commissioner Cox said she is for Fish & Wildlife, though! But she doesn't know what there is out there -- and Peerless deadends at Upper Mt. Vernon Rd. Commissioner Borries remarked that that project is just not held in favor by someone. He doesn't know what the whole story is -- even the letter received was strangely worded. It mentioned that there were no environmental hazards, yet that there would be some impact on the wildlife and fish. Commissioner Cox asked if she could have a copy of the letter? Mr. Easley said he would get copies for the Commissioners. Reference was made to the letter included in last week's minutes concerning this subject, but it was noted by Mr. Easley that the letter mentioning moving the corridor to Peerless Road was a different letter, subsequently received. Mr. Gallivan told Mr. Easley that the subject letter was probably written by a couple of staff members; he said they were very much against road graders, excavation for building roads, etc. President Borries said that if it were going to have a negative impact and they just came out and said it was going to endanger the snail, some flower or something like that -- then that's different than the letter read. But the letter just said it was not going to have any impact -- they didn't see any negative impact on the wildlife or the fish -- but that it could cause some damage. Mr. Easley said they couldn't quite believe the projected traffic. They said they didn't believe that; they wanted to know the formulas by which this was derived. He thinks Mr. Gerard talked to them -- and he said it was a very complex formula, based on computer methods re origin/destination and the University is the destination for a lot of people who will be coming from the north end of the County. Reference was made, again, to the most recent letter by Commissioner Cox. Mr. Easley said it is detailed and mentions the bald eagle and the Indiana bats, etc. He will get a copy of that letter to Commissioner Cox.

RE: OLD BUSINESS

President Borries said while he does not believe it requires any action by the Board of Commissioners, he does want the Commissioners to read the Data Processing Ordinance that the City has passed; he believes it is in agreement now with what the County has passed. Therefore, we should be able to move along with that project.

RE: CLAIMS

The following claims from the Perry Township Assessor's office in connection with the State Instructional Meetings held on July 9, 10 and 11 in Clarksville, Indiana re tangible property assessments were submitted for approval.

Harry A. Tornatta: Claim in the amount of \$258.00, covering 3 nights lodging, 3 days per diem @ \$22.00 per day and round trip mileage of 275 miles @ 24¢ per mile. Commissioner Willner moved that this claim be approved for payment. Motion was seconded by Commissioner Cox. So ordered.

Glen E. Koob: Claim in the amount of \$192.00, covering 3 nights lodging and 3 days per diem of \$22.00 per day. Motion was made by Commissioner Willner that this claim be approved for payment. A second to the motion was provided by Commissioner Cox. So ordered.

(continued)

RE: EMPLOYMENT CHANGES - RELEASESBurdette Park

Mike Powless 5816 Ashbrooke Ext. Guard \$ 3.60/Hr. Eff: 7/5/84

Circuit Court

Mark A. Sebree	325 Ridgeway Ave.	PT Bail Bond \$6,600/Yr.	Eff: 6/25/84
Joseph Adams	3517 Wansford	PT Bail Bond \$6,600/yr.	Eff: 6/29/84
Michael Peeler	1251 Crossgate	Trans. Off. \$13,480/Yr.	Eff: 7/13/84
John Mueller	2016 E. Chandler	Trans. Off. \$14,074/Yr.	Eff: 7/13/84
Robert L. Hart, Jr.	1001 Crossgate	Director \$17,179/Yr.	Eff: 6/29/84
Beverly Corn	1025 Covert Ave.	Law Clerk \$ 250/Wk.	Eff: 7/13/84
Michael Mattingly	2067 E. Gum	Prob. Off. \$17,179/Yr.	Eff: 7/13/84
John H. Dill	1327 N. Harlan	PT Bail Bond \$ 4.50/Hr.	Eff: 7/13/84

RE: EMPLOYMENT CHANGES - APPOINTMENTSBurdette Park

Mike Powless 5816 Ashbrooke Reg. Guard \$ 3.35/Hr. Eff: 7/5/84

Sheriff's Department

Doris L. Karns 5222 Hogue Rd. Civ. Jailer \$12,308/Yr. Eff: 7/5/84

Circuit Court

Robt. L. Hart, Jr.	1001 Crossgate	Director \$20,000/Yr.	Eff: 7/2/84
Gilbert C. Schiff	6401 Jefferson	C.S. Off. \$17,179/Yr.	Eff: 7/14/84
Beverly Corn	1025 Covert	Law Clerk \$ 300/Wk.	Eff: 7/16/84
Robt. J. Dodson	R.R.#3 Kansas Rd.	Intern \$ 140/Wk.	Eff: 7/9/84
Mark A. Sebree	325 Ridgeway	PT Bail Bond \$6,600/Yr.	Eff: 7/2/84
Joseph Adams	3517 Wansford	PT Bail Bond \$6,600/Yr.	Eff: 6/18/84
Michael Peeler	1251 Crossgate	Trans. Off. \$14,074/Yr.	Eff: 7/16/84
John Mueller	2016 E. Chandler	Prob. Off. \$17,179/Yr.	Eff: 7/16/84
Michael Mattingly	2067 E. Gum	WR Prob.Off. \$17,179/Yr.	Eff: 7/16/84
Steve Fuchs	606 S.E. Riverside	Trans. Off. \$13,480/Yr.	Eff: 7/2/84
Charles Weisling	5224 Westlake	PT Supv. \$ 6,500/Yr.	Eff: 7/2/84
Roy Weightman	3201 Longfield	Mtce. Supv. \$14,000/Yr.	Eff: 7/2/84

RE: SCHEDULED MEETINGS

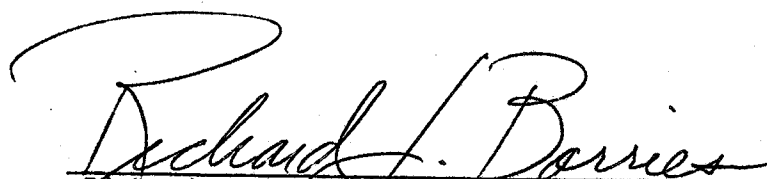
President Borries reminded the Board of the meeting scheduled August 2, 1984, in Indianapolis at 11:00 a.m. with the State Highway Commission.

Meeting with Mrs. Cunningham of the Area Plan Commission at 1:30 p.m. on Monday, July 30th, re the Subdivision Ordinance.

There being no further business to come before the Board of Commissioners at this time, President Borries declared the meeting adjourned at 4:05 p.m.

<u>PRESENT:</u>	<u>COUNTY COMMISSIONERS</u>	<u>COUNTY AUDITOR</u>	<u>COUNTY ATTORNEY</u>
	Richard J. Borries	Pat Tuley, Chief	David Miller
	Robert L. Willner	Deputy	
	Shirley Jean Cox		

SECRETARY: Joanne A. Matthews


Richard J. Borries, President


Robert L. Willner, Vice President


Shirley Jean Cox, Member

MINUTES
COUNTY COMMISSIONERS MEETING
July 30, 1984

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COUNTY COMMISSIONERS MEETING
July 30, 1984

The meeting of the Board of County Commissioners was held on July 30, 1984, at 2:30 p.m. in the Commissioners Hearing Room, with President Borries presiding.

President Borries called the meeting to order at 2:35 p.m., and entertained a motion concerning approval of the minutes of the previous meeting. Motion was made by Commissioner Willner that the minutes of the meeting held on July 23, 1984, be approved as engrossed by the County Auditor and the reading of same be waived. Motion was seconded by Commissioner Cox. So ordered.

The meeting continued with the Chair directing the Commissioners' attention to two (2) minor changes in the meeting agenda. He indicated that Items #7 and #10 will be omitted as follows, respectively: Sale of County-owned Surplus Property (as per Attorney David Miller, action on this matter will be deferred until a later date) and Mr. Kim Bitz, manager of the Vanderburgh Auditorium will not be on the agenda today.

Mr. Borries announced that one of the individuals from the Evansville Courier who covers the Commissioners meetings, Miss Cindy Datzman, is present today -- but this is her last meeting. She has resigned from the Courier in view of her upcoming marriage and the fact that she will be relocating in Cleveland, Ohio. Therefore, the Commissioners have a gift for her..as well as refreshments.. in the Commissioners' reception area. President Borries asked that those in attendance at today's meeting please feel free to go to the reception area at any time during today's meeting to partake of the refreshments.

RE: PETITION TO KEEP PETERSBURG ROAD OPEN

The meeting proceeded with President Borries announcing that Mr. Floyd Crofts is present at today's meeting for purposes of presenting a Petition to the Commissioners re leaving Petersburg Road open. He asked that Mr. Crofts approach the podium. Mr. Crofts explained that a group of individuals on Petersburg Road who would have Petersburg Road closed to new Highway 57 which, in turn, forced other individuals to initiate a Petition to leave the road open, as planned. Mr. Crofts said he has presented the Petition to the Airport Authority and is now presenting it to the County Commissioners. The Petition read as follows:

"July 23, 1984

TO AIRPORT AUTHORITY, COUNTY OFFICERS, AND TO WHOM IT MAY CONCERN

This is a petition to call attention to whom it may concern, that 95% of the McCutchanville residents do not want Petersburg Rd. closed or a (Cul-de-sac) road for any reason. Also, we would like Petersburg Rd. reopened while Highway 57 is still under construction, as promised two months ago, before someone may be killed at Whetstone Rd. and Hwy. 57 or at Mt. Pleasant Rd. at Hwy. 41.

There is a small group of residents who live on Petersburg Rd. between Hwy. 57 and old McCutchanville School who built or bought their homes closer to Petersburg Rd. than they would have liked, knowing at that time there would be traffic on Petersburg Rd. Now they would close Petersburg Rd. for their own convenience. At the same time, this would be throwing all traffic on Petersburg Rd. to lesser roads (Whetstone, Heinlein, Baumgart, and Mt. Pleasant Rds.) which are overloaded. At the same time, this would inconvenience and force the other 95% of the people in the McCutchanville area to drive miles out of their way. Sort of isolate the majority of people in McCutchanville from the airport and the rest of the city.

In three days we have received over 300 signatures with all petitions not in at this time and we found people very upset that anybody would even think of closing Petersburg Rd., which is the main artery from McCutchanville to town or North Park. There are 100% signatures on some trunk roads off of Petersburg Rd. (like Heinlein, Whetstone, and Swope Rd.).

Hope this petition is explanatory enough to let you know why the majority of people in McCutchanville need Petersburg Rd., and we request that Petersburg Rd. be kept open permanently as originally planned with access to New part of Highway 57.

(continued)

CITIZENS MAJORITY OF
MCCUTCHANVILLE AREA

COMMITTEE MEMBER

Floyd Crofts
Ph: 867-5216"

Mr. Crofts said he is presenting this Petition to the Commissioners and questions what their thoughts are to make sure this doesn't happen and also contact the State, in case the County's been by-passed. He said he really doesn't know where -- or how far -- they've presented the Petition to close the road. There couldn't be very many signatures, because there's probably only about 25-30 people involved. President Borries asked the Board if anyone had received a copy of the Petition to close the road? No one had seen this Petition, so Mr. Crofts presented a copy of said Petition to the Board. That Petition read as follows, and Mr. Borries asked that it be included in the record.

"July 10, 1984

Dear Petersburg Road Area Resident:

There are a number of Petersburg Road residents expressing concern about the value of maintaining their neighborhood street as an access point onto the new Highway 57 currently under construction. The proposed intersection of these two roads is viewed as dangerous from an elevation standpoint. Furthermore, the limited peripheral vision available for accessing Highway 57 from Petersburg Road is seen as a potential serious safety problem. In addition, the possible increase in traffic on Petersburg Road, a rural corridor by design, from airport users is looked upon as a threat to the integrity of the residential area.

In light of this situation, area residents are being asked to reflect on this matter and sign a petition which will request the transformation of Petersburg Road into a cul-de-sac at the proposed intersection of Highway 57.

If you are in support of making Petersburg Road a cul-de-sac at the intersection of Highway 57, please sign your name and address below and return to Barry Schnakenburg in the enclosed, addressed envelope. The signed petitions which you return will be forwarded to the appropriate authorities for their immediate consideration.

Thank you for your cooperation.

I am in support of making Petersburg Road a cul-de-sac at the intersection of Highway 57.

Name: _____

Address: _____

Please return your signed petition to B. Schnakenburg in the enclosed envelope.

With regard to the Petition presented by Mr. Croft to keep Petersburg Rd. open, President Borries asked Mr. Crofts if he had any idea how many signatures are on the Petition. Mr. Crofts said that there are approximately 300 signatures -- and those are not all in yet. Mr. Borries noted that the portion presented today does include some 21 pages of signatures.

(continued)

Mr. Crofts said that he would also like to mention that the residents were promised by the newspaper (that's where the article came out) that Petersburg Rd. would be open for access to Old Highway 57. Two (2) months have passed and nothing has been done. The State did come in and put the barricades back up. On July 15, they did let a few cars go across. The construction people have told Mr. Crofts that there is no reason at all for that road to be closed. He said it is quite a task to have to go out of your way to go around -- people will not visit as they normally would -- and, in fact, he had to go down to the Windmill Restaurant to meet people and pick them up who have been to his house before -- just to show them how to get there. So, it has been a bad situation. Therefore, he would appreciate anything the Commissioners can do to get this road open. If they don't, then it will be after Christmas or later before they can use the road. He said a sign designating "local traffic only" could be put up. It would take only one (1) load of rock -- they made a mistake and started tearing up Petersburg Rd. at Highway 57 before they should have. He said one (1) load of rock would correct that. He has gone across it several times when they let him through. President Borries asked if anyone else was present who wished to speak concerning this matter. An unidentified gentleman in the audience said that while he did not wish to speak per se, but he did wish to state that he backs Mr. Crofts one hundred percent. He said he would not like to see his property or that of others jeopardized should there be an emergency and the McCutchanville Fire Department had to attempt to reach that property via a one-lane road.

President Borries asked if it would be in order for the Commissioners to pass on the Petition to the State Highway Department, with a cover letter? Commissioner Willner said that would be his recommendation. Commissioner Cox interjected that she did not hear Commissioner Borries' question. He replied that he thought it would be in order to pass the Petition along to the State Highway Department, with a cover letter. Commissioner Cox asked what the cover letter would say? President Borries said that it would be in support of the Petition to keep Petersburg Road open to Highway 57. Commissioner Cox asked if there is still any heavy construction equipment moving up and down or around the area? Mr. Crofts said there is very little. They are digging the final grading now. Commissioner Cox said that being the case, she sees no reason for the road to be closed. Commissioner Willner moved that the Petition presented by Mr. Crofts be forwarded to the State Highway Department, with a cover letter from the Commissioners as mentioned. Motion was seconded by Commissioner Cox. So ordered.

It was pointed out to Mr. Crofts by President Borries that the Petition presented by Mr. Crofts is not one that will change anything. If he is correct, in the plans for the relocated Highway 57, there already was an opening at Old Petersburg Rd., so those who have the other Petition asking for the change (he thinks Mr. Crofts' Petition is simply asking that the plan stay as it is) -- are the ones who want to change it. Mr. Crofts indicated he had not seen the plans....(and he made a few other comments concerning his understanding of how the plans went -- but these were completely inaudible -- both on the tape and to the secretary, due to other conversation nearby). President Borries stated that the Board of Commissioners will forward the Petition to the State Highway Department, together with their cover letter in support of same. Mr. Crofts expressed his appreciation to the Board for their support and cooperation in this matter.

RE: POOR RELIEF/PIGEON TOWNSHIP

It was noted by the Chair that there were two (2) Poor Relief matters requiring action by the Board, as follows:

Lexie Patterson/116 E. Franklin: Therese Finn (Legal Services) approached the podium and said she is here to represent the Pattersons on their application for assistance via the Trustee's office. It is her understanding that Mr. & Mrs. Patterson went into the Trustee's office on July 19, 1984 to request assistance for both rent and medical and, she believes, also with utilities. At that time, they were informed that they were turned down for assistance but were not given a written denial. They went back to the Trustee's office on July 20, 1984, and again requested help with rent and medical. At that time they were denied assistance, although the application says just "rent", not "medical". As stated, the reason for denial was that the Trustee's

(continued)

office only offered help for two (2) able-bodied persons for a period of ninety (90) days. She said she felt the Commissioners should be aware of the fact that both Mr. and Mrs. Patterson have applied for Medicaid -- both have medical problems -- and both have applied for Social Security Income Disability. Both have extenuating medical problems insofar as their medical condition and the Commissioners can ask them for that information. What she is asking for today is \$150.00, which is due on their rent. President Borries asked Mr. Patterson if there was anything he'd like to say at this time. He replied in the negative. President Borries then asked for questions from the Commissioners. There being none momentarily, President Borries asked Mr. Patterson if he received food stamps, and he replied in the affirmative. The Chair then asked Margaret Sallee, representative from the Trustee's office to approach the podium. Ms. Sallee stated that Mr. & Mrs. Patterson have received assistance from the Trustee's office continually since 1/24/84, except for two (2) months -- and that was during the months of April and May, when no assistance at all was given. Because of the Trustee's budget being low, when Mr. Patterson came in on July 13th for rent assistance, she issued the rent and explained to him that they no could longer pay rent since he was able-bodied. Mrs. Patterson had been receiving medical assistance -- but the Trustee knew nothing whatsoever of Mr. Patterson's being ill until today -- because he's never received any medication. On July 13th they issued rent from 6/1/84 to 7/1/84; so Mr. Patterson then went to Legal Aid and explained what he'd been told by the Trustee's office. Legal Aid called the Trustee's office and the Supervisor left a note in the file that Ms. Sallee should give Mr. Patterson a denial when he came in. She said she abided by those wishes; however, the case was not closed, because she had already issued rent during July. When he wanted medication, she explained to him that he should apply for medical assistance for Mrs. Patterson and also apply for S.S.I. Once he had done that, all he had to do was come back and bring the information and the Trustee could issue the medication. He came in the next day and said she had gone home, but would be back the next day to make application. They've heard nothing further from the Pattersons until today. Naturally, the Trustee could not issue any medication, because he had not come back into the Trustee's office and complied with their wishes. Mr. Patterson was referred to Lloyd Senior Citizens for the handyman program. Mr. Williams (who is in charge over there) likes to give an individual an opportunity to see how responsive he is to the work program. He called the Trustee's office and stated that each time Mr. Patterson always had something else to do, so naturally he did not get on that program. Ms. Sallee said the Trustee's office feels that Mr. Patterson is not trying to abide by the rules of the Trustee's office. All they asked him to do was bring back proof that he had applied for medical assistance for his wife and had made application for S.S.I. Then, they would have put a hold in his file. If she did not go on, then the Trustee could pick it up....but he didn't do it. President Borries thanked Ms. Sallee for her comments.

Ms. Finn said it was the understanding of Legal Services that the Trustee's office required Mr. Patterson to go down and apply for Medicaid. Is that correct? Ms. Sallee said .."for Mrs. Patterson....Mr. Patterson has never received any medication assistance". Ms. Finn said that when the Pattersons went down to apply for Medicaid they were told by the Medicaid office that they must first go to Social Security and apply for S.S.I. She also understands that Mr. Patterson was asked by the Trustee's office to apply to Catholic Charities to see if they would help with any of the medical bills. Also, Mr. Patterson informed Ms. Finn that he had twenty-two (22) hours which he had to work to pay back for the assistance he was given for June's rent. She said she had been in contact with Mr. Patterson every day -- and, to her knowledge, with what was required insofar as seeing doctors, Medicaid's requirement for him to see doctors, applying for assistance at Catholic Charities, the work he needed to do with Legal Services office, etc., he's been pretty busy. As far as Ms. Sallee's statement that Mr. Patterson was to get back with the Trustee's office, it is Ms. Finn's understanding that he ran out of gas one day last week trying to run around to the different social service agencies in an effort to do what needed to be done. It is also Ms. Finn's understanding that Mrs. Patterson is out of high blood pressure medicine. Ms. Sallee said this may be true. But all that the Trustee's office wanted was proof that they had followed thru -- and then they could have issued the medication; that was no problem. The rent is what they were denied; they have never been denied medication -- they just didn't follow thru in doing these two things she just stated. Ms. Finn asked Ms. Sallee if she asked the Pattersons to contact Catholic Charities? Ms. Sallee said she'd never asked them to contact Catholic Charities. So there was a discrepancy. Commissioner Cox interject a question and asked if what Ms. Sallee is saying that, based on what she has heard here today, that they would be eligible for the assistance they've asked for? Ms. Sallee said they would be eligible for the

(continued)

medical assistance. Commissioner Cox said, "But not for the rent?" Ms. Sallee said, "No, because the Trustee knew nothing about his being ill." Commissioner Cox said that Mrs. Sallee has heard here today that he has also been ill -- if it could be documented then, would they be exempt from the 90-day assistance for able-bodied people? Mrs. Sallee said they would be if Mr. Patterson is ill. Mrs. Sallee said, however, he had said he didn't have any income. But he has never asked for medication; he has never asked to go to a doctor -- so, she assumed he was able-bodied. Ms. Finn said in going over the guidelines for the Trustee, she didn't see anything in the regulations stating they only give assistance for 90 days to the able-bodied. But Commissioner Willner pointed out that this is included in the guidelines.

Commissioner Willner asked how old the Pattersons are? It was stated that Mrs. Patterson is 61 and Mr. Patterson is 56 years of age, and the couple resides at 116 E. Franklin St. Their rent is \$175.00 per month. Commissioner Willner asked where Mr. Patterson was last employed and when? Ms. Sallee said he has a truck and he does trucking. Commissioner Willner asked if Mr. Patterson has ever been employed by a company? Mrs. Sallee said he told her he worked for Dyana-Kleen in March, 1983. Commissioner Willner asked how long the employment lasted? Mr. Patterson said he started to work for Dyna-Kleen in October, 1959 and was laid off in March, 1983. Commissioner Willner asked if any of Mr. Patterson's medical problems happened while he was employed? He said they began about a month to a month and a half before he was laid off. Commissioner Willner questioned Mr. Patterson as to the nature of his medical problems. He responded he has problems with his back and now has a crippled foot. Commissioner Willner asked if Mr. Patterson is under a doctor's care? He said he saw his doctor today, and he is referring him to another physician to see if the problem with his foot can be corrected via surgery. Commissioner Willner asked if his doctor said he was disabled enough to receive S.S.I.? He responded that his doctor will not make a final determination until he has completed other tests and the doctor has the final results. Commissioner Willner inquired as to the nature of Mrs. Patterson's illness. Mr. Patterson said she is a diabetic, has high blood pressure and circulatory problems...she can barely walk a block.

Attorney Jones asked that if the doctor were to certify that both of these individuals were not able-bodied, would that otherwise render them eligible according to the Trustee's guidelines? Ms. Sallee said that it would if they are unable to work. President Borries asked Ms. Sallee if the second thing she asked them to do was to apply for S.S.I.? Ms. Sallee said this is correct. President Borries asked if Mr. Patterson is saying then that he has accomplished Step #1? It sounds as though Mr. Patterson may have done both. Has he seen a doctor? Mr. Patterson said he has -- but he has to see another doctor. He has to call back later today to see when that appointment has been set up. Attorney Jones asked Ms. Finn of Legal Services if there is any way she can get Mr. Patterson's physician to send a letter to Ms. Sallee basically stating that physician's opinion that both of the Pattersons are unable to work? Ms. Finn said she thought this would be possible for Mrs. Patterson. However, since Mr. Patterson is currently undergoing tests, it may be 3-4 weeks before the physician has the results of those tests. In the meantime, the Pattersons' rent is already overdue. And, insofar as Mr. Patterson is concerned, she guesses it is also questionable insofar as the Trustee's office is concerned -- as he has been trying to find work. She asked if the Board would like information from Mr. Patterson concerning the places he has made application to for employment? She says she has records from the Council on Aging re places they have sent him to apply and to which he has gone and not been hired. And, Mr. Patterson can testify as to other places he has gone to seek employment, as well. Ms. Finn approached the Chair and handed the list from the Council on Aging to President Borries for perusal.

President Borries asked Ms. Sallee that if the Pattersons were granted rent assistance, would he qualify for the workback program in any way at this point? Mrs. Sallee said that until such time as the Trustee has proof that he is disabled, it would be customary for him to work. Mrs. Sallee said Mr. Patterson's rent was issued this month, so it would be August 13th before they could issue rent again for him. Normally, they would not have given him a denial on his rent -- but when he contacted Legal Services and they, in turn, called the Trustee's office and asked the Trustee to abide by their wishes to give him a disallowance, -- which really they had not disallowed him, because the rent had already been issued this month. Ms. Finn said she contacted the Patterson's landlord and was told by the landlady that the Pattersons were already a month overdue on their rent. Ms. Sallee said the Trustee can only pay a certain amount and the Pattersons are paying more rent than the Trustee is allowed to pay. All the Trustee can pay for two people is \$75.00. The Patterson's rent is \$175.00.

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So, the Pattersons are always going to behind on their rent as far as the Trustee's office is concerned. Ms. Finn asked if the rent paid this past month was for the preceding month, is that correct? Ms. Sallee said that is correct -- but that's the way the Trustee's office operates. They do not keep rent up current such as she or Ms. Finn might pay rent. President Borries asked Mr. Patterson if he understands what Ms. Sallee is saying? They would not pay the rent completely -- nor pay it in full for him. He indicated he understood what she is saying. Commissioner Borries said that in the two weeks, however, before they would issue rent again to Mr. Patterson, could he get that doctor's statement? Mr. Patterson reiterated that he has to call his doctor back to see when the appointment is scheduled with the other doctor for examination to see if surgery will help his foot? At this point in time, he has no idea when he will be able to get in to see the other doctor.

Mrs. Patterson interrupted that what she urgently needs today is her medication -- she hasn't had any today at all. Commissioner Cox asked if this medication is for her diabetes or high blood pressure? She responded that it is for the diabetes. Commissioner Willner said he would make a motion that the Pattersons go back to the Trustee and reapply and furnish the necessary information to the Trustee for future assistance. Commissioner Cox asked Ms. Sallee that if the Pattersons go with her right now from this meeting, would Mrs. Patterson be able to get an order for medication? Ms. Sallee said, "Yes." Commissioner Cox provided a second to Commissioner Willner's motion. So ordered. President Borries advised Mrs. Patterson that if they will accompany Ms. Sallee to the Trustee's office, she will be able to get her needed medication today. And, within the two weeks, before the Trustee would be able to render rent assistance again, Mr. Patterson should see his doctor and provide the necessary statement to the Trustee's office.

Ms. Finn asked if the rent assistance on August 12th would be for the amount of \$75.00 given previously, or would it be for the full amount of the rent? President Borries said they'd have to go by the Trustee's guideline on that. Commissioner Cox asked Mrs. Sallee how she determined to only pay \$75.00? Ms. Sallee said the Trustee has a schedule set up for one person and for two people, without their utilities. With utilities, rent for 2-people is \$110.00. But the Pattersons pay their own utility bills, so they fall within the \$75.00 bracket since there are two members in the family. Mrs. Sallee said they have been paying this rent for them for over a year; they have just recently moved to a new address -- so the Pattersons are aware of what the Trustee can pay. After a brief perusal of the Trustee guidelines, President Borries said it looks as though this regulation is included in their guidelines.

Attorney Jones asked if the Pattersons have made application for utility assistance? Ms. Sallee said they did not ask for utilities. On June 26, the Trustee paid \$148.95 (half of the previous charges by SIGECO). The Trustee only pays \$300.00 within a 12-month period. The Pattersons did not ask for utility assistance the last time they were in. Commissioner Cox asked if they would qualify, however? Mrs. Sallee said they would. Commissioner Cox advised Mr. Patterson that he should ask for some assistance with his utilities. He has been paying that bill along, and that would give him some more monies to help him on utility bills. And what he has been paying on utilities could be applied toward his rent. Attorney Jones asked if this would give the Pattersons an extra \$35.00 a month...or \$30.00? Would this bring them up to \$110.00? Ms. Sallee said, "No.....they pay their utilities separate. Their utilities are not included with their rent. Commissioner Cox asked Ms. Sallee what she could give them on their utilities then? Ms. Sallee said they have used \$148.95 of the \$300.00 allowed; therefore, they have \$151.05 left to be applied to utilities. Ms. Finn said that when she called the Trustee's office and spoke with "Bill", he told her they were not eligible for any more utility assistance. So, Ms. Sallee is saying that Mr. Patterson can go ahead and apply for utility assistance? Mrs. Sallee said Mr. Patterson can do this. But the Trustee only pays when there is a shut-off notice. But since Mr. Patterson has said the utilities are paid this month, that is not a problem right now.

Ms. Finn again asked if the amount of the rent assistance will be \$75.00 or the full amount of the rent? President Borries responded that as he understands their standards, it would be for the \$75.00, according to the way the Trustee's guidelines are set. President Borries advised Mr. Patterson that he can get the needed medical assistance today for Mrs. Patterson, and asked him if he will be back in touch with the Trustee's office concerning the doctor's statement? Secondly, once Mr. Patterson

has provided this, he asked Ms. Sallee if they might can qualify for the S.S.I. -- is that correct? Ms. Sallee said Mrs. Patterson has applied -- she doesn't know about Mr. Patterson. Mr. Patterson interjected that he intends to go to the Social Security office tomorrow to make application. President Borries again advised Mr. Patterson again that he and Mrs. Patterson might want to accompany Ms. Sallee, as they leave the meeting, to the Trustee's office.

Phil McCray/614 Main St.: The Chair called Mr. McCray's name, but Becky Hittner of the Trustee's office advised that this applicant is not present.

RE: COMMUNITY CABLEVISION FRANCHISE PROPOSAL

The Chair recognized Mr. Walter Maude of Community Cablevision and asked that he approach the podium. Mr. Maude said that since the last time he appeared before the Commissioners, he has corresponded with Attorney David Jones, and they have now made the changes he suggested in the Franchise Proposal and also provided the requested documentation with regard to limited partnership. If it pleases the Board at this time, Mr. Maude asks that the Board approve granting the franchise to Community Cablevision to build those sections in the western part of the County that are unbuilt at this time.

Attorney Jones advised the Board that the County Attorneys have reviewed the proposal and Mr. Maude is correct in his statement of what has happened. Mr. Jones is now satisfied with the form of the Agreement and the changes made and the Certificate of Limited Partnership has been reviewed -- and everything is in order. Motion was made by Commissioner Willner that the Franchise Agreement be approved. Motion was seconded by Commissioner Cox.

Mr. Maude said they will be applying for pole attachment; they have already applied for the pole attachment in Posey County and hope to begin construction within the next couple of weeks in Posey County. He will keep the Board of Commissioners of Vanderburgh County informed as to their progress on construction, etc.

Attorney Jones advised that the Agreement is in Ordinance form. Commissioner Cox then asked, "We have to advertise it?" "We have to advertise it before the Commissioners sign it?" Attorney Jones said he would rather have this be an Agreement. He thinks that the Board can simply strike the word "Ordinance" out wherever it appears in the document and substitute the word "Agreement". This will avoid the necessity of advertising -- and it is still a Franchise Agreement. Since there were numerous places in the Agreement where the word "Ordinance" appeared, the Commissioners were in agreement that they should go ahead and execute the document with the provision that, subsequent to today's meeting, the secretary would review the Agreement to make certain that the word "Ordinance" is deleted wherever it appears and the word "Agreement" is substituted. So ordered.

RE: EUTS.....David Gerard

Mr. David Gerard, Director of EUTS, advised that back in 1981, when David South was here, he put together a Consultant Selection Procedures Manual, which was approved by the Indiana Department of Highways in a letter dated November 23, 1981. There was a follow-up letter to that, wherein they requested that a couple of items be added to that. What he has provided to the Board today are copies of the three (3) new pages on top, with a copy of the letter from the Indiana Department of Highways giving the initial approval, together with a copy of the original Procedures Manual.

Continuing, Mr. Gerard noted the following changes: Page 2, Section V - Selection of Consultants: The following was added: "In keeping with the intent of Indiana's MBE Affirmative Action Plan and Federal Regulations concerning employment of minority business enterprises, requests for proposals (RFP) will be mailed to all MBE/WBE firms certified by the IDOH". That was a requirement that whenever you send out an RPE that it go to the minority firms that are on their list.

The second item wherein the IDOH asked for clarification was on: Page 4, Section IX - Negotiations for Contract. There was evidently some confusion as to who would do the negotiation -- whether it was the County Commissioners or the County Highway Engineer. Mr. Gerard has changed this to reflect that the County Commissioners will commence negotiations.

(continued)

Mr. Gerard said that covers the changes and, of course, a new signature page would be required. He said these changes need to be approved by the Commissioners so there will be an approved Consultant Selection Manual on file with the IDOH. Commissioner Cox asked if this has to go back to the IDOH for their approval. Mr. Gerard said the IDOH indicated in a letter that they would approve, once the changes were made. He said he added information on the back of his letter to IDOH that he would be sending RFP's out to minority business and the fact that negotiations would be done by the Vanderburgh County Commissioners. Motion was made by Commissioner Willner that the foregoing changes be approved. Motion was seconded by Commissioner Cox. So ordered. The amended material now reads as follows:

Page 2IV. Record of Consultants

The County Highway Engineer will maintain files and records of consultants who have expressed interest in providing professional services and who have submitted information as to the qualifications of their firm.

The record of consultants will be based upon information provided by each consultant in a manner which may be prescribed, supplemented with such other information as is considered necessary to provide current data about the firm. The information shall include the name, address, list of principals, list of professional-technical-supportive staff, the qualifications and experience of individuals, the history and experience of the firm, the extent of involvement in noteworthy projects, and technical and financial references (including copies of the annual overhead factor report as approved by the Indiana Department of Highways, "I.D.O.H.") and financial statements for a three (3) year period. From time to time supplemental information should be submitted by the consultant to keep their file current.

V. Selection of Consultants

The selection of consultants for specific projects will be made by majority decision of the Commissioners. In keeping with the intent of Indiana's MBE Affirmative Action Plan and Federal Regulations concerning employment of minority business enterprises, requests for proposals (RFP) will be mailed to all MBE/WBE firms certified by the IDOH and interested in the particular type of work.

VI. Request for Proposals

Whenever the Commissioners shall determine the need for consulting services on County projects, the County Highway Engineer will prepare a Notice of Projects (hereinafter "notice") for which consultant proposals are being requested. The notice is to provide the necessary project data for preparation of consultant proposals.

The notice is to provide for a period of time, not less than thirty (30) days from date of posting of the notice, during which consultant proposals will be accepted for the various proposed County Projects described in the notice.

The notice shall be posted on the bulletin board outside the Commissioners' meeting room on the Third Floor of the City-County building and also on file in the County Highway Engineer's office.

The notice will be sent by regular mail to those firms that have met the requirements outlined in Section IV of these

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compensation, man-hour estimates, overhead rate, direct costs, etc., will be further subject to a technical review and a financial review by the Commissioners. Preliminary discussions between the consultant and Commissioners will take place during these assessments as needed.

In those instances where FHPM 1-7-2 requires preaward audit evaluation on selected consultants which are expected to exceed \$50,000.00, said financial review will be made by the Commissioners in conjunction with the I.D.O.H. Division of Accounting and Control.

IX. Negotiations for Contract

When assessment of the selected consultant's proposal has been completed, the Vanderburgh County Commissioners will commence negotiations for preparation of a contract for the project. A preliminary contract shall be submitted for any necessary review and approvals. Upon receipt of needed approvals, including county, I.D.O.H., and FHWA approvals, a final contract will be executed.

If the Commissioners and selected consultant cannot reach an agreement during negotiations for a contract with reasonable efforts, either the Commissioners or consultant may terminate the discussions. In such event, the selection and negotiations with an alternate firm may then commence in accordance with these procedures.

X. Exceptions to Procedure

Where a project is deemed by the Commissioners to be of an emergency nature, or where the scope of work is relatively small, or where consultant's fees for the work will be less than \$10,000.00, or when the specialized qualifications of a particular consultant appear needed for accomplishment of the work or when non-competitive negotiations are authorized by the Federal Highway Administration, a consultant may be selected with any necessary concurrence by the I.D.O.H. and the Federal Highway Administration's Division Office, and that firm may be requested to immediately submit a Consultant proposal for the project.

XI. Notice to Proceed with Work

When Federal and State approvals have been received on the contract together with "Authorization to Proceed," a written notice to proceed with the work will be given to the

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Consultant by the County. No compensation will be made for any work commenced prior to such notice to proceed.

XII. Revisions

Revisions of these guidelines are not effective until approved by the I.D.O.H.

(continued)

442.

COUNTY COMMISSIONERS
7/30/84

Page 10

APPROVED this _____ day of _____, 19____, by the
Commissioners.

APPROVED BY THE I.D.O.H.

BOARD OF COUNTY COMMISSIONERS
OF VANDERBURGH COUNTY, INDIANA

By: _____

Richard J. Borries, President

ATTEST:

Robert L. Willner, Vice President

Shirley Jean Cox, Member

ATTEST:

Alice McBride, Auditor

APPROVED AS TO LEGAL FORM

David L. Jones, County Attorney

St. Joe Avenue Detour Agreement: Mr. Gerard said the next item he had for the Commissioners' attention today is the Agreement between the State of Indiana, acting by and through the Indiana Department of Highways, and Vanderburgh County concerning the use of a portion of St. Joseph Avenue as a part of the official detour at all times necessary to accomplish construction on the Division Street project. After perusal, motion was made by Commissioner Willner that the Agreement be executed by the Board, with a second from Commissioner Cox. So ordered. The Agreement will now be forwarded to the State for their execution, with executed copies being returned to the County. The Agreement read as follows:

AGREEMENT

THIS AGREEMENT, made and entered into _____, 19____, by and between the State of Indiana, acting by and through the Indiana Department of Highways, hereinafter referred to as the "STATE, and Vanderburgh County, Indiana, acting by and through the Board of Commissioners of Vanderburgh County, hereinafter referred to as the "COUNTY".

WITNESSETH

WHEREAS, the STATE desires to utilize a portion of St. Joseph Avenue as a part of the official detour at all times necessary to accomplish construction on the Division Street Project, and

WHEREAS the COUNTY agrees that all S.R. 62 traffic utilize St. Joseph Avenue as part of the official detour route.

NOW, THEREFORE, in consideration of the premises and the mutually dependent covenants herein contained, the parties hereto agree as follows:

1. The STATE will detour all traffic over St. Joseph, S.R. 66 and U.S. Route 41 in the City of Evansville.
2. Prior to establishing the detour, the STATE shall determine that all warning signs; pavement markings and traffic signals conform to the National Manual on Uniform Traffic Control Devices. The STATE shall correct any deficiency at no cost to the COUNTY.
3. Prior to the establishment of the detour, the Indiana Department of Highways District Engineer or his authorized representative and the County Engineer will meet and review St. Joseph Avenue within the detour to determine the pavement and shoulder conditions.
4. The STATE shall maintain all traffic control signs and devices

(continued)

- required for the detour on all state roads and city streets affected by the detour at no cost to the COUNTY.
5. The STATE will maintain at its expense the detour roadway surface during the time of the detour.
 6. Upon termination of the detour, the Indiana Department of Highways District Engineer or his authorized representative and the County Engineer will meet again and review St. Joseph Avenue within the detour and determine what improvements, if any, must be made by the STATE to restore the roadway to as good a condition as it was prior to the detour as determined above.
 7. The STATE shall restore at its expense St. Joseph Avenue to the condition as described in paragraph 3, but such expenses for labor and materials shall not exceed \$50,000.00.
 8. The COUNTY agrees to hold harmless and indemnify the State of Indiana and the Indiana Department of Highways from any and all liability for any act or omission committed, suffered to be committed, or omitted to be done by any office, agent, employee, servant, or contractor of the COUNTY in relation to the rights and duties of the COUNTY under this Agreement.
 9. The COUNTY 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.
 10. The STATE agrees to hold harmless and indemnify Vanderburgh County from any and all liability for any act of omission committed, suffered to be committed, or omitted to be done by any office, agent, employee, servant, or contractor of the STATE in relation to the rights and duties of the STATE under this Agreement.

Insofar as authorized by law, this Agreement shall be binding upon the parties hereto, their successors or assigns.

IN WITNESS WHEREOF, the parties hereto have caused these presents to be executed by their proper officers thereunto duly authorized.

COUNTY OF VANDERBURGH
By: Board of Commissioners

Richard Borries, President
Robert Willner, Vice President
Shirley Jean Cox, Member

Attest:
Alice McBride

STATE OF INDIANA
INDIANA DEPARTMENT OF HIGHWAYS

By: Gene K. Hallock, Director

Attest:
Daniel A. Novreske, Deputy
Director/Administration

APPROVED AS TO LEGALITY AND FORM

Linley E. Pearson
Attorney General

This instrument is prepared by:

VINCENNES DISTRICT
DEVELOPMENT DEPARTMENT

* Proposed Budget/Road & Street Fund #216: Mr. Gerard submitted the proposed budget for Road & Street Fund #216, as follows:

Lynch Road	\$ 520,194
St. Joseph-Meier	56,875
Green River Road, North	555,876
Pollack Avenue	<u>354,600</u>
Total	\$ 1,487,545

(continued)

RE: COUNTY ATTORNEY.....David Jones

Notice of Tort Claim: Attorney Jones advised that he had received notice of a Tort Claim against the County in the amount of \$500,000.00 for damages suffered by Messrs. W. C. Bussing, Jr. and Bruce Biggerstaff, as a result of the negligence of the Commission in refusing to grant final plat approval for the Westbrook Estates Subdivision. The Commission refused to grant approval on June 6, 1984, which resulted in the filing of said claim. Mr. Jones said this claim has been forwarded to the insurance company.

Consent Decree/State Environmental Board: Mr. Jones said a meeting was held on June 15, 1984, wherein the State Environmental Board approved the Consent Decree executed by the Commissioners on June 11th, subject to the items that the County agreed to do. (This concerned the matter of chemicals stored at the Vanderburgh County Highway Garage, the disposal process of the chemical waste, etc.).

Evansville Cable T.V.: Attorney Jones stated that there had been some confusion at the last meeting concerning the matter of a \$525.00 check received from Evansville Cable T.V., with notation "Easement Agreement". President Borries interrupted by stating that this matter has been clarified, however. The check was for easement agreements that Evansville Cable T.V. will be filing with Vanderburgh County. At their request, the check is being held until they come in to file the agreements. (Check is being held in County Auditor's office).

RE: Appointment of Steven L. Bohleber as County Representative on Deaconess Properties:

Mr. Jones said he had been asked by Commission President, Rick Borries, to look into the matter concerning assessment of certain properties owned by Deaconess Hospital and affiliated companies. County Assessor, Jim Angermeier, had said the law is unclear in his opinion. Attorney Jones has determined that since his law firm has represented Deaconess Hospital previously in matters of litigation -- and will continue to do so -- that his handling of this investigation would represent a conflict of interest. He has recommended a number of attorneys to President Borries who could represent the County in this matter. It is Mr. Borries' recommendation that the County utilize the services of Steven L. Bohleber, asking him to look into the State Statute and render a written opinion, and compensate him at the same rate for his services that the County Attorneys would normally be compensated. Motion was made by Commissioner Willner that the Board approve the appointment of Mr. Bohleber to represent the County in this matter. A second to the motion was provided by Commissioner Cox. So ordered.

RE: AMENDED DATA PROCESSING JOINT AGREEMENT /APPOINTMENTS TO ADVISORY BOARD

The meeting continued with President Borries announcing that it is his understanding that the City Council has now approved the same Amended Data Processing Joint Agreement as that previously approved by the Board of Commissioners. He stated that this concerned the number of members to serve on the Data Processing Advisory Board -- which will include one (1) member from the City Council and one (1) member from the County Council. This would make a total of twelve (12) members on this Board. He said he would like to set up an initial meeting of that Board and has already spoken to the City Controller, Leslie Blenner, concerning same. That meeting is scheduled at 2:00 p.m. on Wednesday, August 8th, in Room 303.

Also, in accordance with the Agreement, the Board of Commissioners was to appoint two (2) "citizen" members to serve on the Board. Mr. Borries submitted the following for approval, as both are highly qualified:

William A. Jones - 560 W. Mt. Pleasant Rd. - Ph: 867-6890
Ernest Nolan - 717 Maple Lane - Ph: 853-2009

Motion was made by Commissioner Willner that Messrs. Jones and Nolan be approved as the "citizen" appointees of the Board of Commissioners. Motion was seconded by Commissioner Cox. So ordered.

RE: COUNTY HIGHWAY.....Bill Bethel

Weekly Absentee Report: Mr. Bethel submitted the Weekly Absentee Report for the employees at the County Garage for the period July 23 to July 27, 1984....report received and filed.

Weekly Work Report: Mr. Bethel submitted the Weekly Work Report for the employees at the County Garage for the period July 23 to July 27, 1984. Attached to the Work Report was the following Work Schedule:

Gradall: Petersburg Rd., Neu Rd., Millersburg Rd., and Long Rd.

Paved: Baseline Rd., east of Highway 57, and Mill Rd.

Patched: Felstead, Bromm, Baseline (west of Highway 65) Baseline (from Highway 41 East), Boonville-New Harmony Rd., Park Rd., Walnut Rd., Hogue Rd., Wimberg Estate Dr., Oak Hill Rd., Old Henderson Rd., Bartel Lane, 11th Avenue and 12th Avenue.

Tree Crew: Long Rd., and Darmstadt Rd.

Mower: Long Rd., and Darmstadt Rd.

Grader: Burdette Park, Cypress-Dale, Shore Rd., Long Rd., and Baseline

Trash: Lynn Rd., S. Weinbach and River Rd.

RE: COUNTY SURVEYOR.....Robert Brenner

Bridge & Guardrail Repair/Weekly Report - July 23 thru July 27, 1984:

Keebler Rd. (Mon.) - Closed Road. Removed bad 18" culvert
Keebler Rd. (Tues.) - Installed 18" C.M.P. Backfilled with 53's and compacted; then opened road.
Maryland St. Bridge (Wed.) - Cut trees, cleared brush and hauled away.
Caranza Drive (Wed.) - Welded grates together from Md. Street Bridge for Drop Box at Caranza
Duesner Rd. (Thurs.) - Installed 12" C.M.P.; backfilled with 53's and compacted
Keebler Rd. (Fri.) - Compacted 53's, where new pipe was put in
Stringtown Rd. (Fri.) - Cleared tree limbs and weeds from bridge
St. Joe Ave. (Fri.) - Just 1/2 mi. South of County Garage - cut weeds f/bridge
Caranza Drive (Fri.) - Poured concrete spillway for drop box

Maryland Street Bridge: Mr. Brenner said Maryland Street Bridge is in Pigeon Creek as of this morning -- and they will start pulling it out. SIGECO should have their lines off by tomorrow.

Repair & Roadwork/18 Locations/Performance Bond: Mr. Brenner said that the repair and roadwork at 18 different locations was awarded to J. H. Rudolph & Co., and work is to commence on August 12th. He has now received a Performance Bond for that work; however, he cannot verify the amount of the Bond as being correct, as he does not have the bid with him at the meeting. Since work will not commence before August 12th, the Commissioners requested that Mr. Brenner check this out and present the Bond at the Commissioners meeting next week (August 6th) for approval.

Ohio Street Bridge: The Commissioners' attention was directed to the various problems encountered recently with the Ohio Street Bridge. One of the expansion joints keeps popping out of place (it has already been welded three times) -- and will do so, again, Mr. Brenner is sure. Additionally, Mr. Brenner said he would like to let a contract to replace the wooden sidewalk -- it needs it. He said this is a time and materials job (approximately \$2,000 - \$3,000) and he'd like approval to go ahead and contact Deig Bros. and make arrangements to accomplish the necessary repairs. Commissioner Cox asked if we didn't have a proposal already on improvement of that area -- a new bridge to go over the railroad tracks to hook up with South Lane Drive, etc.? Mr. Brenner said that if they had such a proposal that he's never done anything on it. With regard to queries about the load limit on the bridge, etc., Mr. Brenner said there used to be a 14-ton load limit. This limitation was replaced with a sign designating speed limit of 10 MPH -- but he said this is a real joke. He noted that some of the trucks carrying gravel weigh some 80,000 lbs. as they cross the bridge-- so ? Again, it is his recommendation that the County go ahead and close that bridge for a day or two and make the necessary repairs. Commissioner Cox remarked that we should give some kind of notice to the people. Motion was made by Commissioner Willner that Mr. Brenner be

(continued)

authorized to make arrangements to close Ohio Street Bridge as soon as possible and make the necessary repairs; also, to inform the media so they can let everyone know about the closing. Commissioner Cox provided a second to the motion. So ordered

RE: COUNTY ENGINEER.....Andy Easley

Lindar Lane/Lindar Subdivision: Mr. Easley presented the following letter to the Board:

July 27, 1984

Mr. Richard J. Borries, President
Vanderburgh County Board of Commissioners
305 Civic Center Complex
Evansville, Indiana 47708

Re: Acceptance of Streets and Storm
Drainage Improvements in Lindar
Subdivision - Section "A"

Dear Mr. Borries:

Mr. Bill Bethel and the undersigned have made an inspection of subject street and storm drainage improvements.

All streets have been paved with 3" of Hot Asphaltic Concrete on 6" of Crushed Limestone Base Material.

The storm drainage ditches have been Rip-rapped at the points where they enter the creek.

The roadway ditches have been seeded and stone rubble check dams have been constructed.

The following is a summary of the length of the completed streets in this subdivision:

LINDAR LANE-----2,050 feet = 0.39 mile

It is recommended that the streets and storm drainage improvements in this subdivision be accepted for maintenance.

If you have any questions, please contact the undersigned.

Sincerely,

R. Andrew Easley, Jr.
County Highway Engineer

cc: Mr. Bill Bethel, County Highway Superintendent
Tri-County Realty & Development

Motion was made by Commissioner Willner to approve acceptance of the Streets and Storm Drainage Improvements in Lindar Subdivision (Section A) for maintenance. Commissioner Cox provided a second to the motion. So ordered.

RE: AWARDING OF BID/PICKUP TRUCK FOR DOG POUND.....Bill Bethel

Mr. Bethel said the Commissioners opened the bids last week for a pickup truck for the Dog Pound. Two bids were received: One (1) from Hendrickson Enterprises, Inc., in Warrick County -- a 1985 Model Dodge truck (\$8,672.00); The second bid was from Kenny Kent Chevrolet for a 1984 Chevrolet Truck (6-cylinder engine) in the amount of \$7,481.00. The Commissioners had given him the bids and requested that he review same, and check out the possibility of another engine, then give them his recommendation. He has now done this. He talked with Kenny Kent and obtained a quote on a truck with a V-8 Engine in the amount of \$7,778.00. It is his recommendation that the County go with this Model Chevrolet, with the V-8 Engine. Motion to approve

(continued)

purchase of a 1984 Chevrolet Truck with V-7 Engine was made by Commissioner Willner, with a second from Commissioner Cox. So ordered.

RE: MONTHLY REPORT/CLERK OF THE CIRCUIT COURT

President Borries submitted the Monthly Report from the Clerk of the Circuit Court for month ending June 30, 1984.....report received and filed.

RE: CERTIFICATE OF INSURANCE

United Way of Southwestern Indiana, Inc.: A Certificate of Insurance from Ashby-Rauscher Agency, Inc. was submitted to cover the United Way Kickoff Luncheon scheduled for September 26, 1984 at the Vanderburgh Auditorium.

RE: SCHEDULED MEETINGS

County Council Meeting: President Borries reminded the Board of the County Council Meeting scheduled at 2:30 p.m. on August 1, 1984.

Indiana Department of Highways Meeting: It was stated by President Borries that Mr. Easley will be attending the meeting with the IDOH in Indianapolis, scheduled to begin at 11:00 a.m. on Thursday, August 2, 1984.

County Subdivision Ordinance: A meeting is scheduled at 1:30 p.m. on Monday, August 6, 1984, in Room 303, where the Commissioners will continue to discuss and resolve any questions they have on the County Subdivision Ordinance with Mrs. Barbara Cunningham of the Area Plan Commission.

RE: EMPLOYMENT CHANGES.....RELEASES

Treasurer's Office

Lisa Hart 2210 Sunburst/Apt. 109 Part-Time \$30.00/Day Eff: 7/25/84

Vanderburgh County Board of Review

Karen Joan Plummer 500 S. Audubon Clerk \$30.00/Day Eff: 7/27/84

Auditor's Office

Marjorie Miller 1621 Wedeking Ave. Temp. Clk. \$10,760/Yr. Eff: 7/20/84

RE: EMPLOYMENT CHANGES.....APPOINTMENTS

Auditor's Office

Kathy Lowe R.R.#2, Wadesville P. Clerk \$10,760/Yr. Eff: 7/30/84

RE: AIRPORT EXPANSION RESOLUTION

Commissioner Cox stated that she would like to submit a proposed Resolution, as follows, concerning the Airport Expansion:

"That we, as elected Board with executive, legislative and judicial powers in Vanderburgh County, hereby go on record in full support of the planned Airport Expansion, and request that people be urged not to sign the petition that would stop and delay this project. "

Commissioner Willner voiced his objection by stating that he is not against the airport per se -- and he would like to see this project pursued -- but not at the expense of the property taxpayer. He thinks there's a better method.

Commissioner Cox said that unless a decision and commitment is made to go ahead with this by August 15th -- or September 1st -- then those federal funds will not be available which were initially available. What will be happening here if this petition drive is effective is that it will stop the project.

(continued)

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COUNTY COMMISSIONERS
7/30/84

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President Borries said that if we can improve the economic climate of this community to allow for good solid growth, he believes that we have certainly done our best to provide for the future.

Commissioner Willner said that he thinks to put the airport expense on the property taxpayer is asinine -- he doesn't really believe that the properties of Vanderburgh County ever fly -- airport people do.

President Borries said he does believe that the Airport is an investment in this community's future. Just as not all of us play golf or use the parks, nor would all of us be a Beach Boy fan or a fan of Van Halen and would not go to Roberts Stadium to see those concerts -- that also would give us some justification that our money should not be used to support the Stadium and all the other activities such as golf, etc. Again, the Airport is an investment in this community's future. Therefore, he would support Commissioner's recommendation with regard to the Resolution.

There was further brief discussion among the members of the Board, after which Commissioner Cox entertained a motion that the Resolution be approved. Commissioner Willner declined to second the motion. The motion was seconded by Commissioner Borries, who then asked for a roll call vote:

Commissioner Cox - Yes
Commissioner Willner - No
Commissioner Borries - Yes

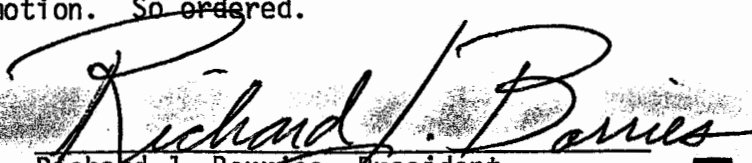
Motion carried with two (2) Affirmative votes. So ordered.

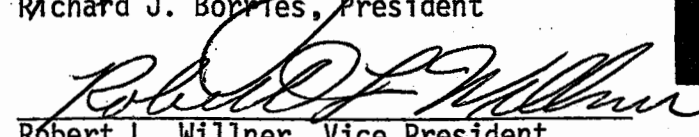
There being no further business to come before the Board of Commissioners at this time, President Borries declared the meeting adjourned at 4:10 p.m., with the announcement that there would be a Drainage Board Meeting immediately.

<u>PRESENT:</u>	<u>COUNTY COMMISSIONERS</u>	<u>COUNTY AUDITOR</u>	<u>COUNTY ATTORNEY</u>
	Richard J. Borries Robert L. Willner Shirley Jean Cox	Alice McBride	David L. Jones
<u>SECRETARY:</u>	Joanne A. Matthews		

*EUTS (Proposed Budget) -- continued from Page 11

With regard to Green River Road and Pollack Avenue, Mr. Gerard indicated the County's share would be 25%. Applications were submitted on St. Joseph-Meier and St. Joseph-Schenk. The former application was returned unapproved because supposedly this project was not on the proper federal system. In response to Commissioner Cox's query in regard to St. Joseph-Schenk Rd. project, Mr. Gerard said the application had been returned with indication that the project was not far enough along at this time for funding. Commissioner Willner moved that the R&S Budget be approved, as submitted. Commissioner Cox provided a second to the motion. So ordered.


Richard J. Borries, President


Robert L. Willner, Vice President


Shirley Jean Cox, Member

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MINUTES
COUNTY COMMISSIONERS MEETING
August 6, 1984

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COUNTY COMMISSIONERS MEETING
August 6, 1984

The meeting of the Board of County Commissioners was held on August 6, 1984, at 2:30 p.m. in the Commissioners' Hearing Room, with President Borries presiding.

Since it was the first meeting of the month, the meeting was officially called to order by Sheriff Clarence Shephard, who declared the meeting in session pursuant to adjournment.

RE: APPROVAL OF MINUTES

President Borries directed the Commissioners' attention to the minutes of their regular weekly meetings held in recent weeks. He said that prior to entertaining a motion for approval of the minutes from last week's meeting, he wished to recognize the work of Ms. Joanne Matthews concerning the minutes. President Borries said the Commissioners may have noticed that within the past few weeks she has developed a "Subject Index" for the minutes (which he thinks would require a considerable amount of work on her part) that is very helpful -- not only to those individuals in the audience and the Commissioners -- but also for posterity; those people who will be here long, long after the present Board of Commissioners is gone, who are going to have to look up something which might have been said on some given day. He would think this "Subject Index" would be most helpful for that purpose; therefore, he wants to commend Ms. Matthews for her work on this -- because this was certainly above and beyond the ordinary -- and her efforts are appreciated.

The meeting continued with the Chair entertaining a motion for approval of the minutes of the previous meeting. Motion was made by Commissioner Willner that the minutes of the meeting held on July 30, 1984, be approved as engrossed by the County Auditor and the reading of same be waived. Commissioner Cox provided a second to the motion. So ordered.

RE: COUNTY SHERIFF.....Clarence Shepard

Sheriff Shepard indicated he had two items of business to discuss with the Board:

- 1) Approval of Replacement Vehicle: Last month one of the marked vehicles was involved in an accident and subsequently was totalled out. The officer was slightly injured, but came out alright. The insurance reimbursement for that car was \$4,860.00. The Sheriff said he had bids on the new cars on the piggyback deal up in Indianapolis. He has called Indianapolis and learned they have one or two extra cars up there. He has requested the County Council to allow \$4,945.15 to be taken from the vehicles account (#105-425) and the Council has approved using this money now; they will make a special appropriation later to replace the money in the account. The piggyback cost was \$9,805.15 -- and the Council did approve it. Since the Commissioners will own the vehicle, he wants to make them aware of the fact that they will be getting an extra car out of this account.
- 2) Claims: Sheriff Shepard said the next item is in the form of a request and concerns a commissary matter, which has been an on-going thing. Several weeks ago the Commissioners allowed Pat Shoulders to represent him on the commissary matter and contact the bonding companies involved. Mr. Shoulders had sent copies of a letter to the Commissioners, but failed to provide the Sheriff with a copy -- therefore Mr. Shepard did not receive a copy. Nonetheless, he is now aware that the second paragraph of said letter states:

"This is clearly a claim to which the County is entitled reimbursement and we recommend that litigation be commenced immediately, seeking a judicial declaration as to our rights."

The Sheriff is here today to respectfully request that we go ahead and pursue this matter thru litigation in the Courts, to get a declaratory judgment from one, two, or three of the bonding companies responsible for this.

Commissioner Willner asked Mr. Shepard if we know at this time just what the money was used for to make the account overdrawn? Mr. Shepard said it's just that bills were not paid. Things were bought legitimately -- but the bills weren't paid. Commissioner Willner asked if any travel was involved? Mr. Shepard said there was equipment, travel, sponsoring of pistol teams, etc. He said he was told by the County Attorney to go ahead and pay the debts incurred and this is what he has been doing.

(continued)

They are all paid off now, with the exception of Coca-Cola -- and we owe them about \$3,000.00, but they are not in a hurry for it. So, we've worked it down to this amount. Commissioner Willner said this is a rather difficult decision, because the prior Sheriff is running for public office and Mr. Willner doesn't want to put an unfair burden on him. Likewise, he does not want to make the decision. This is a fund that is not accountable to any other governmental agency; the Council does not approve this money or approve the spending of it. Therefore, Commissioner Willner would like to turn it over to the Judge for his determination and abide by whatever that determination is...that is his motion. Motion was seconded by Commissioner Borries. So ordered.

RE: AREA PLAN COMMISSION.....Barbara Cunningham

County Code of Ordinances: Mrs. Cunningham said she is appearing before the Commissioners today with an Ordinance amending the County Code of Ordinances dealing with "R0" designation. In working with zoning, they have found that "R0" is a designation that, in reality, means "Residential Office"....that is the definition of "R0". Offices are also allowed in Commercial areas. Mrs. Cunningham said she thinks peopleas well as the petitioners....are sometimes lulled into thinking an "R0" is going to keep the flavor of the neighborhood; it's a good buffer; and it's going to be the small building that is there and it's not going to be very big or very extensive. In the current Ordinance, the height limitation in an "R0" district is a 75-ft. building. So, someone can come in and rezone a piece of property adjacent to residential and say they are going to keep this a little small office. The next day, they could put up a 70-ft. tall building. Mrs. Cunningham said the recommended change is that the "R0" height limitation be limited to 35-ft. Therefore you would need an area where you could have a 75-ft. building outside the downtown C-3 Area, which they are allowed. Therefore, a C-2 district could have a height limitation amended from 50-ft. to 75-ft. That's where most of the other office buildings would go. The other suggested change (3, Footnote #7) was that it has been the recommendation of engineers for a while that a 20-ft. front yard setback for residential lots that front on a Cul-de-sac is sufficient -- that you do not need a 25-ft. setback. They thought it might be a little cleaner to put it in on the page "Standards for Principal Buildings" to amend it on that page, rather than changing the zoning ordinance. The fourth thing they wanted to change involved a clarification in District C-1. It just had footnote 6, and it should have footnote 1 and 6, which means that if we have a commercial use abutting residential you would need to have a 10-ft. side yard. That is just as a matter of clarification. Commissioner Willner asked if all of the foregoing changes had passed Area Plan? Mrs. Cunningham said they passed Area Plan at the last meeting. Commissioner Willner asked what about City approval? Mrs. Cunningham said they will be heard on 1st Reading at City Council tonight. Commissioner Willner asked if these have to be advertised, to which Mrs. Cunningham responded that they did. Commissioner Willner moved that the changes be approved on 1st Reading and advertised. Motion was seconded by Commissioner Cox. So ordered. President Borries asked Mrs. Cunningham if that also covers the amendment to the Indiana Code of Ordinance, and Mrs. Cunningham replied in the affirmative.

RE: COUNTY ATTORNEY.....David Miller

David Miller, County Attorney, indicated he had nothing specific to discuss with the Commissioners at this meeting. He does, however, have two Drainage Board matters which will require about one (1) minute each -- but they need to be covered in a Drainage Board session. Otherwise, things seem to be pretty quiet on the legal front for the time being. After ascertaining that a Drainage Board meeting can be held promptly after the Commissioners Meeting because said meetings have already been advertised, President Borries announced that a Drainage Board meeting will be held today as soon as the Commissioners' meeting is adjourned.

RE: COUNTY HIGHWAY DEPARTMENTBill Bethel

Weekly Absentee Report: Mr. Bethel presented the Absentee Report for employees at the County Garage for period July 3 thru August 3, 1984.....report received and filed.

(continued)

Weekly Work Report: The Weekly Work Report for period July 30 thru August 3, 1984 was submitted.....report received and filed. Attached to the Work Report was the following Work Schedule:

Gradall: Buente Rd. and City

Paved: Mill Rd., 11th Avenue, 12th Avenue & Hobart Ave.

Patch Crew: Old Henderson, Denzer Rd., Allen Rd., S. Weinbach, Karendale Ct., Crowley, Weiss, Edgewater, Woodridge Place, Greenbrier Dr., Indiana Mounds Blvd., and Oak Grove Rd.

Tree Crew: Long Rd.

Trash: Lynn Rd., S. Weinbach, River Rd., and St. Joe Avenue

Mower: Oak Hill Rd., Millersburg Rd., Heddon Rd., Oak Grove Rd., Pollack Ave., Fuquay Rd., Spry Rd., Indiana Mounds Blvd.

Pulled Shoulders: Old Henderson Rd.

Grader: Old Henderson Rd., Long Rd., and Seminary Rd.

Commissioner Cox queried Mr. Bethel concerning the trees on Oak Hill Road; he indicated they had been cut down.

Posting of 11th & 12th Avenues: Commissioner Cox asked if there is any way we can post this area. There are big trucks coming thru, then taking Hobart Avenue to get up into the Commercial Court area. Is there any way we can keep those big trucks off of those two residential streets? Could we post it, "No Thru Truck Traffic?" Mr. Bethel said they had been building up there -- and he was hoping that was ended. That was why they went ahead and paved it. Mrs. Cox said it is not all finished now -- and could we just post it "No Thru Truck Traffic" as they come off Allen Lane or Allen Road? That way, if someone wants a moving van to come in -- that's o.k. But the sign might act as a deterrent -- because both of those roads needed resurfacing very badly -- and both involve strictly a residential neighborhood. The trucks are utilizing Hobart avenue and circling, rather than going on down to St. Joe Avenue, turning, and going in that way. Commissioner Willner asked Commissioner Cox if she wants "No Thru Truck Traffic - 10 Ton Limit"? She said she thought these were standard signs. Attorney Miller said they might have to send the Sheriff out until.... but Commissioner Willner interrupted that the signs should be put up and if that doesn't work we'll go the other way.

Pickup Truck for Dog Pound: Mr. Bethel said that last week the Commissioners authorized him to proceed with purchase of pickup truck for the Dog Pound from Kenny Kent Chevrolet. They gave the Purchase Order to Kenny Kent and they turned it down because they could not deliver the vehicle. He subsequently talked with Commissioner Willner and asked if he could go out and look around to obtain a satisfactory model and present the information on model and quoted price to the Commissioners. Mr. Bethel said he located a Chevrolet pickup -- almost like the one Kenny Kent had -- except this is a 6-cylinder rather than an 8-cylinder. He can get immediate delivery on this truck from Cooke Chevrolet -- probably tomorrow or the next day. The quoted price from Cooke is \$7,400.00 (without bed). What Mr. Bethel was authorized to spend was \$7,481.00 -- so this is actually \$81.00 cheaper. Mr. Bethel said he talked with the County Purchasing Agent and he said he would send the purchase order thru immediately if it were approved. Commissioner Borries said that the Commissioners wanted Commissioner Willner's opinion on this particular model -- and he looked at it today -- since he had indicated there are two types of 6-cylinder engines and one is not very good. In Mr. Willner's opinion, this engine is a good one. He said it is a standard size pickup with a 6-cylinder engine; it has a bed, but they're supposed to take it off. Commissioner Willner said what the Board needs is expertise of the attorney re the statute limit....because it is under the statute. What happened is, they quit building 1984 models two (2) months ago and have switched over

to 1985 models -- so the 1984 models are hard to come by. Attorney Miller indicated that the only thing that troubles him is that he recalls there were (2) bids on this. Mr. Bethel said by way of enlightening the Board further, the other bid was from Hendrickson & Son in the amount of some \$8,400 or \$8,500. However, since he returned from lunch today he received a call from his office advising him that Hendrickson sent in another bid. However, it is on a smaller truck and they want \$6,295.00. It is not as big a truck and Mr. Bethel does not believe the bed will go on this truck -- we already have a bed for the truck. Commissioner Cox said she really believes the Dog Pound needs a truck badly. Mr. Bethel said he could have the truck from Cooke Chevrolet ready for the Dog Pound by the end of the week. Commissioner Cox asked if this is a 1984 model? Mr. Bethel confirmed it is a 1984 6-cylinder, 1/2 Ton, Model C10903. Commissioner Cox asked if the vehicle is used or new? Commissioner Borries said that it is "brand new". He said he believes we asked County Council for \$8,000.00, so we're well under that amount. Mr. Bethel said he was actually \$81.00 cheaper than the bid. Commissioner Cox asked if Cooke Chevrolet bid on it previously, and Mr. Bethel said they did not.

Commissioner Willner said he wished to entertain two (2) motions:

- 1) Deny all previous bids; Motion was seconded by Commissioner Cox. So ordered.
- 2) Purchase a 1984, standard size pickup (without bed) from Cooke Chevrolet, for \$7,400.00; Motion was seconded by Commissioner Cox. So ordered.

RE: COUNTY SURVEYOR.....David Guillaum

Performance Bond from J. H. Rudolph & Co.: David Guillaum was at the meeting to represent the County Surveyor's office. He indicated the Performance Bond received from J. H. Rudolph & Co., in connection with the Road and Street Repair at eighteen (18) locations awarded to that firm, in the amount of \$37,484.34 is correct and the bid has been checked and is in order. Rudolph has indicated they will be starting on the paving project this coming Thursday, August 9th. He was going to hit Hogue Rd. and other sites on the West side initially. (Commissioner Cox remarked, "It's about time!") Motion was made by Commissioner Willner that the Performance Bond be approved as submitted. Commissioner Cox provided a second to the motion. So ordered. (In response to Mrs. Cox's question, work will be done under traffic.)

Railroad Crossing/Hogue Rd.: Commissioner Cox said that Bob Brenner was very interested in the first Railroad Crossing on Hogue Rd.; the Railroad has repaired that crossing and now both crossings have been repaired.

Bridge & Guardrail Repair Report: Mr. Guillaum distributed copies of the Weekly Bridge & Guardrail Repair Report for period July 30 thru August 3, 1984.....report received and filed. Work was accomplished as follows:

- | | |
|--------|---|
| Mon. | - Maryland Street Bridge - Cut wood off of levee |
| Tues. | - Fickas Road, Green River Rd., South, Pollack Avenue and Fuquay Rd. - Cut weeds and painted ends. |
| Wed. | - St. Joe Ave Darmstadt Rd First Ave., and Owensville Rd. - cut weeds and cleared guardrail. |
| Thurs. | - Heckel Rd. @ Green River Rd. - cut weeds and cleared guardrail
Heckel Rd. Bridge - Cut tree limbs off bridge & cut weeds on bridge
Burdette Park - Repaired busted drain in roadway |
| Fri. | - Mt. Pleasant Rd., Baumgart Rd., and Petersburg Rd. - cut weeds and cleared guardrail. |

Ohio Street Bridge: With regard to the Ohio Street Bridge, Mr. Guillaum said the surveyor's office has taken some steps to repair it on a more permanent basis. He met with the foreman from Deig Bros., this morning as to welding down the expansion plate on one end. After today's Commissioners' meeting, Mr. Guillaum is to get back with Dick Hartman; foreman from Deig indicated he'd have to run everything thru him. Right now, they're looking at Wednesday for welding down expansion pad on the East side. They will probably have the street closed for one (1) day; hopefully, no longer. However, it is one of those situations where it is difficult to determine specifically which beam they are going to replace -- because you can't see anything right now. He believes that the beam and the plate upon which it rests have deteriorated in a fashion similar to those already taken out. Commissioner Willner pointed out that Mr. Guillaum is speaking of the beam in the roadway itself -- not the bridge. Some

(continued)

people are getting confused on this; we are actually talking about the approach to the bridge and not the bridge; he just wants to clarify this. Mr. Guillaum stressed there is nothing structurally significant about what they are going to do; they are just going to improve the expansion joint. Mrs. Cox said all she knows is that the joint sticking up in the air the other day -- you could look down thru it and see water beneath. Mr. Guillaum said you can look down thru the deck and see it if you want. Commissioner Cox said this is her point; it is not in the roadway; it's right there at the point where you start onto that bridge. Mr. Guillaum said what Commissioner Willner is saying is correct. He said the joint is a finger-type expansion in two parts; one half on the bridge and the other half on the bank. They are going to replace the beam under the section on the bank, so they don't get the flex they've been getting, which was causing it to pop. Commissioner Willner said several people called in and were confused -- and he just wanted to make it clear that it is not the beam of the bridge. Mr. Guillaum said Commissioner Willner is absolutely correct. Commissioner Cox asked if it doesn't stabilize the bridge? Mr. Guillaum said it is not connected to the bridge in any way. It's simply like fingers that fit together, with the fingers of each hand representing a half of the expansion joint -- but they move independently, they do not tie together. Commissioner Willner said he guesses a mistake was made many years ago, when they put an expansion metal-type deck on that bridge; that's caused us a lot of trouble. It was probably cheaper at the time to do it that way. But it was noted that it was not in too bad a shape considering the fact that it was done in 1891. Commissioner Willner said he thinks that deck came off some thirty (30) years ago and the grid was put on. If he remembers correctly, it was during World War II -- because he remembers when they did it.

Dump Truck for Surveyor's Office: Mr. Guillaum indicated he had the bids put together for the Dump Truck, which they're scheduled on Council Call next month to request.

Seaboard System Railroad/Nurrenbern Rd., etc.: President Borries asked that David Guillaum have Bob Brenner contact the Commissioners office. He said he has had luncheon contacts with Herb Roberts, Jr., who is the attorney for the residents in Union Township regarding the Nurrenbern Rd. By-Pass at one point or another. As Mr. Guillaum knows, the railroad itself has changed hands; it is not the L&N Railroad now -- it's called the Seaboard System Railroad. Herb had met with Mr. Borries, again, to see if the County could meet with the residents because of their concerns in that area with what is going on and, in particular, with the DogTown Boat Ramp. Seaboard has sent a very encouraging letter which indicates that they see Evansville and, particularly that yard down there, as a major hub, with four (4) radiating routes to Chicago, Nashville and the South, St. Louis and Louisville, etc. Mr. Borries said he feels this is very encouraging from the standpoint of economic development. The letter read as follows:

July 9, 1984

Mr. O. H. Roberts, Jr.
Attorney-at-Law
2221 W. Franklin Street
Evansville, Indiana 47712-5185

Dear Mr. Roberts:

Thanks for yours of the 25th and excuse my delay in replying--I've had several out-of-city trips since our meeting in late May.

At any rate, it was good meeting you; and I appreciate very much the time you took to acquaint me with the concerns of the Union Township citizens. If you agree, I'd like this letter to serve as a memo of our conversation and one I can also use to reacquaint the appropriate Seaboard officers with this project and enlist their support.

My notes indicate that we reviewed the nature of Seaboard's (hereafter "SBD") operations in the greater Evansville area, viz., fact that the city is a major "hub" for us, with four radiating routes to Chicago, Nashville and the South, St. Louis and Louisville; that a major operating unit, the Evansville Division, is headquartered there; that SBD is undertaking to secure much more intermodal or piggyback/trailer-on-flatcar traffic; and that, because Evansville sits on one of SBD's prime piggyback routes (Chicago-South), rail traffic through the city will undoubtedly increase, not decrease; that

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Wansford Yard may be upgraded to become a "hub ramp" for regional rail-truck traffic; and that the net gain of all of this should greatly benefit Evansville and its economy in future months and years.

The above, of course, does not solve Union Township's concerns, and if anything, it means that we can probably see more, not less, trains at Nurrenbern Road, Claremont Avenue and Ray Becker Parkway, highlighting the need for some resolution to the problem.

I then pointed out that our management was aware of the concerns of the Union Township; that the railroad had not "done nothing" but rather, we had openly communicated with the County Surveyor's office and all other city and county officials involved in the problem.

We also discussed several concerns for Seaboard, namely, that we could not shut down our double-track main line at Nurrenbern Road because it was such an important route for us; that, while it would be inconvenient, Seaboard would consider building and using a "run-around" or by-pass track (or tracks) during the construction phase, if the project were undertaken; that while Seaboard does not design underpasses for governmental units that must use and maintain them, it (the railroad) would be happy to recommend appropriate reputable design firms which would be very familiar with the particular design features required by mainline railroads (viz., structures capable of supporting immense tonnages of mainline freight trains versus much lighter auto and truck traffic), and cooperate with them wherever possible.

Finally, my notes indicated that we would do the following:

I would communicate with the appropriate SBD officials to explore progressing the project; that I would also inform the Evansville Division officers of the rough crossings you mentioned (which I did verbally on the 24th, but will also do in writing); that you would explore with your friend in County Engineering any possible alternatives to the underpasses, such as street realignment or re-routings, new street construction, any of which might be much less costly than an underpass; also, you thought you could obtain a current traffic count at Nurrenbern Road.

Again, thanks.

Sincerely,

Charles B. Castner
Corporate Communications

cc: Wesley Bowers/Bowers, Harrison, Kent & Miller
L. C. Love/Supt., Seaboard System Railroad/Evansville
R. L. Bullard/AVP, Corporate Communications/Seaboard/Jacksonville, FL

Continuing, President Borries said he would like to set up a meeting as soon as possible to include the County Commissioners, County Surveyor, the Union Township residents and -- perhaps get in touch with Mr. C. Castner -- to see what we can do at this point. He said he feels this is a very encouraging letter and perhaps leaves the door open now for us to do something in that area. Mr. Borries said he thinks this indicates that Seaboard -- he's impressed that he thinks from as far north as Boonville-New Harmony they've really undergone a significant number of changes in crossing improvements all up and down their line; so he thinks they are doing a fine job in the community. President Borries then asked the Board what would be a convenient time for such a meeting -- some evening? Commissioner Cox indicated that she has APC meeting the first Wednesday of the month and Friday nights are not a good time. President Borries said he will talk with Herb Roberts; he is certain he would be willing to meet at any time. He asked Mr. Guillaum to determine when Mr. Brenner would like to meet and have him call the Commissioners' office; they will then get in touch with Mr. Castner to see if he can be here to represent Seaboard Railroad and endeavor to hold the meeting sometime next week, if at all possible. The date and time of the meeting will be confirmed as soon as they talk with Mr. Castner.

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RE: COUNTY HIGHWAY ENGINEER.....Andy Easley

*Indianapolis Meeting w/Dept. of Natural Resources: Mr. Easley informed the Board that he will be going to Indianapolis tomorrow (August 7th) with Joe Brown for purposes of meeting with the Department of Natural Resources concerning the Fish & Wildlife letter on Eichoff-Koressel Rd. President Borries asked if he made a mistake last week (was he a week off)? Mr. Easley said Mr. Borries did not make a mistake -- he was correct. They were scheduled to go last week; but Mr. David Gerard is up there this week and he requested that the meeting be re-scheduled to coincide with his being in Indianapolis. Thus, Mr. Easley will be up there all day tomorrow.

Right-of-Way/Covert Avenue: President Borries said it is his understanding that there are some concerns re right-of-way along Covert Avenue, which Messrs. Gerard and Easley may be addressing while they are in Indianapolis, also? Mr. Easley said Mr. Gerard had mentioned it to him -- it needs to be expedited. It is taking longer than it should have taken because offers have been made and everybody is taking a maximum amount of time to act on the offer.

Miscellaneous Projects: Mr. Easley reported that he and Mr. Zeller of Meadowbrooke Drive have been in contact and he's been in contact with Seaboard re Lynch Road. He said he has several project on which he's making progress -- but nothing that requires the Commissioners' approval at the moment.

*With regard to the meeting in Indianapolis, Mr. Easley said David Gerard seems to be confident that we can persuade the Dept. of Natural Resources that there is no real alternative to that corridor. President Borries asked if anyone has notified the ISUE officials concerning the meeting in Indianapolis. Mr. Easley said that to his knowledge they had not been notified. President Borries suggested that Mr. Easley contact Dr. David Rice's office this afternoon -- they have been very supportive of that project and someone might want to attend. Mr. Easley said this was a very good idea. In response to Mr. Easley's question concerning name of individual whom he should contact at the University, President Borries said he should call Dr. Rice's office.

RE: VANDERBURGH AUDITORIUM/Application for Operating Permit

President Borries said he had an Application for an Operating Permit for the Vanderburgh Auditorium. This permit is to be submitted to the Indiana State Fire Marshall's Department and indicates when the building was established, etc. It is, he believes, just a formality. It does not indicate at this point that there are any qualifications or cost involved by signing this document, other than application for operating permit. Motion was made by Commissioner Willner that this document be approved, with a second provided by Commissioner Cox. So ordered.

RE: LETTER/CHECK FROM EVANSVILLE CABLE T.V., INC.

Continuing, the Chair announced that a letter, together with enclosed check, was received from Evansville Cable T.V., as follows:

July 31, 1984

Mr. Richard J. Borries, President
Vanderburgh County Commissioners
305 Administration Building
Civic Center Complex
Evansville, Indiana 47708

Dear Commissioners:

Enclosed you will find a check in the amount of \$7,931.52 which represents the second quarter payment of 1984. This is an increase over our second quarter payment of 1983 in the amount of \$7,016.18.

As an update, we are now in the process of doing a small extension of some 29 homes on Old Boonville Highway, St. Joe, Indiana, Hillsdale Road out Old State to Ridgeway Heights, Heckel Road and Oak Hill an addition of over 40 homes and Millersburg Road to Oak Hill to Green River Road an addition of over 100 homes.

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Again, Evansville Cable would like to thank the County Commissioners for giving Evansville Cable T.V. the pleasure of serving residents of the county with cable TV service. If the Commissioners have any questions, please feel free to call me at any time.

Thank you, and

Best regards,

Robert D. Ossenberg
Vice President & General Manager

Motion was made by Commissioner Willner that receipt of letter and check be approved. Motion was seconded by Commissioner Cox, with request that letter of acknowledgment of receipt be sent to Mr. Ossenberg. So ordered.

RE: OLD BUSINESS

Investment Resolution: It was noted by President Borries that there is an Investment Resolution (which has already been signed by County Attorney, David Jones) to be approved. Resolution reads as follows:

INVESTMENT RESOLUTION
OF BOARD OF COUNTY COMMISSIONERS
VANDERBURGH COUNTY

July 9, 1984

WHEREAS, the Board of County Commissioners of Vanderburgh County, Indiana, pursuant to Indiana Code 5-13-1-1 et seq. (Acts 1975, P.L. 44, 81, p. 222) is vested with authority to direct the County Treasurer to invest county funds under the control of the Board pending distribution of units of government; and,

WHEREAS, the Board desires to provide flexibility in meeting the financial obligations and budgetary considerations of Vanderburgh County while maintaining a maximum interest yield on invested county funds;

NOW, THEREFORE, BE IT RESOLVED, BY THE BOARD:

1. THAT the Vanderburgh County Treasurer is hereby authorized and directed to transfer the sum of One Hundred Thousand Dollars (\$100,000.00) of current interest earned on deposit to the County General Fund and to further transfer the sum of One Hundred Thousand Dollars (\$100,000.00) of current interest earned on deposits of county funds to the County Roads and Streets Fund.

PASSED AND APPROVED by the Board this 9th day of July, 1984.

BOARD OF COUNTY COMMISSIONERS OF
VANDERBURGH COUNTY, INDIANA

BY: Richard J. Borries, President
Robert L. Willner, Vice President
Shirley Jean Cox, Member

Attest: Alice McBride
County Auditor

Approved: David L. Jones
County Attorney

It was pointed out that the foregoing Resolution had already been approved by the Commissioners in their meeting held July 9th; just the formality of preparation and signature execution is necessary to finalize this matter. President Borries also pointed out that County Treasurer, Lew Volpe, is hopeful that there will be another \$100,000.00, that the Commissioners will have to decide where it should be deposited before year's end.

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RE: TREASURER'S REPORT.....Lew Volpe

While County Treasurer, Lew Volpe, was not present -- President Borries stated that he had distributed copies of the Treasurer's Investment Report as of August 1, 1984, which read as follows:

COUNTY TREASURER

August 1, 1984

TO: COUNTY COUNCIL
COUNTY COMMISSIONERS

Collections to date are:

COUNTY REVENUE	\$ 417,158.58
FEDERAL REVENUE SHARING	6,669.44
POOR RELIEF	5,254.17
	<u>\$ 430,082.19</u>

Outstanding investments are:

- 1) Investments, \$3,000,000, dated December 28, 1983, due December 27, 1984. Estimated income \$273,700.00, of which \$22,812 will go to the Reassessment Fund. Rate 9.125%.
- 2) Investments, \$500,000, dated December 29, 1983, due December 27, 1984. Estimated income \$46,200.00. Rate 9.25%.
- 3) Investments, \$2,000,000, dated January 4, 1984, due December 27, 1984. Estimated income \$188,000.00. Rate 9.50%.
- 4) Investments, \$2,000,000, dated July 5, 1984, due December 26, 1984. Estimated income \$111,000.00. Rate 11.50%.
- 5) Repo, \$900,000, dated July 19, 1984, due August 6, 1984. Estimated income \$4,443.75. Rate 9.875%.
- 6) Repo, \$700,000, dated July 25, 1984, due August 13, 1984. Estimated income \$3,648.26. Rate 9.875%.
- 7) Investments \$3,000,000, dated July 30, 1984, due September 21, 1984. Estimated income \$48,000.00. Rate 10.875%.

When all outstanding investments are collected, income will appear as follows:

COUNTY REVENUE	\$1,069,338.59
REASSESSMENT	22,812.00
FEDERAL REVENUE SHARING	6,669.44
POOR RELIEF	6,254.17
	<u>\$1,105,074.20</u>

As can be seen, I am well on my way to collecting the surplus of \$200,000 (\$100,000 to County Revenue, and \$100,000 to Roads and Streets) which I guaranteed to you in July.

I feel that a further surplus of \$100,000 is well within the realm of possibility.

Yours truly,

Lewis F. Volpe
County Treasurer

The foregoing report received.....and filed.

(continued)

RE: OLD BUSINESS

* Paramedic Service: Returning to the matter of Old Business, President Borries said that he and County Council President, Mark Owen, attended another of the meetings regarding Paramedic Service (last Friday, August 3rd at 10:00 a.m.). At that time, Councilman Linzy set up another meeting. Commissioner Borries said he would bring the Board up to date, except at this point he cannot give them much indication of what the City's decision is going to be. Alexander Ambulance Service, Inc., had submitted their proposal for 1985 for Council review, as requested, and that is in our Budget Request in the amount of \$148,000.00. There was discussion at the subject meeting last week that the County would pay more. Somehow, they talked about total County Assessed Valuation -- that was one thing. Since he could not speak for all of the Commissioners, Mr. Borries felt that the \$148,000.00 request that Alexander Ambulance Service submitted for 1985 was the absolute maximum -- that the Commissioners would not be in favor of any kind of system at this point that would obligate the County to pay more at this time -- because we felt we could not do so. There were comments among the Board members as to why the Commissioners would be willing to pay more when they could get the service for \$148,000.00..that would be ridiculous. Continuing, Mr. Borries said that might be higher than the 22% of the population of the unit. Their discussion was that City taxpayers are also County taxpayers --we acknowledged all of that. But, we could have gotten into all other kinds of hairy arguments about the criteria we were going to do -- because he thinks there are all sorts of people upset about the Enterprize Zone and what kind of tax benefits the people are going to have to pay about that in the City -- and certainly we did not have any kind of decision in that. Therefore, Commissioner Borries said he was not at all willing to talk about any kind of assessed valuation at this point -- as he did not feel that was relevant to what was being discussed. He said he is only attempting to bring the Board members up to date that there is going to be another meeting. City Council has passed a Resolution to say that we would negotiate -- talk about a County-wide system -- but, it was Mr. Borries' understanding that the absolute maximum that the County would have to pay and, certainly, during budget hearings there might be representatives from Alexander Service here who would have to justify that request. President Borries said the \$148,000.00 represents a 6% increase over their operating costs for 1984 -- so it would not be anything that was excessive, along the lines of doubling or tripling any kind of figures from that standpoint. Again, President Borries said he is sharing this information with the Board members to bring them up to date on the matter. Meeting will be held tomorrow (August 7th) in Room 303 at 6:30 p.m.

Auditorium Advisory Meeting: An Auditorium Advisory Board meeting is scheduled for 4:00 p.m. tomorrow (August 7th).

Data Processing Board Meeting: As announced last week, there will be a first meeting of the Data Processing Advisory Board on Wednesday, August 8th, at 2:00 p.m. President Borries said the Commissioners have already made their two (2) "citizen" appointments. He is uncertain as to whether or not the Mayor has made his appointments or not. Nonetheless, the Commissioners' appointees will be present for that meeting, as well as other representatives. Copies of the Legal Agreement between Vanderburgh County and Pulse Systems and the Ordinance will be available for the Advisory Board members to peruse.

* Paramedic Service: Commissioner Cox said she would like to return to the subject of the meeting scheduled tomorrow night (August 7th) re Paramedic Service. What is the purpose of this meeting and what home work should the Commissioners do before they get there? President Borries said the purpose would be to continue discussions to see if there is any kind of savings, as he understands it, to having a County-Wide Paramedic System. He said he made the comment that as he saw it, the City was going to have to make a decision as to whether they are going to stay in the paramedic business - he's not sure they have made that decision yet. But, the figures that Councilman Linzy had prepared on a county-wide basis showed that the Vanderburgh County unit -- based on population percentages -- would pay less than what we would pay for next year. Certainly, that would be a positive step; where, if there were going to be those kinds of savings involved -- if it was going to be to a more efficient system. President Borries said he cannot tell the Commissioners what kind of homework to do; he can, however, provide them with one handout passed out by Councilman Linzy at one of the previous meetings concerning various options. Those options are based on how much that whoever the provider would be would charge per

BLS run and per ALS run, in terms of the County. Beyond that, insofar as any kind of preparation, he saw our role as a listener with an absolute maximum in terms of the dollar amount there and the goal that we wanted to look toward greater efficiency in the overall operation of any paramedic system county-wide. But he was not going to speak for the Commissioners to say that we were going to pay any more, or get into some kind of a formula here that no one quite understood at that point.

Commissioner Willner said he would see the Commissioners' role as maybe not getting involved until such time as they had made the decision what they really want to do. Commissioner Borries said he'd go back and put on his helmet and shoulder pads one more time -- and see what's going to happen. He doesn't know. There obviously are some very emotional people who would like to see the Evansville Fire Department stay in this -- and he did not feel that was his decision nor the decision of this Commission, so he was not prepared to move beyond that until that decision was made. But the Evansville City Council had passed a Resolution that said they would talk about overall savings.

RE: SALE OF COUNTY-OWNED SURPLUS PROPERTY

Proceeding, President Borries indicated more time had been spent concerning the sale of this property than he'd like to add up! The individual who previously wanted this property and had offered to purchase same, now has decided that he does not want these properties. Properties involved are located at 1413 Florence St., 1417 Florence St., and 1419 Florence St. The tax codes for these properties are as follows, respectively: 28-59-9, 28-59-10 and 28-59-11. No money was received from the individual who had wanted to purchase the property. The County Attorney has advised that rather than have to again go thru the expense of advertising and all this involved procedure, that if there is another individual who wishes to buy this property that we can sell it. President Borries again asked County Attorney David Miller if this is correct, and Attorney Miller replied in the affirmative. The Chair then asked if any individual is present today who wishes to purchase the following properties:

<u>Tax Code</u>	<u>Location</u>
28-59-9	1413 Florence Street
28-59-10	1417 Florence Street
28-59-11	1419 Florence Street

Mr. Hugh McGee was in the audience and asked to be recognized by the Chair. President Borries asked that Mr. McGee approach the podium and state his name and address for record purposes. Mr. McGee approached the podium, stated his name, and said that he resides at 5044 Timberwood, Newburgh, Indiana. President Borries said that Mr. McGee has bid \$50.00 for each of the three (3) parcels of property aforementioned and asked Mr. McGee if this is correct? Mr. McGee replied in the affirmative. Commissioner Willner moved that Mr. McGee's bid of \$50.00 per parcel be accepted; motion was seconded by Commissioner Cox. So ordered.

RE: APPOINTMENTS

City-County Building Authority: President Borries said that the term of Mr. Donald Kolb, who lives on Schmuck Rd. and has served on the City-County Building Authority, expired July 31, 1984. Mr. Kolb has indicated his willingness to again serve on that Board. This would be for a 3-year term; therefore, with the permission of the Board, President Borries said he would like to offer Mr. Kolb's name in nomination for another 3-year term. Said term would expire on July 31, 1987. Motion was seconded by Commissioner Cox and carried with three (3) affirmative votes. So ordered.

Southwestern Indiana Mental Health Center, Inc.: The term of Shirley Cox, who is serving as a representative of the Vanderburgh County Commissioners, will expire in September 1984. President Borries said he also serves on that Board; but we have another person who serves as a Corporation Member, which means they are always asked to attend meetings; but, certainly, the Annual Meeting. If Mrs. Cox would be willing, President Borries would like to nominate her to again serve for a 2-year term, with expiration date of August 31, 1986. Motion was made by Commissioner Willner that Mrs. Cox be reappointed. Commissioner Cox indicated that she feels very badly because the monthly meetings of SIMHC conflict with her agenda, because she has something else scheduled at that time. When the last Annual Meeting was held in Mt. Vernon, she planned on attending; however, was unable to do so because of a last minute emergency situation. She said SIMHC is a very important part of our community and

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do an excellent job -- and if there is someone else who would have more time to devote to be of help to the Board, she certainly would be more than glad to relinquish her service on that Board to that individual. President Borries said he serves on that Board, but not as a Corporate member -- so he doesn't think he could serve in two different capacities. The main duty for the Corporate member is that if at all possible, to attend the Annual Meeting. Commissioner Willner said that he would nominate Mrs. Cox to serve as the Corporate member and, should a conflict again arise, he would attend as an alternate if Mrs. Cox agrees. Commissioner Cox accepted the appointment with the agreement that Commissioner Willner would be willing to serve as an alternate should a conflict arise. So ordered.

RE: CLAIMS

David L. Jones (County Attorney): Claim in the amount of \$1,941.71 to David L. Jones for legal services in a number of different litigation matters involving the County; Total hours rendered 31.95. Commissioner Willner moved that the claim be approved for payment, with a second from Commissioner Cox. So ordered.

RE: EMPLOYMENT CHANGES.....RELEASES

Clerk of Circuit & Superior Courts

Rose Smith	300 S. Eichoff	Dep. Clk.	\$412.26/pay	Eff: 7/30/84
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Circuit Court

Kevin Gibson	209 Springhaven	Sp. Intn.	\$140/wk.	Eff: 7/13/84
Thomas Montgomery	1274 Woodbine Lane	Prob. Off.	\$140/wk.	Eff: 7/13/84
Paul Aarstad	626 S. Norman	Sp. Intn.	\$140/wk	Eff: 7/13/84

RE: EMPLOYMENT CHANGES.....APPOINTMENTS

Clerk of Circuit & Superior Courts

Marilyn Hess	7500 E. Chandler	Dep. Clk.	\$412.26/pay	Eff: 7/30/84
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Circuit Court

Elizabeth Hammers	213 Washington Ave.	Sp. Intn.	\$3.35/Hr.	Eff: 7/16/84
Kevin Gibson	209 Springhaven	Sp. Intn.	\$140/wk.	Eff: 7/16/84
Thomas Montgomery	1274 Woodbine Lane	Prob. Off.	\$4.00/Hr.	Eff: 7/16/84
Paul Aarstad	626 S. Norman	Sp. Intn.	\$3.35/Hr.	Eff: 7/16/84
John T. Markham	1621 S. Villa Dr.	P.T. B.B.	\$4.00/Hr.	Eff: 7/23/84

RE: COUNTY ATTORNEY.....David L. Miller

The Chair indicated that Attorney David Miller had a request to submit to the Commissioners. Mr. Miller indicated he was meeting with Judge Dietche this morning concerning a Civil Trial (not involving the County) scheduled to begin on Wednesday, August 8th. A rather unique situation has occurred wherein trials are scheduled in every available Court Room in the Courts Building. It appears that possibly one of those cases will be settled and a Court Room will be open. If not, Judge Dietche, Attorney Miller and the attorney on the other side are wondering if it would be possible to use the Commissioners' Hearing Room as a Court Room on Wednesday and Thursday, August 8 and 9. Is there any reason that this room would be otherwise occupied during those days? He said that only a 6-person jury is involved in the subject Civil Trial, so they would fit in the Hearing Room. Mr. Jim Lindenschmidt checked the records and determined that the Commissioners' Hearing Room is not being used until 7:30 p.m. on Wednesday and not until 1:30 p.m. on Thursday. Commissioner Willner moved that the request be approved, subject to the approval of the Building Authority. Motion was seconded by Commissioner Cox.

RE: NEW MEDIA REPRESENTATIVES

President Borries said there are some new media representatives present today and he wishes to welcome the following:

Lori Wirth (WGBF)
Steve Gibson (WIKY News Director)
Rod Spaw (Evansville Courier)

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RE: SCHEDULED MEETINGS

Although President Borries had mentioned scheduled meetings as various items on the agenda were discussed, he gave a brief recap as follows:

- August 6th - Drainage Board (To be held immediately after Commissioners' Meeting)
- August 7th - Paramedic Service Meeting at 6:30 p.m. in Room 303
 - Auditorium Advisory Board at 4:00 p.m. (Vanderburgh Auditorium)
 - IDOH/Dept. of Natural Resources - Indianapolis
- August 8th - Data Processing Advisory Board at 2:00 p.m. in Room 303
- Next Week - Seaboard Railroad Systems - Meeting Date & Time To Be Determined

There being no further business to come before the Board of Commissioners at this time, the Chair entertained a motion for adjournment. Motion was made by Commissioner Willner that the Commissioners' Meeting be adjourned, with a second from Commissioner Cox. So order. Meeting adjourned at 3:50 p.m.

PRESENT:

COUNTY COMMISSIONERS

Richard J. Borries
Robert L. Willner
Shirley Jean Cox

COUNTY AUDITOR

Alice McBride

COUNTY ATTORNEY

David Miller

AREA PLAN COMMISSION

Barbara Cunningham

COUNTY SURVEYOR

David Guillaum

COUNTY HIGHWAY

Bill Bethel

COUNTY ENGINEER

Andy Easley

SHERIFF

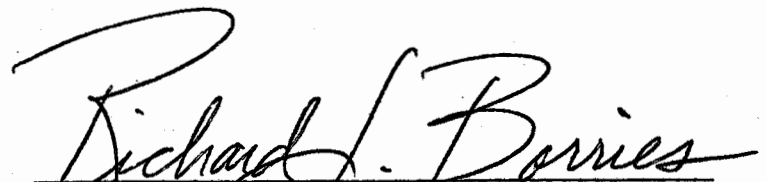
Clarence Shepard


OTHER

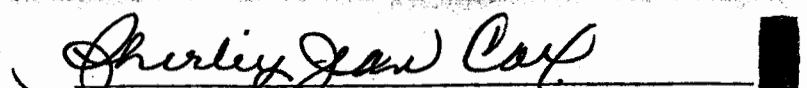
Hugh McGee
Lori Wirth (WGBF)
Steve Gibson (WIKY)
Rod Spaw (EVLE. COURIER)

SECRETARY:

Joanne A. Matthews


Richard J. Borries, President


Robert L. Willner, Vice President


Shirley Jean Cox, Member

MINUTES
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COUNTY COMMISSIONERS MEETING
August 13, 1984

The meeting of the Board of County Commissioners was held on August 13, 1984, at 2:30 p.m., in the Commissioners Hearing Room, with President Borries presiding.

The meeting was called to order by the President, who entertained a motion concerning approval of the minutes of the previous meeting. Motion was made by Commissioner Willner that the minutes of the meeting held on August 6, 1984, be approved as engrossed by the County Auditor and the reading of same be waived. A second to the motion was made by Commissioner Cox. So ordered.

RE: VANDEBURGH AUDITORIUM/REQUEST TO GO ON COUNCIL CALL

The Chair recognized Mr. Kim Bitz, Manager of Vanderburgh Auditorium, who indicated he was before the Commissioners today with a request for permission to go on September Council call to request badly needed monies to complete the Auditorium budget this year. He had distributed copies of the following letter to the Commissioners:

August 6, 1984

Vanderburgh County Commissioners
Civic Center Complex
Evansville, IN 47708

I respectfully request permission to appear at the September Council call for the following appropriations, approved by the Advisory Board:

Account #412 AMOUNT: \$58,173.00

REASON FOR REQUEST: Of the \$160,000.00 (see attached) capital improvement monies budgeted for the Auditorium, \$1,800.00 was allowed for an inspection of the stage rigging equipment. The inspection report showed several areas of rigging were in a dangerous state, requiring immediate action to eliminate this danger. This danger was caused by the weight of an orchestra shell enclosure on pipe battens not designed to carry such a load. The inspection also pointed out numerous items requiring repair or replacement, some due to a lack of preventive maintenance, some were items necessary after 17 years of use. After approval of the Task Force's recommendation for immediate change in the original list of priorities set forth at budget time, specs were compiled and through the bidding process, Tiffin Scenic Studios was awarded the contract for rigging work and drapery replacement. Total cost of the project is \$118,567.00, of which \$58,173.00 can be attributed to repair and installation costs of the Stage Rigging equipment. It is the consensus of the Advisory Board that this work is of an emergency repair nature that cannot be postponed. Therefore, we request these monies be placed in the Capital Improvement Fund, as an emergency item and approved, in order to complete the original outline of necessary improvements first budgeted.

Account #428 AMOUNT: \$14,400.00

REASON FOR REQUEST: The above figure is the cost for the purchase and installation of the Blow-Down Separator for the large Boiler. Blowing down a boiler is a several times a day project, which involves releasing waste materials from the boiler water. The material exits the boiler at temperatures that could melt a man's skin. This process, in the past, has been done manually with many homemade safety devices in use. This separator was installed to eliminate the incredible safety risk involved and to reduce the number of required blowdowns per day. This was an emergency item that I felt had to be acted on immediately, and it was. However, finding this amount of money in my existing accounts is next to impossible. In order to effectively maintain the Facility and to complete minor repairs and renovations not part of the \$160,000.00, I request these monies be appropriated to this account. Taking existing accounts will leave the Auditorium with little operating capital at a time we can least afford it.

(continued)

Account #363 AMOUNT \$1,500.00

REASON FOR REQUEST: In 1983, the cost for Trash Hauling services at the Auditorium was \$2,482.00. The Budget allotted only \$1,200.00 in 1984. With an increase in price for these services and a Budget figure lower than actual cost of service, I request these monies for this account.

Account #320 AMOUNT \$31,921.42

REASON FOR REQUEST: The Auditorium is currently realizing a shortage in the utility account. We are all well aware of the enormous gas bills of the Summer of 1983, caused by a major malfunction of the air-conditioning system. This has since been repaired. In August, September, and October of 1983, the Council approved a total of \$40,000.00 additional monies for utilities. In the October meeting, it was reported that the current bill for SIGECO was \$49,000.00. At that point, the Council appropriated \$20,000.00 for these bills, leaving not enough to pay the remainder of the \$49,000.00 and additional bills for November and December. Through end of the year account juggling, some monies were found to apply to these bills. However, this amount (\$31,921.42) was paid out of the 1984 budget in order to clear up the 1983 debt. This leaves us with the shortage previously mentioned in this account. I request these monies for this account in order not to fall behind on our utility bills as has been noted in the past.

Thank you for your consideration of these and other financial requests that are helping create a new and respectable image for the Auditorium.

Kim P. Bitz, Manager

President Borries said that on these requests, he is of the opinion that if Mr. Bitz has monies in some of these accounts, before the Commission can approve requests for additional funds -- particularly in view of the tight situation the County General Fund always seems to have -- it is not going to be possible to request the funds in various accounts until such time as he is out of money in these accounts. (He said the County Attorney can correct him if he is in error in his thinking.) Commissioner Borries then asked Mr. Bitz if he has monies in these accounts at the present time? Mr. Bitz said that in Account #363 (Trash Hauling) he has no monies; in fact, he transferred \$200.00 from another account into it at this time and that bill has been paid. This leaves nothing in this account now.

In Account #320 (Utilities), he has just been told they do not have enough to pay the bills just turned in so, obviously, they do not have any money in that account. Mr. Borries noted that, with regard to utilities, there has been a significant drop since the contract went into effect last year. Is Mr. Bitz able to estimate what he might need per month in relation to what he has in outstanding bills? He would assume that insofar as the Auditorium's energy useage, they are probably past the most significant amount of the cooling season -- once they get thru August. There will be some mild fall days and, hopefully, not too much severe winter for the heating. Is there any estimate Mr. Bitz can give in relation to a monthly bill at this time? Mr. Bitz said at the present time they are averaging \$9,000.00 per month for water, gas and electric. Commissioner Borries asked Mr. Bitz what period he is paid thru at this time? Mr. Bitz said these bills are paid thru June. The account is shy some \$2,000.00 to pay all of the utility bills for the month of July. Commissioner Cox asked if Mr. Bitz means the account is depleted of all except \$2,000.00? Mr. Bitz said he believes they have \$10,000.00 in the account, but the bills total approximately \$12,000.00. They're waiting to see whether we want to pay the smaller bills and hold off on the large one... or what. Commissioner Borries addressed County Auditor, Alice McBride, and said he has no idea at this time how much would be in the General Fund. Mrs. McBride said \$135,773.00 remains for the balance of the year. Commissioner Cox addressed President Borries and noted that Mr. Bitz' first request deals with money that, as she understands it, is available (the \$160,000.00 that has been put aside)? Commissioner Borries said that is correct. Commissioner Cox said she sees no problem with supporting his first

(continued)

request. Commissioner Borries remarked that Mr. Bitz has money on hand, however, from the \$160,000.00. Commissioner Cox said what is wanted, however, is a redirection of that money, is that not what Mr. Bitz is asking for? Or, is he asking for additional monies? Commissioner Borries said, again, that Mr. Bitz' account is not depleted. He said not speaking for Kim Bitz, but the rationale here -- what the Advisory Board had also discussed -- the \$118,000.00 was not included in the original \$160,000.00 estimate that the Council approved. This became evident after the inspection noted that the rigging was clearly in very bad condition and needed immediate attention. Has Mr. Bitz expended all of the \$118,000.00 at this point -- has Tiffin Studios finished their work? Mr. Bitz indicated they have not completed the work, but they have started. Commissioner Borries asked who is going to make sure that Tiffin has done everything -- is there any kind of an inspection procedure here that will verify that all of that has been done, in order to approve the claims? Mr. Bitz said the inspection will be accomplished by Tiffin Studios and himself -- they're the only two working on it. Commissioner Borries pointed out that Mr. Bitz still has money so, he does not think the Council will approve additional monies until those accounts are depleted -- is he correct? (Commissioner Borries noted that one Council member is present at today's meeting -- Mr. Robert Lutz -- and he can correct President Borries if he is wrong.) Commissioner Cox said that of the \$160,000.00, how much has been spent and what has it been spent for? Even late last year when the Commissioners met with the Task Force, they were talking about a redirection of what the \$160,000.00 had been previously allowed for -- so she thought that the rigging and the drapes, etc., were going to be included out of that \$160,000.00. Mr. Bitz said that was the original idea, but the Advisory Board would like to see the monies for the rigging costs, since it was an emergency repair item, put back into the \$160,000.00, so that they could finish Commissioner Cox interrupted by stating, "No, that wouldn't work, would it, Bob?" (Question was directed to Councilman Lutz, who indicated by shaking his head that this would not work.) Commissioner Borries asked Mr. Bitz if he has any idea at this point in time how much is left in Account \$412 (he would assume this was the special account set up for the Capital Improvements). Mr. Bitz said \$147,000.00 remains at this point. Commissioner asked if the \$13,000.00 spent was for the Green Room at the Auditorium? Mr. Bitz said there were several items from Carrier Building Services, Inc., for energy-saving devices put on (that was approved by the Task Force); there was a report from Technical Directions on the acoustics (Electro-Lab Services); there was a \$1,300.00 bill paid on repair of lighting equipment; Industrial Contractors for work on the roof; Tiffin Scenic Studios for their Study; and the purchase of one (1) filing cabinet. Commissioner Borries asked if money is left in Acct. #428, where they have paid for the blow-down separator? Mr. Bitz said they haven't paid anything for the blow-down separator at this point. Commissioner Borries said that Mr. Bitz has, however, asked for money for that. Has it been installed at this point? Mr. Bitz responded in the affirmative. Commissioner Borries asked if there is \$14,000.00 in the account to cover that? Mr. Bitz replied in the negative. Commissioner Borries then asked if he understood Mr. Bitz to say that he has already spent the \$1,500.00 for trash hauling? Mr. Bitz replied in the affirmative. Commissioner Borries asked him what else he needs there? Mr. Bitz said he spent \$1,200.00 and added \$200.00 more to the account; so, he's spent a total of \$1,400.00 and he's asking for \$1,500.00. The \$1,400.00 took them thru half the year and \$1,500.00 should finish them out. The busy season is December with Christmas parties, etc. Commissioner Borries remarked that in Acct. #320 (Utilities), Mr. Bitz has taken care of the bills, again many of which have dropped significantly since the maintenance contract was in effect. Thus, Mr. Bitz is talking about an average of \$9,000.00 per month, and they cannot pay another month's bills from there; thus, there are needs in this account. Is this correct? Mr. Bitz indicated that that is correct.

Commissioner Willner asked how much Mr. Bitz is asking from the County for utilities? Commissioner Cox responded, "\$31,000.00". Commissioner Willner asked about trash? Mr. Bitz responded, \$1,500.00. Commissioner Willner said he moved that the Board allow the Auditorium to go on Council call for \$31,000.00 for utilities and \$1,500.00 for trash hauling for the rest of the year. Commissioner Cox asked what about the blow-down separator? Commissioner Willner said he is thinking we've gotten by -- he knows it is dangerous and it is not the optimum -- but suggests we try to get by without it the rest of the year. Both Commissioners Borries and Cox pointed out that the blow-down separator has already been installed, and Mr. Bitz confirmed that they are correct. It has been installed -- but not paid for to date. Mr. Bitz noted that the Commissioners approved the installation of the blow-down separator several months ago. Commissioner Willner asked Mr. Bitz if he will take this out of his regular maintenance account? Mr. Bitz said he would, but then he'd zero account line in several accounts! Commissioner Willner said he needed to take another look at Mr. Bitz' request before entertaining a motion. He said he thought that when the Commissioners approved said installation that they thought he would have money for that purpose -- did they not? Commissioner

Borries said they approved the installation at that point, assuming Mr. Bitz would have the necessary money in the maintenance account. How much money is left in that account? Mr. Bitz said he has \$5,000.00 in the equipment repairs account; and there are a few outstanding bills in the Building & Structures Account -- so he thinks that approximately \$6,000.00 remains; therefore, he has a total of some \$11,000.00 remaining in these two accounts. Commissioner Willner said he needs a clearer picture before he would request Council call. Commissioner Cox pointed out that if the Commissioners do something they are going to have to do it today, because the next meeting would be too late to get on Council call -- that's the only thing; and Mr. Bitz has an outstanding bill for a blow-down separator, and we're \$2,000.00 shy in the utility account to pay July's utility bills; and he does not have money to pay for the trash hauling -- so the Commissioners had best o.k. that much anyway. Commissioner Willner said he did. He said his motion is \$31,000.00 for the utilities and \$1,500.00 for the trash hauling. Commissioner Cox said the \$31,000.00 is the projected cost to run us thru the rest of this year. Mr. Bitz said the \$31,000.00 is the actual cost of the 1983 bills paid out of the 1984 budget.

County Auditor, Alice McBride, interjected that the Commissioners can go ahead and advertise if they want to and, before the meeting of the Council withdraw it. But they would be covered if they went ahead and advertised it. If, prior to the meeting or at the meeting, the Commissioners decided they did not want to ask for that amount -- they could withdraw it. Commissioner Cox said she thinks the Commissioners have to ask for it; Mr. Bitz has to get money from somewhere to pay for the blow-down separator. The Commissioners have already approved installation and it has been installed. Commissioner Willner remarked that the Commissioners approved it -- to take it out of the regular budget (maintenance budget -- of which approximately \$11,000.00 is left).

Commissioner Cox asked Mr. Bitz how much money he needs to pay for the blow-down separator? And, how much does he have in his maintenance account right now? He said he has a total of some \$11,000.00 between the two aforementioned accounts. Even if he uses up everything, he is still some \$3,400.00 short to pay for installation of separator. Commissioner Willner asked Mr. Bitz if he knows whether he has any other bills outstanding out of the maintenance account? He said he expects that plenty will crop up between now and the first of the year. Commissioner Willner then asked what items were listed on the \$160,000.00 Council call? Mr. Bitz indicated the following items were included:

Repair of Roof	\$ 600.00
Lighting (Mainly stage light bulbs)	6,000.00
Curtains	65,000.00
Rigging Inspection	1,800.00
Carpeting	15,000.00
Painting & Papering of Lobbies	12- 15,000.00
Stage Repair	9,000.00
Sound Equipment	30,000.00
Sealing of Parking Lot	5,000.00
Lower Level Restroom	8,000.00
Repair of Terrazo Floor	2,000.00

Mr. Willner asked if the "stage repair" included the stage floor? Mr. Bitz said that is the stage floor -- in the amount of \$9,000.00. Commissioner Willner asked Mr. Bitz if it is correct that the roof repair has been completed but that the lighting is not completed? Mr. Bitz said this is correct, with the exception of the fact that the bulbs have been purchased. With regard to the carpeting, painting and papering, Mr. Bitz said these items were included in the specs. Stage repair will not be done until the rigging is completed. Sound has not been done and the lower level restroom has not been started. Curtains are being done. Commissioner Willner stated that out of the entire list, the only thing he disagrees with is the \$9,000.00 for stage floor repairs. He said that if his memory serves him correctly, repairs were done when Conrad Cooper was the manager. Mr. Bitz said that this was done in-house. Commissioner Willner said that while he is not an expert, from what he sees of the floor -- when there is a stage play or anything of that nature, they actually put 2 x 4's down and nail them to the stage floor. Mr. Bitz indicated that this is incorrect; the majority of the time, they use the bare stage -- unless it is a dance troupe who happens to own their own special floor, which they put down. Commissioner Willner said it is his personal opinion that the stage floor does not need repair again. Mr. Bitz said

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that if the stage repair work is not done, we can pretty well bet on losing the Evansville Dance Theater for the year. Commissioner Cox said that in her conversations with Mr. Bitz, the most destruction she can see happening to that stage floor (other than it not being professionally done in the first place and a good silicone base put down as a topping -- and done in-house by non-professionals -- you need a professional person who understands the useage, the multi-useage of a stage) -- but most of the damages come from the pesky skids pulled along; if they could be carpeted on the bottom so that they would slide without jamming into the wood (which causes splintering) this would prevent a lot of damage to the floor. And, she has never seen anyone nail anything to the Auditorium stage floor; she has seen them nail it to a floor which they have put on over the regular stage. But she's never seen anyone nail anything to our Auditorium stage floor and, she certainly hopes that Mr. Bitz would not permit that. In any regard, she does feel that the stage floor does need to be repaired. President Borries asked Commissioner Willner if he would want to offer a motion at this point? Commissioner Willner said he already has -- for the utilities and the trash hauling. That is as far as he wants to go at this time. President Borries asked Mr. Bitz to look at his accounts and determine if he has paid for the blow-down separator. Commissioner Willner said he did not mind making it a part of his motion that the Commissioners look at this next week. President Borries said this would be too late for Council call. Commissioner Willner said we can put it on Council call today and advertise it and make a final determination next week. President Borries said that Commissioner Willner is saying that what he's adding to his motion now is the figure for the blow-down separator? Commissioner Willner said that Mr. Bitz has \$11,000.00 in the maintenance account now; what he is adding is \$3,400.00 difference. Commissioner Cox said her figures show:

Acct. #428	\$ 3,400.00 blow-down separator
Acct. #363	\$ 1,500.00 trash hauling
Acct. #320	*\$ 14,400.00 utilities (rather than the \$31,921.42)--but Mr.

Mr. Willner said we'd have to come back.

*Mrs. Cox said this would go almost a day at a time, but would take care of this month and next on the utilities. She asked Commissioner Willner if he amended his motion to include \$3,400.00 in Acct. #428? He indicated that he did. Commissioner Cox provided a second to the motion. So ordered.

Commissioner Willner addressed President Borries, and said that he would like to have Mr. Bitz prepare a monthly Income & Expense Report for the Auditorium, just as we do for Burdette Park -- to be received monthly by the Commissioners. He said he never knows what the income is unless he checks with the Auditor's office. Therefore, he'd like to see this monthly report. President Borries requested Mr. Bitz to prepare a monthly Income & Expense Report, to be submitted to the Commissioners. He said this would be helpful to the Commissioners in determining Mr. Bitz' needs.

Evansville Philharmonic Orchestra: Mr. Bitz provided the Commissioners with copies of the following letter from the Evansville Philharmonic Orchestra:

July 30, 1984

Joe O'Daniel, Chairman
Advisory Board
850 S. Meadow Rd.
Evansville, IN 47715

Dear Mr. O'Daniel:

The Philharmonic opens its 50th Season in September, and I am sure that you will be as excited as we are to know that the long-awaited new acoustical shell for the Orchestra will be in place for the opening concert on September 29, 1984, although the actual installation will be on September 20 and 21.

As is customary, the Orchestra's first rehearsals are planned for September 23rd at the U of E. However, the experts who will be watching over the installation need to "fine tune" the shell while the Orchestra is playing within it. As the first programmed rehearsal at the Auditorium is not until the 28th, I have a special request to you and the advisory board.

(continued)

It would obviously be ideal that the Orchestra rehearse at the Auditorium on September 23rd to take advantage of the presence of these experts while they are in town and avoid the necessity of their returning to Evansville one week later.

It is not, however, in our budget to allow for the rental of the Auditorium on September 23rd, and my request to you is that, in light of the importance of the installation of this shell, you might for just this one occasion waive the rental fee as a birthday present to us for the 50th Season.

I feel that the new shell is going to be of mutual benefit to the Orchestra and the Auditorium and that its proper installation and fine tuning is of the utmost importance to us all. It would seem to me that we can all benefit in the long run from this initial investment of time and labor.

I trust that you and your board will give this request your consideration. Your affirmative answer at the earliest opportunity would be immensely appreciated.

With best personal regards, I remain

Yours sincerely,

Stewart Kershaw
Music Director

cc: Advisory Board Members
Rick Borries
Kim Bitz
Stephen M. Johnson
EPO General Manager

Commissioner Willner moved that the Evansville Philharmonic be permitted to use the Auditorium for the September 23rd rehearsal, with the rental fee being waived, so long as said rehearsal does not interfere with other performances. A second to the motion was provided by Commissioner Cox. So ordered.

Contemporary Artists Network of Evansville: Mr. Bitz distributed copies of the following letter to the Commissioners:

August 5, 1984

Mr. Joe O'Daniel, President
Vanderburgh Auditorium Advisory Board
715 Locust Street
Evansville, Indiana 47708

The Contemporary Artists Network of Evansville (CANE) is an area artists cooperative formed in 1983. We are writing to you to acquaint you with the purpose of our organization. Our objectives are to bring together artists in the Evansville area and to share information and ideas, to pursue exhibition space, to provide the Community with exposure of area artists and to form a Not-for-Profit Gallery. It is this last objective that brings us in contact with you.

"CANE" recently met with Kim Bitz, Auditorium Manager, in order to review space in the auditorium with an interest in creating a gallery for our group. The space reviewed, was formerly the vending machine area located on the second floor balcony between the rest rooms.

The Gallery would serve to build a stronger Community Awareness of artists in the Evansville area. "CANE" is interested in offering workshops and inviting area artists to discuss their art works and processing. These events would be at no cost to the community. The group is particularly interested in coordinating these activities with the Auditorium Calendar of events.

(continued)

If the proposed ideas are in concurrence with the Advisory Board, we would like to arrange a meeting to discuss renovation plans in detail.

Thank you for your time and consideration. We look forward to discussing these ideas with you in the future.

Sincerely,

Bill Leth, President "CANE"

cc: Kim Bitz

Commissioner Cox asked Mr. Bitz where this organization is located -- she sees none on the letterhead. Mr. Bitz said he really does not know whether they have an address or anything; he believes it would be thru the members themselves -- he does not believe they have an office per se. Commissioner Willner asked if they're asking that we do this like a picture on this wall with a caption underneath, etc.? Mr. Bitz said the group would like to do is take the area upstairs in the mezzanine (formerly the concessions area) and seek corporate funding to remodel the area and turn it into basically an extension of the Museum, featuring only local artists.

Mrs. Cox said that Commissioner Willner had requested a monthly report from Mr. Bitz depicting Income & Expenses. She said she had a report showing this information, which is complete thru June, 1984. However, it was noted the Commissioners are not provided this information on a monthly basis. The monthly report would give the Commissioners an indication of the revenue, bookings, and other kinds of revenues. Mr. Bitz said he knows he realizes he needs to do this on a monthly basis; however, he has just now gotten to the point where he could work up the report mentioned by Commissioner Cox.

Auditorium Report: Mr. Bitz had provided the Commissioners with a report of Auditorium Income for period January 1, 1982 thru June 1984. In covering the revenues with the Commissioners, he noted the following:

	1982	1983	6 Month/1984
Income	\$ 153,893.99	\$155,262.65	\$ 79,053.12 * (Another \$5,200 in outstanding payments due the Auditorium--so actually about \$84,000.00)

July Revenue Increase	\$ 7,751.00	\$ 11,502.00	\$ 16,603.00
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Mr. Bitz pointed out that the report contains a breakdown of the various categories, but he will not take the Commissioners' time by going thru this verbally. He said he would like to emphasize, however, that the Auditorium is seeing a revenue increase even with the loss of the parking revenues. When a final solution is reached to that problem, revenues should increase even more. Commissioner Willner asked that Mr. Bitz send a copy of subject report to the County Council, so they will have it before their meeting.

Booking Report: Copies of the Auditorium Booking Report containing figures for 1983 and 1984 were presented to the Commissioners for their perusal. The report gave a breakdown insofar as Total Rental Days, Total Event Days and Total Calendar Days Used. Mr. Bitz explained that "Total Rental Days", for example, means that if something were booked in the Gold Room and the Auditorium on the same day, both events were counted as a day in the figure shown. The same applies to "Event Days" and "Actual Calendar Days Used". In 1983, there were 190 total rental days as compared to 210 in 1984. In 1983, there were 158 total event days as compared to 177 in 1984. In 1983, there were 161 actual calendar days used as compared to 174 in 1984. The latter for 1984 includes all firm bookings up to December, but does not take into account the calls the Auditorium may receive concerning other bookings before year's end between now and year's end. He said that, hopefully, this will increase substantially before year's end. Commissioner Willner requested a report that shows a breakdown on the Gold Room versus the Auditorium. Mr. Bitz said it took a while to pull all this information together, as they prepare these figures from scratch -- there are no past records on which they can rely. This report has been put together utilizing old calendars and anything else he could find. As a bit of additional information, Mr. Bitz said the Auditorium is open 331 days out of the year. Commissioner Cox asked just what this means? Mr. Bitz said this means the Auditorium is open 331 days, whether or not the facility is rented or whether office days. Commissioner Willner asked if the mezzanine has gotten any more action? Mr. Bitz said just here and there; it is hard to book the mezzanine, because by doing that the Auditorium or Gold Room are cancelled

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for small events because of the rest room problem. Commissioner Willner then asked about the meeting rooms above the Gold Room? Mr. Bitz said they've seen a few more things come in, but nothing significant. Commissioner Willner said he wondered if we might advertise those meeting rooms -- they're just not getting much play at all? What about going out to the various civic clubs, etc., to see if we could arouse any interest? Secondly, how is the electric sign doing -- are we booked? Mr. Bitz said the sign is doing great, but we're not selling any advertising at this point. It was turned over to the Advisory Board and they are still giving this matter consideration. Commissioner Cox said there is a lot of advertising on the sign. Mr. Bitz said that is from the five (5) advertisers. Commissioner Willner requested that when Mr. Bitz starts to give the monthly Revenue & Expenses report to the Commissioners, will he please include the income from the automated sign? Mr. Bitz said there is no income from it at this point. President Borries said he thought some of the advertising of the Auditorium Meeting Rooms could be done on that sign. Commissioner Cox said she made the same suggestion to Mr. Bitz some 8-9 months ago which Commissioner Willner had just made concerning contacting the various civic clubs. However, the thing that a lot of these organizations look for is some facility where they can serve some kind of dessert, or where there is running water in the room -- or where partially prepared foods can be handled and served, etc. The Auditorium meeting rooms are not set up for something like that. In fact, it's even hard to find an electrical outlet where you can use coffee-makers, projectors, etc. Another thing, the banks give free use of their meeting rooms, which have little kitchens, nice comfortable chairs and card tables, etc., again, at no rent -- or maybe just a charge of \$10.00 to \$15.00 for a janitor to clean up after the meeting. Mr. Bitz said he will include information on the meeting rooms on the marque as soon as possible.

1985 Budget: The following figures were given for the 1985 Auditorium Budget:

Acct. #412 - Buildings, Office & Stage: \$127,000 is requested for new lighting equipment for the stage, to include new control board, new dimmer console installation fees, and separate controls for the Gold Room. Both the Gold Room and the Auditorium are currently on the same system; there have been several times when the Auditorium was turned off rather than the Gold Room and vice versa. So as we make the switch to new equipment, this control separation needs to be accomplished.

Commissioner Willner said he knows the control board and dimmer console are rather antiquated; has the Advisory Board gone thru all the items? Mr. Bitz indicated the Advisory Board has gone thru the 1985 budget item-by-item.

Acct. #421 - Furniture & Fixtures: \$7,500.00 is requested for new lobby furniture. President Borries said that, again, this is something we're going to have to look at very carefully as will the Council. With regard to the building, itself, President Borries had a comment directed to him that we need to perhaps look at the condition of the exterior of the building, from the standpoint that some of the concrete fixtures show chipping of the concrete panels, etc. Have we had anyone look at that? Mr. Bitz said that he and Jim Lindenschmidt have been trying for five (5) months to get someone to come look at this. They finally called a different company, who did come look at it and we should have some estimates from them soon. Commissioner Borries said that some of these things -- rather than go thru Mr. Bitz' entire budget -- are going to be tentative, at best, because what is going to happen is that some of the things cannot be done out of the original \$160,000.00. Therefore, the Council may wish to give consideration to some additional appropriations if they have the funding available. But insofar as the building itself is concerned, there may be some things we'll have to consider. Commissioner Willner asked that the Annual Operating Budget be separated from the Capital Improvements Budget; he said if the budgets are combined, it is confusing and you don't know what you are doing. If this is accomplished via two separate budgets, fine; when we're asking the Council for dollars, he would like to explain what we need to exist and what we need to improve. This separation of the two budget figures should be done before the 1985 budget goes to Council. President Borries said he would like to say, again, that we are faced with some financial problems. The Board of Commissioners is fully aware of the budgetary problems which the Council and the County have faced for some time. As mentioned to Mr. Bitz, President Borries said

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he cannot support a request for an Assistant Manager at this time for 1985. He understands there are additional duties that have taken place at the Auditorium. He can support Mr. Bitz' request for the increased manager's salary, since he thinks that salary would not even average what was paid two years for the current manager. But in Mr. Borries personal opinion, he cannot support the request for an assistant manager as we are faced with too many budgetary problems at the Auditorium. As Mr. Borries believes Mr. Bitz understood when he accepted the job, it does mean some long hours and some rearranging of his schedule and the other individual over there to accommodate all the events held at the Auditorium. Commissioner Willner asked County Auditor, Alice McBride, if we can still make some changes in the budget? She indicated the Commissioners can get their input into the budget in an advisory capacity to the Council. She said they can submit two different budgets -- as long as they come up with the same amount. It can be lower -- but it cannot be higher than advertised. Commissioner Cox said she had a question. We were talking about Capital Improvements -- not only on the Auditorium -- improvements are needed in other areas such as Hillcrest Home, EARC Building, etc. She asked Mrs. McBride if she has any projected amount coming in from the Local Option Income Tax? Mrs. McBride said the figure she has is \$1,077,965.00 for the County. She said from what she hears at this point, the Council does not want to use that money, because there is still talk that it is not legal. A suit has been filed in Lafayette concerning this tax. Commissioner Willner said a suggestion has been made that since the money is being collected that it be kept in escrow until such time as the Court determines whether it is legal or Constitutional. Mrs. McBride said she does have this figure in her estimate, but can back it out. Commissioner Cox said she knows the Council president sent out a memo to the various office holders and department heads to figure into the budget an approximate \$1,000.00 raise for each of the County employees, and budgets were set including this figure. Mrs. McBride said some are even higher. Commissioner Cox said was this done planning to use part of this local option income tax money to fund this raise? Mrs. McBride said she does not know. Commissioner Cox then directed the question to Councilman Lutz, who was present. She said a directive went out to the Office holders and department heads to calculate into their County Budget a \$1,000.00 raise for each employee. Does he have any idea where the funding for this was going to come from? Councilman Lutz said he does not want to spend the local option income tax monies, he wants to hold them back. Commissioner Cox said if we know that these other things that the Council is going to do is not going to affect this \$1.7 million and, depending upon the outcome in Courts, we may have enough monies to do these capital improvements that are so necessary for Vanderburgh County. She said, however, Councilman Lutz has answered her question -- that the \$1,000.00 raise for each employee has no bearing upon the local option income tax. In speaking to Mrs. McBride, Commissioner Willner said that he understands it, when the local option income tax was passed, you can now go 10% rather than 5% on the regular frozen rate? Mrs. McBride said he can have the cumulative development fund -- which is 5% this year. Commissioner Willner asked if this would include some of our needed items? Mrs. McBride said she has a list of things this money can be used for: i.e., this money can be used for public buildings. Commissioner Cox said what Commissioner Willner is saying is that there is also built into this local option income tax the provision to increase the property tax level -- she said those figures are in there. Commissioner Cox said this puts it on the back of the poor taxpayer!

Continuing, Mr. Bitz said he did have one thing to add concerning his request for an assistant manager. As stated, the Auditorium is open 331 days of the year, and they are always looking to increase the bookings to where they reach the point where they're open 365 days a year. Right now, it has been suggested that he works out time with the Auditorium Secretary to work some of the night events. But who comes in during the day? Mr. Bitz said he is out of his office half the day. Right now he is working desperately trying to work up six (6) different sets of specs; coordinating the new orchestra shell with the rigging; he has spent 100 hours at least (and this can be verified by the man from Tiffen Studios) just trying to get this coordinated. He said there has to be someone in that office; they lose business by not having someone in the office to answer the phone. He said the need for a secretary/bookkeeper throughout the day is definite. He said that hiring security and having them work the desk is not, in his opinion, the proper representation for the Auditorium. He said he would like to come before the Commissioners and be prepared for said meetings -- but he does not have enough time. President Borries said he thinks we are all faced with that difficulty; he said that as he has told Mr. Bitz before (he's discussed the increased demands) that at Roberts Stadium -- where many events are held -- that manager would like to also have help. And we have requests from various employees throughout the County offices. But it is something that we have to look at. President Borries said the Commissioners have a secretary who has a difficult time getting out of the office. But they're hearing a lot about tax dollars and how much is being spent. His advice has been that we're

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just going to try to hold the line and do the best we can with the available work force. If we had a windfall of money, that would certainly be a much different situation. If we had a solid record of being in the black at the Auditorium from the standpoint of being a self-sustaining facility as Roberts Stadium is, then some of these demands could be taken into consideration. Hopefully, that will occur. President Borries said this is also the reason the Commissioners approved the telephone answering service if necessary for a portion of the day if it was necessary for someone to be gone, etc. Mr. Bitz indicated he understood what President Borries was saying.

President Borries proceeded by saying there was a question concerning utilities. At the last Advisory Board meeting, there were several representatives from various energy management companies, who had come to express interest. He said his question at this point is, since we have a contract which will expire in September, he has asked County Attorney David Jones to give a legal opinion as to whether at this point we should retrieve the contract and take same into consideration. He called upon Mr. Jones for his advice. Attorney Jones said the contract does not expire in September; that is merely the anniversary date. The contract continues automatically, unless one party or the other terminates it by giving a notice in advance of the anniversary date. Under those circumstances, there is no requirement to bid until the contract comes to an end. The contract does not come to an end until such time as you take steps to give notice. Therefore, there doesn't have to be any bidding. If you don't give notice -- in fact, we're probably already lost the opportunity to terminate the contract this year, by not giving sufficient notice. He believes it was either 30 or 60 days. He said he has a letter with his opinion, which he will be sending over. However, there is no bid situation created here, whatsoever. President Borries said what they will need from Mr. Bitz is information as to whether there have been any problems with this service; any specifics that Mr. Bitz would see. If it has been satisfactory, according to what the attorney says, Mr. Borries would assume that the contract could continue. That information needs to be shared with the Advisory Board and given to the Commissioners so that a decision can be made. If the service has been satisfactory and savings have been realized, this information should be provided to the Advisory Board and the Commissioners.

RE: COUNTY ATTORNEY.....David Jones

National Revenue Corp.: Attorney Jones presented a substantial stack of documents, indicating that each page represents a separate tax account which has been referred by the Vanderburgh County Treasurer to review. Each document is an authorization from the Board of Commissioners to advance a processing fee to refer these things out for collection by attorneys. In many cases, they're all over the county. Mr. Jones said we were not initially sure what affect this had on the agreement. He said in summarizing, the basic agreement contained a guarantee that if certain levels of these collections of taxes were not reached, then the County got its money back. Attorney Jones said he has been advised that sufficient tax collections have been received so that the guarantee is not a factor here. In other words, the Company has met its basic minimum guarantee and made money for the County. What he has in his hands today represents people who did not respond to a letter, or who sent a letter back disputing they owed the tax or, in some cases, had an attorney send a letter disputing the tax. In order to go further, the County would have to come up with the fee. These fees are in the nature of a filing fee and would have to be advanced. Then, an attorney would be engaged wherever this person is located -- via the network of attorneys employed by National Revenue Corp. In some cases, the fee is almost as much as the amount of the tax. If it is not collected, we have expended the fee and we do not get it back. So, there could be a substantial outlay. Basically, the County Attorney is not in a position to tell the Commissioners whether or not they should proceed with all of these cases. In some cases there are public officials, CPA's, attorneys...a number of people. He would assume some of this could be collected and some not collected. In some cases the amount is significant; in others it is probably too small to justify going after it. It is Mr. Jones' suggestion that the County Treasurer is the individual most able to determine whether we should go after some of these people. Attorney Jones said another thing that disturbs him is the practice the County has of increasing the amount of the tax bill that hasn't been paid -- beyond the true amount. He said he understands this has been done for a number of years. So, in many cases, this isn't a true figure. If it is ever taken up in Court and challenged, he questions whether or not we could recover some of these monies. Attorney Jones said that he did not participate in the assessments and the way the amount was determined by the Treasurer's office, etc., and he does not know how they arrived at this amount. But, he does know that many of these are not true amounts.

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If we do not go forward with this, we are in effect writing it off. We could then substitute each of these accounts with another account, since we paid the activator fee for the year--and the company will go after some replacement accounts that are delinquent. But, Attorney Jones said he thinks it would take somebody -- the Treasurer -- i.e., he cited one for \$102.00 and \$17.50; we'd have to advance that sum. While he does not know how many documents are here, he would say there are several hundred at an average of \$15.00 - \$16.00 each -- in other words, a pretty good chunk of cash here that the County would have to advance. It is his recommendation that the County Treasurer sift and sort those which he thinks are realistic and he has a chance of getting. In those cases, authorize an attorney to go get them. In other cases where the amount is too small or he doesn't think they're genuine, he ought to write them off and forget about it. Attorney Jones said he also has a copy of his opinion letter for Mr. Volpe, together with the documents which should be forwarded to him. Motion was made by Commissioner Willner that the Board instruct the County Treasurer to look at these documents on an individual basis and make a recommendation to the Board of Commissioners on each individual case. Commissioner Cox provided a second to the motion. So ordered.

Commissioner Willner asked Mrs. McBride if she had the figures as to how much the County made on this contract -- was it substantial? Mrs. McBride said she does not have those figures available at the moment, but can check with Mr. Volpe. Commissioner Cox said we had a potential of \$600,000.00. She said a letter from National Revenue had indicated that we would receive a monthly report. At one time, we received something and did not know whether it was a check or what. Was it ever determined what that was? Have we received any money from them? The check should have come to the Commissioners for acceptance and their signatures prior to forwarding the monies to the County General Fund. Commissioner Willner said this would go into back taxes! Commissioner Cox pointed out that this is a contract between National Revenue Corp. and the Commissioners; so, the check should come to the Commissioners. She does not recall signing any check for monies collected from this. Attorney Jones verified that Mrs. Cox is correct. The check should have come to the Commissioners, together with a list of individuals from whom they collected the monies. He said it is his understanding that we will receive an accounting from National Revenue, indicating the total amount sought, total amount collected, written off, their costs, etc. President Borries said he knows they have made collections. An individual from National Revenue Corp. stopped in the office just this past week -- but he does not know how much has been collected.

RE: COUNTY HIGHWAY DEPARTMENT.....Bill Bethel

Weekly Absentee Report: Mr. Bethel submitted the Weekly Absentee Report for the Employees at the County Garage for period August 6 thru August 10, 1984.....report received and filed.

Weekly Work Report: The Weekly Work Report for the employees at the County Garage was submitted for the period August 6 thru August 10, 1984.....report received and filed.

Work Schedule: Attached to the Weekly Report was the following work schedule for period August 6 thru August 10, 1984:

Gradall: Bergdolt Rd., Lynn Rd., Elm St., Alley (City used our gradall and gradall operator).

Paved: Barton Lane, Happei Rd., Wimberg Rd., and Big Schaeffer Rd.

Patch: S. Weinbach, River Rd., Oak Grove Rd., East Boonville-New Harmony Rd., St. Wendel Rd., Clover Dr., Brookdale, Rode Rd., Elmhurst, Elmendorf, Baseline Rd., Darmstadt Rd., Broadway, Bridge View Dr., St. Joe Ave., #3 School Rd., Detroy Rd., Mohr Rd., Old Henderson Rd., Schmitt Lane, Kuebler Rd., Eissler Rd., Mill Rd., and Pine Place.

Mower: Mesker Park Dr., Kramer Rd., Koring Rd., Schmuck Rd., Hogue Rd., N. Red Bank Rd., Allen Lane and Woodland Hills.

Grader: Schissler Rd., Cypress-Dale Rd., Big Schaeffer Rd., Bender Rd., Mimosa and Heerdink Ave.

Distributor

Oiler: Schmidt, Baehl, Armstrong, Maasberg, Bixley, Wallenmeyer,
Shore Rd., Schissler Rd., Buente Rd., Kissel Rd., Calf Lane,
Old Green River and County Line (East).

Pickup Truck for Dog Pound: In response to Commissioner Willner's query, Mr. Bethel indicated he had delivery of the pickup truck for the Dog Pound. The radio is being installed today and delivery is being made to the Dog Pound this afternoon.

President Borries said he knows Mr. Bethel has a lot of calls and complaints -- and he wants to share the contents of a letter the Commissioners received from South Central Communications, as follows:

...."Would like to give a thanks from myself and the many neighbors who live along West Mill Road for the work you did along that particular road.

Mrs. Betty Engelbrecht
Manager & Owner
South Central Communications Corp."

Mr. Borries said Mr. Bethel should take this letter and share it with his employees -- for a job well done on the paving program this year.

RE: COUNTY SURVEYOR'S OFFICE

President Borries said there were no items to be covered by the Surveyor's office today, with the exception of the Bridge & Guardrail Repair Report for period August 6 thru August 10, 1984.....report received and filed.

Maryland Street Bridge: President Borries said that in talking with Mr. Brenner this week, he did indicate that the Maryland Street Bridge is coming along on schedule. Thus far, no problems have been encountered.

RE: COUNTY HIGHWAY ENGINEER.....Andy Easley

Mr. Easley said that as the Commissioners will recall, he and Dave Gerard traveled to Indianapolis to attend the meeting on Eichoff-Koressel Rd. Mr. Easley presented copies of a letter prepared by United Consulting Engineers, Inc., to the Commissioners. The letter read as follows:

August 7, 1984

MEMO TO RECORD

To: All Attendees

From: Jeff Vlach

Re: Projects M-E 180(1) and RS-6582(1)
Eichoff Road - Koressel Road
Vanderburgh County, Indiana

A meeting was held for the referenced projects at 10:30 a.m. on the above date in the 1203 Conference Room of the Division of Local Assistance, Indiana Department of Highways. Those individuals in attendance are shown on the attached list. The purpose of this meeting was to discuss the acquisition of additional right-of-way and resultant impacts to wildlife habitat requirements. Additionally, alternative alignments to the proposed connection of Eichoff Road to Koressel Road were to be considered.

Topics of discussion at the meeting included:

- 1) Mitigation and or replacement of wildlife habitat which would be lost as right-of-way. The attached list was introduced showing the additional permanent right-of-way acquisition. The USFWS indicated that uneconomic remnants could be preserved and enhanced for wildlife potential. The USFWS also favors the creation of wetlands along the corridor. Mr. Hudak replied that the referenced projects could be used

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as a model for their HEP (Habitat Evaluation Procedures) program. This program assigns arbitrary values to the various types of wildlife habitats in an area; ideally, if a certain number of units of one type of habitat is lost, it should be compensated for either with an equal number of units of similar replacement habitat or replaced with a higher value habitat. Mr. Norris may undertake this survey for the referenced projects.

It was suggested that Indiana State University, Evansville, could develop areas within their campus for wildlife habitat. This could compensate for habitat lost as a result of the construction. During the development of the environmental study, continuing coordination with the USFWS and IDNR will insure that wildlife concerns keep pace with overall project development.

- 2) Alternative alignments were presented for the construction of a new connector roadway. The USFWS proposed utilization of existing roadways which circuitously connect S.R. 62 to S.R. 66. It was indicated by Mr. Gerard that this project was one phase of a larger project connecting S.R. 62 to S.R. 65/I-64 (about eight miles north of S.R. 66). Also, it was pointed out that the proposed Eichoff Road-Koressel Road project was an element of the local land use and transportation planning of Vanderburgh County, and would provide a major north-south roadway on the west side of the county.

The USFWS and IDNR questioned the year 2000 traffic counts used in the early coordination. It was indicated that these counts assumed connection of Koressel Road to S.R. 65/I-64 north from S.R. 66 (as previously indicated), and should be utilized as such.

- 3) Evansville Urban Transportation Study does not feel that significant secondary development would occur with the implementation of the proposed projects. Major limitations to this secondary growth include the rolling topography and lack of sewage facilities in the area. The absence of significant secondary development could insure/enhance habitat potential for wildlife adjacent to the corridor.
- 4) In regard to the above discussions, USFWS and IDNR favor Alternate B as it would impact less wildlife habitat. The Vanderburgh County Highway Engineer expressed support for an overpass of the L & N Railroad, citing ease of maintenance responsibilities.

This is my understanding of the events of this meeting. If there are any additions or corrections, please advise.

Job No. 84-027

Mr. Easley said he was pleased with the way the meeting went and he believes we have resolved any major problems. The USFWS people do accept the route and, he believes, accepted the traffic count projections. There were discussions concerning the merits of an underpass versus an overpass. He pointed out that the last sentence of the above letter indicated that Mr. Easley favors an overpass because it would require less maintenance than an underpass. However, he thinks the USFWS people would prefer an underpass under the Seaboard Railroad line. Commissioner Willner asked what possible difference this could make to the USFWS? Mr. Easley said USFWS indicated it would take less right-of-way if we went with an underpass, and there would be less disturbance. There would be big side slopes on an overpass. They also seemed to favor that if 1.7 acres was used in this one route, they would like to see it replaced with wetlands; and Steve Helfrich was there; he suggested that perhaps we could find between the University property and Southern Indiana Higher Education's property sufficient property to satisfy -- if we have to replace the habitat. Thus, Mr. Easley does not feel that's going to be a big problem.

Claim/Lynch Road: Mr. Easley said he has a claim to Sebree, Craig & McKnight, Inc. in the amount of \$4,445.09 for work on the Lynch Road Quarter Location Study. It has been checked and documentation is attached. Claim has been checked and signed by Mr. Easley. Motion was made by Commissioner Willner that said claim be approved for payment. Commissioner Cox provided a second to the motion. So ordered.

Mead Johnson Hangar: Mr. Easley indicated he needed the Commissioners' guidance

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on another matter. He asked if the Commissioners recalled that a couple of months ago that Mead Johnson Company --we got involved with a highway access permit for that new hangar, because it is the State's intention to some day ask that that section of Highway 57 be relinquished. In supplying a sprinkler system for that hangar, a line needs to be put under Highway 57. It is just about at the easterly terminis of the highway -- if they ever extend the north-south runway -- the highway would go no further east. The question is, Mead Johnson would like to have the sprinkler line brought under the highway without a casing. It is much less expensive if the casing is deleted. Mr. Easley said he can see no reason to put a casing in it -- because there are many water lines around town that do not have casings that are in the ground and under pavement. Mr. Easley would like the Commissioners' permission to tell Mead Johnson's engineer that the County has no objection at this point if they want to ask the Water Department to delete the casing. Commissioner Willner asked if they will take care of the maintenance? Mr. Easley said he will include a clause that this does not obligate the County Commissioners to accept....the same clause included on the driveway permit. That's future negotiations; it could be that the State Highway will still insist upon a casing. But, as far as the County Engineer's office is concerned, he does not see any reason to go to that expense -- because when the road is blocked off it will end there about where the casing is going to be anyway. Commissioner Willner moved that Mr. Easley's request be approved, and Commissioner Cox provided a second to the motion. So ordered.

RE: SUPERINTENDENT OF COUNTY BUILDINGS.....Jim Lindenschmidt

Mr. Lindenschmidt said he would like to delay for one (1) month his request to go on Council call, because he is currently looking at an alternative means for funding.

RE: REQUEST TO GO ON COUNCIL CALL/COMMISSIONERS' BUDGET

President Borries said the items the Commissioners are on Council call for are to set the Weights & Measures budget correctly at \$8,000.00. Payment was made to the City thru June 1984, but there apparently was not an accurate figure there for Acct. #130-366. In Acct. 130-386 (Computer Services), we will finalize the final portion of the last payment that the County will make to Pulse Services for 1984, and that sum is \$2,456.00. This will be added to the \$86,000.00 that we will need to complete our contract for 1984 (October 1, 1984 thru December 31, 1984). Motion was made by Commissioner Willner that request be approved, with a second from Commissioner Cox. So ordered.

RE: DEPARTMENT OF NATURAL RESOURCES/State of Indiana

President Borries read the following letter from the Department of Natural Resources/ State of Indiana:

August 7, 1984

Vanderburgh County Commissioners
c/o County Auditor
Civic Center Complex
Evansville, Indiana 47708

Gentlemen:

The Department of the Interior has notified us that the Culver Historic District, roughly bounded by Madison, the alley west of Emmett, Riverside, and Venice Street in Evansville, Indiana was entered on the National Register of Historic Places on June 1, 1984.

Authorized by the National Historic Preservation Act of 1966, the National Register of Historic Places is the official inventory of sites with national, state, or local significance in the development of our nation's historic, architectural, archaeological, or cultural heritage. Listing on the National Register is official recognition of the significance of the site and provides a measure of protection for the property.

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In Indiana, the National Register program is administered by the Department of Natural Resources. In addition to a degree of environmental protection, owners of listed properties are eligible to apply for matching federal grants for restoration or preservation work. Owners of commercially-used properties are also eligible for federal tax benefits for certified rehabilitation work. Please contact the Division of Historic Preservation should you have any question about the above program, at 317/232-1646.

Very truly yours,

James M. Ridenour
State Historic Preservation Officer

President Borries said that he hopes that the old school was not in that district, because we're in trouble if it was!

RE: MONTHLY REPORT/CLERK OF THE CIRCUIT COURT

The monthly report for period ending July 31, 1984 from the Clerk of the Circuit Court was submitted.....report received and filed.

RE: OLD BUSINESS

Data Processing Advisory Board: A meeting of the Data Processing Board was held with City officials as well as County officials (major users), the appointees of the Commissioners, etc. on Wednesday, August 8th at 2:00 p.m. Copies of the contract with Pulse were provided to all in attendance, as well as copies of the Ordinance that set up the Data Processing Board for everyone to examine. The City Clerk was there and stated that she still is trying to see if the Ordinances are identical. There are some additional City appointments to be made. But a very representative group from the County attended the meeting to meet with the Pulse Systems people. Commissioner Borries suggested that because the Commissioners' office had received this past week a Lilly Company Assistance Program brochure and, because there are also City agencies affected by this contract, that we ask assistance. We would have a month to submit a grant request for the Lily Community Assistance Program. Mr. Borries noted on this project that several counties and cities have asked for and received grants for data processing studies in 1983 and 1984 (City of Nappinee; Tipton County; Jefferson County, etc.). That person might also provide some assistance as we are setting the direction of this Board and looking at future plans.

In talking with City officials and Pulse Systems in trying to set up a formula, as the contract provides for a discussion of the percentage of useage between the County and City on the base contract of \$416,000.00, for 1984 those figures were 83% and 17%. For 1985, those figures have been adjusted after discussions with City officials and Pulse Systems, that the County will pay 77% and the City will pay 23% of the base figure for 1985. President Borries said he anticipates the the Board will receive additional appointments thru either the Mayor's office or the Board of Public Works. Alice McBride and Leslie Blenner (City Controller) will convene the next meeting. At that time, they will also select officers as outlined by the Ordinance. Mr. Borries said he believes the Board has potential for planning as we move ahead and, certainly, data processing is going to be a field in which we are going to be receiving a vast amount of changes -- but it can be of great benefit to the County and the City as we move along on this.

Paramedic Service Study Group: A meeting will be held tomorrow (August 14th) at 6:30 p.m. in Room 303 for the paramedic service study group.

Civil Defense: Civil Defense will also hold a meeting concerning their preparations, etc., for the kickoff to their preparedness drive for fall and winter. That is scheduled at 8:30 p.m. at Citizen's Bank on August 16th (Thursday).

RE: CLAIMS

Steven L. Bohleber: President Borries said a week or so ago the Board gave permission to Attorney Steven Bohleber, who had no direct conflict concerning a legal opinion requested by the Board of Review in order for them to proceed with their duties and assessments for this year. Mr. Bohleber has done some extensive research and submitted his opinion, based on numerous Court Hearings and Statutes that he researched.

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President Borries said he will not read that opinion; it is a matter of record and a copy has been forwarded to Mr. Angermeier, who serves as the organizer and head of the Board of Review. Mr. Bohleber has also sent a bill at the rate of \$60.00 per hour for his research services. This claim is being submitted for approval today -- if there are adequate funds. The total fee would be \$426.00. Mr. Borries said Mr. Bohleber has included an itemized statement, including the telephone conversations and research he has done, as well as the drafting of the opinion for the Board of Review.

Commissioner Cox asked Commissioner Borries if he has read the written opinion, indicating that she's not quite certain how to interpret said opinion. President Borries said he thinks the major interest and summary he has worked up, based on his research, was that the tax exemption questions encountered by the Board of Review at this point was heavily in favor of taxation. The second point was that the taxpayer has the burden of proving his exemption. Third, that ambiguous statutory applications are construed in favor of taxation in terms which, at this point, give the Board of Review and the Assessor the power to proceed to state their case. He thinks they were most concerned that they have a legal opinion to start their work for 1984-1985. If there are Court controversies or the necessity of settling thru the Supreme Court, this is an important starting point for them.

It was determined that Mr. Bohleber's statement would be held until a blue claim could be prepared by the Commissioners' office.

Deig Bros. Lumber & Construction Co.: A claim in the amount of \$846.00 for emergency repairs to expansion joint on Ohio Street Bridge from Deig Bros. was presented for approval. The Surveyor's office has already signed the claim. Motion was made by Commissioner Cox that the claim be approved for payment, with a second from Commissioner Willner. So ordered. Mrs. Cox remarked that Deig did a good job on this, as well as an efficient job. She said they did not close the area until shortly after 9:00 a.m. on Wednesday and it was open again at 4:30 p.m.

Rig-Mar Contracting, Inc.: A claim in the amount of \$74,700.00 for work on the Maryland Street Bridge. This is the first claim submitted by Rig-Mar in connection with this project. Said claim has been reviewed and signed by Robert Brenner, County Surveyor. Motion to approve this claim for payment was made by Commissioner Willner, with a second from Commissioner Cox. So ordered.

Deig Bros. Lumber & Construction Co.: A claim in the amount of \$45,683.73 for work on expansion improvements at the County Jail was submitted for approval. This, of course, is in accordance with a special Federal Grant that we have and marks work which has been completed at this point, but does not include retainage. Motion to approve claim for payment was made by Commissioner Willner after it was ascertained that Attorney Jones had reviewed and signed the claim. Motion was seconded by Commissioner Cox. So ordered.

RE: EMPLOYMENT CHANGES - RELEASES

Area Plan Commission

Sandy Weinzapfel 313 N. Bell Ave. Dep. Admin. \$11,320/Yr. Eff: 8-20-84

REP EMPLOYMENT CHANGES - APPOINTMENTS

Area Plan Commission

Betty J. Gilles 1409 S. Kentucky Ave. Dep. Admin. \$11,000/Yr. Eff: 8-20-84

RE: SCHEDULED MEETINGS

With regard to scheduled meetings, President Borries indicated he had actually brought these to the Board's attention earlier in the meeting under other items.

(continued)

480.

COUNTY COMMISSIONERS
8/13/84

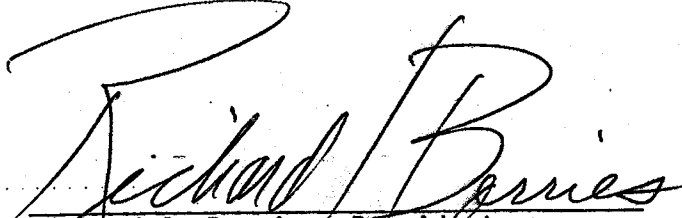


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There being no further business to come before the Board of Commissioners at this time, the President declared the meeting adjourned at 4:10 p.m.

<u>PRESENT:</u>	<u>COUNTY COMMISSIONERS</u>	<u>COUNTY AUDITOR</u>	<u>COUNTY ATTORNEY</u>
	Richard J. Borries, President Robert L. Willner, Vice President Shirley Jean Cox, Member	Alice McBride	David L. Jones

<u>COUNTY HIGHWAY</u>	<u>COUNTY ENGINEER</u>
Bill Bethel	Andy Easley

SECRETARY: Joanne A. Matthews

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

481.

MINUTES
COUNTY COMMISSIONERS' MEETING
August 20, 1984

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482.

COUNTY COMMISSIONERS MEETING
August 20, 1984

The meeting of the Board of County Commissioners was held on August 20, 1984, at 7:30 p.m. in the Commissioners' Hearing Room, with President Borries presiding.

The Chair called the meeting to order and subsequently entertained a motion concerning approval of the minutes of the previous meeting. A motion was made by Commissioner Willner that the minutes of the meeting held on August 13, 1984, be approved as engrossed by the County Auditor and the reading of same be waived. A second to the motion was provided by Commissioner Cox. So ordered.

RE: REZONING PETITIONS

VC-10-84/First Reading; Petitioner, Alfred R. & Shirley Melton: Present zoning is C-4 and a change is requested to C-2 zoning, for purposes of operating a self-service station and four (4) efficiency apartments in the existing 2,400 sq. ft. building. A small portion of the building will be retained as a cashier's office for the service station. Property is located in an area of mixed zonings, with C-4 to the south and east, R-1 to the northeast and Agricultural to the west and north. Motion was made by Commissioner Willner that Ordinance VC-10-84 be approved on First Reading and forwarded to the Area Plan Commission. Commissioner Cox provided a second to the motion. So ordered.

VC-11-84/First Reading; Petitioner, James A. Bauer: President Borries said it has been requested that the First Reading of this petition be deferred until September.

VC-9-84/Third Reading; Petitioner, Paul E. & Robert F. Hatfield: The Chair recognized Mr. Paul Hatfield, as he approached the podium to speak concerning this rezoning petition. (Mr. Hatfield was carrying several visual aids with him for display on an easel.) Mr. Hatfield said this petition requests a change in the zoning classification for property located at 2801 N. Green River Road from the present agricultural class to a C-4 class for the purpose of the construction of a Commercial Retail Mall (Green Oaks Fashion Mall). The size of the land parcel is 35.097 acres and it is presently served by utilities consisting of an existing 16-inch water line which, of course, will be extended. The sanitary sewer lines will be extended from the present 8-inch line (which connects into the Old Boonville Highway) which he understands the property owner to the south (Mr. Paul Neville) will be extending from that a 10-inch line and Hatfield will extend from that line. The storm sewer system will, of course, be their own which will be installed on the subject property and will also contain a detention dry bottom area consisting of approximately three (3) acres in size. The sewer line pipe sizes will vary from 12-inches to 48-inches on site to the drainage, where it will drain across Green River Road to the Creek (Pigeon). It will extend approximately 460 ft. which, of course, they have agreed to maintain that particular sewer line area -- or, rather, the storm drainage area. He said he thinks this has been explained in detail to the Commissioners, as a Drainage Board, before. Again, he reiterated that they will maintain that. He said it has been decided that this is the quickest way to get the water into the creek and drain the area without any affect on the surrounding areas. The reason for the dry bottom detention area is, of course, the 100 year rain, primarily. Again, they will maintain that and it will be specifically for that particular reason.

Mr. Hatfield said he believes there was some question during the subject Drainage Board Meeting (July 30th) concerning to whom that particular drainage easement ran. He said he has a copy of this and it does run to the County....it is the County's easement.

Commissioner Cox (in addressing both the Commissioners and Mr. Hatfield) advised that there are some individuals present at tonight's meeting who are interested in the drainage plans; she requested that Mr. Hatfield adjust the easel so that the displays being discussed can be seen by both the Commissioners and individuals in the audience. Mr. Hatfield complied with Mrs. Cox's request. Continuing, he said he wants to make certain that the Commissioners understand the detention area. It will vary in depth from 14-inches to 24-inches. The area boundaries actually consist of Morgan Avenue on the south, Heckel Road on the north; eventually, the northern boundary will change to Lynch Road Extension, which will come across and connect with the I-164 extension. Burkhardt Road is the east boundary and Oak Hill-Road (actually at some distance) on the west. He noted the latter is not depicted in the particular plat on display. Land use is as follows: Property to the south (green on the map) is multi-family; industrial surrounds to the east and behind the property; Church property and commercial across the road on Green River; commercial at Morgan Avenue and Green River; other commercial property along Morgan Avenue. In pointing to the map, he noted C-4 (north) and C-4 on

(continued)

Green River Road to the extreme north. The growth pattern in the subject area seems to be going commercial at this particular time. There is a commercial area going in at Morgan Avenue and Green River Road. As indicated by interest -- as well as by development -- the growth pattern is commercial with an emerging industrial area to the east. The residential areas seem to be farther out; and, of course, a designated area (again, Mr. Hatfield pointed to the map) is a buffer zone between residential and commercial multi-family. There is considerable multi-family in yet another designated area, with some R-0. The conceptual land use calls for commercial in the area in which the subject property is located -- which is in the not too distant future. Again, Commissioner Cox asked that Mr. Hatfield put the subject display on the easel so it could be seen by all interested parties. Continuing, Mr. Hatfield said that the conceptual land use, both as devised and as is in the comprehensive plans, calls for commercial to be along north Green River Road along both sides in the subject area. He said the comprehensive land use plan was approved in July, 1983. The proposed project will vary in height from 17-ft. to 22-ft, and will encompass 259,580 sq. ft. gross lease area. It will be constructed of brick/concrete block/stucco with Spanish architecture. Mr. Hatfield said they are endeavoring for a first-class mall. It will serve from 25-30 stores, none of which are located in Evansville at the present time. The parking area will include space for 1,500 cars (including 400 for employees and 44 for the handicapped). Property will be extensively landscaped, with the area next to the Church being a bourn, which will vary in height from 3-ft. to 5-ft. which will, of course, screen the northern boundary from the Church area. The rest of the parking area will be landscaped, with trees being the predominant foilage used on both the north and south. Type of occupancy will include: Men's & Women's Clothing & Accessories; Children's Wear; Designer's Sportswear; Lingerie, Toys & ancillary stores and, for the most part, will not take any present occupants of any of the existing malls (such as Eastland Mall or Eastland Place); but will be new stores which, up to now, we have not seen in this area. The traffic control pattern has been worked out with E.U.T.S. and the developers will be abiding by their decision. Briefly, however, plans include an ingress/egress at a designated point on the southern part of the property and, initially, will include an ingress point at the northern entrance, as well as a turn lane going south and one turn lane going north which will, of course, be controlled by a traffic signal. Initially, they will be improving the eastern half of Green River Road and, at Mr. Gerard's request, will await the County's plans before improving the remaining portion of Green River Road on the west side.

As previously mentioned, the drainage plans were presented to the Board and approved; the developer will be maintaining the drainage pipe a distance of 400-ft. after crossing Green River Road and has no qualms about that, whatsoever. Mr. Hatfield said a very important point to consider in this particular rezoning matter is the economic impact which this particular development will have; not only on the pertinent township and the County, itself, but on the area as a whole. He cited the following:

- 1) Between \$285,000 - \$315,000 will be generated annually in taxes. (The reason for the variance, of course, is in figuring the real estate taxes on the present base rate as opposed to what is being projected in the next couple of years.)
- 2) Between \$45,000 and \$50,000 in business tangible personal property tax will be generated annually.
- 3) Between \$3,500,000 - \$3,750,000 in sales tax, based on gross sales of between \$70 million - \$80 million annually.
- 4) Between 400 - 430 permanent jobs will be created by this particular development.
- 5) Around 450 construction jobs will be created by this particular development, after construction is started.
- 6) Cash flow in goods and services generated by the project during the period of construction is projected at \$24 million - \$32 million.
- 7) As previously stated, projected retail cash flow annually will be between \$70 million - \$80 million.
- 8) Annual increase in community bank deposits is estimated at \$3,000,000 - \$3,250,000.

(continued)

- 9) Increase in personal income in the community due to this project -- after completion and 100% occupied -- will be between \$3,500,000 - \$4,000,000.
- 10) Again, as previously stated, the mall will encompass 25-30 stores; it could go as low as 17, depending upon the number of square feet that several occupants might very well take.
- 11) In conclusion, according to a survey made by Mr. Hatfield, insofar as the economic impact is concerned, in the number of business entities in Vanderburgh County which employ 400 or more employees, this particular mall operation would rank in the top fifteen (15).

Mr. Hatfield said a petition was presented at the Area Plan Commission of the surrounding property owners (in what was considered the immediate area) stating that they had no objections to this particular project. An agreement was reached (and that agreement was presented and filed with the APC) whereby any objections which the Church had, the developer had agreed to take care of those particular items. In conclusion, Mr. Hatfield said that the zoning request is in accordance with the master plan. It is putting this specific property to its highest and best use and, without a doubt, the economic impact is something that none of us can ignore with the present race and search for tax dollars to take care of costs which, of course, will always be with us. Should the Commissioners have any questions, Mr. Hatfield said he would be happy to answer them at this time. Commissioner Cox indicated she had no questions at this point in time. Commissioner Willner indicated he would probably have questions at some later point in the meeting. President Borries then asked if there were other individuals present who wished to speak concerning this petition. The Chair recognized Mr. John Hirsch, who approached the podium to speak.

Mr. Hirsch expressed concerns regarding the sanitary sewers and drainage plans, inasmuch as he lives across the road from the proposed project. He had previously spoken with Mr. Paul Neville (another developer in the area) and was uncertain as to how all of this development would affect the drainage on his property and Green River Road, etc. Mr. Hatfield said he had spoken with Mr. James Morley, personally when they did the drainage check and he had indicated their plan was alright. He said that whatever it takes is what they are going to do. He cannot cause Mr. Hirsch a problem; and, he does not think the County would let him cause Mr. Hirsch a problem. He assured Mr. Hirsch that it is even more important to the developer than to him that this be right. He said with a \$16 million project, it is vitally important to them that this be right. He said he will say this to Mr. Hirsch, "At the time that we get into that, I will be more than happy to keep you informed at all times, because I know it is important to you -- and it is important to us. When they flush a toilet in that mall, it had better work!" Mr. Hatfield said this is something that has to be worked out, insofar as permits and everything else is concerned it has to be right. He said that Commissioner Willner had assured him that their drainage plans would work. In Mr. Hatfield's opinion, it is the best drainage plan that's ever been devised insofar as a major project insofar as his experience in Vanderburgh County -- because they are going to get the water into the creek the quickest. They are not going thru anyone's back yard or anything else. In fact, they are going to have to tile a large area across the road to make certain they do not flood anyone and they are going to be putting the water right into the creek. He said the importance of this is that if we don't do it in Vanderburgh County, Warrick County is. Nonetheless, they are putting the water into the creek and not taking it around or back and putting it into retention basins and letting it out little by little. They are going to be tiling -- to make certain that none of the water from this project inundates anyone. Mr. Hirsch continued pointing to various areas on the map about which he was concerned. Mr. Hatfield said they are going to have beehives going into their drainage system and they are not going into any ditch -- they don't want to. No matter what exists now, Mr. Hatfield said he is trying to tell Mr. Hirsch what is going to be constructed.

The discussion between Messrs. Hatfield and Hirsch was interrupted as President Borries indicated he would like to get the dialogue focused back for the record. He said that Mr. Hirsch's first question concerned the sanitary sewer; is Mr. Hirsch clear at this point as to where that sanitary sewer will be? Mr. Hatfield said that it will be on the easement on the back. Their engineers tell them (and that is who they have to depend upon) that if they do that they will be coming out of the ground if they do it on the back side on the east side behind Neville, coming down to a point along Old Boonville Highway...they will be alright. So far, the engineers have not been wrong. And, again, it is just as important for the developer, if not more so, that it work than it is for Mr. Hirsch. The Commissioners asked that Mr. Hatfield point out the pertinent area on

(continued)

the map, which he did. In response to Commissioner Willner's query, Mr. Hatfield said that Mr. Neville is coming in with a 10-inch pipe (and there is a section of 12-inch pipe). Mr. Hatfield asked if he is correct in saying that Mr. Morley did the design on Mr. Neville's plans as well as theirs, and it was indicated that this is correct. Mr. David Guillaum of the Surveyor's office was present and commented concerning the pipe size, depth, etc. President Borries asked him why they would go with an 8-inch pipe rather than a 10-inch? Mr. Guillaum said an 8-inch line is capable of handling nearly 200 houses separately; thus, for a shopping center such as the one planned, an 8-inch line should be more than adequate.

An unidentified individual in the audience asked what if someone north of this property wanted to put in a subdivision -- what would they do? Mr. Hatfield said they would have to come down the line and construct or install a lift station; that is all it would take. Again, if there is any problem with what they have been told by their engineers (although he does not think there is) they will put in the lift station.

Mr. Hirsch then said he wondered if there is any possibility of the annexation taking place down Green River Road, as has been discussed for some time. Mr. Hatfield said he has no idea. Mr. Hirsch said he cannot understand proceeding with sewers, gas lines, etc., if they're going to widen Green River Road and have to tear all this out again to relocate it. Mr. Hatfield said that this is the nature of the Metropolitan Area; they don't do it until something comes out there. Insofar as tax money is concerned, he is for it. There is no sense in spending the tax money until they know something is going in out there. When he gets started in the area, he will provide Mr. Hirsch with a set of plans and make certain that he is kept abreast -- because, actually, the developer will have a problem before Mr. Hirsch has one! Again, he said that when they flush a toilet anyplace in that mall he wants to make sure it works; he doesn't want them to call him!

Commissioner Willner asked if the maintenance of the storm drain across Green River Road and down to the creek has been addressed? Mr. Hatfield said he had been in conversation with the Commissioners' attorney on that point, but he hasn't gotten back to him as of yet. He is going to let the Commissioners' attorney draw up the agreement; (he doesn't want to pay for it). He said the question was interesting as to whom does the easement run on the area to which they will be draining? He reiterated again that it does run to the County, and he does have a copy of it. He said it means nothing, except it does answer the Commissioners' question -- whether it was just there and is being used or as to whether the easement actually runs to the County, itself. It does run to the County, which makes the legal aspect of the developer's maintaining that pipe a little more solid. He asked Mr. Cedric Hustace if that is correct, and Mr. Hustace verified that that is correct.

Continuing, President Borries said he knows that Mr. Hatfield has talked a lot about dollars here; he wonders if the developer would be willing to help the County participate in the stoplights? Mr. Hatfield indicated he'd been thru this a long time ago and Mr. Gerard did a good job. He said he does not know which stoplight Mr. Borries is talking about; but they know they are going to have to buy the one at "that spot". Mr. Hatfield started out at a very low figure, but Mr. Gerard just kept saying, "no". It finally wound up that the developer would pay it all. Mr. Hatfield said, "You guys do a pretty good job of collecting tax money and not calling it tax money -- like on that stoplight!" In all seriousness, however, Mr. Hatfield said they should pay for it. Certainly it is a traffic control which helps traffic coming down, hopefully, an improved Green River Road but, more so, it helps the developer control traffic out of the mall area. One of the big bugaboos (which can be attested to by Mrs. Cunningham) you hear from customers of malls or shopping centers is the lack of traffic control in getting them into and out of a mall area. The big thing now all over this country as a selling point to stores to get them to locate in your mall is No. 1 - Traffic Control; and, No. 2 - Safety. Green Oaks will have a 24-hour security system -- they're going to be watching it. Were the developer not coming into the picture, the County would not need a light there after Green River Road was improved -- so the developer should pay for the light. President Borries said he had noted that included in the E.U.T.S. Report is the fact that the developer is going to make the necessary road improvements directly in front of the mall property, and Mr. Hatfield said this is correct. Mr. Borries said there are studies being conducted by the City Engineer's office to widen Green River Road, but the critical areas at the mall property and south will be addressed if a stoplight is going to be installed. Mr. Hatfield said this is

(continued)

on his plans. In fact, for the protection of the Commissioners, let the minutes of this meeting so show that this is included in his plans.

Mr. Hirsch again raised a question concerning the drainage easement. Mr. Hatfield said it runs to the County -- which was very important to the developer. The reason it was important was that in the maintenance of the pipe, it would be very difficult for the Commissioners' attorney to draw up something that was binding on the developer -- running thru the County to an area over which they had no control. The reason for the agreement is that the developer is going to maintain it. If something happens to that pipe, the County is not going to be out any money. Legally, if the drainage easement did not run to the County -- it would be difficult for the developer to be bound to the County in the maintenance of the pipe. President Borries remarked he is certain that Mr. Hatfield will stay in touch with the Commissioners as the agreement is finalized. Mr. Hatfield said the Commissioners should make certain their attorney stays in touch with him; when the agreement is done -- they are ready to execute it.

President Borries stated that this petition was approved by the Area Plan Commission and asked Mrs. Barbara Cunningham what the vote was? Mrs. Cunningham said there were eleven (11) affirmative votes. Commissioner Willner moved that VC-9-94 be approved, subject to the provisions noted in the Drainage Board minutes of July 30, 1984 as follows:

"After considerable discussion, it was determined that it would be necessary to have 36" pipe to a designated location; 42" pipe under Green River Road for about 420 ft., and 48" pipe for the last sixty (60) feet. (Mr. Hatfield noted that the latter is where it turns at a 45-degree angle.)

Motion was made by Commissioner Borries that drainage plans be approved, as submitted and amended, to include recorded maintenance agreement on pipe from Green River to the terminis and maintenance of the retention basin. Motion was seconded by Commissioner Cox. So ordered."

Commissioner Cox asked if the recommendations include maintenance of the dry retention pond? Messrs. Hatfield and Willner said that this is included in the July 30th Drainage Board minutes. Commissioner Cox asked that also included should be that E.U.T.S. recommendations be followed. Commissioner Willner included this as a part of his motion. A second to Commissioner Willner's amended motion was provided by Commissioner Cox. President Borries asked for a roll call vote:

Commissioner Cox	- Yes
Commissioner Willner	- Yes
Commissioner Borries	- Yes

Motion carried with three (3) affirmative votes.

RE: COUNTY ATTORNEY

Mr. Cedric Hustace was at the meeting to represent the County Attorney's office. He said the only item he had for the Commissioners' attention was a communication received by County Attorney David Miller from Attorney Terry White of the law firm Olsen, Niederhaus & Labhart concerning a client (Patricia E. Staup Duff). Apparently Mrs. Duff claims she was arrested illegally by (it's hard to tell whether it was officers of the County or officers of the City) -- but she is claiming via her attorney that she was damaged in the amount of \$300,000.00. Mr. Hustace said this is not a complaint filed in any court; it is just a letter. In fact, the letter is not dated; but it was received by the County Attorney's office on August 10, 1984. He said he is passing it along to the Commissioners for whatever action they deem appropriate. The County Attorney's office has not yet investigated the merits of this claim insofar as Mr. Hustace knows. Commissioner Cox asked Counsel if he thinks this is a precursor to the formal filing of a suit? Is this standard procedure? Mr. Hustace said this is an odd thing; but he imagines it would be something they would have to eventually bring suit if they intend to pursue it. It doesn't really ask the County for anything; it just says that she's been damaged. But he would say that they probably intend to sue somebody. Motion was made by Commissioner Willner that the claim be denied and notification be given to the insurance company. Commissioner Cox provided a second to the motion. So ordered.

(continued)

RE: BURDETTE PARK

President Borries said that Mark Tuley, Manager/Burdette Park, will not give a report at this meeting.

RE: COUNTY HIGHWAY.....Bill Bethel

Weekly Absentee Report: Mr. Bethel submitted the Weekly Absentee Report for employees at the County Garage for the period August 13 thru August 17, 1984.....report received and filed.

Weekly Work Report: The Weekly Work Report for employees at the County Garage was submitted for the period August 13 thru August 17, 1984.....report received and filed. Attached to the Work Report was the following Work Schedule:

Gradall: Bergdolt Rd., West Haven, Magnolia Dr., Heckel Rd., Big Schaeffer, Hillcrest Home -- and the City (the latter, for one day). They are not quite finished with Big Schaeffer, but work should be completed by noon tomorrow.

Paved: Big Schaeffer Rd. (Not finished)

Tree Crew: Old 460, Middle Mt. Vernon Rd., and Kuebler Rd.

Patch: Kleitz Rd., Orchard, Old State, Wimberg, Garrison, Marlene Dr., Old Henderson, New Harmony Way, Happe Rd., Koressel Rd., Henze, Bexley Ct., Elmridge, Harmony Way, and Deshields Drive.

Trash: S. Weinbach, Lynn Rd., River Rd., Waterworks Rd., and St. Joseph Ave.

Mower: Schenk Rd. and Fisher Rd.

Grader: Old Green River Rd.

President Borries stated that Mr. Bethel is leaving on vacation and will not be present at next week's meeting.

RE: COUNTY SURVEYOR.....David Guillaum

Bridge & Guardrail Repair Report: Mr. David Guillaum was at the meeting to represent the County Surveyor's office, and had distributed copies of the Bridge & Guardrail Repair Report for period August 13th thru August 17th.....report received and filed.

Maryland Street Bridge: With regard to the Maryland Street Bridge project, Mr. Guillaum said that at this particular point they have used twelve (12) work days on the contract, which puts us well ahead on the amount of work completed. Obviously, this was due in part to the fact that the SIGECO relocation was used as free time. We did not accumulate any work days until Thursday, August 2nd. Things are progressing pretty well at this point. They poured the cap on the west abutment last Friday and this afternoon they were scheduled for the east cap. Mr. Guillaum said he doesn't want to say that they will be finished ahead of schedule, but there is a good chance we will.

Duesner Road: Mr. Guillaum directed the Commissioners' attention to Duesner Road problem. They've received a lot of requests from the residents in that area to do something about the pipe. The Surveyor's office recommends that the County go ahead and purchase the pipe (similar to what they did on the Schissler Road project) and, then just contract for installation via invitational bids. He said the Surveyor's office needs approval to purchase the pipe. He's talking about approximately 60-ft. at \$44.00 per foot, or a total approximate cost of \$5,000.00. Commissioner Cox asked just where on Duesner Road is this location? Mr. Guillaum said it is close to the easement for the railroad on the west side of the tracks between Old Henderson Rd. In response to Commissioner Willner's query concerning pipe size, Mr. Guillaum said it is 42-inch pipe, with O-rings. Commissioner Cox asked what is in there now? Mr. Guillaum said there is approximately a 30-inch pipe which has debris and water built up around it, and they couldn't really get at it to get accurate measurements. But it appears to be a 28" - 30" corrugated pipe. Mr. Guillaum said that until they get a tape on this -- until they get an approval -- they may need to add another 30-40 feet onto this thing. Right now the side slopes are practically vertical --

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COUNTY COMMISSIONERS
8/20/84

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they are less than 1 to 1. When they put that back in, they are probably going to want to expand it to 2 to 1; because if they put it back in the way it is right now, then it isn't going to hold. He said he'd like to amend what he said previously. He said they're going to go in and ask for about \$5,000.00. Commissioner Willner asked if he is talking about the pipe and the installation contract for \$5,000.00? Mr. Guillaum said, "No, just the pipe only". But you just don't buy the pipe; you get the O-rings and the joint material. And if they have to extend --they'd rather ask for the \$5,000.00 so they won't have to come back again. Commissioner Willner asked what the neighborhood price is for installation? Mr. Guillaum said it could vary somewhat, but we're probably looking at anywhere from \$13,000.00 to \$15,000.00. Commissioner Willner asked if this would be concrete pipe? Mr. Guillaum said it will be concrete pipe with O-ring joints. Commissioner Cox said this is the kind to put in down there. The current pipe is approximately a 30-inch corrugated metal pipe and it has failed in the middle. Bill Bethel has been down there a few times to patch the road and put more material in. Commissioner Willner moved that the Surveyor's office be authorized to purchase the necessary concrete pipe, etc., and ask for invitational bids, then come back to the Commissioners with said bids. Commissioner Cox said she had one more question. Which side of the road is this going to be now? Mr. Guillaum confirmed that it will be on the west side? Mrs. Cox asked if it is going under Deusner Road? Mr. Guillaum said it is; it is about 18-19 ft. deep right there. Mrs. Cox asked what the right-of-way is there? Mr. Guillaum said he hasn't checked, but he believes it is about 33-ft. Mrs. Cox asked if he wants 30, 60 or 90 ft.? Mr. Guillaum said that the whole point is that if you're 20-ft. down and you come back with 30-ft. of pipe, you have a slope that you'll never be able to hold. A 1 to 1 slope is a 45-degree right triangle. 1 to 1 is terrible to hold unless you rip-rap it. The Surveyor plans to rip-rap it, but they're not going to do it with the contract, they are going to do the rip-rapping with their bridge crew; it will be a little cheaper this way. But he said they are going to probably have to expand this out to a 2 to 1 slope anyway; if they don't, until the dirt gets compacted they are going to have to patch the road again -- as they'll slide right off. Commissioner Willner said that if they do get outside the right-of-way, they will need permission from the landlord, in writing. Mr. Guillaum indicated he understood that. Commissioner Cox provided a second to Commissioner Willner's motion. So ordered.

Contract for Bridge Floors: Commissioner Willner asked if the contract for bridge floors had started? Mr. Guillaum said they had done several on the west side and he thinks they look good. Commissioner Cox said the one on Hogue Road is excellent.... and in between the two railroad tracks is very good....but the bridge decking work is really very nice.

RE: COUNTY ENGINEER.....Andy Easley

President Borries said that Commissioner Willner talked with Andy Easley today and he did not have any items for tonight's agenda.

RE: VANDEBURGH AUDITORIUM

Kim Bitz, Manager/Vanderburgh Auditorium will be here next week to discuss the Service Agreement with Carrier Corp. He could not be here tonight as the secretary at the Auditorium had a death in her family.

RE: BOARD OF REVIEW EXTENSION

The following letter from James L. Angermeier, Chairman/Board of Review, was read by President Borries:

August 16, 1984

To: County Commissioners

In order to complete the work of the Board of Review, I have asked the State Board of Commissioners for an extension of twenty (20) days. I will need an additional Fifteen Hundred Dollars (\$1,500) in order to meet the payroll for the two (2) Board Members and Secretary.

Thank you.

James L. Angermeier
Chairman/Board of Review

(continued)

Commissioner Cox said she knows that this request is on Council call, because it was on the agenda she received.

RE: ALEXANDER AMBULANCE SERVICE, INC./MONTHLY REPORT

A Monthly Report from Alexander Ambulance Service, Inc., for period ending July 31, 1984, was received and filed. It was noted by Mr. Lindenschmidt that he and Mr. Tuley have been unable to go over the County Receivables, etc., because Mr. Tuley has had a full schedule sitting in on the Board of Review meetings since County Auditor, Alice McBride, has been otherwise occupied concerning budget matters. As soon as Mr. Tuley can get away, he and Mr. Lindenschmidt will get together and go over all the figures submitted by Alexander Ambulance Service.

RE: LETTER OF COMMENDATION/VETERAN'S SERVICE

President Borries said he had a letter to be entered for the record from a Mr. Everett Dietel concerning service rendered by Veteran's Service Office, as follows, as well as his response to Mr. Dietel:

August 13, 1984

Mr. Richard J. Borries, President
Vanderburgh County Commissioners
Civic Center Complex
Evansville, Indiana 47708

Dear Sir:

I would like to let you know how I feel about your men in the Vanderburgh Veteran's Service Office and what a fine job they are doing. Mr. Mark Acker, Assistant, sure has helped me get some information I needed, which was quite a task; but he came thru, working with Mr. Larry Stewart, Veteran's Service Officer/Indianapolis. I give my thanks to you, Sir, for being the backer in this service provided. God will bless you for it. You can be assured that you will get my vote. Thanks again.

Sincerely,

Everett R. Dietel (a Disabled Vet)
1636 Washington Avenue
Evansville, IN 47714

* * * * *

August 14, 1984

Mr. Everett R. Dietel
1636 Washington Avenue
Evansville, IN 47714

Dear Mr. Dietel:

Thank you very much for your letter. It is nice to know that there are people left who appreciate our efforts in trying to help county residents in solving their problems, of which there are many. We do try to help the citizens who elected us. We are often criticized but seldom thanked for a job well done.

We are proud of our County officeholders, especially Mr. Wallace and Mr. Acker in our Veteran's Service Office, since they work very hard in trying to help our veterans; and they are doing a fine job. Thanks again. God bless you.

Very sincerely,

The Board of Commissioners of
the County of Vanderburgh

Richard J. Borries, President

(continued)

RE: INVESTMENT RESOLUTION

President Borries explained that, for time purposes, what the Investment RESOLUTION does is revise the previous Investment Resolution -- because the figure was different from what the County Treasurer had estimated that he was going to take. The following RESOLUTION says that, until further instructed by the Board, the County Treasurer is directed to place all interest monies earned from the investments in the County General Fund until the sum of \$1,200,000.00 has been realized and deposited in said fund for year of 1984, or is otherwise directed by the Board. At that point then, the Board would direct him to deposit other monies into other accounts as they deemed appropriate. Commissioner Cox asked again what this RESOLUTION says? President Borries said he had just outlined the major change. It simply authorizes the interest money to the County General Fund until the sum of \$1,200,000.00 is realized and deposited into that account for 1984. (Previously, the sum was \$1,100,000.00.) It was noted that said RESOLUTION had already been approved by the Commissioners; all that is required tonight is the formal execution of the document. Said RESOLUTION follows:

INVESTMENT RESOLUTION, AUGUST, 1984
BOARD OF COUNTY COMMISSIONERS
VANDERBURGH COUNTY

WHEREAS, the Board of County Commissioners of Vanderburgh County (the "Board") pursuant to Indiana Code 5-13-1-1 et seq. (Acts 1975, P. h. 44, 81, p. 222) is vested with authority to direct the County Treasurer to invest county funds under the control of the Board pending distribution to units of government; and

WHEREAS, the Board desires to provide flexibility in meeting the financial obligations and budgetary considerations of the County while maintaining a maximum interest yield on invested County funds;

NOW, THEREFORE, BE IT RESOLVED, BY THE BOARD:

1. THAT the prior resolutions of this Board concerning investment of County funds are expressly repealed to the extent that they may be in conflict with anything contained herein.
2. THAT the Vanderburgh County Treasurer is hereby authorized and directed to invest the maximum amount of tax collections and individual County funds which are not otherwise governed by Federal or State statute which in the judgment and discretion of the County Treasurer are not needed by units of local government in such amounts and upon such terms as will at all times maximize the amount of interest to be earned upon such invested funds.
3. The Vanderburgh County Treasurer shall report to the Board of County Commissioners at the first regular meeting of the Board of County Commissioners of each month the amount invested, the term of each investment, the rate of interest, due date and amount of interest to be earned for each investment and such other information pertaining to investment of County funds as may be requested by the County Commissioners.
4. Until further instructed by this Board, the County Treasurer is directed to place all interest monies earned from investment of County funds into the County General Fund until the sum of One Million Two Hundred Thousand Dollars (\$1,200,000.00) has been realized and deposited into such fund in the year 1984, or as otherwise directed by the Board.

Passed and approved this 20th day of August, 1984.

BOARD OF COUNTY COMMISSIONERS OF
VANDERBURGH COUNTY, INDIANA

By: Richard J. Borries
Robert L. Willner
Shirley Jean Cox

(continued)

RE: PETERSBURG ROAD/ACCESS TO HIGHWAY 57

The Chair proceeded by indicating that on July 30th, Mr. Floyd Crofts had appeared before the Commissioners with a Petition (signed by some 300 McCutchanville area residents) concerning keeping Petersburg Road to Highway 57 open. The Commissioners sent the Petition, together with a cover letter, in support of said Petition to the State Highway Department. A response from the State has been received, as follows:

August 13, 1984

The Board of Commissioners
Vanderburgh County
Civic Center
Evansville, Indiana 47708

Dear Commissioners:

Thank you for keeping us informed of the desires of the citizens of Vanderburgh County relative to access with relocated State Road 57.

The Department of Highways approved the plans for relocated State Road 57 and the project is well along in construction. The project, as presently being constructed, includes an intersection with Petersburg Road and there is no desire on the part of the Department to eliminate this intersection.

Very truly yours,

Gene K. Hallock
Director

Commissioner Willner asked that a copy of the response letter be forwarded to Mr. Floyd Crofts for his information. Commissioner Cox indicated she would also like a copy. (Copies were given to Mrs. Meeks for transmittal to Mr. Crofts and each of the Commissioners.)

RE: OLD BUSINESS

Paramedic Service Meeting: Mr. Borries said he attended the Paramedic Service meeting held last week. He does not think the City of Evansville has decided at this time their intentions concerning the Paramedic Service. Therefore, he cannot comment concerning future service at this time insofar as County-wide service is concerned.

Civil Defense Meeting: The Civil Defense Department held a meeting last week and have now launched their fund drive for sirens.

RE: SCHEDULED MEETINGS

Budget Hearings: This will be the week for the County Council Budget Hearings. Meetings are scheduled to begin tomorrow (August 21st) at 4:00 p.m. The Commissioners' Budget is scheduled for hearing on Thursday, August 23rd, at 4:00 p.m. The Drainage Budget will also be heard at that time. The County Highway, Hillcrest Home, Roads & Streets and Airport Budgets will be heard on Friday, August 24th....all of which are of interest to the Commissioners. Hearings will be held every afternoon and a schedule is posted in the Commissioners' Reception Area.

Burdette Park/Country Music Days: Burdette Park will have what is designated as their 2nd Annual Country Music Days on Saturday and Sunday, August 25th and August 26th. This event is being promoted via the Vanderburgh Auditorium marquee. If the weather is as beautiful as it has been this past couple of days, Mr. Tuley is looking forward to a nice turnout. The Commissioners are hopeful this event will be a success.

(continued)

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COUNTY COMMISSIONERS
8/20/84

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RE: CLAIMS

Steven L. Bohleber: Last week a statement was presented from Mr. Bohleber concerning a review of statutes and written legal opinion on the Indiana Code for the County Assessor and the Board of Review. A claim has now been prepared in the amount of \$426.00 to Mr. Bohleber and is submitted herewith for approval. Motion to approve said claim for payment was made by Commissioner Willner, with a second from Commissioner Cox. So ordered.

Fred Nenneker: A claim in the amount of \$17.50 to Mr. Fred Nenneker for a refund on a duplicate permit (#8367) was submitted for approval. Motion to approve claim for payment was made by Commissioner Willner, with a second from Commissioner Cox. So ordered.

RE: EMPLOYMENT CHANGES - RELEASESProsecutor's Office

Carol Bittner	Haubstadt, IN	Para/Sec'y.	\$13,500/yr.	Eff: 8/15/84
Nancy Bower (IV-D)	Newburgh, IN	Secretary	\$11,298/yr.	Eff: 8/3/84

Vanderburgh Superior Court

Mary Grace Ryan		Riding Blf.	\$13,491/yr.	Eff: 8/10/84
Lisa Leavitt		Prob. Off.	\$17,200/yr.	Eff: 8/11/84
Burdette Park				

Lori Wagner	R.R.#10 Kramers Dr.	P.T. Guard	\$3.35/hr.	Eff: 7/21/84
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Circuit Court

Charles Weisling	5224 Westlake	P.T. Supv.	\$6,500/Yr.	Eff: 8/3/84
Chris Carl	10140 S.E. Browning	P.T. Blf.	\$ 3.35/Hr.	Eff: 8/10/84
Katherine Baird	1115 E. Powell	P.T. Recep.	\$ 3.35/Hr.	Eff: 7/27/84
Pat Coy	6607 E. Walnut	P.T. Secy.	\$ 4.00/Hr.	Eff: 7/27/84

Sheriff's Department

David Lee Wires	1716 Irvington	Patrolman	\$15,743/Yr.	Eff: 8/12/84
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RE: EMPLOYMENT CHANGES - APPOINTMENTSBurdette Park

Lori Wagner	R.R.#10 Kramers Dr.	Reg. Guard	\$ 3.60/hr.	Eff: 7/21/84
Barbara Owens	2852 W. Pennsylvania	Reg. Cashier	\$ 3.50/hr.	Eff: 8/17/84

Circuit Court

James Moffitt	2817C Washington	P.T. Blf.	\$ 3.35/Hr.	Eff: 8/1/84
Katherine Baird	1115 E. Powell	P.T. Rec.	\$4.00/Hr.	Eff: 7/30/84
Pat Coy	6607 E. Walnut	P.T. Secy.	\$4.50/Hr.	Eff: 7/30/84

Sheriff's Department

Stuart A. VanMeter	2616 Hillcrest	Patrolman	\$15,743/Yr.	Eff: 8/13/84
Velma Mosley	2619 S. St. James	P.T. Clk.	\$ 4.00/Hr.	Eff: 8/8/84

Voter's Registration Office

Rosemary Muensterman	6025 Broadway	P.T. Clk.	\$30.00/Day	Eff: 8/16/84
Edna Henry	305 N. Tekoppel	P.T. Clk.	\$30.00/Day	Eff: 8/16/84

(continued)

There being no further business to come before the Board of Commissioners at this time, President Borries declared the meeting adjourned at 8:55 p.m.

PRESENT:

COMMISSIONERS

Richard J. Borries
Robert L. Willner
Shirley Jean Cox

COUNTY AUDITOR

Pat Tuley, Chief Deputy

COUNTY ATTORNEY

Cedric Hustace, Rep.

AREA PLAN COMMISSION

Barbara Cunningham

COUNTY SURVEYOR

David Guillaum, Rep.

COUNTY HIGHWAY

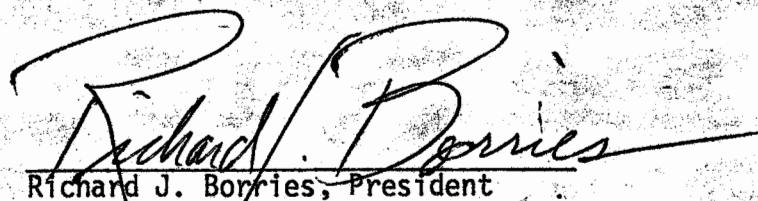
Bill Bethel

OTHER

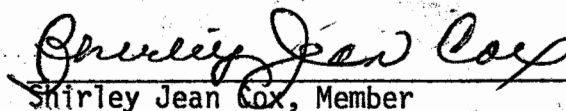
Paul E. Hatfield
Robert F. Hatfield
(John Hirsch
(Evelyn Lannert
(Other Remonstrators re VC-9-84
News Media

SECRETARY:

Joanne A. Matthews


Richard J. Borries, President


Robert L. Willner, Vice President


Shirley Jean Cox, Member

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COUNTY COMMISSIONERS' MEETING
August 27, 1984

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COUNTY COMMISSIONERS
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MINUTES
COUNTY COMMISSIONERS' MEETING
August 27, 1984

The meeting of the Board of County Commissioners was held on August 27, 1984, at 2:30 p.m., in the Commissioners' Hearing Room, with President Borries presiding.

The Chair called the meeting to order at 2:30 p.m. and subsequently entertained a motion concerning approval of the minutes of the previous meeting. A motion was made by Commissioner Willner that the minutes of the meeting held on August 20, 1984, be approved as engrossed by the County Auditor and the reading of same be waived. A second to the motion was provided by Commissioner Cox. So ordered.

RE: POOR RELIEF/PIGEON TOWNSHIP

James Jackson - 520 E. Cherry: The Chair recognized Katherine Rybak (Legal Services) who was present to represent Mr. Jackson. Ms. Rybak said that Mr. Jackson appeared before the Commissioners in June to appeal a denial of rent assistance from the Pigeon Township Trustee. At that time, the Commissioners asked the Trustee to pay another month's rent for Mr. Jackson and requested that Mr. Jackson come back to the July 9th Commissioners' meeting and bring a list of employers to whom he had applied for work. As of July 9th, he had been unsuccessful in finding employment but, at the same time, the Commissioners upheld the decision of the Trustee not to help him any further, based upon a new standard promulgated by the Trustee. Mr. Jackson did not receive any assistance in the month of July (which would have been paid toward his June rent). He has now come back in August and asked for assistance with his July rent. He still has no job, but has been seeking employment. Ms. Rybak said she had a written list of the employers contacted and submitted same to President Borries for review. Ms. Rybak said the Commissioners will also recall that Mr. Jackson was on the workfare program thru the Trustee's office. She believes the Trustee even wrote a letter of reference for him, indicating that he did, in fact, show up on time and did his work as assigned. Ms. Rybak said it is not a question of Mr. Jackson's voluntarily remaining poor, he is willing to take any job he can find; but he has just not been able to find anything so far and his rent needs to be paid. Ms. Rybak said that the Trustee -- in passing the standard -- is attempting to shirk their statutory responsibility as overseer of the poor, to see that people have sufficient means to maintain shelter. Furthermore, if the Commissioners will read the "Standards", the Trustee has already denied him shelter assistance for the month of July, thereby interrupting the 90-day period. She said she believes the Trustee can now turn around and pay for his rent in the month of August.

The Chair called for questions from the Board, and Attorney Jones indicated that he had something to interject which he feels it is important for the Commissioners to know. Mr. Jackson, thru Ms. Rybak, has also filed suit against Vanderburgh County as well as against the Pigeon Township Trustee. David Shaw is the attorney for the Township Trustee; he is away this week. (Mr. Jones attempted to speak with him today.) The matter has been set for hearing and Mr. Jackson's motioned for an injunction to restrain the County from enforcing the policy referred to by Ms. Rybak, and in addition to seek, he supposes, some form of mandate to compel the action to pay his rent. Ms. Rybak interrupted by saying that this is also part of the proceeding to appeal the decision of the County Commissioners. Mr. Jackson had to file within thirty (30) days an action in Circuit Court in order to prevent waiving his rights. Attorney Jones said he would say further that the matter which is in litigation be considered separately and distinctly from any action now before the Commissioners. It should be reviewed on its own merits with respect to the policy that has been set. The Chair expressed the Board's appreciation to Attorney Jones for his comments and asked whether Ms. Margaret Sallee, investigator from the Pigeon Trustee's office, had any comments.

Ms. Sallee indicated she really had nothing to add to what she said the last time she was here. The same thing still applies. Commissioner Willner asked Ms. Sallee if she had a prepared list of the assistance given to date in this specific case and, if so, asked that she read the itemized list to the Board. Ms. Sallee read the list, as follows:

(continued)

9/16/81	\$ 6.00	Non-food
10/5/81	6.00	Non-food
10/10/81	90.00	Rent
4/22/82	3.00	Non-food
5/13/82	6.00	Non-food
5/21/82	75.00	Rent
6/1/82	6.00	Non-food
7/2/82	6.00	Non-food
11/3/82	6.00	Non-food
1/10/83	3.00	Non-food
1/17/83	100.00	Rent
2/2/83	3.00	Non-food
2/15/83	100.00	Rent
3/4/83	3.00	Non-food
3/28/83	100.00	Rent
8/23/83	110.00	Rent
9/21/83	3.00	Non-food
9/26/83	110.00	Rent
11/1/83	110.00	Rent
* 12/5/83	-	Office Call for Extractions
12/8/83	3.00	Non-food
* 12/8/83	-	(1) R-X at Miles Pharmacy
12/14/83	110.00	Rent
2/17/84	3.00	Non-food
2/17/84	110.00	Rent
3/30/84	110.00	Rent
4/30/84	110.00	Rent
6/4/84	110.00	Rent
6/18/84	3.00	Non-food

*Dollar amount not shown, because this is handled by Medical Department

Total Non-food Orders - 9/16/83 thru 6/18/84 = \$ 60.00
Total Rent Assistance - 9/16/83 thru 6/18/84 1,170.00

Total Assistance (excluding Medical) \$ 1,230.00

President Borries asked Ms. Sallee that when a person is denied assistance, what are the guidelines insofar as time limit is concerned for the individual to reapply? Ms. Sallee said "that all depends". Mr. Jackson's case was just closed on August 13, 1984. If he had continued with his workfare, as prescribed by the Trustee, it would be sixty (60) days before he would be subject to reapply for assistance again. Commissioner Cox asked Ms. Sallee if Mr. Jackson violated his workfare program? Ms. Sallee said, "No". Ms. Cox said she thought the 60-days referred to the workfare program --that if they violated that they would have to wait 60 days. Ms. Sallee said that would be the only reason in Mr. Jackson's case. But, they've never had any trouble with his work. She said, if the Commissioners will recall, the reason Mr. Jackson was denied further assistance was because the Trustee's budget was running low and she had advised her staff to cut all young able-bodied persons off, because the weather was nice and she felt that they should and could get some type of work to take care of themselves. She was running out of money because of the high utility bills, etc. That is the reason he was denied in the first place. Commissioner Cox asked President Borries what his question was. Mr. Borries said his question on this -- (he said the Board will recall the Trustee changed guidelines on this -- as it was not clear as to exactly how long a person could remain on the program; the Board acknowledged that the Trustee's budget was severely strained, etc.) -- but once a person is denied, how long a period must elapse before they can reapply and be eligible for benefits? He said Ms. Sallee has indicated sixty (60) days -- is that correct? Commissioner Cox said that it does not say this anywhere in the guidelines. That is why she asked the foregoing question. Ms. Sallee interrupted by saying that it depends upon why they were denied. For instance, if someone comes in and wants a ticket to go out of the city (such as a transient) the Trustee cannot help them again for (she believes) six (6) months. It's different reasons for different things for which they are asking assistance that they are denied. Attorney Jones asked, "What about the rent?" Ms. Sallee said if he will recall, when they first came before the Commissioners on Mr. Jackson's case, it

(continued)

was not clear to the Board how long the Trustee should pay rent. Subsequently, the Trustee said "90 days". Attorney Jones pointed out that the Trustee did this on June 18, 1984. On the application last made by Mr. Jackson, which was denied, what date did he make the application for rent assistance? Ms. Sallee said Mr. Jackson had been receiving rent all along -- is that what Attorney Jones means? He had been receiving rent all along until she told him on April 30, 1984 that the Trustee's office would pay one (1) month's rent --but that he would then be cut off. She said they always give the individual at least thirty (30) days' notice. Attorney Jones asked Ms. Sallee if a cut-off policy was actually in effect in April? He applied in April and she told him they would pay rent for one more month (he assumes that was the May rent)? Ms. Sallee said April's rent would have been paid for in May, except that Mr. Jackson's rent is running different from the others for the simple reason --o.k. -- April 30, 1984 -- \$110.00 rent was paid for January 31 to February 31 -- because he wouldn't come in each time the rent was due. So, when he would come in, they would have to backdate the rent according to the last time they paid the rent since he wasn't paying any himself -- and she asked Mr. Jackson if that is correct -- he wasn't paying any rent himself? Mr. Jackson indicated he was not paying any rent.

President Borries asked Mr. Jackson when was the last time he appeared before the Commissioners - July? Mr. Jackson confirmed that this was correct. President Borries asked if he remembers what was said at that meeting? Ms. Sallee indicated the first time he appeared before the Commissioners was on June 2nd -- and the last time was July 9th. Commissioner Willner asked what is Mr. Jackson's record insofar as Food Stamps is concerned? Ms. Sallee said Mr. Jackson did not come in during July or August for non-food; but Commissioner Willner said he was not talking about non-food, he is talking about regular Food Stamps. Ms. Sallee said the Trustee does not have Food Stamps; they just issue the non-food. He would get Food Stamps thru the Welfare Dept. Commissioner Willner then asked Mr. Jackson how long he has been on Food Stamps? It was noted that Mr. Jackson has been getting non-food orders on and off since 9/16/81. Commissioner Willner said what he wanted to establish is when did Mr. Jackson go on the Food Stamp Program for the first time? And, whether he has been on it continually. It was determined that Mr. Jackson has not been on the Food Stamp Program continually, as he worked a period of four (4) months for Industrial Contractors; he worked for another employer for six (6) months; he worked for R.T. Thompson for one (1) month-- during which time he was not on food stamps.

The meeting continued with Attorney Jones addressing Ms. Sallee and saying that the Amended Policy says that the Trustee's office will not pay rent for more than ninety (90) day period for an able-bodied person; does that 90-day period mean 90 days consecutively; 90 days within one (1) year; or 90 days no matter when it occurs? Ms. Sallee indicated she did not know. Attorney Jones said the Board cannot rule on this case until they know what the policy means -- because that is a big question in the lawsuit. Ms. Sallee said the Trustee did not tell the investigators. Ms. Rybak interrupted by saying that because of the policy's silence on that particular issue, she thinks the policy needs to be interpreted in a manner favorable to the applicant -- since it's the Trustee who makes the policy. Attorney Jones asked if Mrs. Dorothea MacGregor is present today. Ms. Sallee said she was not in the office when she (Ms. Sallee) left to come to the meeting today. Attorney Jones said it would be his recommendation that the Board take the matter under advisement until such time as they can discuss the matter with the Trustee to see what her intent is with regard to this policy. Until that time, he does not believe the Board can render a decision concerning this case. Ms. Rybak said she would like to remind the Commissioners that they do have a deadline with regard to when they have to issue a decision in the matter. Ms. Rybak said she thinks the Trustee is limited insofar as turning down an application for assistance, since there are written guidelines. Since the written guidelines are silent, she thinks the Commissioners have to rule in favor of the applicant. Then, if the Trustee wants to amend the guidelines, again, she can. President Borries stated that the Board will attempt to reach Mrs. MacGregor and asked whether Ms. Rybak and her client would wait for a few minutes, until such time as they can contact Mrs. MacGregor concerning the matter. Ms. Rybak responded in the affirmative.

RE: AREA PLAN COMMISSION/COUNTY CODE OF ORDINANCES

Mrs. Barbara Cunningham advised that this is the Final Reading; while explanations were given at the First Reading, she will be glad to refresh the Commissioners' minds by going over the explanations again. This is the one where APC was changing the "R/O" (Residential Office District) because they felt that the R/O was generally used as a buffer and people thought R/O meant Residential Office and, in essence, what it

(continued)

means is that they are "professional offices" -- not offices with services. The height limitations were amended from 75-ft. to 35-ft. In doing so, APC needed to find an area where there could be a 75-ft. height limitation. This was changed to C-2 (Commercial) and that was amended from the 50-ft. height limitation to a limitation of 75-ft. Mrs. Cunningham said she had also spoken before concerning the technical staff's recommendation that the setback on a cul-de-sac should be 20-ft., rather than the 25-ft. required on regular lots. This was also included in the chart. In District C-1, Footnote #1 was added to minimum side yard; that was omitted previously. What Footnote #1 means is that if it is even a neighborhood commercial abutting residential, then you must have the required 10-ft. side yard. That was not included previously and is just for purposes of clearing up the ordinance. Mrs. Cunningham said this has been passed by the Area Plan Commission. President Borries acknowledged that the Commissioners do recall that this has previously been discussed. He subsequently asked if anyone is present today who wishes to speak concerning this Code of Ordinances? Commissioner Willner asked if the amended ordinance has been advertised sufficiently, and Mrs. Cunningham said it has. There being no questions from the Board and none from the audience, Commissioner Willner moved that the adoption of this Ordinance be approved on Final Reading. Commissioner Cox provided a second to the motion. President Borries asked for a roll call vote, at the request of Commissioner Willner:

Commissioner Cox - Yes
Commissioner Willner- Yes
Commissioner Borries- Yes

RE: ORDINANCE TO VACATE A PORTION OF KAUAI INDUSTRIAL PARK

The Chair stated that the Board has received a Petition for an Ordinance to Vacate a Portion of a Plat Within the County of Vanderburgh, Indiana, Commonly Known As Kauai Industrial Park. Following a brief private discussion between Commissioner Borries and Attorney Jones, President Borries said Attorney Jones advised that the matter has not been reviewed by the County Attorney, although it has been signed by the Industrial Park's attorney. Attorney Jones has requested that he be permitted to review said Petition and Ordinance before any action is taken by the Board; thus, the matter is being referred to the County Attorney for his recommendations in the matter. Commissioner Cox interrupted by directing the Board's attention to Page 4, wherein it says, "Petition for Vacation of A Portion of Kauai Industrial Park Plat". "The easement would interfere with the Petitioner's use of the property as well as Skylane, Inc's use of the property." Mrs. Cox said she does not understand this statement. She wonders if this should not read, "would not interfere"? An unidentified individual in the audience stood up and said the Notice of Public Hearing on September 10th has already appeared in the newspaper; he asked the name of the attorney submitting the petition. President Borries indicated that Attorney John Staser prepared the Petition. President Borries said the policy has always been to refer such Ordinances to the County Attorneys. As to why the Petition and Ordinance were completed without forwarding to the attorneys for their examination, he cannot say. Nor is he certain why it was advertised that way. In any event, he wants the County Attorneys to have an opportunity to review the matter before any decision is made by the Board. Attorney Jones said a determination needs to be made as to what utility has the easement, whether they were notified, and whether they have any objection. President Borries said he knows who the individual in the audience is, but asked if he will identify himself for record purposes. The individual said he is Ron Jourdan, Supervisor of the Right-of-Way & Land Department/SIGECO. He asked if he is correct in assuming the Public Hearing on this matter will not be held on September 10th as advertised? Will the Public Hearing be readvertised? President Borries indicated that, again, this was forwarded to the Commissioners' Office; but unless the other attorney had provided a copy to the County Attorneys, they have not had an opportunity to review the matter. But the Public Hearing will be readvertised.

RE: IDOH/AUDIT RESOLUTION/LYNCH ROAD

Attorney Jones said a communication was received from Mr. Paul Owens/Deputy Director, IDOH, on behalf of Mr. Hallock/Director, advising that the prior settlement that the County affected with Engineer Associates concerning Lynch Road -- that the Audit Resolution has been completed by the State and that the State has checked their final

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construction records and makes the recommendation that the audit be resolved as follows:

That the cost allowed by Resolution be in the total amount of Two Hundred Thirty-two Thousand Two Hundred Twenty-eight Dollars and Forty-six Cents (\$232,228.46); that all other things that we (the County) had requested in the settlement have been approved; that a compromise overhead rate of 129.77% be allowed and, that an additional 5% Federal monies be approved for both of those contracts. The amount which has been recommended that the State is willing to accept is approximately \$3,000.00 off from the total figure forwarded to them. So, out of \$232,000, it is about \$3,000.00 off. Attorney Jones strongly recommends that the Board accept the State's figures, in view of the slight variance of what was approved. He said he thinks most of that may have been in mileage -- that the County took affidavits from employees based on certain number of trips per day. The State took a figure based upon other projects and distances traveled, etc., and gave a fair average on the mileage. He thinks this resulted in the difference. Once the County verifies that this has been accepted, the State will proceed with final payment on this. Attorney Jones said it is his understanding that the other project (St. Joseph Avenue) has been audited and forwarded to the Federal Highway Administration for their approval. In that case, it is Mr. Jones' understanding that the result may be even more favorable to the County to the extent that St. Joseph Avenue had a portion of work which was disallowed, because the notice to proceed was not given before the engineer started work. And, they believe the Federal government will pay for that portion; so, there would be an even better reimbursement to the County off that project. That will be forthcoming shortly. The immediate matter should, hopefully, wrap up Lynch Road -- subject only to the Federal Highway Administration accepting all of this. He said the Board's acceptance of this will allow the County to close this matter out and get off the hook for owing anybody anything; this would not affect the spur matter at all. Attorney Jones said this has been accepted by Engineer Associates; he has a letter from their Counsel and the President of the Company to this effect. Commissioner Cox asked if this means that the County needs to pay \$232,228.46? Attorney Jones said, "No, almost all of that has been paid. We were allowed an additional \$5,500.00 for County work that was used on that project. What it is is that it is saying that the monies that were spent, as well as the amounts questioned, have been resolved and accepted for Federal participation. If a greater amount weren't allowed -- we're talking about what is allowed of the actual cost expended -- if some of it were disallowed, we would have been in the position of having to reimburse the Federal government and then, in turn, having to try to get it back from whomever spent it." But, it would be Mr. Jones' understanding that the end result of this thing is that if there is any reimbursement, we're under \$5,000.00 between the two projects. He does not know which way it will go until he sees the other one -- but it is pretty near wash. St. Joseph Avenue -- it could be that there will be some monies that will be reimbursed to the County and still payable to Engineer Associates, if the notice to proceed funds are given by the Federal government. Commissioner Cox said that all Attorney Jones is asking the Board is to accept the State report? Attorney Jones said this is correct; with a variance of \$3,000.00 from the one previously approved by the Board.

Motion was made by Commissioner Willner that the State's figure of \$232,228.46 be approved as final settlement on Lynch Road project. A second to the motion was made by Commissioner Cox. So ordered. (Attorney Jones indicated there was nothing to be signed by the Commissioners; he will sent a Letter of Acceptance to the State.)

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RE: POOR RELIEF/PIGEON TOWNSHIP - James Jackson

Ms. Sallee had returned to the meeting, following a brief conference with Township Trustee, Dorothea MacGregor. President Borries asked if she can advise the Board and Attorney Jones what has been determined concerning the Trustee's policy? Ms. Sallee said the Trustee advised they can pay the rent for ninety (90) consecutive days. If the individual does not find employment, he or she can always come back and reapply; providing one stipulation. If the individual fails to work on the workfare program as prescribed, then there is a sixty (60) day period -- in other words, they are penalized for sixty (60) days.

Attorney Jones said the thirty (30) day re-application is fixed by State statute; the ninety (90) days here is set by local policy. So, the question becomes as of now -- under that policy -- is Mr. Jackson entitled? Not based upon his prior application -- but as it stands now? Now we know what the policy is. The question is, is he eligible under that situation? Has he been off of it thirty (30) days so that he could reapply? Ms. Sallee said he can reapply, because his case was closed on August 13, 1984; the last assistance he received was June 18, 1984. Attorney Jones asked when the thirty (30) days run? Ms. Sallee said thirty (30) days have passed. Attorney Jones asked if the most recent application is now in order? Ms. Sallee said he can reapply. Attorney Jones said this is what he is doing -- right now. Ms. Sallee said he has to reapply in the Trustee's office. Ms. Rybak interjected that Mr. Jackson had reapplied the first of August. Ms. Sallee said she was not aware of this -- does Ms. Rybak mean he came into the Trustee's office the first of August? The Board reviewed the most recent application and determined that application was made on August 3, 1984. Mr. Jim Lindenschmidt said Mr. Jackson was turned down by the Trustee's office at that time and subsequently brought the application up to him (the night Commissioners' meeting date). Ms. Sallee said the thirty (30) days would be up September 30th. The Commissioners corrected her, however, and said it would be Sept. 3rd. Attorney Jones pointed out that the last assistance received was on June 18th -- so it would be thirty (30) days from that date. Commissioner Willner remarked that the thirty (30) day stipulation does not pertain to the date he applies, it pertains to the last date he received assistance -- and Ms. Sallee said that is right. Attorney Jones emphasized that the August application is what was to be considered by the Board. He had been off for thirty (30) days -- so is he eligible now -- that's the question? Ms. Sallee said he can come in to the Trustee's office.....but Attorney Jones interrupted by stating that Mr. Jackson did come into the Trustee's office on August 3rd to reapply. He had already been off the program thirty (30) days. Ms. Sallee said he has to go back down to the Trustee's office with her, and then they will go thru the procedure again....the usual procedure of an applicant. Commissioner Cox asked what happened to Mr. Jackson's application made on August 3rd? Is that the one denied? Who signed it? Ms. Sallee said she doesn't know what the application says; but sometimes they come in and want a denial. After looking at the application, Attorney Jones asked if there is someone in the Trustee's office with the initials "B.W.", and Ms. Sallee replied in the affirmative. Mr. Jackson interrupted by stating that Ms. Sallee, however, is the individual who typed up the application for him on August 3rd. There was a brief discussion among the Commissioners. President Borries subsequently asked Mr. Jackson if he would accompany Ms. Sallee to the Trustee's office. He said they have now acknowledged that he already has made application, and ask that the Trustee's office process his application at this time for rent assistance. Both Ms. Rybak and Mr. Jackson expressed their appreciation to the Board.

RE: NATIONAL REVENUE CORP. COLLECTIONS

Before proceeding with the agenda, Commissioner Cox said she had a question concerning the monies being collected by National Revenue Corp. At a meeting two weeks or so ago, Mrs. Cox said indication was given that the Board would have available a list of the delinquent property taxes being collected by National Revenue Corp., and the Board should know where we stand on these. Since that time, she has read at least two

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articles in the newspaper about how much was collected or about how much was not collected. Has Attorney Jones been able to get that list yet? Attorney Jones said all he has is what was given to County Treasurer, Lew Volpe -- which was laid back on Attorney Jones' desk, telling him that it is a "Proceedings Supplemental". He said Mr. Volpe just shuffled them right back. Commissioner Cox said that in order to find out what National Revenue Corp. has done, we need a list of those accounts they picked out to attempt to collect. Have they been successful? Mrs. McBride said Mr. Volpe was to try to get that list. Commissioner Cox said that is exactly right -- and she has yet to see a list. Some people come in and pay the delinquencies on their own. Mr. Lindsnschmidt brought in a stack of documents from National Revenue Corp., but Ms. Cox said this is the stack that National Revenue could file suit on (with the County paying the fee in advance). The note (which she does not understand) says: "Per Mr. Volpe, these are not tax cases. These are Proceedings Supplemental to collect judgments." Attorney Jones said what is represented by that -- when it goes delinquent for a period of time, it is automatically reduced to a judgment -- and that is what he means. They are not new lawsuits; they are, in effect, collections on an existing judgment. Mrs. Cox said that prior to National Revenue Corp.'s doing this, people came over to her office when she was Clerk and wanted to pay those. They would look them up and then send them to the Treasurer's office. Then the Treasurer's Deputy would come over and release the judgments on the Clerk's books. But they were not called "Proceedings Supplemental" or anything like that. Attorney Jones said he is not saying that they are; that is simply Mr. Volpe's legal definition -- and he doesn't want to discuss that or argue that with him at all -- he doesn't know where Mr. Volpe got his law degree. Commissioner Cox said she still thinks that the Board, in order to find out what this company is actually doing -- because we have somewhere between \$20,000.00 and \$30,000.00 we've guaranteed payment on -- we're not sure what we've done. For that amount of money, we should have some kind of accurate report from the company. Attorney Jones said that Mr. Volpe should know the same thing; he should know what cases he's got, what's been collected, and how much has been received. Mrs. McBride said she'd call to see if he can bring up a list of the people who have paid. Mrs. Cox said that is not what she means. National Revenue Corp. said this company said they wanted -- what was it -- 300 accounts? Now, which of those 300 accounts did they take to try to collect and out of those 300, how many were they successful on? Evidently they were not successful on the stack of documents just brought back (which had previously been given to Mr. Volpe to make a determination as to which were worth going after). Mrs. McBride said Mr. Volpe was going to bring up a list containing the names of the ones they did collect. Attorney Jones said the stack of documents sent to Mr. Volpe for review (and subsequently returned) were the ones they wanted the County to pay an advance fee on. He said the Treasurer knows whether or not these are good cases. He read in the paper where Mr. Volpe made a statement that we ought to go get them all. Commissioner Cox pointed out, however, that some of them are for amounts like \$47.50, \$17.78, \$210.00, etc., etc. Attorney Jones said this is what he had indicated in a letter to the Commissioners. The Treasurer should cull thru these to determine which ones were worth going after. Commissioner Cox said it is going to cost \$28.50 filing fee to recover \$17.78. What about attorney's fees per hour -- this is just the filing fee amount?

RE: BURDETTE PARK.....Mark Tuley

The meeting continued with President Borries asking Mr. Tuley to give his report. Mr. Tuley presented the following report for period January 1 thru July 31, 1984:

1984 Starting Budget

1984 Budgeted	\$396,037.00
1983 Encumbered by P.O.	6,303.94
1983 Encumbered by Contract	70,547.44
1984 Additional Appropriation	<u>10,000.00</u>
Total 1984 Budget	\$482,888.38

(continued)

Expenditures & Balance 1/1/84 to 7/31/84

Total Expenditures	\$ 289,643.76
Total Balance	\$ 193,244.62

Income 1/1/84 to 7/31/84

Pool	\$ 56,614.00
Rink	23,823.11
Rentals	40,736.06
Misc.	4,370.57

Total \$ 125,543.74

7/31/84

Total Expenditures	\$ 289,643.76
Total Income	125,543.74

Total Deficit \$ 164,100.02

Commissioner Willner remarked that the income from the Pool continues to carry the Park. Mr. Tuley said that for the investment made, he hopes it continues to do so. He said they built that pool several years ago for \$250,000.00. To build a comparable pool today would cost an estimated \$3,000,000.00. Commissioner Willner said the report looks good, and he would hope that when they get the batting cages, the baseball fields, etc., we will see a less total deficit.

Letter & Check from State Student Assistance Commissioner: Mr. Tuley said he had previously told the Commissioners about applying for the grant. He now has a check in the amount of \$2,107.00, as reimbursement for hiring college students. This is a program whereby the State pays 50% for those students eligible. He said he talked to the County Auditor today, since Burdette had already paid out these monies and the State is reimbursing them for this portion. That money will go into the General Fund and, needless to say, he wants to go before the County Council to get that money back. Therefore, he would request the Commissioners' permission to appear before the Council. Commissioner Cox asked if payroll monies were taken out of Mr. Tuley's account? He said they were and they, in turn, had to send copies of the payroll to the State and the State reimbursed them for those students who were eligible under this program. Commissioner Willner said he did not know why they just could not put that money back into Burdette's account. County Auditor Alice McBride said it doesn't work that way. All money has to be appropriated by the County -- unless it's insurance. Commissioner Willner said he wanted to think this through. Now, when this extra help was hired, Mr. Tuley knew he had the grant? Mr. Tuley said that is correct. Commissioner Willner said that Mr. Tuley then took the payroll monies out of his existing budget, which was not approved by the Council for extra help? Is that right? Mr. Tuley said they applied for the grant back in March. They got into Memorial Day before the State actually decided who would get the grants and who would not get them. What Mr. Tuley did was go ahead and hire the help. Motion was made by Commissioner Willner that Mr. Tuley's request to go before the Council in an effort to have this money returned to his budget be approved. Motion was seconded by Commissioner Cox. So ordered. (It was noted that it is too late to get on September Council call, so he will have to go on October Council call.) President Borries said he thinks the program is a good one and, certainly, there are many deserving young people who really need those summer jobs. The check is for \$2,107.00. Mrs. McBride said she will add that amount to her Financial Statement in October. Commissioner Willner remarked he does not think State grants should go back to the General Fund.

Burdette Park Country Music Days: On August 25th and 26th, Burdette Park hosted their 2nd Annual Country Music Days. While he still doesn't have the final figures on the returns, he does believe they made some money this year as compared to last year. The weather was beautiful. They had a very nice crowd on Saturday. The nice thing about hosting events like this, he said, is that it brings out a lot of people to the park. President Borries said he thought a lot of people enjoyed the event. And, he thinks such events scheduled in the overall summer programing will help the revenues from other areas, such as rentals. Rentals are up, and the statement looks good.

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COUNTY COMMISSIONERS
8/27/84

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RE: NATIONAL REVENUE CORP. COLLECTIONS

Commissioner Cox advised that the Deputy from the County Treasurer's office said that Doris Whobrey would have the list of those tax cases turned over to National Revenue Corp., but she left early today. The only list the Deputy had was money which had come in on accounts, which perhaps National Revenue Corp. had something to do with. However, it was noted that at least one (a tire company) has been paying \$50.00 per month on their account, and were, even before National Revenue Corp. Nonetheless, Mrs. Cox will check with Ms. Whobrey tomorrow.

RE: VANDEBURGH AUDITORIUM - Kim Bitz

Amended Booking Report: Mr. Bitz presented copies of an Amended Booking Report to the Commissioners, wherein bookings were broken down insofar as the Gold Room versus the Auditorium. The other would be if someone rented the mezzanine for a wedding reception, etc. As can be seen, the bookings for the Auditorium have increased at a higher rate than for the Gold Room -- which Mr. Bitz feels is a good, positive sign.

Contract with Carrier Corp. for Heating/Air Conditioning System: Mr. Bitz presented the following letters:

August 15, 1984

Vanderburgh County Commissioners
Civic Center Complex
Evansville, Indiana 47708

Dear Commissioners:

This is a brief summary in reference to the Service Agreement by Carrier Corporation. I have no complaints concerning this service. Carrier's Maintenance personnel (Roger and Doug) have been a pleasure to work with; show an enormous amount of pride in their work, as well as a genuine concern for the building and the equipment they work on. It would be ludicrous to say everything has been perfect; but the problems that have arisen were solved quickly and amiably. The Auditorium has definitely "gotten its' money's worth" from this contract. The attached letter from Carrier with some information I added should give you some necessary figures to study. If you have any further questions, please call. Also attached you will find some information from Honeywell Corporation.

Sincerely,

Kim P. Bitz, Manager

* * * * *

July 12, 1984

Vanderburgh Auditorium
715 Locust Street
Evansville, IN 47708

Attention: Purchasing

Subject: Carrier Contract No. 747A44028
Customer P.O. No. Contract
For Equipment Located At: Same

Gentlemen:

In accordance with the provisions of the subject Maintenance Service Agreement, the price has been adjusted effective 9-1-84.

(continued)

The new contract price will be \$41,892.00 per year, payable \$3,491.00 per month.

For your records, this letter should be attached to and become part of the contract.

Thank you for the continuing opportunity to provide your maintenance needs.

Very truly yours,

Gregory K. Hicks
Branch Service Manager
Carrier Building Services

cc: Kim Bitz
Bob Lewis - St. Louis
Sharie Schweiger - Chicago
Gene Chudzik - Chicago

(Mr. Bitz had pencilled notations on the foregoing letter, indicating that the old contract price was \$39,672.00. Also, the \$4,560.00 Water Treatment Contract needs to be added to the \$41,892.00 contract, making the total contract package a total of \$46,452.00.)

Commissioner Cox said she talked with Mr. Bitz earlier about the black smoke coming out of the smokestack. It is her understanding that this has been corrected; the Carrier Corp. cleaned out the furnace? This is the first year we have been under contract to them? And they will do this cleaning how often -- once a year? Mr. Bitz confirmed that Mrs. Cox is correct on both points. Mrs. Cox asked if Mr. Bitz knows when this was last done? He said he was uncertain; but they did have it set up for the end of the summer season. There was a problem with a gas regulator on the outside of the building; SIGECO has since replaced that. That was doing some strange things with the gas, which added to the accumulation of all the soot inside the boiler at a much faster rate than they had expected. Commissioner Cox said she should have pulled a copy of the contract out before coming to the meeting, but did not. Does the contract call for a monthly inspection of the boiler? Mr. Bitz said there is a monthly inspection of all the equipment in the entire facility. But insofar as actually dismantling or cleaning -- the boiler is set for a yearly cleaning. Commissioner Cox asked who performs the monthly inspection? Mr. Bitz said Carrier handles the monthly inspections. Mrs. Cox asked if they come out of Missouri to do this? Mr. Bitz said they are down here at least two (2) of every four (4) weeks of the month. They may be down here for either our contract, their contract with Welborn, the State Hospital, or whatever. But even if their business is at another facility, they always make it a point to stop by and see how things are going. He said that even without his calling them in on any problems, they stop in four or five times a month. Commissioner Cox asked if the contract specifies that if we do have an emergency they will supply someone here within a four (4) hour period? Mr. Bitz said that is correct. Motion was made by Commissioner Willner that the contract with Carrier Corp. be continued... but it was noted that a motion was not required in this respect. The contract continues unless it is cancelled. Commissioner Cox asked Mr. Bitz if he has included the increased amount of the contract in his 1985 budget, to which he responded in the affirmative. Motion was made by Commissioner to approve continuation of the contract at the increased rate, with a second from Commissioner Cox. So ordered.

Damage to Shrubs, etc.: Commissioner Cox asked if it is correct that damage was done to shrubs, etc., on the grounds at the Auditorium wherein a car ran thru a portion; has Mr. Bitz reported that to the County's insurance company? Mr. Bitz said they have been trying to contact the insurance company of the individual who was operating the vehicle first before they contact the County's insurance company. He feels our insurance company should not have to pay for the damage; payment should come from vehicle owner's insurance. Commissioner Cox said a lot of times if you contact your insurance company they will handle the matter of contacting the individual's insurance company. In any event, the Board instructed Mr. Bitz to contact the County's insurance company immediately concerning the subject damage.

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RE: COUNTY ENGINEER.....Andy Easley

Meadowbrook Drive/Ditch Reconstruction: Mr. Easley said that he and Bill Jeffers staked the ditch on Meadowbrook Drive this morning, which is going to be reconstructed. Mr. Zeller's agreed to excavate a new ditch beside the one he filled with concrete. That is moving along and they hope to open up that 30-inch pipe, which is full of silt. Messrs. Easley and Bethel think the pipe will wash itself out once the water can get out the end of it; otherwise, they will have to clean it. Commissioner Cox asked Mr. Easley if he had given the cut sheet to Mr. Zeller. He said he just got the cut sheet about noon today and will have to get it to him -- he will either deliver the cut sheet or mail it to Mr. Zeller this afternoon. Mr. Easley said Mr. Zeller had indicated that Jerry David would be doing some excavating.

Eastland Estates: President Borries advised Mr. Easley that Bob Mullett had called about Eastland Estates pertaining to status of street signs and a request to look at the ordinance regarding on-street parking in that area. Commissioner Borries said he'd like for Mr. Easley to contact David Savage concerning the street signs (we've accepted those streets)....and, also, possibly speed limits. Mr. Borries said there is some concern with small children playing, etc. Maybe we need to post speed signs out there, and this would seem to fall more under David Savage's department. In any event, he'd like for Mr. Easley to check to see if there are some things we can work on out there.

Lynch Road Railroad Spur: Commissioner Willner said that since the Board has talked about Lynch Road and our final approval, etc., are we doing anything with the Railroad now? Mr. Easley said that we are. He has sent their final estimate and they made their final survey. Mr. Easley is finishing the structural details on that building modification and he hopes to have this done within seven (7) days. He said that Creasey has agreed to letthe County will be modifying the building with Federal money, and we do have a tight budget on doing that -- to stay underneath without taking bids. He said he'd like to be able to negotiate -- and he thinks we can do it in the manner discussed. It will probably be broken into maybe two or three contracts. There is 40-ft. of block wall to be knocked down; we have to put up 40-ft. of 20-ft. high sheet metal siding; we need a new column and a couple of beams. Mr. Lee Gallivan of the Federal Highway Administration said he would go along with the way we want the structure. Commissioner Willner asked if we're dealing with Seaboard Railroad? Mr. Easley said that we are and Mr. Al Batey has been very cooperative. He's worked out his alignment wherein the track moves 1.85 ft. toward the west door frame and, hopefully, that will be accomplished within sixty (60) days. Mr. Easley said he will call Mr. Gallivan and ask him to go ahead and let the paper on this. He said they want Mr. Easley to get the estimates to them so they can wrap it up in one big change order.

RE: COUNTY SURVEYOR.....David Guillaum

Bridge & Guardrail Repair Report/August 20 thru August 24, 1984: Mr. Guillaum distributed copies of said report to the Commissioners.....report received and filed.

Claim/Log Jam - Pigeon Creek: A claim in the amount of \$5,000.00 to Commercial Ditch Cleaning for removal of three (3) large log jams from Pigeon Creek was submitted for approval. Mr. Guillaum said that both he and Bill Jeffers had inspected the work. Motion was made by Commissioner Willner that claim be approved for payment, with a second from Commissioner Cox. So ordered.

Duesner Road Project: Mr. Guillaum said he discussed this project at last week's Commissioners' meeting. He said they have been out to look at the project site and have drawn a sketch. He has also contacted six (6) contractors. However, he wants to hold off on the invitational bids today; several of the contractors did not have sufficient time to put their bids together. Rather than take just one (1) or two (1) bids, Mr. Guillaum thought there would be better response if we waited until next week to take the invitational bids on this project.

(continued)

Abandonment Procedure/Mill Road: Mr. Guillaum advised Attorney Jones that Mr. Brenner indicated to him today that if Mr. Jones has all the information needed, he wants to proceed with that project. Attorney Jones said he's never received a thing on this project. Mr. Guillaum said he believes the first thing Mr. Jones will need then is the specifics re what they need to abandon. The Surveyor's office will provide Attorney Jones with a drawing and a letter so he can proceed.

Maryland Street Bridge: This project is going well and contractor is probably some two (2) weeks ahead of schedule.

Bridge Inspection: Commissioner asked when the Bridge Inspection Bids are scheduled to be in? It was advertised. Mr. Guillaum said there was a preliminary date, wherein the intent as to how bidder was going to go about it, etc. before the bid was actually turned in. There was a date set for this preliminary information -- to qualify the bidders. This pertained to the FA2 funding. President Borries said he believes that David Gerard of EUTS was handling that particular part of the procedure and he is uncertain as to the final date; he thinks perhaps they had until the end of August. President Borries said he does know that any minority firms on the State List had to be contacted. Mr. Guillaum said that while it is not his territory, he does know that August 27th was the deadline given for submission of FA2 forms. Mr. Guillaum stated the the FA2 forms are primarily a way of weeding out the eligible engineers/contractors from the ineligible. For example, they have to provide information on the form concerning their overhead, accounting sheet, what personnel they intend to use on the project, what work they have done, and their qualifications. President Borries said he anticipates that Mr. Gerard will set up a file and schedule a time when the County can meet with the various interested firms and determine who will do the inspection. Commissioner Cox asked if there is a deadline for the inspection work to be done? Mr. Guillaum said he believes the procedure specifies Fiscal Year 1985.

RE: PUBLIC AUCTION/COUNTY SURPLUS PROPERTY.....Jim Lindenschmidt

Mr. Lindenschmidt said that Saturday, October 13th, has been scheduled as the date for the public auction of County-owned surplus property. Arrangements have been made with Curran Miller to conduct the auction at 10:00 a.m. at the County Highway Garage located on St. Joe & Mill Rd. on that date. Mr. Lindenschmidt said he is still looking for cooperation from some of the County offices concerning items for the auction. Commissioner Cox asked if the Addressograph machine previously discussed is on the list, as someone was interested in acquiring same. Mr. Lindenschmidt confirmed that this equipment is already on the list of items to be auctioned. Commissioner Willner asked Mr. Lindenschmidt if all the county offices had been notified. Mr. Lindenschmidt said he had sent a notice out to all officeholders; he's contacted some in person -- and he still hasn't heard anything from some of them. He will get in touch with these parties, again.

RE: PUBLIC OFFICIAL BOND/COUNTY HIGHWAY SUPERINTENDENT

President Borries presented a Public Official Bond for County Highway Superintendent, William L. Bethel, from American States Insurance Company in the amount of \$5,000.00. Bond was given to secretary for transmittal to the County Recorder's office, where it will be recorded.

RE: MONTHLY REPORTS/BUILDING COMMISSION

Monthly Reports from the Building Commission for months of June and July, 1984, were submitted.....reports received and filed.

RE: EUTS REPORT/SEPTEMBER REZONINGS

The following report concerning September Rezonings was presented for the record:

(continued)

TO: City Council Members
Vanderburgh County Commissioners
Area Plan Commission Members

FROM: David G. Gerard

DATE: August 21, 1984

SUBJECT: September Rezonings

CITY REZONINGS

1. R-84-37: 2205 E. Morgan Avenue

Morgan Avenue is a major four-lane arterial near the subject property. The traffic volume generated by the development will be dependent upon the specific type(s) of retail sales at the site. Access will require IDOH approval. The 30' width drives are adequate. Recommend 20' entrance radius. Eichel Avenue is a narrow residential street and is not suited for commercial traffic.

2. R-84-40: 62 S. Bosse

South Bosse is a narrow two-lane facility which dead-ends south of S.R. 62. Other streets accessing the site are also narrow and have low traffic volume. The proposed use will not generate any appreciable traffic.

3. R-84-41: 4411 Pollack Avenue

Pollack Avenue is a minor arterial which carries approximately 6,100 vehicles per day near the subject property. The proposed use will not adversely impact traffic flow if adequate off-street parking is provided. The proposed divided driveway configuration should be designated as one-way flow.

4. R-84-42: 1612 Parker Drive

Parker Drive is a low-volume residential street with on-street parking on both sides. Access to the building is from Alexander, a narrow, partially improved street. The proposed use is not a high traffic generator.

5. R-84-43: 4600 Morgan Avenue

Because the exact uses are not presently known, the traffic volume generated at this site cannot be estimated. However, given the size of the parcel and uses permitted in a C-4 zone, a substantial volume of generated traffic can reasonably be expected. EUTS has provided access drive recommendations to the petitioner. Access will require IDOH approval.

6. R-84-44: 12 E. Powell

East Powell is a low-volume residential street with on-street parking permitted. The proposed use will not adversely impact traffic flow.

7. R-84-45: 3310 Washington Avenue

Washington Avenue is a major four-lane arterial which carries approximately 17,800 vehicles per day near the site. The design of the existing residential drive requires eastbound vehicles to come to a near stop prior to entering the site, and will not permit two-way flow. Although the proposed use is not a major traffic generator, the driveway is inadequate for commercial usage. Although widening of the drive and increasing the entrance radius would improve flow into and out of the property, site conditions will limit the amount of improvements that can be made. For these reasons, the

(continued)

the traffic generated at residential sites that have been converted to commercial uses is difficult to accommodate.

COUNTY REZONINGS

1. VC-10-84: 12600 Highway 57

Highway 57 is a two-lane facility which carries approximately 8,200 vehicles per day. The proposed use will not generate any appreciable traffic volume.

RE: COUNTY HIGHWAY.....Bill Bethel

President Borries advised that Bill Bethel is on vacation this week. Therefore, the following reports are submitted in his behalf:

Weekly Absentee Report: The Weekly Absentee Report for employees at the County Garage for period August 20 thru August 24, 1984 was submitted.....report received and filed.

Weekly Work Report: The Weekly Work Report for employees at the County Garage for period August 20 thru August 24, 1984, was submitted. Attached to the report was the following Work Schedule:

Grading: Bergdolt Rd., Upper Mt. Vernon Rd., Red Bank Rd., Bender Rd. and Schenk Rd.

Paving: Big Schaeffer Rd., Bender Rd., where R.R. Overpass was torn down; Boonville-New Harmony where R.R. Overpass was torn down; also working on Henze Rd. this week.

Patching: Heinlein Rd., Tree Top Lane, West Lake, Frontage Rd., and Seib Rd.

Trash

Pick-Up: Lynn Rd., Outer Darmstadt, Mill Rd., Haul trash out of yard, Old Henderson Rd., Bayou Creek Rd., S. Weinbach and River Rd.

Cut Brush: Eichoff Rd., Oak Hill Rd., Mill Rd., Speaker Rd., Larch Lane and Seib Rd.

Mower: Harmony Way, Kasson Dr., Bromm Rd., #3 School Rd., East-View Drive, Orchard Rd., and Broadway.

Heat Bumps/Oak Hill Rd.: Commissioner Cox commented that heat bumps have cropped up on Oak Hill Road all the way from Pigeon Creek Bridge to Highway 57 and these need to be checked out. Mrs. Cox has reported same. She said several are fairly large bumps -- and school busses will be traveling this route in the near future. She notes this is not included in Mr. Bethel's report, so she assumes they have not yet gotten to this project. School begins next week, so these bumps should be repaired this week. President Borries said he will contact the County Garage to see if they are in the process of handling this problem. If not, he will see if the schedule can be worked out to where this problem can be handled this week.

RE: TRAVEL REQUEST/CLERK OF THE CIRCUIT COURT

The following correspondence concerning travel request was read by President Borries:

TO: Rick Borries, President/County Commissioners

FROM: Helen L. Kuebler, Clerk of Circuit Court

IN RE: State Board of Accounts Meeting

(continued)

510.

COUNTY COMMISSIONERS
8/27/84

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I, Helen L. Kuebler, respectively request your permission to attend the State Board of Accounts meeting to be held in Fort Wayne, Indiana, September 17 and 18, 1984.

I have attached a copy of the letter from State Board, requesting my attendance at this meeting.

Your consideration and remuneration will be appreciated. Thank you.

Helen L. Kuebler

* * * * *

August 22, 1984

TO: ALL CLERKS OF THE CIRCUIT COURT

SUBJECT: CONFERENCE OF CLERKS OF THE CIRCUIT COURTS

In compliance with IC 5-11-14-1 the State Board of Accounts is calling a conference of all Clerks of the Circuit Courts to be held on Monday and Tuesday, September 17 and 18, 1984, at the Holiday Inn Northwest, Fort Wayne, Indiana. The meeting will start promptly at 9:00 a.m., E.S.T. (Local Time), on Monday and Tuesday.

Each Clerk of the Circuit Court may require the attendance of: (1) each of his appointed and acting chief deputies or chief assistants; and (2) if the number of deputies or assistants employed: (A) does not exceed three (3), one (1) of his appointed and acting deputies or assistants; or (B) exceeds three (3), two (2) of his duly appointed and acting deputies or assistants.

Each Clerk of the Circuit Court and each authorized deputy or assistant shall be entitled to reimbursement for actual lodging expense for the nights of September 16 and 17, 1984, in an amount equal to that allowed for state employees. The current amount allowed for lodging for state employees in travel status is as follows: (1) if occupied by one person actual room rate not to exceed \$42.00 per day; (2) if a room is shared with a person who is not a county employee, single occupancy rate not to exceed \$42.00 per day; (3) if room is shared with another county employee one-half of the room rate not to exceed \$42.00 per day. Mileage at 24¢ per mile from the county seat to the meeting place and return will be certified for payment to the Clerk, deputy or assistant furnishing the conveyance. Subsistence for meals in the amount of \$22.00 for each day in attendance will also be certified for payment for the Clerk and/or each authorized person.

If you have particular questions you would like discussed, please feel free to send them in advance to Mr. Charles W. Nemeth, C.P.A., Supervisor.

The conference is called for the purpose stated in IC 5-11-14-1. Your attendance at this meeting is respectfully requested. We have several guest speakers that the Clerks have asked to have in attendance and we will also discuss, by dividing into groups, many other topics which are of interest to you and pertain to your relationship with this department. Any luck at all should allow us to distribute the new Manual.

Finally, we may introduce a change in the prescribed Cash Book of Receipts, Form No. 27A.

Yours truly,

M.F. Renner
State Examiner

(continued)

Motion was made by Commissioner Willner that said travel request be approved, with a second from Commissioner Cox. So ordered.

RE: HOLIDAY CLOSING/COUNTY OFFICES

President Borries announced that all County offices will be closed on Monday, September 3rd, for the Labor Day Holiday. The next Commissioners' meeting is, therefore, scheduled for Tuesday, September 4th, at 2:30 p.m.

RE: CLAIMS

James L. Will Insurance Agency, Inc.: Claim in the amount of \$30.00 for \$5,000.00 Public Official Bond for William L. Bethel, Supt. of Vanderburgh Co. Garage/Highway Department. Motion to approve claim for payment was made by Commissioner Willner, with a second from Commissioner Cox. So ordered.

Earl Happe: Claim in the amount of \$17.50 for duplicate permit refund (Building Commission Permit #7614). Motion to approve claim for payment was made by Commissioner Willner, with a second from Commissioner Cox. So ordered.

RE: EMPLOYMENT CHANGES - RELEASES

Burdette Park

Kelli Richardt	4012 W. Columbia	Reg. Guard	\$ 3.60/Hr.	Eff: 8-20-84
Greg Franklin	2154 E. Monroe	Reg. Guard	\$ 3.60/Hr.	Eff: 8-20-84
Laura Hutchison	2026 W. Michigan	Asst. Pool	\$40.00/Day	Eff: 8-22-84
Sharon Jankowski	6912 Cliftwood Dr.	Head Guard	\$37.00/Day	Eff: 8-23-84
Dona Barton	3721 Koresse Rd.	Cashier	\$ 3.50/Hr.	Eff: 8-14-84
Melissa Eberhard	7516 E. Chandler	Ext. Guard	\$ 3.35/Hr.	Eff: 8-12-84

Treasurer

Martha J. Green	6711 Mulberry	124	\$10,760/Yr.	Eff: 8-24-84
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County Highway Dept.

Russell C. Schroder	6600 Little Schaefer	Equip. Oper.	\$7.19/Hr.	Eff: 8-20-84
John R. Keown	1429 Judson St.	Leadman	\$7.01/Hr.	Eff: 8-20-84
Larry J. Babbs	307 S. Elm St.	Equip. Oper.	\$7.19/Hr.	Eff: 8-20-84
Alfred M. Lindsey	1625 Delmar	Laborer	\$6.71/Hr.	Eff: 8-20-84

Cooperative Extension Service

Anne E. Buthod	703 S. Willow	P.T.	\$27.00/Day	Eff: 8-24-84
Warren D. Korff	R.R.#7	P.T.	\$27.00/Day	Eff: 8-24-84
Daniel R. Miller	1616 E. Indiana	P.T.	\$27.00/Day	Eff: 8-24-84
Karen L. Koester	R.R.#2, Box 97	P.T.	\$24.00/Day	Eff: 8-24-84
Shannon M. Scholz	2307 E. Mulberry	P.T.	\$24.00/Day	Eff: 8-24-84
Raymond A. Rivard	R.R.#8, Box 168-F	P.T.	\$24.00/Day	Eff: 8-24-84

Center Assessor

Brian E. Gates	3706 Van Meter Ct.	R.E. Dep.	\$629.88/Pay	Eff: 8-27-84
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Clerk of Circuit & Superior Courts

Regina Casey	1722 E. Columbia	Dep. Clk.	\$412.26/Pay	Eff: 8/27/84
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RE: EMPLOYMENT CHANGES - APPOINTMENTS

Clerk of Circuit & Superior Courts

Dottie Cole	521 S. Congress	Dep. Clk.	\$412.26/Pay	Eff: 8/27/84
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(continued)

County Highway Department

John R. Keown	1429 Judson	Equip. Oper.	\$ 7.19/Hr.	Eff: 8-20-84
Larry J. Babbs	307 S. Elm	Leadman	\$ 7.01/Hr.	Eff: 8-20-84
Alfred M. Lindsey	1625 Delmar	Equip. Oper.	\$ 7.19/Hr.	Eff: 8-20-84
Charles A. Sumner	5130 Morgan Ave.	Laborer	\$ 6.71/Hr.	Eff: 8-20-84

Treasurer

Lisa Hart	2210 Sunburst	124	\$10,760/Yr.	Eff: 8-27-84
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Burdette Park

Paul B. Head	7120 Hogue Rd.	Reg. Cashier	\$ 3.50/Hr.	Eff: 8-26-84
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Burdette Park (RELEASES)

Michael Gerard	7601 Hogue Rd.	Reg. Guard	\$ 3.60/Hr.	Eff: 8-17-84
Michael Johnson	12650 Apache Pass	Reg. Guard	\$ 3.60/Hr.	Eff: 8-17-84
Brooke Heathcotte	3512 Koring Rd.	Reg. Guard	\$ 3.60/Hr.	Eff: 8-17-84
Linda Owens	2852 W. Pa.	Pool Cashier	\$ 3.60/Hr.	Eff: 8-17-84

RE: SCHEDULED MEETINGS

County Council: President Borries said the County Council met last week to make preliminary comments and answer questions regarding the budget. The Budget Hearings will continue this week -- beginning tomorrow night, August 28th -- in the same sequence as they met last week. Depending upon how quickly those meetings proceed, President Borries believes the Commissioners' Budget Hearing will be held on Thursday, August 30th.

RE: COMMENTS ON VARIOUS PROJECTS.....Don Folz

Mr. Don Folz, an interested citizen, appeared before the Commissioners to offer comments concerning various projects, as follows:

I-164: Some time back, Mr. Folz gave the Commissioners a dossier of what he thought would be better than I-164, which was a belt line built around Evansville, rather than I-164. He does not know whether the Commissioners took time to read same, but in conjunction with how it was written, etc., it did come into Southlane Drive the same route they're using on I-164 to a north passage straight across by Carter Lumber Co., across Boonville Highway to the light towers north of Old Boonville Highway, straight west then to hook into new Highway 57, to make a belt line along the side of the railroad track which goes to St. Joe Avenue, and using St. Joe Avenue on the north side out to the west side down Division Street, coming across at Southlane Drive. You then would have a complete belt line around the City of Evansville, rather than I-164. If you haven't heard, I-164 is in the flood plain area when you get into Pigeon Creek bottoms and Bluegrass Creek bottoms -- and the people of Chandler will not thank the Vanderburgh County Commissioners if this is built, because they will be up in arms at the first five or six-inch rain we have out there.

Pigeon Creek: Mr. Folz said that Pigeon Creek has been neglected for so long. He would like to see the old Drainage Board activated again (in speaking to Commissioner Willner, specifically) that we had that helped get the first ditch open -- Crawford/Brandeis, etc., -- if they see fit that we could get this started back again -- if they want to change members, fine -- he doesn't have to be on it -- Mr. Morley doesn't have to be on it -- but Mr. Folz would like to be on the Board and have a voice.

St. George R.: Mr. Folz said he would like to see St. George Rd. go to Hirsch Rd., rather than Lynch Road. It would be cheaper for both the County and the taxpayers to do this. All that would be needed would be a bridge across Hirsch Rd.; you would then have a direct route from North Park into the East side, which is growing very rapidly.

Taxes, etc.: Thus far, we've succeeded in keeping the people of Vanderburgh County (and especially the taxpayers in Knight Township) down insofar as taxes are concerned,

(continued)

with the new fire department (which Mr. Folz helped to construct); we've beaten annexation, therefore, we don't need trolley cars on Green River Road -- and we don't need them in downtown Evansville. Secondly, the expansion of Dress Regional Airport (Mr. Folz said not to get him wrong -- he's for it 100%) -- geographically, in twenty (20) years from now, where are they going to go with more airport? We have Melody Hills, Highway 41 and Whirlpool, and McCutchanville -- only so much expansion can be put in there. The kids coming behind us -- what are they going to do in twenty (20) years for a big airport, if they want one here in the City of Evansville. The City of Evansville will not grow unless the streets are fixed, the County roads are fixed, and they come off of some of this stuff like the trolley cars and the brick streets. We have a beautiful walkway downtown -- why destroy it? If we need to progress downtown, let's get some people in here to build some shopping centers (such as the quarterback of the Bears or whoever it was who was coming here) and things of this sort -- which the Commissioners don't have too much to do with. But that is why he's appearing before the Commissioners -- and, in addressing both Commissioners Willner and Cox, Mr. Folz said he is known to both Commissioners and they know he does his homework -- and he thinks the people have been misled sometimes along the line -- but he doesn't think that's a big problem. Insofar as consolidation is concerned, he would ask the Commissioners to please walk slowly -- so there is no fight. If there are some things the County wants to do or put in for the progress of the City, then he's for it 100%. But, he said there can be some fighting over it -- and he doesn't want it to be a political issue at this time. It seems as though we have three parties in Evansville right now: One is Democrat/Republican and the other two are the Chamber (of Commerce) and the League (League of Women Voters). The president of the League of Women Voters' president lives in Posey County. Mr. Dittoe lives in Warrick County. Mr. Folz said he is afraid their best interest is not in the heart of Evansville. He would like to see people who live in Vanderburgh County who have to pay these taxes to make the deals -- and he is not talking about under-the-table deals, but deals on top -- they're both good organizations, we need them. But Mr. Folz feels there are other people around Evansville who can serve on committees and Boards who can do just as well as the Chamber or The League. In conclusion, Mr. Folz asked that the Commissioners "please hurry, hurry with Green River Road". We need it widened tomorrow, yesterday and the day before. We had one fatality in front of the Marshall's residence -- not to do with the road, he understands, but when you live on it like Mr. Folz does -- then you understand what he is saying. It is heavily traveled now -- and it needs attention immediately.

With regard to drainage at the proposed Green Oaks Mall, Mr. Folz asked if it is correct that the Board has put into effect that the drainage will go across under Green River Road to Pigeon Creek? The Commissioners confirmed that this is correct.

In conclusion, Mr. Folz expressed his appreciation for the following:

- 1) The excellent job done on last year's snow removal and the cleaning of the roads in that end of town, in particular. Mr. Bethel and his crew did one heck of a good job.
- 2) The yellow caution signs on Hirsch Road at the end by Burkhardt. Mr. Folz said this has really helped. He was always afraid someone was going in the ditch on the Burkhardt Road side -- but that has been taken care of by the County's crews.

The Commissioners assured Mr. Folz that his comments are well taken.

RE: NOTICE OF CLAIM

Commissioner Cox advised that she received a Notice to the County from Attorney Raymond P. Knoll, representing Florence R. Weidner, the mother of Robert P. Weidner. She asked President Borries if he received a copy, and he replied in the affirmative. Continuing, Mrs. Cox said she also received a letter from Mrs. Weidner, as follows:

(continued)

August 7, 1984

Dear Shirley Cox:

I am the mother (Mrs. Florence Weidner) of Robert P. Weidner, who was killed when a bridge collapsed in Darmstadt, Indiana on February 23, 1984.

Actual Funeral Expenses were \$3,931.48. Workmen's Compensation covered only \$2,000.00.

Only \$25.00 of a \$131.00 total charge was covered by Blue Cross for the ambulance that carried Robert to the hospital from the bridge.

There will be little remaining from Robert's estate after everything is settled.

Am retired on Social Security and have no significant savings or other major source of income.

Would appreciate if the County would consider paying or helping to pay the remainder of the ambulance and funeral expenses.

Thank you.

Sincerely,

(Mrs.) Florence Weidner ..

Commissioner Cox asked if the County's Blue Cross plan only pays \$25.00 on an ambulance call? If so, that is not very good coverage. She thought we had better coverage than that. It was the consensus of the Board that this matter should be investigated, to determine if \$25.00 is all that Blue Cross does pay on an ambulance call under the plan currently in effect.

Commissioner Willner mentioned the \$7,500.00 life insurance policy on Mr. Weidner, which he had with the County. Commissioner Cox said she imagined that since his death was accidental that it would be double indemnity -- or \$15,000.00. Commissioner Willner said there should be enough there to pay the bills. Commissioner Cox noted, however, that the Board does not know what other bills Mr. Weidner had. It's just like a mortgage on a home, or anything like that. They do not know what kind of insurance he had -- sometimes when you owe a bill you carry insurance and if something happens, the bill is automatically paid. But she received this letter and does not feel it can be ignored; thus, she wants to make it a part of the record. In any event, she thinks we need to look into the Blue Cross coverage and see why it only paid \$25.00 of a \$131.00 charge.

There being no further business to come before the Board at this time, the meeting was declared adjourned at 4:25 p.m.

PRESENT:

COMMISSIONERS

Richard J. Borries
Robert L. Willner
Shirley J. Cox

COUNTY AUDITOR

Alice McBride

COUNTY ATTORNEY

David L. Jones

AREA PLAN COMMISSION

Barbara Cunningham

COUNTY ENGINEER

Andy Easley

COUNTY SURVEYOR

David Guillaum

(continued)

COUNTY COMMISSIONERS
8/27/84

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AUDITORIUM

Kim Bitz

BURDETTE PARK

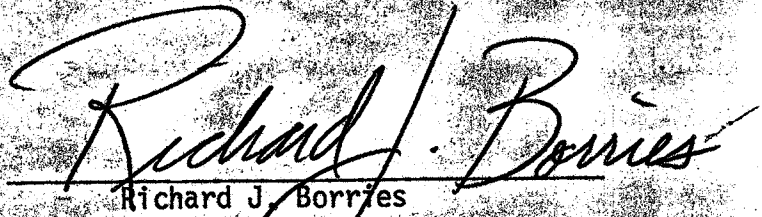
Mark Tuley

OTHER

Don Folz
News Media

SECRETARY:

Joanne A. Matthews


Richard J. Borries


Robert L. Willner


Shirley Jean Cox

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MINUTES
COUNTY COMMISSIONERS' MEETING
September 4, 1984

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MINUTES
COUNTY COMMISSIONERS' MEETING
September 4, 1984

The meeting of the Board of County Commissioners was held on September 4, 1984, at 2:30 p.m., in the Commissioners' Hearing Room, with President Borries presiding.

Since it was the first meeting of the month, Sheriff Clarence Shepard declared the meeting in session at 2:35 p.m., pursuant to adjournment.

The Chair entertained a motion concerning approval of the minutes of the previous meeting. A motion was made by Commissioner Willner that the minutes of the meeting held on August 27, 1984, be approved as engrossed by the County Auditor and the reading of same be waived. A second to the motion was provided by Commissioner Cox. So ordered.

RE: POOR RELIEF ASSISTANCE ELIGIBILITY STANDARDS & PROCEDURES/KNIGHT TOWNSHIP

President Borries called on Knight Township Trustee, Ron Saulman, who was present for purposes of presenting New Standards & Procedures for Poor Relief Assistance Eligibility in Knight Township. Mr. Saulman said the new guidelines became effective September 1, 1984, and have been approved by the Knight Township Trustee's Advisory Board as well as by himself. Mr. Saulman presented copies to the members of the Board and requested their signatures -- not necessarily approving the revised guidelines, but for purposes of signifying that each member of the Board had received a copy of the new guidelines to peruse at leisure. The Board complied with Mr. Saulman's request.

Continuing, Mr. Saulman said the new standards include a more detailed outline as to exactly what individuals can and cannot do insofar as making application to Knight Township for assistance. He feels their new guidelines are a more in-depth version than those of some of the other townships. Should the Commissioners have questions, he asked that they not hesitate at any time to contact him for clarification or justification concerning the procedures.

RE: FINANCIAL REPORT.....Lew Volpe, County Treasurer

The following Financial Report was presented by the County Treasurer:

COUNTY TREASURER

September 4, 1984

TO: COUNTY COUNCIL
COUNTY COMMISSIONERS

Collections to date are:

County Revenue	\$425,250.59
Federal Revenue Sharing	6,669.44
Poor Relief	6,254.17
	<u>\$438,174.20</u>

OUTSTANDING INVESTMENTS ARE:

- 1) Investments, \$3,000,000, dated December 28, 1983 due December 27, 1984. Estimated income \$273,700.00 of which \$22,812.00 will go to the Reassessment Fund. Rate 9.125%.
- 2) Investments, \$500,000, dated December 29, 1983, due December 27, 1984. Estimated income \$46,200.00. Rate 9.25%.
- 3) Investments, \$2,000,000, dated January 4, 1984 due December 27, 1984. Estimated income \$188,000.00. Rate 9.50%.

(continued)

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COUNTY COMMISSIONERS
9/4/84

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- 4) Investments \$2,000,000, dated July 5, 1984 due December 26, 1984. Estimated income \$111,000.00. Rate 11.50%.
- 5) Investments, \$3,000,000, dated July 30, 1984 due September 21, 1984. Estimated income \$48,000.00. Rate 10.875%.
- 6) Repo, \$500,000, dated August 6, 1984, due September 10, 1984. Estimated income \$4,811.41. Rate 9.875%.

When all outstanding investments are collected, income will appear as follows:

COUNTY REVENUE	\$1,074,150.00
REASSESSMENT	22,812.00
FEDERAL REVENUE SHARING	6,669.44
POOR RELIEF	6,254.17
	<u>\$1,109,885.61</u>

Yours truly

Lewis F. Volpe
County Treasurer

Mr. Volpe pointed out that he has already taken in \$438,000 (that has been receipted) plus enough accrued to total \$1,109,885.61 at the present time. He has not gone into the Roads & Streets yet, but thinks he will in September -- later in the month. He said he has \$3,000,000.00 due on September 5th -- various units of government want part of that and he can put part of that in Roads & Streets.

National Revenue Corp. Collections: Mr. Volpe said he has an additional 30-40 requests from NRC to file suit for collection. He said there is some misunderstanding because the form is made up to commence initial suing, resulting in a judgment. But, they don't have to do anything to get a judgment; he already has the judgment on every one of these cases. The courts will not look beyond the judgment. Whether or not the taxes are owed is irrelevant. He cited one case where the individual is disputing whether he owes the taxes. Mr. Volpe said that is of absolutely no concern, because the individual had his chance to dispute the taxes. Mr. Volpe now has a judgment against him. The only thing necessary is to prove that the judgment is against him. National Revenue Corp. has all the proof on every one of those judgments; they have sent a copy of his (Volpe's) letter to them showing there is a judgment against them. So, we are not after a judgment; we are only after proceedings supplemental -- and that is like shooting fish in a barrel -- because you can't lose, except that the individual is dead or has no funds whatsoever. Therefore, Mr. Volpe suggests the County go after the proceedings supplemental. He asked Neils Hansen, representative of County Attorney's office, if that is not correct? Mr. Hansen confirmed that that is correct.

Citing another example, Mr. Volpe spoke of Hoosier Liquors, Inc., where in between getting their liquor license one time and obtaining it the next time -- they went bankrupt; therefore, he doubts they can get too much out of that firm. But he always had to prove they had paid their taxes before they could get their liquor license. However, they went bankrupt owing the County \$27,000.00; but Mr. Volpe has a judgment against them, also. But anything controlled by liquor license -- Mr. Volpe can pretty well control them if they stay in business. He said at one time, an individual tried him. The individual paid by bad check and Mr. Volpe lifted their liquor license. It was within a few hours of whether or not they were out of business -- and they had to go to Indianapolis to get their liquor license. Since you pay a year behind -- you can often go into bankruptcy before you have to pay your last year's taxes. However, each one of these cases is an accomplished judgment. We send the individuals a certified letter, with a State form enclosed, saying they have thirty (30) days to pay or it will be sent to the Clerk and it will automatically become a Circuit Court Judgment. Mr. Volpe said they never do it within thirty (30) days because of their work schedule; it is more like six (6) months. They send the letters out in February and usually certify it to the Clerk in October -- so that gives individuals six (6)

(continued)

months, rather than thirty (30) days. Then it becomes a judgment. He has gone to Small Claims Court and sued on these judgments many, many times and the judges have uniformly refused to look behind the judgment. If the individual says he never owed the money in the first place, the Judge says, "Too bad!" Mr. Volpe has also taken several cases to Circuit Court and they have garnisheed wages or given a personal garnishment or Court Order to pay. So, both Small Claims Court and Circuit Court have verified this procedure. Mr. Volpe said the reason he says this is to the Board is because when he first started suing for these things (if the Board will look back in the newspaper files) there was quite a split among the local attorneys as to whether he had the right to sue or not. There was a lot of discussion in the local newspapers about that. However, Mr. Volpe pursued the matter and the Judges stood with him.

Commissioner Cox stated she had a couple of questions. She has not seen the latest batch of documents; but she did look thru the previous batch and cited the following: "The debtor has been put on notice that he is indebted to you in the amount of \$14.42." Mr. Volpe said NRC picked out the various accounts -- he had nothing to do with it. Mrs. Cox said she understands that -- and she's glad to now have a list of what NRC has been working on collecting, because previous to this the Board had no list. And what the Board needed to know was what they were working on. However, her point at this time is, that when you read the documentation to authorize litigation or to authorize a suit, the document states that the County needs to sign the form and send it to NRC and, in this particular instance, enclose a check for \$28.50 for filing fee. Mr. Volpe said that the Judge, in every instance, will give us back our fees. Mrs. Cox pointed out that is true -- if the amount is collected. Mrs. Cox then asked who pays for the attorney's time on these cases? She said the amount of money to file is twice the amount of the judgment! Mr. Volpe said that takes care of the entire fee; NRC provides the attorneys don't they out of that fee? He said if they don't provide the attorneys, then what is the \$28.00 for? Mrs. Cox read the following from the document: "Please forward to us the appropriate items listed on the reverse side of this form, along with a check for the 'processing' fee." Mrs. Cox said, "What about Court time?" Mr. Volpe said he has taken a lot of cases to court himself. He cannot take this vast volume of cases to court -- and a lot of these are out of town. But he said there's nothing to it, really. Mrs. Cox said that may be true in Small Claims; that's the whole purpose of Small Claims Court -- you can do it yourself without legal counsel. Mr. Volpe said the Judges always give you your own cost back, plus. Mrs. Cox said this is true if they collect. If they don't, then it is just all added on, again. Mr. Volpe said that maybe the Commissioners could work out something with the Clerk, but when the County files suit, the County does not pay Court Costs. When he files suit down in Small Claims, he does not pay Court Cost at all -- he never has paid Court cost to the County Clerk in the name of the County. Perhaps in this case, the Commissioners could have it extended to the Agent (NRC) of the County, who is acting in behalf of the County. He thinks this is something to be discussed with the County Clerk. He said he has never paid one cent and has taken hundred of cases to Small Claims Court. The individuals have paid the Clerk themselves, after they were told to do so by the Judge. But the County, itself, has never paid the Clerk. So perhaps the Commissioners could get the Clerk to agree that the Agent (NRC) of the County would not pay any processing fees. Mrs. Cox said she does not know how many documents are in the batch handed to her by Mr. Volpe, but there are twenty-nine (20) where the total amount of judgment is less than the filing fee of \$28.50. Mr. Volpe said that may be, but it is a case of where once we collect, we get the money back automatically--and, again, he suggested talking to the Clerk. Maybe one of the Judges would say that since this is an Agent of the County, acting in behalf of the County, would come under the same rules as the County. Mrs. Cox said she knows there is a certified mail cost, or else a service by the Sheriff who has to go out on each one of these cases -- whether we pay it or not, there is a lot of work involved in just one of these documents. Mr. Volpe said it is up to the Commissioners, as signatories of the contract, as to what they do. Mrs. Cox asked if we're totally assured that there are not additional legal costs in our contract that we will pay on time and court spent for hearings or postponement, etc., on these accounts? Mr. Volpe said the problem lies in getting people into Court. There was one specific individual -- a prominent businesswoman, who stone-walled him for six (6) months. It was only \$111.00; but she stone-walled him for six (6) months, until finally a warrant went out for her arrest -- and she then paid. The Court costs were more than the taxes. But you do have tremendous stone-walling -- a lot of people do that. Many people do not believe in taxation with representation!

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Mrs. Cox asked Mr. Volpe (in getting back to Financial Report) how much he said he had coming due on September 5th? Mr. Volpe said it was Item #5 on the Report, and he said he had \$3,000,000.00 coming due on September 21st. The reason for that is, the other units of government have indicated that they would like to have an advance on September 21st. With what is left from that, he can start putting money into the Roads & Streets Fund. Mr. Volpe said he will have the \$3,000,000.00 plus \$48,000.00 in interest, and he will probably let the various units of government have some money since they need it as much as the rest of us. Mrs. Cox asked just what he means by the "various units of government"? Mr. Volpe said he means the Schools, the City, the Library. He said he gives them advances throughout the six-month period. They have indicated they would like to have some money on September 21st. He believes that is one of the paydays of the School Corporation.

Returning to the subject of collections by National Revenue Corp., Commissioner Willner said that if he remembers correctly, it was Attorney David Jones' recommendation that the NRC documents be separated according to amounts owed, and the ones where the filing fee is greater than the potential -- those should not be pursued for collection. Where the amount owed is greater than the filing fee, then those should be pursued.

Mr. Volpe said that if something can be worked out on the local owed amounts, then he will take them to Small Claims Court; but that would have to be worked out so there is no litigation on breach of contract, etc. That will, however, take a lot of people to prepare these for Small Claims Court. He said he'd have to, perhaps, use some of the Commissioners' people, maybe one or two from the Auditor's staff, etc., as he has cut his department by two (2) people. Mrs. Cox said the Clerk's office is also three (3) people short. Mr. Volpe said preparation of these judgments for Small Claims Court will require a lot of typing, etc. President Borries asked Mr. Volpe if what he is saying is that on those judgments locally, if authorized by the Commissioners (following clearance with NRC) then Mr. Volpe can enter an appearance in Small Claims to collect these? Mr. Volpe said that is what he is saying -- but he will need some help. He has been doing this all along in Small Claims for other things, except on the accounts selected by NRC to attempt to collect. If the Commissioners are successful in getting these accounts released from NRC, then he can start to work on those. Again, it is voluminous work and is time-consuming. It also takes a lot of work in the Sheriff's office, as he has to chase them down (sometimes as many as five or six times before he catches them). He literally has to follow them home and get to that front door before they close it. He's done that a couple of times, also. President Borries asked how many more accounts does he expect NRC to review? Mr. Volpe said they are sending out a certain number every two weeks, but he's not sure how many. We will be getting judgments about the middle of October on another group who received certified letters last February....and he estimates that about one-third of those will pay immediately; another one-third will sprinkle in, and the last third will dare you to come after them.

Mrs. Cox said then, that as of August 17, 1984, NRC has collected \$8,499.94 in delinquent taxes (if the list she has is correct)? Mr. Volpe said there is an additional sheet containing collections made since that total was run. Mrs. Cox questioned a notation indicating \$3.00 in brackets. Mr. Volpe said the \$3.00 is a demand fee required by law, wherein a person with delinquent taxes will pay a \$3.00 demand fee that takes care of the certified letter. These \$3.00 demand fees go back into County Revenue to replace the postage taken out of that account in the first place. Some of the individuals made deals to pay \$50.00 or \$100.00 per month; one made his last payment of \$1,000.00. Mrs. Cox asked if said deals were made prior to the contract with NRC? Mr. Volpe said "No"; the company only asked that we notify them when they made partial payment. There may be one exception, a trucking company -- but NRC knows about this. Mrs. Cox said that, by-and-large, then, these on-account payments have been initiated since contacted by NRC and they were not paying previously? Mr. Volpe indicated that that is correct, for the most part. There is also the possibility of a few errors where people paid delinquent amounts and the sum was applied to current taxes; these will have to be cleared up...and these monies will have to be taken from the current taxes and applied to the delinquent amounts.

Returning to the subject of local collections, Mr. Volpe again suggested the Commissioners talk with the Clerk re filing fees -- since the County does not have to pay. Mrs. Cox said the law doesn't say the County doesn't have to pay; the law says the County does not have to pre-pay. But after an overall judgment has been rendered, if the County is at fault, then they have to pay the Court costs. Mr. Volpe said we cannot be at fault here,

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because we are suing on a Circuit Court Judgment; you cannot be at fault when you are suing on a Circuit Court Judgment -- you are automatically right! Mrs. Cox said, "Not necessarily; some of those are overturned -- mistakes do happen." Mr. Volpe said the debt is owned by virtue of the Circuit Court Judgment. There can be no question that the debt is owed. In seven (7) years of doing this himself, he has never had a single instance where the County had to pay the Court Costs. Mrs. Cox said that sometimes they do. Mr. Volpe insisted, "Not on this; because on these he is just suing on proceedings supplemental -- not to get a judgment." Mrs. Cox said there are Court Costs on proceedings supplemental, too. Mr. Volpe said that in all cases they pay; if they cannot pay, the Judge just closes it -- the County has never had to pay.... and he has taken hundreds of these cases to both Small Claims and Circuit Courts. President Borries again asked Mr. Volpe how often we receive a stack of documents from NRC? Mr. Volpe said they are sending out groups every 2-3 weeks. Commissioner Willner suggested that the Board take this matter under advisement for a period of one (1) week, and the other members of the Board concurred.

RE: VANDEBURGH AUDITORIUM

President Borries advised that Kim Bitz, Auditorium Manager, was present prior to the meeting, but had nothing for today's agenda.

RE: COUNTY ATTORNEY.....Neils Hansen

President Borries introduced Neils Hansen, who was representing the County Attorney's office today.....and welcomed him to the meeting.

Settlement Proposal/Big Creek Legal Drain - Mann Road/Armstrong Township: Mr. Hansen said litigation had been filed by Harold Hartman and several other property owners against Kenneth Adler and the County was joined; there were complaints and amended complaints and cross-claims, counterclaims, etc. The parties have reached a Settlement Proposal under which a new ditch will be built by the County; the County will absorb the cost of that (he believes it was \$5,000.00). The ditch to the south of the road, now owned by the Adlers, will be closed and one of the Adlers will be selling some property to the County for \$5,000.00. The agreement provides that there will be inspection before everything is approved. The property owners can inspect and review what has been constructed. The Agreement needs the approval of the County Commissioners and the Vanderburgh County Drainage Board. Both of the original plaintiffs and the original defendants have signed the Agreement, and Mr. Hansen is submitting it for consideration by the Commissioners and their two (2) copies need to be executed if Agreement is approved.

Commissioner Willner said he is familiar with the problem, but questioned Mr. Hansen as to what he said about somebody being able to inspect, etc.? Mr. Hansen referred Commissioner Willner to the last paragraph at the bottom of Page 1, wherein it states, "Parties to this Agreement shall include the Plaintiffs (Adlers and Sellers) shall have the right to approve the construction of the ditch prior to certification and completion of the ditch by the County, and prior to the abandonment of the construction site by the County. During the construction, the County shall cooperate with the Seller so as not to impede Seller's ability to harvest and/or tend crops in the vicinity of the construction site. County shall further agree to not construct any ditch on the south side of Mann Road." Mr. Hansen said this Settlement Proposal gives them the right to basically approve or disapprove what is constructed. Commissioner Willner said this is something new which has been added that was not agreed to. It was noted that the Settlement Proposal basically says that all parties have to agree when the construction is done. Commissioner Cox asked Mr. Hansen who prepared the document? He said it was prepared by Les Shively, who represented the Plaintiffs in this action. There was brief comment concerning who represented Adler and who represented Hartman (inaudible). Commissioner Willner expressed the opinion that the proposal is ambiguous -- as the County is purchasing the property from Mr. Adler; what if he says the ditch is too deep? It was the consensus that copies of the Settlement Proposal should be given to all members of the Board for their perusal and clarification. So ordered.

It was noted by Commissioner Willner that, in referring to Drainage Board Minutes of August 6, 1984 meeting, that the Board approved a "Summary", and as soon as a version is signed it was to be presented to the Board members for their signature. He said it is his understanding that there is something new since the last time they reviewed the document. Mr. Hansen remarked that this version of the Settlement Proposal includes approving the construction prior to completion. Commissioner Willner said what happens

if the "Seller" does not approve what the County constructs? Mr. Hansen said the lawsuit would probably be reinitiated and we would be back to "Square 1"; he would argue that the County breached the Agreement because they agreed to construct it subject to his approval, etc. Commissioner Willner asked why the "Seller" does not include what he wants to begin with -- why do it after the fact? Mr. Hansen asked Commissioner Willner if he is suggesting that "Seller" give proposed specifications? Commissioner Willner responded, "Absolutely." If they want an engineering diagram to approve -- fine; but he is not going out there spending a lot of dollars and then the seller saying he doesn't want it...that would be ridiculous! Commissioner Willner asked that Neils Hansen contact Attorney Staser in an attempt to see if the matter can be resolved.

RE: COUNTY HIGHWAY.....Bill Bethel

Weekly Absentee Report: Mr. Bethel submitted the Weekly Absentee Report for Garage Employees for period August 27 thru August 31, 1984.....report received and filed.

Weekly Work Report: Also submitted was the Weekly Work Report for Garage Employees for period August 27 thru August 31, 1984.....report received and filed. Attached to the Work Report was the following Work Schedule:

Gradall: Schenk Rd., St. Joe Ave., Old Princeton Rd., Stacer Rd., and Armstrong Rd.

Paved: Henze Rd., West Haven Dr., Magnolia, Meadowlark Lane and Karendale

Intersection Upper Mt. Vernon and Red Bank Roads
Wedged:

Patch: Red Bank Rd., Upper Mt. Vernon Rd., Schutte Rd., Mahrenholz Dr., Barbara Dr., Meier Rd., Kleitz Rd., Larch Lane, Cunningham, Weiss Rd., Wright Rd., Red Bank Rd., Allen Lane, West Haven Rd., Fuquay Rd., Reiter Dr., Schillinger Rd., Outer Lincoln, Lynn Rd., Spry Rd., and Boyles Rd.

Tree Crew: Bujey Dr., Orchard Rd., Mesker Park, Kasson Rd., McCutchan Rd. (intersects at Schlensker), Fischer Rd., Mill Rd., St. Joe Rd., McDowell Rd., Middle Mt. Vernon Rd., Emge Rd., Eastview Dr., Schissler Rd., and West Franklin Rd.

Mower: Peck Rd., Baseline, Boyle Lane, Seib Rd., Old Princeton, Mohr Rd., Baumgart Rd., Bujey Dr., Schlensker Rd., McCutchan Rd., Old State Rd., Peters Rd., and Mill Rd.

RE: COUNTY SURVEYOR.....Bob Brenner

Invitational Bids/Duesner Road Storm Sewer: Mr. Brenner advised that the invitational bids received on the Duesner Road project had been submitted to the Attorney. Motion was made by Commissioner Willner that the County Attorney be permitted to open the invitational bids. Commissioner Cox provided a second to the motion. So ordered.

Attorney Hansen advised that the following bids were received:

9/4/84	12:30 p.m. -	Ray Stradtner Excavating, Inc.	\$ 8,200.00
9/4/84	10:05 a.m. -	Blankenberger Brothers, Inc.	31,000.00
9/4/84	10:40 a.m. -	Rig-Mar Contracting, Inc.	11,000.00
		(Bid Bond/Allied Fidelity in amount 5% of amount bid, not to exceed \$2,500.00 enclosed)	

Mr. Brenner advised that the County has done business with all three of the bidders and their work has been satisfactory. (Bid forms had been picked up by Deig, Rig-Mar, Staub, Blankenberger, Stradtner -- but only three (3) came in.) In response to Commissioner Willner's query as to the Engineer's estimate, Mr. Brenner said it was

\$10,000.00. It was Mr. Brenner's recommendation that the County accept the low bid of \$8,200.00 from Ray Stradtner Excavating, Inc. Mr. Brenner said it is not at all an easy job -- it's twenty (20) feet in the ground -- that's why they're going with concrete. There is no way Mr. Brenner would attempt it with County workers. Mrs. Cox said she is glad they're going with concrete pipe because of the chemicals, fertilizers, etc. It really eats away some of our other metal pipes..and that is why she is in favor of using concrete pipe in heavy agricultural areas. Motion was made by Commissioner Willner that the bid for Deusner Road project be awarded to low bidder, Ray Stradtner Excavating, Inc. Commissioner Cox provided a second to the motion. So ordered.

Bridge & Guardrail Repair Report: Mr. Brenner submitted copies of the report on Bridge & Guardrail Repair for period August 27 thru August 31, 1984....report received and filed. He said they replaced guardrail (200 ft. on each side) on Delaware Street Bridge. It was on old wooden posts which had rotted out and the guardrail had rusted into. They also bought new expansion joints for the bridge. When the work is finished on Maryland Street Bridge, they will install said expansion joints on Delaware Street Bridge.

Maryland Street Bridge/CLAIM: A claim to Rig-Mar Contracting, Inc. in the amount of \$58,725.00 for work on the Maryland Street Bridge. The work is proceeding quite well. The cofferdam is in place and they have poured the footing -- it's coming out of the ground -- looks pretty good. In reviewing the list attached to the claim, Commissioner Willner asked the definition of a "scupper". Mr. Brenner said this is a nautical term for a place that lets water drain off a deck. It was noted the claim had already been signed by the president of the contracting firm, as well as by County Surveyor, Bob Brenner. Motion was made by Commissioner to approve the claim for payment, with a second from Commissioner Cox. So ordered.

Ohio Street Bridge: Mr. Brenner said we had another little fallout from the Maryland Street Bridge; if the Commissioners will recall, we salvaged the pedestrian walkways. Mr. Brenner said he has a little bid he would like to put out, to put a portion of these grids on the Ohio Street Bridge. The Ohio Street Bridge currently has a wooden deck, which rusts out periodically and Mr. Brenner does not think this will be an expensive project. The grid work is intact -- and will give us a nice sidewalk which we shouldn't have to repair. He would take invitational bids -- as we did on the Duesner Road project. Commissioner Willner asked if Mr. Brenner is just talking about one side of the Ohio Street Bridge -- the inner or Creek side? Mr. Brenner said that is correct; the river side is long gone, since a barge took care of it! Motion was made by Commissioner Willner that Mr. Brenner solicit invitational bids and present same to the Board. Motion was seconded by Commissioner Cox. So ordered.

RE: REQUEST FOR OCTOBER COUNCIL CALL - COMMISSIONERS

President Borries said the Commissioners have a request to appear at October Council call; all the requests are the continual ones which involve various assignments either thru the Courts or School action, etc. Requests include the following:

<u>Acct.</u>	<u>Item</u>	<u>Amount</u>
130-305	Patient and Inmate Care	\$ 39,016.12
130-306	Soldiers' Burial	2,500.00
130-327	Change of Venue	4,000.00
130-329	School Transfer Tuition	13,761.22
130-342	Legal Ads	2,749.64
130-305	Bills in requested amount is owed to Muscatatuck & Plainfield Boys' School	
130-306	For Bills owed for Soldiers Burial	
130-327	For Bills owed in Change of Venue on John Cabell - \$11,000.00	
130-329	For Bills owed to Muncie Community, Lincoln & Kankakee Valley Schools	
130-342	For Bills owed for Legal Ads (increased legal advertising this year)	

Motion was made by Commissioner Willner that request be approved, with a second from Commissioner Cox. So ordered.

(continued)

RE: STATEMENT OF ASSURANCES CERTIFICATION FORM EP 16 (Revenue Sharing)

President Borries said that he has a Statement of Assurances Certification Form, to be completed and forwarded to the Office of Revenue Sharing in Washington, D.C., by September 30, 1984. Motion was made by Commissioner Willner to execute and forward form; motion was seconded by Commissioner Cox. So ordered.

RE: CERTIFICATES OF INSURANCE

The following Certificates of Insurance were submitted:

Heston Insurance Agency: Whirlpool Management Club - Seafood Meal on September 22, 1984.

James L. Will Insurance Agency, Inc.: Heart Association - American Indiana Affiliate, Inc. for dinner at Civic Center Gold Room on October 15, 1984.

Alexander & Alexander of Texas, Inc.: Mary Kay Cosmetics, Inc. of Dallas, TX - Tele-Conference to be held at the Auditorium on September 18, 1984.

U.S. Shelter Insurance Group: Jerry Lewis Telethon held at the Auditorium on September 2 - 3, 1984.

RE: OLD BUSINESS

Notice of Legal Claim/Robert Weidner Matter: President Borries said the Board has requested Mr. John Hodge to look into the matter of the communication from Mrs. Florence Weidner re Funeral Expenses, etc., of Robert Weidner and examine all payments made to the survivors and to give the Commissioners a report within the next week.

RE: SCHEDULED MEETINGS

Local Commission on Public Records: Meeting is scheduled for 11:00 a.m. in Room 303 (Commissioners' Caucus Room) on Monday, September 10th, at which time various units of the County and the City and the School Corporation will be in attendance.

County Council: Monthly Council Call of Vanderburgh County Council is scheduled for tomorrow (September 5th) at 2:30 p.m. They will be finalizing the 1985 Budget thru this week; it is President Borries' understanding that they will continue this process at approximately 4:00 p.m., after their regularly scheduled meeting. They will also be meeting on other days this week, as needed, to set the budget.

RE: CLAIMS - ASSESSORS

The following claims were submitted for approval, in conjunction with the State-Called Assessors' Meeting held on August 27, 28 and 29 in Indianapolis:

Cheryl Lawrence - \$143.00 - Per diem plus meals/checked by the Auditor: Motion to approve claim for payment was made by Commissioner Willner, with a second from Commissioner Cox. So ordered.

Monica Mendrup - \$223.14 - Per diem plus meals, plus 334 miles @ 24¢ per mile. Claim has been checked by the Auditor; Motion to approve claim for payment was made by Commissioner Willner, with a second from Commissioner Cox. So ordered.

RE: EMPLOYMENT CHANGES - RELEASESCircuit Court Clerk

Jill Hermann

7307 Bayard Park

Part-time

\$ 4.00/Hr.

Eff: 8-24-84

(continued)

Superior Court/Juvenile Division

Davies Bellamy Prob. Off. \$10,400/Yr. Eff: 8-24-84

Circuit Court

Robert J. Dodson	1710 Alberta St.	Intern	\$ 140/Wk.	Eff: 8-17-84
Kevin Gibson	809 E. Hunter Ave.	Intern	\$ 140/Wk.	Eff: 8-17-84
Karin Memmer	1162 S. Lombard	Intern	\$ 140/Wk.	Eff: 8-10-84
Shawn Devoy	1400 S. Grand	Intern	\$ 140/Wk.	Eff: 8-10-84

Burdette Park

Tina Coomes 27 W. Maryland R. Cashier \$ 4.25/Hr. Eff: 8-24-84

RE: EMPLOYMENT CHANGES - APPOINTMENTS

Clerk - Circuit Court

Shannon Gray 1702 N. Fifth Ave. P.T. Intern \$ 3.50/Hr. Eff: 8-30-84

Superior Court/Juvenile Division

Al Folden Prob. Off. \$ 17,178/Yr. Eff: 8-20-84

Circuit Court

Karin Memmer	1162 S. Lombard	Intern	\$ 3.35/Hr.	Eff: 8-13-84
Shawn Devoy	1400 S. Grand Ave.	Intern	\$ 3.35/Hr.	Eff: 8-13-84

Burdette Park

Dorothy Lindsey	1625 Delmar	R. Cashier	\$ 4.25/Hr.	Eff: 8-24-84
Tina Coomes	27 W. Maryland	Rink Guard	\$ 4.00/Hr.	Eff: 8-24-84

Prosecutor's Office

Nancy A. Schmitt 5122 Snyder Rd. Paralegal
Sec'y. \$ 10,500/Yr. Eff: 9-4-84

RE: NEW BUSINESS - INSTALLATION OF GUARDRAIL ALONG FIRST AVENUE

Commissioner Cox said just to get the following on record, she did talk with Bill Bethel, County Highway Superintendent, and John Vezzozo, Director/City Transportation & Services, concerning the installation of guardrail protection along First Avenue -- north of the new First Avenue Bridge. A recreational ballfield is located along there and there is a 4-5 ft. embankment along that corridor. Messrs. Bethel and Vezzozo will work together to see that the guardrail is installed, and may have to have some cooperation from the Bridge Fund. There were two hundred fifty (250) young boys playing football on the recreational field last Saturday, along with spectators, and a car came down First Avenue and somehow or other careened across the median and hit the eastern edge of the bridge. Happenings such as this sometimes wake you up to what needs to be done. We ought to install that guardrail as soon as possible, as the field will be used for large crowds from now thru the early part of November. Mr. Brenner asked if there was any damage to the bridge? Mrs. Cox said she did not go up there -- but a police car did come. Mr. Brenner said he has not had any report of damage to the bridge. Mrs. Cox said it was on the east railing of the bridge -- the car was on top of the bridge when it finally stopped. She said Bill Bethel plans to go out to the site tomorrow morning and step off the distance the guardrail will be required. Mr. Vezzozo said whatever portion did not come under the County's jurisdiction, that he felt the City would also cooperate and do the rest of it. Mr. Brenner indicated he would also check to determine whether any damage had been done to the bridge.

(continued)

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COUNTY COMMISSIONERS
9/4/84

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President Borries announced that there would be a meeting of the Vanderburgh County Drainage Board immediately after the Commissioners' meeting.

There being no further business to be brought before the Board at this time, President Borries declared the meeting adjourned at 3:45 p.m.

PRESENT:

COMMISSIONERS

Richard J. Borries
Robert L. Willner
Shirley J. Cox

COUNTY AUDITOR

Pat Tuley, Chief
Deputy

COUNTY ATTORNEY

Neils Hansen, Representative

COUNTY SURVEYOR

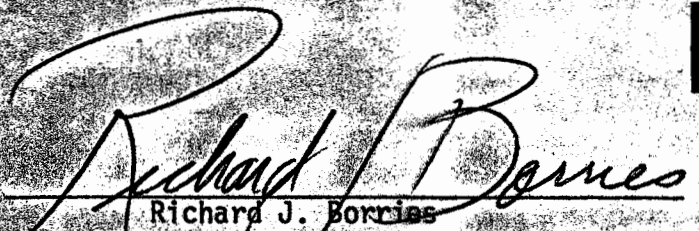
Robert Brenner

COUNTY HIGHWAY

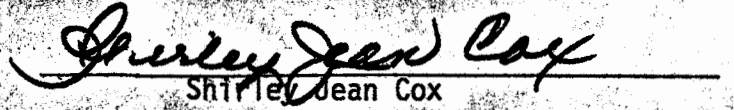
Bill Bethel

SECRETARY:

Joanne A. Matthews


Richard J. Borries


Robert L. Willner


Shirley Jean Cox

MINUTES
COUNTY COMMISSIONERS' MEETING
September 10, 1984

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MINUTES
COUNTY COMMISSIONERS' MEETING
September 10, 1984

The meeting of the Board of County Commissioners was held on September 10, 1984, at 2:30 p.m., in the Commissioners' Hearing Room, with President Borries presiding.

The Chair entertained a motion concerning approval of the minutes of the previous meeting. A motion was made by Commissioner Willner that the minutes of the meeting held on September 4, 1984, be approved as engrossed by the County Auditor and the reading of same be waived. A second to the motion was provided by Commissioner Cox. So ordered.

RE: POOR RELIEF.....PIGEON TOWNSHIP

Applicant: Robert Gossar.....406 Madison Avenue, Evansville, Indiana

Case Worker: Becky Hittner, from Pigeon Township Trustee's Office

Mr. Gossar was not present throughout the meeting, therefore the matter was referred back to Pigeon Trustee.

RE: JOHN SCHROEDER - WELFARE DEPARTMENT - CONCERNING A SHORT TERM LOAN

Mr. John Schroeder, representing the Welfare Department was present and stated that under recent acts of the Indiana State Legislature the county welfare departments were empowered to request a short term loan for an operating deficit. Prior to this there was only a direct loan from the county general fund (a direct appropriation from the county general fund) and the direct loan had to be repaid by the end of the year. The only other alternative, at that time, was a bonding issue. With the Acts of 1984, they have given the department the power to request a short term loan, either from the county general or through the private lending institution if the county is unable to loan it. He distributed written official requests to each of the Commissioners and stated the top copy shows approval from the state welfare department, which is their first step, and this was approved by the state in August. The next few pages showed excerpts from the bulletin they received from the state welfare department in May or early June indicating how this is to be pursued. Page #5 shows what action can be taken by the County Commissioners to enable a loan in the amount of \$363,991.00 to be made to their department, which must be made from a non-dedicated fund, such as the County General Fund. If the Commissioners do not find the funds available then they take the next step, which would be to go before the County Council and ask that they approve a loan from a private lending institution.

Commissioner Willner said on the first page of his hand-out documents, it shows the figure of \$595,000.00, but the letterhead mentions \$363,991.00.

Mr. Schroeder explained the \$595,000.00 figure is the request for additional appropriations, which of course, is different from funding, and this is the amount he submitted to the County Council this month and it was approved in the amount of \$457,000.00 because they cannot legally borrow more than 10% of their levy limit. This would be paid back over the year of 1985. He said they would generate some revenue from this appropriation because some of it is for the Aid to Dependent Children, which is reimbursed by state and federal government to the tune of about 84%.

Commissioner Cox said she also questioned the difference in the figures, but she now understands it.

Mr. Schroeder said they request the loan, it is then turned over to the County Auditor and they (Auditor's office) are to establish a tax levy to repay this by the end of 1985.

County Attorney Jones said this would be a county wide rate, but this change in the law eliminates incurring all the bond costs.

Mr. Schroeder explained that in the past few years their levies have not been established high enough for them to adequately cover mandated costs of mandatory programs that are established both by the State Legislature and Federal Government. The State Legislature adopts the federal programs and they also establish the tax freeze and that has kept us from getting enough money to operate efficiently.

President Borries said the tragedy of this is that we have some long-term poor people and seemingly this area is growing larger.

Mr. Schroeder said surprisingly enough most of the deficit we are seeing is coming from one (1) program, that being H.C.I (Hospital Commitment for the Indigent) and this program is 100% county funded.

Mr. Jones asked Mr. Schroeder if he is familiar with the Federal Act that requires hospital's, that receive any types of federal monies, to provide so much indigent care, and he replied, as he understands, there was a federal act of the 60's, which was for construction costs and he believes only one (1) or two (2) partook of that particular pot and they've just about gone out of it.

Mr. Jones said is there a determination made as to whether the people who are submitting these medical bills have anyone else who is legally obligated for the costs and Mr. Schroeder said yes, all of those aspects are investigated thoroughly.

Commissioner Cox said what the board must determine is whether or not we have the money for this loan available in our County General Fund, or in another non-dedicated fund.

County Auditor Alice McBride said the money is not available in the County General Fund, however, the County Council will not meet again until the 3rd of October, so that will give the Commissioners some time to study all accounts and see if the amount can be made available for the loan.

Commissioner Willner moved that Mr. Schroeder be instructed to go on the County Council Call for October, but that this matter be tabled before the Commissioners until one (1) week before the Council meeting, and if the money can somehow be made available through the County General Fund, then the Welfare department will withdraw their request from the County Council. Commissioner Cox seconded the motion. So ordered.

Petition to Appeal: Mrs. McBride submitted a "Petition to Appeal" to the Commissioners and explained it must be approved by the Commissioners in order for the Welfare to appeal for relief from levy limitation pursuant to IC-6-3.5-1, as amended and/or recodified. She explained the Welfare is over the excess levy for 1985, and what Mr. Schroeder has been discussing today is for 1984.....not 1985, and the Commissioners must approved this petition to appeal before the Welfare Department can take it any further. This matter has nothing whatsoever to do with the request for the short term loan requested today.

Commissioner Willner moved the "Petition to Appeal" be approved. Commissioner Cox seconded the motion. So ordered.

RE: BARBARA CUNNINGHAM....AREA PLAN COMMISSION

Subdivision Ordinance....Final Reading: Mrs. Cunningham said the Commissioners have had this before them several times recently, which tells how the county wants to handle sidewalks and also legal drains. A decision was also to be made on whether we would have the five (5) year or the ten (10) year average reoccurrence level. She has met with the engineers and she thought Mr. Easley and Mr. Eiffler were both going to be present today, but everyone is in agreement with what she is submitting today, and the five (5) year time was also agreed upon. This has been back to the Area Plan Commission and they were adopted last week, so if the Commissioners are in agreement, we can now finalize the subdivision ordinance. All the recommendations and changes have been approved by APC. Mrs. Cunningham said this Ordinance is to go before the Town of Darmstadt this coming Thursday night.

Mr. Easley was present and stated he has no problems with the Ordinance as amended and submitted today.

Commissioner Cox said she received a letter from the West Side Improvement Association and it stated that they would like to see us retain those items which speak specifically to the overall compatibility of the neighborhood. Another important item they brought up in their letter is the septic systems and this may take some state legislation to make the additional requirements.

Mrs. Cunningham said she discussed this matter with Shirley Jamison and this was a good point.

Commissioner Willner moved the Subdivision Ordinance be approved, on final reading. Commissioner Cox seconded the motion, which carried with three (3) affirmative votes.

Ordinance Amending County Code of Ordinances...First Reading: Mrs. Cunningham stated since this is merely the first reading of the Ordinance, it normally isn't discussed at this point and time, however, she would briefly say that each of the Commissioners should have received a memo from the Area Plan Commission saying that interested citizens have questioned the many satellite appearing in front yards and most of the complaints deal with either obstructed views or blocked driveways. She would agree they are pretty large to be in a front yard. She said the legal depth of front yards vary, but in general, she said the amendment would prohibit dishes in the first 25' of a yard or in line with existing homes. She will be presenting this Ordinance to the City Council next Monday. It has been approved already by the Area Plan Commission. People who are unable to put a satellite dish anywhere else but a front yard could seek a variance from the Board of Zoning Appeals.

The Board of Commissioners accepted the Ordinance for study on first reading.

RE: ORDINANCE TO VACATE A PORTION OF KAUAI INDUSTRIAL PARK

Mr. John Stacer was present on behalf of Kauai Corporation, who has submitted a petition to vacate a portion of Lot 2 in Kauai Industrial Park plat, which is a 12' easement, on the south side of Lot 2. There are no utilities located within that easement. He pointed out on a map, all the property owned by Kauai Corporation and also the property owned by Skylane, Inc. The petitioner is proposing to exchange a portion of the southwest corner of Lot 2 with the adjoining landowner, Skylane, Inc. and Skylane, Inc. will convey to the petitioner a portion of the real estate which Skylane, Inc. owns adjacent to the middle and southeastern portion of Lot 2. After the proposed exchange of real estate is made, the easement would then be located across adjoining portions of real estate which the petitioner and Skylane, Inc. own. The easement would interfere with the petitioner's use of the property as well as Skylane, Inc.'s use of the property.

Commissioner Willner asked Mr. Robert Gulick, representative of SIGECO, if they have any objections to this vacation and he replied he was not aware of it, however, he would immediately call his office and check it out and report right back.

David Jones said this was postponed so that the County Attorney could review it before the Commissioners took any action and he is now ready to report it has been reviewed and the county has no interest in it whatsoever, therefore he would have no objections to it being approved.

Mr. Gulick reported back into the meeting and stated SIGECO has no facilities in that easement, therefore they have no objections to it being vacated.

Commissioner Willner moved the Ordinance to vacate a portion of Kauai Industrial Park be approved, as submitted. Commissioner Cox seconded the motion. So ordered.

Mr. Jones said his office has the original Ordinance and the check to have it recorded and he would see to it that it is returned to the County Commissioners.

RE: COUNTY ATTORNEY.....DAVID JONES

Service Delivery Area Agreement: Mr. Jones said he has reviewed the service delivery area agreement between elected officials and the private industry council of southwest Indiana for programs under the job training partnership act and finds it acceptable as to form. It is federal monies that pour down through the state and we don't have much of a choice. Commissioner Willner moved the Agreement be approved. Commissioner Cox seconded the motion. So ordered.

Summary...Burkhardt Road Overlay and Widening: Mr. Jones said he has reviewed and approved the Burkhardt Road widening project, for the engineering and construction and it it before the Commissioners today for their signatures. He said Mr. Easley may have something to add to this discussion later, in his presentation.

Commissioner Willner moved the Agreement be approved. Commissioner Cox seconded the motion. So ordered.

Blue Claim from Deig Bros. Lumber and Construction Co., Inc. Mr. Jones said he has reviewed and approved a blue claim for Deig Brothers for materials and services rendered in connection with the jail improvements. The claim read as follows:

Expansion Improvements Vanderburgh County Jail	
Current Billing.....	\$38,299.05
Less 5% Retainage.....	\$ 1,914.94
Total Earned this billing Less Retain.	\$36,384.11

Commissioner Cox asked.....when this improvement will be completed and Mr. Jones said they had a problem with the security locks not arriving when they should have, but they are trying to work around that problem and the improvements should be completed by October 1st.

Commissioner Willner moved the claim, in the amount of \$36,384.11, be approved. Commissioner Cox seconded the motion. So ordered.

RE: BILL BETHEL.....COUNTY HIGHWAY DEPARTMENT

Weekly Absentee Report: Mr. Bethel submitted the weekly absentee report of the employees at the county garage for the period of September 3 thru 7, 1984.....received and filed.

Weekly Work Report: Mr. Bethel submitted the weekly work report of the employees at the county garage for the period of September 3 thru 7, 1984....report received and filed.

Attached to the weekly work report was the following work schedule for the same period of time:

Gradall: Darmstadt Road and Armstrong Road

Paving: Cypress-Dale Road

Tree Crew: Emge Road, Mill Road, St. Joe Avenue, Heckle Road, Smith-Diamond, Millersburg Road and Oak Hill Road.

Patch Crew: Weiss Road, Frontage Road, Old Highway 460, St. Wendel, Baseline west, Cliffwood, Crestmont, Williams, and Volkman Road.

Trash Crew: Lynn Road, River Road, South Weinbach, St. Joe Avenue and Old State Road.

Mower: Nisbett Station, Frontage, Koressel, Burch Road, Baumgart Road, Heinlein Road, Burch Drive, Vogel, Garrison Road, Smith-Diamond, Millersburg and Streuh-Hendricks.

Grader: Schissler Road, Sensmeier Road, County Line Road..East, Outer Darmstadt Road and Hill Top.

RE: ROBERT BRENNER.....COUNTY SURVEYOR

Weekly Bridge and Guardrail Report: Chief Deputy Surveyor, David Guillaum, submitted the weekly bridge and guardrail report of the bridge crew for the period of September 3, thru 7, 1984.....report received and filed.

Guardrail on First Avenue: Mr. Guillaum said that Commissioner Cox had a question concerning the guardrail and what we can do in order to complete that particular section, we have 725' of rail, however, they do not have that amount of rail available right now and we would be looking at three (3) to four (4) weeks delivery, from the supplier who had our bid, however, we can get the same price (\$3.89 per ft.) and (27.00 @ for posts) from M&W Concrete Company in Evansville, but the Commissioners would have to declare this an emergency in order for them to purchase the material and start immediately on it.

Commissioner Willner asked for an estimate on the total cost and Mr. Guillaum replied about \$2800.00 on the rail and about \$3000.00 on the post, so you are talking about \$6,000.00 to do the job.

Commissioner Cox said she feels that \$5800.00 is a small amount to pay if it could save a life. She talked to John Vezzoso and he agreed to help on the project.

Commissioner Willner said to check with Mr. Vezzoso, that perhaps they would furnish the materials and we could install it.

Commissioner Cox asked if there was any damage to the east end of the bridge and Mr. Guillaum said none to speak of.

Commissioner Willner told Mr. Guillaum to check with Mr. Vezzoso and report back to the Commissioners next meeting.

Bridge Abandonment on West Mill Road: Mr. Guillaum submitted the description of the bridge to be abandoned on West Mill Road and stated he would like to leave them with the Commissioners to forward on to Mr. Jones, so that he can proceed with the issue.

Commissioner Cox said she went out and looked at this site and she assumes the county is still responsible for maintaining that portion of Mill Road, from the new Mill Road to the bridge, and it is in very sad shape and needs a gradall in there and she would like for Mr. Bethel to take a look at it.

RE: ANDY EASLEY....COUNTY HIGHWAY ENGINEER

Burkhardt Road: Mr. Easley said he understands earlier in this meeting the Board signed the consultant agreement for the construction staking and construction engineering on Burkhardt Road, from Lincoln Avenue to Morgan Avenue.

Claims: Mr. Easley submitted the following two (2) claims for Commissioners' approval:

United Consulting Engineers, Inc. in the amount of \$3,983.85, for Eichoff Road from S.R.62 north to Upper Mount Vernon Road, for the environmental statement and location study and report, in accordance with the agreement dated January 24, 1984.

Mr. Easley recommended approval.

Commissioner Willner moved the claim be approved. Commissioner Cox seconded the motion. So ordered.

Sebree, Craig and McKnight, Inc., in the amount of \$1,005.39, for engineering and environmental services for Lynch Road.

Mr. Easley recommended approval.

Commissioner Willner moved the claim be approved. Commissioner Cox seconded the motion. So ordered.

Progress Chart: Mr. Easley submitted the progress chart for the Eichoff Road project, as submitted by United Consulting Engineers, Inc., monthly.

RE: HOLIDAYS TO BE OBSERVED BY COUNTY OFFICES IN 1985

The following holidays were before the Commissioners for approval for the year of 1985 and they are the same days the city will observe.

New Year's Day.....	Tuesday, January 1
Martin Luther King, Jr. Birthday.....	Monday, January 21
Lincoln's Birthday.....	Monday, February 11
Washington's Birthday.....	Monday, February 18
Good Friday.....	Friday, April 5
Memorial Day.....	Monday, May 27
Independence Day.....	Thursday, July 4
Labor Day.....	Monday, September 2
Veteran's Day.....	Monday, November 11
Thanksgiving.....	Thursday, November 28
	Friday, November 29
Christmas.....	Tuesday, December 24
	Wednesday, December 25
New Year's Eve.....	Tuesday, December 31

NOTE: New Year's Day will be observed on Wednesday, January 1, 1986, and will be included in the Holidays for 1986.

Commissioner Willner moved the above Holidays be approved for 1985. Commissioner Cox seconded the motion. So ordered.

RE: OLD BUSINESS MATTERS

National Revenue Corporation Collections: Commissioner Willner moved the Commissioners, the County Attorney and the County Treasurer all meet together to discuss and pursue this matter. Commissioner Cox seconded the motion.

Mr. Jones said he honestly does not believe he can help out anymore in this matter and why things keep coming back to the Commissioners office is beyond him. Mr. Volpe wanted

COUNTY COMMISSIONERS
9/10/84

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to get this done this way and he got this company, it has been explained several times and we have spent many many hours going through this and he does not know why the Treasurer cannot go through the delinquent bills and pick out the ones out-of-state with significant amounts owed on them and separate them, and that is all it takes. If he is instructed to meet again on the matter he will do so but he thinks it is a waste of time. He believes Mr. Volpe could take this matter and go with it, if he has a mind to. He (Mr. Volpe) keeps saying its all or nothing, and that is silly.

Commissioner Willner said he understands that Mr. Volpe has been to court once over these and they have a judgment on them already.

Mr. Jones said that does not make any difference and if Mr. Volpe would quit trying to practice law without a license, then maybe we could get to the facts. In order to go to another state and collect these taxes, we must pay a filing fee in that other state and Mr. Volpe keeps saying you don't have to. He really has nothing else to say on the issue. He would recommend the Commissioners instruct Mr. Volpe to go through and pick out the ones economically feasible to pursue and if he won't do it then he (Mr. Jones) will do it himself even though he wants it made perfectly clear that he does not consider it his job, as County Attorney, to do so.

Commissioner Willner said anyone could go through and pull them and Mr. Jones said that is exactly his point...anyone can do it. Mr. Willner said he is having conflicting reports and that is why he wants to get everyone together and stop it right now.

Mr. Jones said he has had three (3) other attorneys from his law firm to render opinions on this matter and he has rendered his own opinion and if the Commissioners wish to listen to Mr. Volpe's opinion, then you are free to do so, but he does not believe it will serve any purpose to meet again with Mr. Volpe, that too much time has been wasted already and he personally thinks it is very clear what has to be done, but it is simple that you do not go into any other state and sue anyone without paying that state a filing fee and in looking at them it looks like at least half of them are out-of-state. You also will have to pay someone to go get them in another state, that he cannot do it and neither can any other Indiana attorney. He really doesn't see where the problem is, when it is going to take \$47.00 to collect a \$20.00 delinquent tax bill.

Commissioner Willner said then lets have Jim Lindenschmidt to go through them and President Borries said lets send them back to the Treasurer and have Mr. Volpe go through them.

Commissioner Cox said you also have to have written proof that these people have been notified that they owe taxes and we'd better have that proof when we take these people to court.

Mr. Jones said he has heard enough on the matter and if they are given to him he will go through and pull the ones feasible to pursue in court.

Report on Payments.....to the Weidner Family: President Borries said in regards to the Weidner matter, the following letters were received by the Commissioners.

September 5, 1984

Florence R. Weidner
721 N. Bell Avenue
Evansville, Indiana 47712

Dear Mrs. Weidner,

It was a pleasure speaking with you recently on the telephone.

As I expressed to you, I am the agent-of-record for the Board of Commissioners of the County of Vanderburgh. We have reviewed the file on Bobby's accident and it appears to be in order. The Indiana Statute limits Workers Compensation funeral expense payments to \$2,000.00. The Home Insurance Company has paid this amount to you, as well as \$131.00 to Alexander Ambulance Service, Inc.

If you feel that additional funds should be paid, you can submit the appropriate information to:

The Industrial Board
State of Indiana
600 State Office Building
100 N. Senate
Indianapolis, Indiana 46204

Letter Continues:

The Industrial Board will be interested in reviewing information showing that you were dependent on Bob's income. If the Industrial Board rules that you were dependent on Bob, the additional benefits may be available to you.

Please call any time if I can be of any assistance.

Very truly yours,
John D. Hodge

cc: Board of Commissioners
William Irk, Home Insurance Company

Letter received and filed.

The second letter was as follows:

September 4, 1984

Re: Claim No.G-4913
Insured: Robert Weidner
Date of Death: February 24, 1984

Dear Mr. Borries:

We have been asked by our General Agent, John Dauble, to advise you as to the disposition of our above mentioned claim.

This claim was paid on April 17, 1984. A check in the amount of \$15,000.00 was sent to the beneficiary under the policy, Florence Rose Weidner.

This check represented the life benefit under our Insured's group policy for \$7,500.00 as well as the Accidental Death Benefit under the same policy for additional \$7,500.00.

Our file is now in a closed, completed status.

If we can be of any further assistance, please let us know.

Sincerely,
Sharon Fleenor
Claims Representative
Benefits Department

Letter received and filed.

Settlement Proposal - Hartman vs. Adler et al:

President Borries said concerning the Hartman vs. Adler matter, when Mr. John Stacer was before this board earlier in this meeting, he informed the board, as attorney for the plaintiffs, there are no objections to the settlement, however, he did not prepare the original agreement, that it was done by Mr. Les Schively, therefore the Commissioners will wait for a revised settlement document from Mr. Schively.

RE: REQUEST TO TRAVEL.....COUNTY AUDITOR

Received was the following request to travel, dated September 10, 1984, and directed to the Board of County Commissioners.

Attached is notification from the State Board of Accounts concerning an Annual Conference of all County Auditors and County Treasurers pursuant to IC 5-11-14-1, to be held on Wednesday and Thursday, September 19 and 20, at the Holiday Inn North at the Pyramids, 3850 DePauw Boulevard, Indianapolis, Indiana.

The purpose of this letter is to request permission for the following individuals from the Auditor's office to attend said conference and reimbursement of related expenses, in accordance with state guidelines.

Alice McBride, Auditor
Peggy Powless, First Deputy

Letter Continues:

Thank you in advance for your consideration.

Yours truly,
Alice McBride
Vanderburgh County Auditor

Commissioner Willner moved the travel request be approved. Commissioner Cox seconded the motion. So ordered.

RE: CLAIMS

A claim, in the amount of \$230.16, was submitted for James L. Angermeier, County Assessor, for attending the Assessors School on August 27, 28 and 29.

Commissioner Cox said the Commissioners approved some travel claims for employees in the County Assessors office last week and she wondered if any of them had mileage on them and President Borries said he believes not, however, in looking back to last week's minutes it shows Betty Mindrip also received mileage.

Commissioner Willner moved the claim be approved, subject to the Auditor's office checking to see if it is permissible to pay two (2) mileages to one (1) office. The Commissioners agreed that the rule is only one (1) mileage per office and that has been their policy in the past.

Commissioner Cox seconded the motion. So ordered.

A claim, in the amount of \$3,000,000.00 was submitted for Howard Gaertner.

President Borries said he has no idea why this came before the commissioners, that Mr. Gaertner was injured in a swimming accident at Lorraine Pool, which is in the city. President Borries said this claim was attached to a tort claim notice.

No action was taken on the claim.

RE: EMPLOYEE CHANGES.....APPOINTMENTS

BURDETTE PARK

Perry Gostley	Nurrenbern Road	Rink Guard	\$4.00 Hour	Eff: 9-4-84
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RE: EMPLOYEE CHANGES.....RELEASES

CENTER TOWNSHIP ASSESSOR

Jeffrey Allen Toon	11,051 Kahre Crt.	P/T Real Estate	\$30.00 Day	Eff: 9-10-84
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BURDETTE PARK

Perry Gostley	Nurrenbern Road	Reg. Guard	\$3.60 Hour	Eff: 9-4-84
Kimberly Hankins	2908 Lakeview Blvd.	Extra Guard	\$3.60 Hour	Eff: 9-4-84
Tracy Hankins	2908 Lakeview Blvd.	Extra Guard	\$3.60 Hour	Eff: 9-4-84
Paul B. Head	7120 Hogue Road	Reg. Cashier	\$3.50 Hour	Eff: 9-4-84
Sarah Rexing	7600 Marx Road	Reg. Guard	\$3.60 Hour	Eff: 9-4-84
Jennifer Toone	6221 Broadway	Extra Guard	\$3.35 Hour	Eff: 9-4-84
Gregory Topper	1906 S. Red Bank Rd.	Extra Guard	\$3.35 Hour	Eff: 9-4-84
Tina Trautvetter	3010 Harmony Way	Extra Guard	\$3.35 Hour	Eff: 9-4-84
Tracy VanZant	101 S. Peerless Rd.	Reg. Guard	\$3.60 Hour	Eff: 9-4-84
Jennifer Vescovi	3525 Laurel Lane	Extra Guard	\$3.35 Hour	Eff: 9-4-84
Lori Wagner	Kramers Drive	Reg. Guard	\$3.60 Hour	Eff: 9-4-84
John Winiger	2308 N. Heidelberg	Extra Guard	\$3.35 Hour	Eff: 9-4-84

532.

COUNTY COMMISSIONERS
9/10/84

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Releases Continued:

Simone Head	7120 Hogue Road	Pool Cashier	\$3.50 Hour	Eff: 9-4-84
Britt Heathcotte	3512 Koring Road	Extra Guard	\$3.35 Hour	Eff: 9-4-84
Jane Hutchison	2026 W. Michigan St.	Extra Guard	\$3.35 Hour	Eff: 9-4-84
Beth Minton	10515 Olivia St.	Reg. Guard	\$3.60 Hour	Eff: 9-4-84
Brad Norman	2220 W. Iowa St.	Reg. Guard	\$3.60 Hour	Eff: 9-4-84
James Oliver	3109 W. Indiana St.	Ground Crew P/T	\$3.50 Hour	Eff: 9-4-84
Michael Powless	5816 Ashbrooke	Reg. Guard	\$3.60 Hour	Eff: 9-4-84
Joanne Rean	8114 Outer Lincoln	Pool Manager	\$48.00 Day	Eff: 9-4-84
Sally Behme	2885 Washington Ave.	Extra Guard	\$3.35 Hour	Eff: 9-4-84
Andrew Branham	6000 Apple Grove Rd.	Reg. Guard	\$3.60 Hour	Eff: 9-4-84
Deidre Brenner	501 Senate Avenue	Extra Guard	\$3.35 Hour	Eff: 9-4-84
Angela Brown	2837 Egmont Street	Extra Guard	\$3.35 Hour	Eff: 9-4-84
Ronald Brown	2837 Egmont Street	Extra Guard	\$3.35 Hour	Eff: 9-4-84
Robb Bumb	3225 Lemcar Lane	Asst. Head Guard	\$35.00 Day	Eff: 9-4-84
Darren Fleener	5120 West Lake Dr.	Extra Guard	\$3.35 Hour	Eff: 9-4-84
Leisa Good	11540 Village Lane	Extra Guard	\$3.35 Hour	Eff: 9-4-84

There being no meetings scheduled for the week and no further business today, President Borries declared the meeting recessed at 4:20 p.m.

PRESENT:COUNTY COMMISSIONERSCOUNTY AUDITORCOUNTY ATTORNEY

Richard "Rick" Borries
Robert L. Willner
Shirley Jean Cox.

Alice McBride

David Jones

SECRETARY:

Janice Decker

FOR:

Joanne A. Matthews

BOARD OF COUNTY COMMISSIONERS

Richard Rick Borries
Richard "Rick" Borries, President

Robert L. Willner
Robert L. Willner, Vice President

Shirley Jean Cox
Shirley Jean Cox, Member

MINUTES
COUNTY COMMISSIONERS' MEETING
September 17, 1984

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BIDS (Invitational for Installation of Grids on Ohio Street Bridge) -----	1 & 2
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Rig-Mar Contracting, Inc. ----- \$ 3,700.00	
Deig Bros. Lumber & Constr. ----- \$ 5,120.00	
*Referred to Surveyor/To Make Recommendation 9/24/84	
CERTIFICATES OF INSURANCE -----	8
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CLAIMS	
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Claim - Mark Garrett -----Referred to General Liability Carrier -----	4
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MINUTES
COUNTY COMMISSIONERS' MEETING
SEPTEMBER 17, 1984

The meeting of the Board of County Commissioners was held on September 17, 1984, at 7:30 p.m., in the Commissioners' Hearing Room, with President Borries presiding.

The Chair entertained a motion concerning approval of the minutes of the previous meeting. A motion was made by Commissioner Willner that the minutes of the previous meeting held on Monday, September 10, 1984, be approved as engrossed by the County Auditor and the reading of same be waived. A second to the motion was provided by Commissioner Cox. So ordered.

RE: REZONING PETITIONS

VC-12-84/First Reading; Petitioner, Richard Bengert: Present zoning is Agricultural; requested zoning is C-4. Said property is located at 15601 McCutchan Road about 1,000 ft. south of the corner formed by the intersection of Baseline Rd. and McCutchan Rd. The proposed land use is C-4/Commercial Storage. There being no questions from the Commissioners concerning this petition and no remonstrators, a motion was made by Commissioner Willner that VC-12-84 be approved on First Reading and forwarded to the Area Plan Commission. A second to the motion was provided by Commissioner Cox. So ordered.

VC-10-84/Third Reading; Petitioner, Alfred & Shirley Melton: Property is located at 12600 Highway 57, and is currently zoned C-4. Petitioners request change to C-2 zoning for purposes of utilizing the property for a Self-Service Gas Station and Apartment Buildings. The Chair recognized Mr. Melton, who was present, and he approached the podium. Mr. Melton said the 1,800 sq. ft. property was a garage, and he wishes to convert the existing building into four (4) efficiency apartments. He said this has been approved by the APC, as well as the Building Commissioner, Jesse Crooks. Mr. Melton submitted a sketch of the apartments -- utilizing the existing building. Commissioner Willner asked Mr. Melton where he proposes to have the self-serve gas station? Mr. Melton stated that it would be located just left of the apartments. Although the law requires that the gas pumps be located at least 5½ ft. from the building, he plans to have the gas pumps located 25 ft. away from the building. He stressed that the apartment complex is being built in accordance with building code specifications. In response to Commissioner Willner's query, Mr. Melton stated that the apartments will face Highway 57. Plans provide for ample parking space, etc. Mr. Melton said the reason he is converting this building to apartments is because of the coal company operation on the Daylight, Indiana borderline, which will have some 300-500 employees. He intends to see how this apartment complex goes, and if the demand is there -- then he also has plans for a second apartment complex (a sketch of which he showed the Commissioners.) He said he has approximately 3.9 acres available -- and he will be discussing future plans with the Commissioners at a later date. There being no further questions or comments, the Chair called for a motion concerning the petition. Commissioner Willner moved that VC-10-84 be approved on Third Reading. A second to the motion was provided by Commissioner Cox. President Borries then called for a roll call vote:

Commissioner Cox - Yes
Commissioner Willner - Yes
Commissioner Borries - Yes

Barbara Cunningham, Director of the Area Plan Commission, was present and reminded Mr. Melton that he would have to meet minimum footage requirements; in other words, he would have to have 400 sq. ft. per unit. Mr. Melton said there was no problem with this; in fact, after meeting this requirement he still has 200 sq. ft. left over.

RE: INVITATIONAL BIDS FOR INSTALLATION OF GRIDS ON OHIO STREET BRIDGE

President Borries called for a motion that County Attorney Miller be instructed to open the invitational bids received on the installation of grids on the Ohio Street Bridge, so he could make certain all is in order before presenting bids to the Board. A motion to this effect was made by Commissioner Cox, with Commissioner Willner providing a second to the motion.

(continued)

RE: PETITION FOR VACATION OF A PORTION OF KAUAI INDUSTRIAL PARK PLAT

The Commissioners had approved a Petition for Vacation of a Portion of Kauai Industrial Park Plat on Monday, September 10th. However, County Attorney's office had neglected to bring the documents to subject meeting for the Commissioners to sign. President Borries called for a motion to approve his signing of Ordinance (since there was designation for only one signature from the Board). Motion was made by Commissioner Willner that President Borries sign the Ordinance on behalf of the Board of Commissioners. Commissioner Cox provided a second to the motion. President Borries signed the Ordinance and passed it to Joanne Matthews, Secretary, together with Recording Fee Check and instructions that the Ordinance be duly recorded.

RE: VANDERBURGH AUDITORIUM.....Kim Bitz

Mr. Bitz said he would like to begin his presentation to the Commissioners tonight by reacquainting everyone with the fact that we are having the Nashville Network (a national Cable T.V. Network) in the Auditorium from October 29 - November 2, to film ten (10) shows of their "Dance U.S.A." program. He said he would like to express his thanks to Jan Thuerbach, Convention & Visitor's Bureau, for her dedication in getting this program into Evansville. This will probably be one of the finest pieces of publicity for both the facility and the area -- and he thinks she has done an admirable job in getting them into Evansville.

On October 26th, the Welborn Foundation has announced that they are bringing in Johnny Mathis for a concert. Mr. Bitz said they are very happy to have someone of his caliber at the Auditorium.

Specifications/Lobby Area Renovations: Mr. Bitz distributed copies of a resume for Ralph W. Rhodes of New Harmony, Indiana, together with specifications drawn up by Mr. Rhodes concerning new wallpaper, new carpeting, and the paint/trim work. Mr. Bitz said these are not the final specifications which will be published in the local paper for bid purposes; these are the preliminary specifications. Mr. Bitz has been thru the subject specifications with Tom Dorsey of Purchasing, and he has approved same -- with a few minor changes. Purchasing was unable to put together final specs in typed form for tonight's Commissioners' meeting.

Commissioner Cox asked Mr. Bitz if the Auditorium has funds for subject renovations, and Mr. Bitz replied in the affirmative.

It was the consensus of the Board that Mr. Bitz should get with Mr. Dorsey to obtain copies of final specifications and when everything has been finalized, the Commissioners will approve publishing of specs for bid purposes.

RE: INVITATIONAL BIDS FOR INSTALLATION OF GRIDS ON OHIO STREET BRIDGE

County Attorney David Miller advised that three (3) bids were received as follows:

Tri-State Erection, Inc. (Evansville, IN)	\$ 6,355.00
Rig-Mar Contracting, Inc. (Evansville, IN)	\$ 3,700.00
Deig Bros. Lumber & Construction (Evansville, IN)	\$ 5,120.00

Attorney Miller advised that all bids were presumably submitted pursuant to Indiana Code 36-1-12-5, because they contain no bonds and no non-collusion affidavits. They are simply invitational bids. Bids from Rig-Mar Contracting, Inc. and Deig Bros. Construction were not signed (printed name of Company only included on form). If Rig-Mar is to receive the bid, Surveyor should obtain signature and business organization background for the Company. If Deig bid is to be accepted, signature should be obtained. Bid from Tri-State Erection was signed. Motion was made by Commissioner Willner that bids be transmitted to County Surveyor for his expertise, with request that he make recommendation to Commissioners on Monday, September 24th. A second to the motion was provided by Commissioner Willner. So ordered.

Guardrail on First Avenue: Commissioner Cox asked the Board if a report was received from the County Surveyor concerning the guardrail which was to be installed on First Avenue. President Borries and Commissioner Willner responded that they had heard nothing from Mr. Brenner this week. Dave Guillaum was to have talked to John Vezzozo to see if perhaps the City would furnish the materials and the County could install same -- then report back to the Commissioners this week. Commissioner Cox said all he had to do was to walk just three doors from his office to talk to Mr. Vezzozo. Commissioner Willner said that perhaps Mr. Guillaum did talk with Mr. Vezzozo, but he has heard nothing from him.

RE: COUNTY ATTORNEY.....David Miller

Quit-Claim Deed/Hugh McGee: Attorney Miller advised that he has a Quit-Claim Deed for Lots 8, 9 and 10 in re-subdivision of Block Ten (10) in Blankenburgh, which was originally sold to one party and that party decided he did not want the property; it was subsequently sold during a meeting of the Commissioners to Hugh McGee. This Deed has been sitting on Mr. Miller's desk for the past three weeks, during which time he was out of town. No one knew where it was. He has it with him tonight and the Commissioners need to sign the Deed, so it can be given to Mr. McGee. Motion was made by Commissioner Willner that the Board execute the Deed, with a second from Commissioner Cox. So ordered.

Telephone Communication from Laurie Baden/John Clouse's Office: Mr. Miller said he had a telephone communication from Laurie Baden of Attorney John Clouse's office on behalf of Robert Market and Farm Equipment & Supply. He said the Board will recall that the County sued Mr. Market and Farm Equipment & Supply last year for failure to pay some taxes. We entered into a Settlement Agreement, whereby Mr. Market was to pay a total of \$15,000.00 at the rate of \$5,000.00 per month, during the months of October, November and December, 1983. Mr. Market failed to make the final \$5,000.00 payment. Upon our settlement, we applied some pressure by way of letter and threats to go back to court, etc., and repudiate the settlement. Now, Ms. Baden has in her hands a check in the amount of \$5,000.00, which is the balance of the agreed settlement amount. However, it was our position that we were entitled to interest at the Judgment rate from and after the date that payment was due -- a total of 12% (1% per month or \$50.00 per month). Ms. Baden does not have the interest monies due and she asked that we waive the interest. Commissioner Cox asked what kind of check the check for \$5,000.00 is -- a certified check or a personal check? Mr. Miller said that if the check is not good, then the County is entitled to triple the amount. Motion was made by Commissioner Willner that the Board accept the \$5,000.00 check and waive the interest monies due. A second to the motion was provided by Commissioner Cox. So ordered.

Grievance/Dwight Taylor: Attorney Miller said he had received a copy of a Grievance filed on August 29th against Dwight Taylor (a familiar name for filing grievances). Mr. Taylor is an employee of the Vanderburgh Auditorium, and date and nature of grievance follows:

"On August 29, 1984, Mr. Taylor was scheduled to work at 7:00 a.m. Neither the Auditorium Office nor Mr. Byers, his supervisor, were called and informed of Mr. Taylor's illness until shortly after 10:30 a.m., at which time a representative of Mr. Taylor called to inform the office of his illness. Several verbal warnings regarding this subject had been given to Dwight in the past. According to contract, I feel Mr. Taylor is ineligible for sick leave pay.

Kim P. Bitz, Manager
Vanderburgh Auditorium"

Attorney Miller said he needed authorization to look into this matter with Mr. Bitz to determine whether there is any validity to the grievance, and he subsequently would report back to the Commissioners concerning this matter. A motion was made by Commissioner Willner that Attorney Miller be authorized to investigate subject matter, with a second from Commissioner Cox. Attorney Miller said that, to his recollection,

(continued)

Mr. Dwight Taylor is the same individual who failed to report to work and failed to provide any excuse approximately 2-3 years ago (when they litigated another grievance) and this is the very same kind of matter....so, it does require some attention.

Imperial Casualty & Indemnity Co./Claim of Mark Garrett: Attorney Miller said he does not know whether this matter was covered during the period he was out of town, but he has a letter (addressed to him) dated August 8, 1984, from Imperial Casualty & Indemnity Co., which has issued the Law Enforcement Officers' Professional Liability Insurance Policy to Vanderburgh County. This communication has reference to the claim of Mark Garrett, who claims he was falsely arrested. That claim was made by letter dated May 24, 1984, that was sent to the three (3) Commissioners and two (2) County Attorneys, the Chief of Police and the Sheriff and signed by John F. Davis (Mr. Garrett's attorney). The Law Enforcement Officers' Professional Liability Policy's Carrier is claiming that it appears from the information they have that the error that resulted in this arrest (if there was one) was made in the Clerk's office, rather than in the Law Enforcement Office and, therefore, they provide no coverage on this matter. For that reason, Attorney Miller thinks this matter should be immediately referred to the County's General Liability Policy Carrier. In the meantime, if a suit is filed (and he is not aware that a suit has been filed at this point) he thinks the County Attorneys should be authorized to enter an appearance and prepare to present a defense in the event there is no other coverage available. But, we should also insist that there be some resolution of this coverage matter -- as between our General Liability Carrier and this Carrier -- because Attorney Miller is certain that somewhere in our policies there is coverage for this kind of error. He said he is not suggesting to the Commissioners that it is necessary that the County fund the defense of this matter, because he thinks someplace there is coverage. Commissioner Willner said we have somewhere a policy covering errors and omissions, do we not? Attorney Miller said the County has General Liability Coverage for errors and omissions in the various administrative offices; and this particular carrier covers only the Law Enforcement Officers and errors they make -- and they have a legitimate basis for at least inquiring as to whether the error occurred on the part of law enforcement officers or on the part of one of the County offices. Commissioner Cox asked Attorney Miller whether he has yet made that determination. Attorney Miller said that he has not; he doesn't think they can make that determination without a more thorough investigation. When the notice came and Sheriff Shepard was named, the County Attorneys simply referred it to the County's Law Enforcement Officer Carrier and it must also be referred to our General Liability Carrier. That is what needs to be done at this point.

Commissioner Cox said we should be able to determine where the error was made, because she thinks the Clerk's office still follows the same procedure she established, wherein on the withdrawal of a warrant -- when they take it down they take a duplicate copy and have someone in the Sheriff's office initial it -- that it has been withdrawn. So, it would be easy to find out if the warrant was never withdrawn or if it was never taken off the Sheriff's computer.

Again, Attorney Miller said he would like the Board's authorization to refer the matter to the General Liability Carrier and authorization for his office to look into the matter. Motion to this effect was made by Commissioner Willner. A second to the motion was provided by Commissioner Cox. So ordered. (Communication given to Ms. Margie Meeks for forwarding to Insurance Carrier at Attorney Miller's request.)

RE: COUNTY HIGHWAYBill Bethel

Weekly Absentee Report: Mr. Bethel submitted the Weekly Absentee Report for the employees at the County Garage for the period September 10 thru September 14, 1984..... Report received and filed.

Weekly Work Report: Also submitted by Mr. Bethel was the Weekly Work Report for the employees at the County Garage for the same period.....report received and filed. Attached to the Work Report was the following Work Schedule:

GRADALL: Maasberg, Bartels, Baumgart Rds.

PAVED: Cypress-Dale Rd. Now paving Old Henderson Rd.

(continued)

COUNTY COMMISSIONERS
September 17, 1984

Page 5

TREE
CREW: Kleitz, Kremer, Koring, Wright Rd., Tanglewood, Bergdolt, Kasson, Kissel, Williams, Green River, Heckel and Kuebler Rds.

MOWER: Waterworks Rd., S. Weinbach, Denzer Rd., Streu-Hendricks.

PATCH: Volkman Rd., Meier, Olive St., Twickingham, Schroeder Rd., Mill Rd., and Big Schaeffer Rd.

Damage Checks: Mr. Bethel said he had two (2) Damage Checks for acceptance by the Commissioners as follows:

- 1) The Home Insurance Co. - Fire Damage to 1980 GMC Truck on 7/6/84 (County Highway Department) \$ 2,257.90
- 2) The Home Insurance Co. - Collision Damage to 1980 Ford (Highway Department) * \$ 200.38

*This check required Commissioners' signatures

Mr. Bethel said he would like to have these checks deposited in Acct. #201-3352, so they can pay their bill.

Motion was made by Commissioner Willner that the subject checks be accepted and deposited in the proper account (insurance account). Commissioner Cox provided a second to the motion. So ordered.

RE: COUNTY SURVEYOR'S OFFICE

President Borries said that he had not heard from the County Surveyor's office this week, so he does not believe they will be represented tonight.

RE: COUNTY HIGHWAY ENGINEER.....Andy Easley

Agreement/Railroad Grade Crossing: Mr. Easley advised that Mr. Steve Dilk, Area Engineer for Division of Local Assistance/Indiana Dept. of Highways, had sent four (4) copies of an Agreement for the Railroad Crossing on Burkhardt Rd., where it crosses the Southern Railroad (just south of Morgan Avenue). The Agreement has been checked by the County Attorney. The Attorney needs to have all four (4) copies signed and returned to him, so they can be returned to the IDOH for execution. Mr. Easley said the "fine print" in the Agreement indicates that it is 90% eligible for Federal Aid (he supposes it is like the other railroad crossings; we will be reimbursed by the Public Service Commission). President Borries said this Agreement covers the construction out on the highway at a railway crossing; again, Southern Railway on Burkhardt Rd.

Motion was made by Commissioner Willner that said Agreement be approved and signed by the Board of County Commissioners. A second to the motion was provided by Commissioner Cox. So ordered.

Commissioner Borries asked Mr. Easley if he is correct in stating that the bid lettin are going to for October on Burkhardt Road? Mr. Easley said he has not reviewed the bridge inspection proposals; he has given them a preliminary rating. He needs to meet with Mr. Gerard and finish the evaluation so he can make some recommendations, etc.

Woods Avenue Problems:

Commissioner Cox asked Mr. Easley if he remembers the problem out on Woods Avenue, with the neighbor's downspout coming off the storage building into the alley and rutting the alley and going down thru the property owner's property? Mr. Easley said he did inspect that. He saw the woman. But there is a man he has tried to contact -- who owns the building -- but he has not been successful in contacting him. It has been about three (3) weeks since he last tried. He said the man could put a splash block in there. Mrs. Cox said it is shooting over to other people's property since it is up so high. It needs to be lowered. Besides, it is dangerous for anyone going thru that alley. Mr. Easley acknowledged that it is not the safest thing -- and he thought he would ask the man to lower the downspout. He doesn't know that he can order

(continued)

the man to lower the downspout. Mrs. Cox asked if you can have downspouts half way up like that? Mr. Easley said he does not know whether there is any regulation that says you have to discharge at ground level -- it is very unusual. Mrs. Cox said she can sympathize with Mr. Easley, as she tried to reach the gentleman several times -- or the family -- and she has found no one at home. Mr. Easley said he has made phone calls; he has knocked on the door -- and, in the meantime, he is looking at other things. He said he was out at University Heights yesterday afternoon looking at a problem culvert (Mr. Canterbury -- who used to be neighbors of Mrs. Cox?). But sometimes he catches as catch can -- if he happens to be in the area -- even if it is a Sunday afternoon. He does try to cover phone calls and look at problems. Mr. Easley said that if we re-grade the alley, it will take a lot of rock -- and he doesn't think we have the money to do that. But he will ask the gentleman to lower the downspout -- it is not asking that much to ask him to have it discharge on the ground. It is not going to hurt his property.

RE: SALE OF COUNTY SURPLUS EQUIPMENT

President Borries said the Commissioners have a request from Mr. Jim Lindenschmidt to advertise the sale of County Surplus Equipment. Mr. Lindenschmidt has coordinated this and the sale will be held on Saturday, October 13th, at 10:00 a.m. It is being conducted by Curran Miller Auction at the Vanderburgh County Highway Department on 5105 N. St. Joseph Avenue. Mr. Lindenschmidt has asked all departments in the County to provide any of this equipment and he has a list of the sale items to be advertised. The advertisement will read, as follows:

NOTICE OF PUBLIC AUCTION

VANDERBURGH COUNTY
SURPLUS AUCTION

Sale to be conducted by Curran Miller Auction on Saturday, October 13, 1984, at 10:00 A.M. at the Vanderburgh County Highway Department, located at 5105 North St. Joseph Avenue. (West on Mill Road from Kratzville Road, to the corner of St. Joseph Avenue and Mill Road.)

Sale items include the following:

1976 Ford Econoline 150 Van
1973 Plymouth Fury
1976 Ford Custom 500
1974 Ford Custom 500
1976 Chevy Bonanza Van
1975 Ford Torino
1967 International Harvester Flat Bed - 1 Ton

(Not all in running order)

Sections of Overhead Door Panels
Typewriters (Manual)
Typewriters (Electric)
Burroughs Calculator
Addressograph Graphotype - Class 6400 & Class 6343
Addressographs, Class 5,000, 4000 & 90466
2 Addressograph Cabinets with 12 drawers
4 Addressograph Cabinets with 28 drawers on rollers
13 Addressograph Cabinets with 70 drawers
1 - Three Drawer Cabinet with stand
1 typing table
213 boxes Pivlok Tab Frames (100 per box)
2 boxes of Standard Register Business Forms
6 boxes of Index Cards (1000 to box)
2 Addressograph 3-drawer tables
2 boxes Addressograph Sensing Frames (50,000)
Other Miscellaneous Items

The Vanderburgh County Commissioners reserve the right to reject any and all bids.

(continued)

TREECREW:

Kleitz, Kremer, Koring, Wright Rd., Tanglewood, Bergdolt, Kasson, Kissel, Williams, Green River, HeckeI and Kuebler Rds.

MOWER:

Waterworks Rd., S. Weinbach, Denzer Rd., Streu-Hendricks.

PATCH:

Volkman Rd., Meier, Olive St., Twickingham, Schroeder Rd., Mill Rd., and Big Schaeffer Rd.

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Commissioner Cox asked Mr. Easley if he remembers the problem out on Woods Avenue, with the neighbor's downspout coming off the storage building into the alley and rutting the alley and going down thru the property owner's property? Mr. Easley said he did inspect that. He saw the woman. But there is a man he has tried to contact -- who owns the building -- but he has not been successful in contacting him. It has been about three (3) weeks since he last tried. He said the man could put a splash block in there. Mrs. Cox said it is shooting over to other people's property since it is up so high. It needs to be lowered. Besides, it is dangerous for anyone going thru that alley. Mr. Easley acknowledged that it is not the safest thing -- and he thought he would ask the man to lower the downspout. He doesn't know that he can order

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the man to lower the downspout. Mrs. Cox asked if you can have downspouts half way up like that? Mr. Easley said he does not know whether there is any regulation that says you have to discharge at ground level -- it is very unusual. Mrs. Cox said she can sympathize with Mr. Easley, as she tried to reach the gentleman several times -- or the family -- and she has found no one at home. Mr. Easley said he has made phone calls; he has knocked on the door -- and, in the meantime, he is looking at other things. He said he was out at University Heights yesterday afternoon looking at a problem culvert (Mr. Canterbury -- who used to be neighbors of Mrs. Cox?). But sometimes he catches as catch can -- if he happens to be in the area -- even if it is a Sunday afternoon. He does try to cover phone calls and look at problems. Mr. Easley said that if we re-grade the alley, it will take a lot of rock -- and he doesn't think we have the money to do that. But he will ask the gentleman to lower the downspout -- it is not asking that much to ask him to have it discharge on the ground. It is not going to hurt his property.

RE: SALE OF COUNTY SURPLUS EQUIPMENT

President Borries said the Commissioners have a request from Mr. Jim Lindenschmidt to advertise the sale of County Surplus Equipment. Mr. Lindenschmidt has coordinated this and the sale will be held on Saturday, October 13th, at 10:00 a.m. It is being conducted by Curran Miller Auction at the Vanderburgh County Highway Department on 5105 N. St. Joseph Avenue. Mr. Lindenschmidt has asked all departments in the County to provide any of this equipment and he has a list of the sale items to be advertised. The advertisement will read, as follows:

NOTICE OF PUBLIC AUCTION

VANDERBURGH COUNTY
SURPLUS AUCTION

Sale to be conducted by Curran Miller Auction on Saturday, October 13, 1984, at 10:00 A.M. at the Vanderburgh County Highway Department, located at 5105 North St. Joseph Avenue. (West on Mill Road from Kratzville Road, to the corner of St. Joseph Avenue and Mill Road.)

Sale items include the following:

1976 Ford Econoline 150 Van
1973 Plymouth Fury
1976 Ford Custom 500
1974 Ford Custom 500
1976 Chevy Bonanza Van
1975 Ford Torino
1967 International Harvester Flat Bed - 1 Ton

(Not all in running order)

Sections of Overhead Door Panels
Typewriters (Manual)
Typewriters (Electric)
Burroughs Calculator
Addressograph Graphotype - Class 6400 & Class 6343
Addressographs, Class 5,000, 4000 & 90466
2 Addressograph Cabinets with 12 drawers
4 Addressograph Cabinets with 28 drawers on rollers
13 Addressograph Cabinets with 70 drawers
1 - Three Drawer Cabinet with stand
1 typing table
213 boxes Pivlok Tab Frames (100 per box)
2 boxes of Standard Register Business Forms
6 boxes of Index Cards (1000 to box)
2 Addressograph 3-drawer tables
2 boxes Addressograph Sensing Frames (50,000)
Other Miscellaneous Items

The Vanderburgh County Commissioners reserve the right to reject any and all bids.

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COUNTY COMMISSIONERS
September 17, 1984

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By Order of the Board of Commissioners of Vanderburgh County this 17th day of September, 1984.

The Board of Commissioners of
the County of Vanderburgh

Richard J. Borries
Robert L. Willner
Shirley Jean Cox

ATTEST:

Alice McBride, Auditor

The Evansville Courier & Press, September 27th and October 4th, 1984.

Motion was made by Commissioner Willner that the sale be approved and advertised, as shown. A second to the motion was provided by Commissioner Cox. So ordered.

RE: TRAVEL REQUEST/VANDERBURGH COUNTY VETERANS SERVICE OFFICER

President Borries read the following travel request:

The Board of Commissioners of
the County of Vanderburgh
Richard J. Borries
Robert L. Willner
Shirley Jean Cox
305 Administration Building
Civic Center Complex
Evansville, Indiana 47708

Dear County Commissioners:

This letter is to request that permission be granted for the Vanderburgh County Veterans Service Officers to attend the Indiana Department of Veterans' Affairs Fall County Service Officer Conference to be held in Marion, Indiana, on October 26, 1984, for the seminar on Annual Income Questionnaire Cards.

A copy of the agenda is attached.

If you need any further information, please let me know.

Sincerely,

Carl M. Wallace
Vanderburgh County Veterans
Service Officer

Motion was made by Commissioner Willner that the subject travel request be approved. A second to the motion was provided by Commissioner Cox. So ordered.

RE: MONTHLY REPORT/CLERK OF THE CIRCUIT COURT

President Borries presented the Monthly Report for the Clerk of the Circuit Court for month ending August 31, 1984.....report received and filed.

(continued)

RE: SALE OF COUNTY SURPLUS PROPERTY

Commissioner Cox directed the Board's attention to the upcoming sale of County surplus property and, in particular, to the typewriters. She stated that we will need to have the Serial Numbers of this equipment, as we have typewriters and serial numbers listed on our inventory. Ms. Meeks said some had serial numbers and some did not. Mr. Lindenschmidt advised that he will check this out.

RE: ALEXANDER AMBULANCE SERVICE REPORT

President Borries submitted a report from Alexander Ambulance Service, Inc. for period ending August 31, 1984. Commissioner Borries asked that Jim Lindenschmidt try to make some contact with the County Attorney David Miller this week concerning the reports from Alexander. Mr. Lindenschmidt stated that the Board of Review ends this week, and Pat Tuley, Chief Deputy in the Auditor's office, has been involved with that. Since he will be available, there should not be any problem in getting to this matter now.....and he and Mr. Tuley will follow through on this.

RE: CERTIFICATES OF INSURANCE

Helfrich Insurance Agency, Inc.: Vanderburgh County Democratic Central Committee for use of the Gold Room for a Dance on November 3, 1984.

Helfrich Insurance Agency, Inc.: Vanderburgh County Democratic Central Commifftee for use of the Gold Room on Election Night - November 6, 1984.

Certificates received and filed.

RE: CLAIMS

David L. Jones: A claim in the amount of \$2,630.31 for various items of litigation was presented for approval. President Borries said these litigations have been itemized and verified. A motion to approve claim for payment was made by Commissioner Willner. A second to the motion was provided by Commissioner Cox. So ordered.

James L. Angermeier: President Borries submitted a claim in the amount of \$230.16 for attendance at the State-Called Assessors' Meeting. The claim was presented last week, with request that Auditor's office examine said claim for mileage requested. (Mileage claimed is 334 miles @ 24¢ per mile, for a total of \$80.16.) The mileage has been checked by the Auditor's office, and notation has been made on claim referring Board to their Minutes of 9-10-83. Motion was made by Commissioner Willner that the claim be approved for payment in the amount of \$230.16. A second to the motion was made by Commissioner Cox. So ordered. Commissioner Cox did state, however, that she thought the County had a policy whereby they only paid one mileage claim per office. Mr. Tuley said County Auditor Alice McBride advised him that if two people from office go in one vehicle, then only one mileage is paid. If there are two vehicles (unless the Board has something in writing to the contrary) -- then both can claim the mileage. Commissioner Cox stated she still thought there was only one mileage per office. She thought it was all written down -- what would be paid for mileage, what would be paid for meals, etc. Commissioner Cox said that if the Auditor's office said it was o.k., then it was all right -- but this is the first one like that that she's seen.

Edward Nolan: A claim in the amount of \$100.00 for refund for Barnett & Nolen wedding reception -- a deposit refund -- which was to have been held at either Burdette Park or Vanderburgh Auditorium on 9/22/84. (Ms. Meeks advised it was Burdette Park and the wedding was cancelled.) Motion to approve claim for payment was made by Commissioner Cox, with a second from Commissioner Willner. So ordered.

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COUNTY COMMISSIONERS
September 17, 1984

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RE: EMPLOYMENT CHANGES - RELEASES

Circuit Court

Shawn Devoy 1400 S. Grand Ave. Intern \$140.00 Wk. Eff: 8/24/84

Pigeon Township Trustee

Michelle Gubler 1315 S. Kentucky Clerk \$ 30.00/Day Eff: 9/7/84

RE: EMPLOYMENT CHANGES - APPOINTMENTS

Circuit Court

Verner N. Solomon 761 S. Alvord Blvd. PTP Supv. \$6,500/Yr. Eff: 9/10/84

Vanderburgh County Election Office

Susan Tilford Kirk	8302 Spry Rd.	Supv.	\$ 5.05/Hr.	Eff: 9/4/84
Carol Jean Primm	805 S. Villa	Dep. Clk.	\$ 4.05/Hr.	Eff: 9/4/84
Charlene Luker	R.R.#7, St. Joe Rd.	" "	\$ 4.05/Hr.	Eff: 9/10/84
Clara Berry	1308 Bellemeade	" "	\$ 4.05/Hr.	Eff: 9/17/84
Fred C. Roeder	8744 Big Cynthiana Rd.	Rd. Bal.	\$ 4.72/Hr.	Eff: 9/4/84

Vanderburgh Superior Court/Juvenile Division

Mary Jo Herdman 905 N. Weinbach Prob. Of. \$16,678/Yr. Eff: 9/3/84

RE: SCHEDULED MEETINGS

President Borries announced that the Annual Meeting of the Southwestern Indiana Mental Health Association will be held tomorrow night (Tuesday, September 18th) at the Holiday Inn in Princeton, Indiana. Commissioner Cox said she plans to attend. However, she has a meeting at 4:30 p.m. tomorrow, so will not arrive in Princeton in time for the Dinner; she will, however, arrive in time for the meeting, which is scheduled at 7:30 -- barring any emergencies -- in which event, she will contact Commissioner Willner so he can attend in her stead.

RE: OLD BUSINESS

There were no items of Old Business to be discussed at tonight's meeting.

There being no further business to be brought before the Board at this time, President Borries declared the meeting adjourned at 8:25 p.m.

PRESENT: COUNTY COMMISSIONERS

Richard J. Borries
Robert L. Willner
Shirley Jean Cox

COUNTY AUDITOR

Patrick Tuley,
Chief Deputy

COUNTY ATTORNEY

David Miller

SECRETARY: Joanne A. Matthews

Richard J. Borries
Richard J. Borries, President

Robert L. Willner
Robert L. Willner, Vice President

Shirley Jean Cox
Shirley Jean Cox, Member

MINUTES
COUNTY COMMISSIONERS' MEETING
SEPTEMBER 24, 1984

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MINUTES
COUNTY COMMISSIONERS' MEETING
SEPTEMBER 24, 1984

The meeting of the Board of County Commissioners was held on September 24, 1984, at 2:30 p.m., in the Commissioners' Hearing Room, with President Borries presiding.

The Chair entertained a motion concerning approval of the minutes of the previous meeting. A motion was made by Commissioner Cox that the minutes of the previous meeting held on Monday, September 17, 1984, be approved as engrossed by the County Auditor and the reading of same be waived. A second to the motion was provided by Commissioner Willner. So ordered.

RE: POOR RELIEF/PIGEON TOWNSHIP

Robert Gossar/406 Madison Ave.: President Borries stated that the Board has a notice of a Poor Relief action. Mr. Robert Gossar did not appear, as scheduled, at the Board meeting held on September 10th. He said he had no telephone listed and that although the Board had mailed him a card requesting that he appear on September 10th, he said he did not receive said card. Mr. Gossar was re-scheduled to appear at today's meeting. President Borries requested that Mr. Gossar approach the podium and state his name and address for record purposes.

Mr. Gossar approached the podium, identified himself, and said that he resides at 607 Monroe Avenue. However, upon questioning Mr. Gossar, President Borries established that Mr. Gossar resides at 406 Madison Avenue. Continuing, President Borries noted that Mr. Gossar's application states that he is here to request assistance with utilities, and has stated that his income (\$182.22) is not over limits. He further states that his brother-in-law, whose name is on the SIGECO bill, lived with him but has since left town. He asked Mr. Gossar if that correctly reflects his request? Mr. Gossar indicated that that was correct. The Chair then asked Mr. Gossar if he has anything to add to his written request? Mr. Gossar replied in the negative.

President Borries asked Mr. Gossar if he receives food stamps? Mr. Gossar said he does. Commissioner Borries then asked Mr. Gossar who resides at 406 Madison Avenue with him? Mr. Gossar said that his wife and children live with him. President Borries asked Mr. Gossar how many children he has? Mr. Gossar said he has seven (7) children, whose ages are 18, 16, 15, 14, 10, 8 and 5.

Commissioner Cox asked Mr. Gossar how the utility bill got in his brother-in-law's name? Does Mr. Gossar own the house? Was the brother-in-law renting the house before Mr. Gossar moved in with him? Mr. Gossar responded that he rents the house. His brother-in-law did put the utility bill in his name, because his wife was going to stay there and he was going to help to pay the utility bill. His brother-in-law also lived in the house for about two (2) months, then he left to go to Florida (Key West) and his wife is still there. SIGECO told Mr. Gossar they came out and could find no one at home, so they estimated the bill. Mr. Gossar said that he told SIGECO someone is always at home. Commissioner Cox asked Mr. Gossar if there is any problem with having that utility meter put in his own name? Mr. Gossar said he is going to have it put in his name as soon as he can obtain some help. The Chair then entertained questions from the Board. There being none, President Borries asked Mr. Gossar if he has anything to add? Mr. Gossar said he had nothing to add, except that SIGECO is holding him responsible for the bill -- regardless of whose name the meter is in.

Commissioner Cox asked Mr. Gossar if he has received a shut-off notice? Mr. Gossar said the utilities are already off. Commissioner Cox asked how long the utilities have been off? Mr. Gossar said that the utilities have been off for about a month at 515 Garfield (his previous residence) and have never been turned on at the 406 Madison Avenue address. He cannot get utilities at 406 Madison Avenue until the old SIGECO bill is resolved. Commissioner Willner asked Mr. Gossar how much the utility bill is? Mr. Gossar responded that SIGECO has it estimated at \$801.00.

Commissioner Willner asked Mr. Gossar if he has any source of income? Mr. Gossar said it is \$193.00 per week, as an employee of the Evansville Parks Department.

(continued)

President Borries then asked Mr. Gossar if it is correct that he had a gas and electric bill owed at the 515 Garfield address? Mr. Gossar said that is correct. President Borries then said the reason SIGECO will not turn on lights at 406 Madison is because of the money owed for the previous address? Mr. Gossar said that is correct. President Borries then asked Mr. Gossar how far back has SIGECO estimated the bill? Mr. Gossar stated that his wife contacted a woman at SIGECO by telephone and the woman noted that the bill had been running high. She indicated she would check it out and get back to Mrs. Gossar. SIGECO called Mrs. Gossar back and went over the bill for a year or two and said that the Gossars would have to pay the bill. Mr. Gossar said the highest bill he had at the Garfield address ran about \$280.00. President Borries said \$280.00 per month? Mr. Gossar indicated that is correct. Mr. Gossar said there were two (2) meters in the house (one upstairs and one downstairs, as the house previously rented as an upstairs and a downstairs apartment).

Mr. Gossar had another SIGECO bill in his hands, which indicated the electric was \$34.84 and the gas \$35.00 -- then he said SIGECO came up with all the estimated bills.

President Borries thanked Mr. Gossar for the information provided to the Board. He then called on Ms. Becky Hittner, case investigator for Pigeon Township Trustee's office.

Ms. Hittner advised that Mr. Gossar came into the Trustee's office on August 29th. She did not talk with him at that time, someone else did. He was, however, living at the 515 Garfield address at that time, which is her area. The individual who spoke with him on August 29th gave him a disallow because the utility bill was in someone else's name who did not reside in the household and also because his income was excessive according to the guidelines of the Pigeon Trustee's office.

On September 10th (the day Mr. Gossar was to have appeared before the Board initially) she contacted SIGECO and they advised that he owed an old bill from Baker Avenue address, which was in his wife's name. Ms. Hittner assumes that this is why they had the utilities subsequently put in the name of Mark Hampton in the first place -- because that old bill was around \$800.00. They had two (2) meters at the 515 Garfield address; bills were as follows: \$176.00 and \$906.67. The Gossars also owe re-connect charges on both of those meters. According to the figures given to Ms. Hittner on September 10th, the Gossars owe \$1,933.61 to SIGECO before they can get any utility services restored. Ms. Hittner said the maximum amount ever paid by the Trustee's office, when someone is eligible, is \$300.00. Even if the Gossars were eligible, \$300.00 would not get the utility services restored.

Ms. Hittner said the only thing she can suggest is that Mr. Gossar go to Consumer Credit Counseling, which is located on First Avenue, to see if he can get some assistance in working out some kind of a reasonable budget. In the past he has rented furniture, etc., which is real expensive. She thinks the Gossars could use some help in budgeting what income there is in the household. Other than that, she has no suggestions. Again, Ms. Hittner pointed out that the Gossars are not eligible for assistance for two reasons: First, the utilities are in someone else's name and, secondly, Mr. Gossar is over income according to the Trustee's guidelines. When he came into the Trustee's office on August 29th, his utility service was already off. To restore service, the full amount has to be paid. Had he come into the Trustee's office before the utilities were shut off, the previous charges amount is all it would have taken to keep the service on.

The meeting proceeded with the Chair asking the members of the Board if they had any questions. Commissioner Cox asked if the Gossars are currently receiving assistance? Ms. Hittner said the Gossars are receiving food stamps. Mrs. Cox asked if the \$193.00 salary from the City Parks Department is a weekly amount? Mrs. Hittner said that is correct. Mrs. Cox said that is not much to support nine (9) people. She then asked Ms. Hittner if she knows what size family our subsidized housing can accommodate? Can it accommodate a family of this size? Ms. Hittner said they usually refer individuals to C.A.P.E. for assistance in finding suitable housing. Sometimes it is difficult to locate housing when there are so many in a family. She would tend to doubt if subsidized housing is available for so large a family. Commissioner Cox asked Mr. Gossar if he has ever been to C.A.P.E.? He said that he has; and every time he goes to see them, they refer him to the Trustee's office. Commissioner Cox asked

(continued)

Mr. Gossar if he has been back over to the C.A.P.E. office to tell them that the Trustee says he is over income for assistance from that office? He said that he has not. Commissioner Cox said that regardless of the utility bill -- Mr. Gossar is going to need some guidance on how to take care of his money and a place for his family to stay -- shelter. It might be well for him to go back over to C.A.P.E. and talk with them about the situation. Does he have an application in with the Housing Authority? He responded in the negative.

President Borries interrupted by advising Mr. Gossar that it appears to him that the Trustee has followed guidelines in this case. What the Board of Commissioners looks for is to see if someone's rights have been violated. While the Commissioners understand Mr. Gossar's plight, they do not believe at this point that Mr. Gossar's rights have been violated. What the Trustee and Commissioner Cox are saying here is very important for Mr. Gossar to understand. He is going to have to seek help to manage his money in order for SIGECO to turn on his utilities at all. It would seem that if he will seek some legal help (Legal Services Organization would be a good place to go, and the Trustee can provide Mr. Gossar with that address) -- and check to see if SIGECO can give him an "actual" bill -- not estimated -- but "actual"....to see how much Mr. Gossar actually owes SIGECO. SIGECO might also be able to suggest some way that Mr. Gossar can budget to pay that bill -- there has to be some way to pay it -- and it appears from what has been said before that it was not only Garfield but another residence on Baker Avenue where there was a previous bill -- and there is no way that the Trustee nor the Commissioners can grant anything that has \$1,933.00 involved in it. Mr. Gossar is working. It appears that whatever income Mr. Gossar has -- if he could seek some counseling -- it might be the way to go to try to budget so that he can pay that bill.

Commissioner Borries said that Mr. Gossar also needs to check with the Housing Authority to see if there is some available housing -- while Mr. Gossar has a large family, there might be some way. However, as to the huge SIGECO bill -- and the one that previously had Mrs. Gossar's name on it, etc. -- but Mr. Gossar interrupted that that bill has been paid; the man at SIGECO told him it had. President Borries remarked that there is something wrong somewhere. When asked who the man at SIGECO was, Mr. Gossar said his name was "Flannigan". Ms. Hittner interjected she did not talk with Mr. Flannigan, personally, but she was just going by what SIGECO had told her. Mr. Gossar presented a letter from Mr. Flannigan to President Borries. The latter, however, said that this particular letter from Mr. Flannigan merely states that SIGECO is holding Mr. Gossar responsible for the bill owed under the name of Mark Hampton. Mr. Gossar insisted that Mr. Flannigan told him that if was able to get \$300.00 from the County, they would come up with \$300.00, and Mr. Gossar said he has \$131.00 put up to apply toward the bill. But SIGECO will do nothing until he gets some help from the County. He said he needs \$700 plus to apply to the outstanding amount -- then SIGECO will turn the utilities on at the 406 Madison address.

There was brief discussion among the Commissioners, then President Borries asked Ms. Meeks to retrieve a copy of the guidelines. In checking the guidelines, the Board determined that \$650.00 income per month is the limit for a family of nine (9). Mr. Gossar's income is \$768.00 per month. Therefore, he is \$118.00 over the income limitation for a family of that size. Commissioner Cox said here we have a gentleman who is out trying to gainfully support the family. If he just laid at home, then the County could help him -- for the utilities and everything. Something is very wrong with the system.

Continuing, Mrs. Cox suggested that Mr. Gossar go back to the C.A.P.E. office. She said there are also some other charitable organizations that could possibly assist him. Mr. Gossar needs a large house. How much is his rent? Mr. Gossar said he is paying \$270.00 for rent. Commissioner Cox said \$270.00 rent and \$200 plus in utilities makes over \$500.00 for these two items. Ms. Hittner asked Mr. Gossar why he moved into a house where the rent was over \$100 more per month than the rent he was paying on Garfield. He said it is a better house and the landlord was going to sell that house. President Borries asked Mr. Gossar if he has been to Catholic Charities? He said he has -- and they told him to come back over there after he has been before the Commissioners. He said Outreach and other charitable organizations are out of funds. In October, Emergency SAFE will pay \$300.00 -- but they can't pay anything before them. He said if he can't get help here today -- then he will have to wait until October to get help via C.A.P.E. The family is utilizing coal oil lamp for lighting. Commissioner Cox asked how the family is cooking meals? Mr. Gossar said they are not; they are

(continued)

just eating cold lunch meats, etc. They have no refrigeration -- because they have no way to hook up to any electricity since their electric service is off. President Borries asked again how much Mr. Gossar needs to get the service restored? Mr. Gossar said SIGECO told him that if he could get \$300.00 from the County, they would get him \$300 from their emergency fund, St. Mary's will pay \$100, and he has \$131.00 put back at home. When this is all paid -- they will turn on the electricity. President Borries asked Mr. Gossar what minimum amount SIGECO said they would need in order to turn on the electricity? Mr. Gossar said \$700.00 plus; Mrs. Cox said that Mr. Gossar told the Board earlier that the bill from Mark Hampton was in the amount of \$801.00..and that amount has to be paid.

Discussion again turned to the 515 Garfield address, where Mr. Gossar previously resided...and questions concerning the two (2) meters. Again, it was established that prior to the Gossar's living there -- the house had two (2) meters: one (1) upstairs and one (2) downstairs. This was so the house could be rented as two (2) apartments. However, when the Gossar lived at that address, they had the entire house -- thus two (2) meters were running.

After further brief discussion among the Commissioners in an effort to help Mr. Gossar resolve his immediate problem with the utilities, it was the consensus of the Board that the Trustee's office lend assistance to Mr. Gossar -- not in dollars -- but otherwise. President Borries asked Ms. Hittner if the Trustee's office would assist in directing Mr. Gossar to appropriate agencies where he might find assistance. Also, could Ms. Hittner contact SIGECO to determine if there is a minimum amount that they would be able to accept in order to connect his electrical service? And, then see if there is a minimum amount per month that Mr. Gossar could pay every month -- and see if he can get by there? The Trustee has certain guidelines -- and they have to be fair with those guidelines and help a lot of people. The textbook situation, alone has become a real serious problem. President Borries asked Mr. Gossar if he can go with Becky Hittner and perhaps she can get some other communication on the minimum amount Mr. Gossar will need to get his service started at the 406 Madison Avenue address -- and see if there is a certain amount per month that Mr. Gossar will be able to pay (based upon what income he makes) -- so that they can expect that he will do that every month. Ms. Hittner said they usually do not make arrangements on a monthly basis -- they make the arrangement on a weekly basis, especially when someone like Mr. Gossar gets paid on a weekly basis. Commissioner Willner said what the Board is doing is asking that the Trustee's office help Mr. Gossar by talking to SIGECO to see if they can get this set up for him. Ms. Hittner said she will talk to Mr. Flannigan, as he is the only one would have authority to do this. Commissioner Willner said the Board would appreciate this, as Mr. Gossar does need some assistance. In exiting the meeting, Mr. Gossar expressed his appreciation to the Commissioners for their assistance in this matter.

RE: BUILDING COMMISSION/AMENDED ORDINANCE RE TRADESMEN LICENSES

Mr. Jesse Crooks, Building Commissioner, said he had provided the Commissioners with copies of a batch of correspondence concerning the Code of Ordinances Relating to the Licensing of Tradesmen. What we currently have is three bodies of government going three (3) ways. City Council passed an amendment on December 14th of last year. The Commissioners passed an amendment in February of this year. County Council passed an amendment on March 7, 1984. He has talked with the City Controller, who has advised that the City Council will go along with the recommendations of the County Council. He is here today to determine if the Commissioners will go along with the rates proposed by the County Council, also. Mr. Crooks said the figures established by the County Council allow for a reasonable increase, and at this stage of the game it is Mr. Crooks' recommendation that the Board of Commissioners approve these proposed rates. Motion was made by Commissioner Willner that the Board of Commissioners approve the fee schedule for joint-City-County licenses for tradesmen as approved by the County Council on March 7, 1984. A second to the motion was provided by Commissioner Cox. So ordered. Amended Ordinance reads as follows:

(continued)

ORDINANCE NO. _____

ORDINANCE TO AMEND SECTION 150.134
OF THE BUILDING CODE OF THE CODE OF
ORDINANCES OF VANDERBURGH COUNTY, INDIANA,
RELATING TO THE LICENSING OF TRADESMEN

BE IT ORDAINED by the Board of Commissioners of Vanderburgh County,
Indiana, as follows:

Section 150.134 of the Building Code of the Code of Ordinances of
Vanderburgh County, Indiana, is amended to read, in its entirety, as follows:

§ 150.134 LICENSING OF TRADESMEN

- (A) Instead of separate City and County licenses, the Joint Department of Building Commissioners shall issue to each qualified tradesman a single license authorizing the recipient to practice his trade anywhere in Vanderburgh County, Indiana.
- (B) Licenses shall be issued only upon the authorization of the Department's Board of Examiners. In the case of plumber's licenses under the statutes of the State of Indiana, no license shall be required, but a certificate of registration shall be issued upon payment of the fee listed in this section.
- (C) Each license, certificate and registration shall expire on December 31 of each year. All renewals thereof shall be obtained before January 31 of the succeeding year.
- (D) The Joint Department of Building Commissioners shall collect fees for the licenses listed in this section; and the Controller's Office shall issue the licenses. The proceeds from those fees shall be distributed between the City and the County in the same manner the cost of operating the Department is distributed between them.
- (E) No inspector for the Joint Department of Building Commissioners need pay the renewal fee for his license so long as he remains an inspector.
- (F) Each license obtained is non-transferable and must be used by the individual procuring the license.
- (G) The fees for a joint City-County License for Tradesmen shall be:

<u>TYPE OF LICENSE</u>	<u>FEE</u>
Master	
New	\$ 225.00
Renewal	75.00
Journeyman	
New	20.00
Renewal	10.00
Apprentice	
First Year	0.00
Second Year	0.00
Third Year	0.00
Fourth Year	10.00
Limited License	15.00

(continued)

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<u>TYPE OF LICENSE</u>	<u>FEE</u>
Sign Erector	
A	\$ 225.00
B	125.00
Renewal A	75.00
Renewal B	75.00
Wrecker	
New	30.00
Renewal	30.00
Movers	30.00
Registration Plumber (all)	10.00

(H) Late fee for all licenses listed above is \$5.00 after January 31.

PASSED By the Board of Commissioners of Vanderburgh County, Indiana, on the 24th day of September, 1984, and upon said day signed and executed by the members of the Board as appears by their respective signatures hereto and all attested to by the Auditor of Vanderburgh County, Indiana.

BOARD OF VANDERBURGH COUNTY COMMISSIONERS

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

Attest:

Alice McBride, Auditor

PASSED by the Vanderburgh County Council on the 7th day of March, 1984.

VANDERBURGH COUNTY COUNCIL

Mark Owen, President
Harold L. Elliott, Vice President
Kathy Mann, Member
Larry Lawrence, Member
Robert Lutz, Member
Curt Wortman, Member

Attest:

Alice McBride, Auditor

APPROVED AS TO LEGAL FORM

County Attorney

In conclusion, Mr. Crooks advised the Board that at a meeting held last week in Salt Lake City, Utah, he was appointed to the Research Committee during the Annual Conference of the International Conference of Building Officials. The Board expressed their congratulations to Mr. Crooks.

(continued)

RE: AREA PLAN COMMISSION - FINAL HEARING ON ORDINANCE AMENDING COUNTY CODE
OF ORDINANCES

President Borries called upon Virginia Wirthwine, who was representing the APC, concerning the Final Hearing on Ordinance amending County Code of Ordinances. Ms. Wirthwine indicated she was present to discuss an amendment to the County Code to include some control over satellite dishes. By putting them in Accessory Uses, it keeps them out of the required front yard, which is 25 ft. -- and that is about all we can do with them, unless the Commissioners would like to make it more strict.

Commissioner Cox said she has a question, because it was raised to her during the past weeks -- since the publicity came up on this matter. The way the lots are laid out, some people have only a front yard area. Some of the front yard area is very, very small. Some of those very small front yards have a lot of dishes in them. Can these people go before the Board of Zoning Appeals to get a relaxation on this? Ms. Wirthwine said they can ask for a variance for it.

Commissioner Cox asked Ms. Wirthwine that just to back this up, can she give some history of how this all got started and how many calls APC has received and what the concerns are? Ms. Wirthwine said the concerns are when it goes up next door to you. These are the people who call. She said these dishes are not very attractive and by putting them in Accessory Uses, they are only allowed in side or rear yards. She said that reading from other cities, APC felt they should address this before it becomes a real problem. Commissioner Cox asked if APC has had any complaints about obstruction of view -- like when one is trying to get out of a driveway? Mrs. Cox said someone had voiced that complaint to her. Ms. Wirthwine said they had not yet had this complaint.

Commissioner Willner said he is having a real problem with this -- and he's also been getting some calls. They are running about 50-50; people are saying they certainly feel that they should be able to put a satellite dish up on their own property. And he has had calls leaning the other way. Personally, he would like to have some department other than the APC responsible; he does not believe it is a zoning problem. And, he does believe that it is possible to screen some satellite dishes. They are pointed up in the air -- about 6-7 ft. off the ground to the top -- and he is thinking that maybe a 6-ft. fence around some of them that might be undesirable might be the answer other than to say, "No, you can't have them". To have a standard procedure that you have to go before APC and ask for a variance does not address the issue at all. Commissioner Willner said he thinks what we're talking about here is what is pleasing to the eye -- rather than a zoning problem. And he is not certain which agency of government should handle this. Ms. Wirthwine said she wishes Mr. Jesse Crooks were still in the meeting, because they have talked about this with him. They thought perhaps the Building Commission could handle it. If they're a structure -- but in order to get a building permit you need a zoning permit; and in order to get that from the APC, they need some sort of guideline. It is not a main structure; therefore, it has to be an accessory structure, and the APC has rules where they can go. That was their thinking -- but they are open to suggestions. Commissioner Willner said that might be good, since Mr. Crooks is an engineer -- and he could tell if it blocks a view, etc. These are things we should address. Whether or not we have to come up and get a variance doesn't do a thing, except make someone come up and go thru the bureaucracy to get this. Then we say no to some and yes to others -- and that is absolutely ridiculous.

Commissioner Cox said the reason she brought up her questions is that we have these satellite dishes out here right now. How is this ordinance going to affect what we already have out there? Ms. Wirthwine said "not at all". Commissioner Cox said, again, the reason she brought this up is that some people have no side yard or back yard to put these satellite dishes in. There is one ray of hope; she was talking with a supplier the other day. The size of these is supposed to be cut down drastically (from 6 ft. to 2 ft.). Ms. Wirthwine said she also heard from someone in the television industry that within a year it is going to be such a sophisticated thing that it will not be something a private person can afford anyway. Real towers and real equipment will be required -- and not these satellite dishes. So the problem may be a short-lived thing. Commissioner Willner said he would like to see some more research done on this before a decision is made. Ms. Wirthwine said it would be helpful if the Commissioners can indicate whether they want controls, what kind and with whom. President Borries said that from what has been said, it is a structure --

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an accessory kind of structure -- so he thinks the APC has placed it properly. If you want to put a metal shed on your property (a tool shed or someplace to put your lawnmower, etc.) -- does that come under the category of an accessory structure? Ms. Wirthwine said that it does. Ms. Wirthwine said the APC's definition of a structure is anything constructed. The main use of an R-1 district is a single-family residence; therefore, anything else is an accessory to that. Garages are accessory uses. Ms. Wirthwine said there is something about the required front yard. APC only requires 25 ft. If an individual's house happens to sit back 30 ft. or 50 ft., it can go in the front yard -- just as long as it is out of that 25 ft. required yard area. They didn't quite know what to do with that either; but 25 ft. is all they could require by code. APC has seen it, the Commissioners have seen it, and City Council has passed it.

President Borries advised Ms. Wirthwine that the Board would like to take this matter under advisement, and Ms. Wirthwine agreed to come back to the Commissioners at the next meeting (Monday, October 1st).

RE: COUNTY ATTORNEY

Mr. Cedric Hustace was present to represent the County Attorney's office, and was recognized by the Chair.

Office Lease Agreement w/Les Shively: Mr. Hustace said the only item of business he had concerned the Office Lease Agreement on the Shively Building for Prosecutor/Support Division. He has looked over the lease and feels that it is in proper legal form. Mr. Shively was also present for the meeting, and President Borries asked if he has any comment concerning subject lease. Mr. Shively said his only reason for being present was to answer any questions the Board might have concerning said lease.

President Borries asked if there is a change in the amount of money Shively will be charging for rent? Mr. Shively said he had requested \$1,000 per month, and they agreed upon \$900.00 per month. Total rent commencing January 1, 1985 and ending December 31, 1985 is Ten Thousand Eight Hundred Dollars (\$10,800) payable in twelve (12) monthly installments of \$900.00 each, commencing on the first day of January, 1985. The Prosecutor is aware of the change in the rent (it was formerly \$800.00 per month) and included that amount in his budget, according to President Borries.

There being no further questions or discussion, motion was made by Commissioner Willner that the Office Lease Agreement on the Shively Building be approved. A second to the motion was provided by Commissioner Cox. So ordered.

RE: BURDETTE PARK MONTHLY REPORT

Mark Tuley, manager of Burdette Park, approached the podium to present his monthly report to the Board.

1984 STARTING BUDGET

1984 Budgeted	\$ 396,037.00
1983 Encumbered	6,303.94
1983 Encumbered by Contract	70,547.44
1984 Additional Appropriation	10,000.00
Total 1984 Budget	\$ 482,888.38

Expenditures and Balance 1/1/84 to 8/31/84

Total Expenditures	\$ 351,680.91
Total Balance	131,207.47

(continued)

Income 1/1/84 to 8/31/84

Pool	\$ 68,528.50
Rink	26,481.76
Rentals	49,704.56
Misc.	7,369.73
Total	\$ 152,084.55

8/31/84

Total Expenditures	\$ 351,680.91
Total Income	152,084.55
	199,596.36
Total Deficit	\$ 199,596.36

Mr. Tuley said that with everything going on schedule, he imagines their deficit will come in below \$300,000 this year. He said they still have a long way to go -- but it is getting better every year.

Weekend Closing of Burdette Offices: Mr. Tuley announced that commencing October 1, 1984, the office at Burdette Park will be closed on Saturday and Sunday -- as it has previously -- but will remain open Mondays thru Fridays.

Closing of Burdette Skating Rink October 1 thru 6: The Skating Rink will be closed during the week of the West Side Nut Club's Fall Festival, as it has for the past six or seven years. The Rink will re-open on October 7th.

Advisory Board Meeting: Mr. Tuley said he going to endeavor to schedule an Advisory Board meeting during the next couple of weeks, at which time they will go over the 1985 budget. It may be necessary to change a few priorities. As soon as a firm date is set for the Burdette Park Advisory Board Meeting, Mr. Tuley will advise the Commissioners.

Commissioner Cox asked Mr. Tuley to repeat his announcement with regard to the closing of the Burdette offices on weekends. Mr. Tuley said that from April 1st to October 1st the offices remain open seven (7) days a week. Beginning October 1st of each year the offices are closed on Saturdays and Sundays -- until April 1st.

Commissioner Cox asked what if people have the cottages rented on the weekends? Mr. Tuley said they make arrangements for them to come into the office on Friday to pick up the keys, etc. Commissioner Cox said she understands this; but what if there is something of an emergency nature that comes up over the weekend? Does Mr. Tuley have something printed to hand out to individuals with a contact number, etc.? She said the reason she asks this is because she had a call from individuals who had rented cottages out there for a week's period -- and the instruction sheet said the park closes at 12:00 midnight. They had difficulty getting into the park around 11:30 p.m. one night - everything was locked. They also had trouble getting their guests out two evenings later at around 10:30 - 11:00 p.m. Since the Sheriff's office handles the security out there, information on the instruction sheet should be given concerning contacting the Sheriff's office for or some number to call. If one is familiar with the park, it's o.k. But when you have people from out of town come in using the facilities (and they were very complimentary of the facilities). Mr. Tuley said he agrees that this should be done. During the weekend daytime hours -- both he and Don Chambliss are on call. Mrs. Cox said she would know how to get in touch with him. Mr. Tuley said they will include information on the Sheriff's telephone number and his (Mr. Tuley's) number on the instruction sheets. Incidentally, the Sheriff has assured Mr. Tuley that the security personnel will not again close the park early, so he hopes that problem does not reoccur.

Check/College Workstudy Program: Mr. Tuley presented a check in the amount of \$137.00 in connection with the Burdette Park College Workstudy Program, to be deposited in the General Fund Account. Motion to accept check was made by Commissioner Willner, with a second from Commissioner Cox. So ordered.

(continued)

RE: COUNTY HIGHWAY - BILL BETHEL

Weekly Absentee Report: Mr. Bethel submitted the Weekly Absentee Report for the employees at the County Garage for period September 17 thru September 21.....report received and filed.

Weekly Work Report: A Weekly Work Report for the period September 17 thru September 21 was submitted.....report received and filed. Attached to the Work Report was the following Work Schedule:

Grader: Burch Rd., Bassett Ave., and Old Henderson Rd.

Paved: Old Henderson Rd.

Tree Crew: Kissel Rd., Hogue Rd., Outer Lincoln Ave., Lynn Rd., Buente Rd., and Bergdolt Rd.

Mower: Newman, Nisbet Station Rd., Lynn Rd., Pollack Ave., and Green River Rd.

Patch: Laubsher Rd., Lynn Rd., Ross Ave., Old Henderson Rd., River Rd., Green River Rd., and Spring Valley Rd.

Grader: Seminary Rd., Old Henderson Rd., Golden Rule Rd., Smith-Diamond, Lynn Rd., and Shore Rd.

RE: COUNTY SURVEYOR - BOB BRENNER

Repair & Roadwork (18 Locations) - J. H. Rudolph & Co.: Mr. Brenner said that J. H. Rudolph has now completed seventeen(17) of the eighteen (18) locations for which they were awarded a bid for repair and roadwork on July 16th. This was for Group I.

Group B - 12 Locations - Repair & Roadwork

Mr. Brenner said he would like the Commissioners' approval to have Group B (12 locations) approved, which he would like to add, and take these at the same rate of \$47.69 per ton. He said he did not know if the Commissioners have seen the work J. H. Rudolph has done -- but it's an excellent job. Motion to approve Group B at a cost of approx. \$12,000 - \$13,000 was made by Commissioner Willner. A second to the motion was provided by Commissioner Cox. So ordered. Commissioner Cox asked if the bridge on Redbank Road between Hogue Rd. & Upper Mt. Vernon is included on the list? She said we've gone out there and repaired it twice -- the railroad has done their crossing and it is really nice. Then you hit our rough bridge -- and it really needs some work on that rough deck. Mr. Brenner said it is not on this list, but he will take a look at the designated area. Mr. Brenner said he recalls that bridge -- it's a wooden bridge -- and it has a twin sister on Boehne Camp Rd. He said to be truthful, he doesn't have any good ideas about how to fix that one. They put that one and the one on Boehne Camp Road in at the same time. It was noted, however, that the one on Redbank Rd. is probably worse because it carries more traffic.

Claim/J. H. Rudolph & Co.: Mr. Brenner presented a claim to J. H. Rudolph & Co. in the amount of \$1,926.68 -- verified by County Surveyor, Robert Brenner. Motion to approve claim for payment was made by Commissioner Willner, with a second from Commissioner Cox. So ordered.

Returning to the discussion of bridges, Mr. Brenner noted that the one on Rosenberger Rd. looks pathetic. Commissioner Cox said that until we get our drainage problems along there corrected we're not going to be able to---but Mr. Brenner interrupted by saying the water doesn't come over the road. He was out there today. Mrs. Cox said that even half way up that hill it will run down and across Rosenberger as it is going up the hill, rather than to run on down. She doesn't know why. Mr. Brenner said it is coming from the apartments. Mrs. Cox said that road gets a lot of drainage just coming from Highway 62. She said they put cold mix in there just before she came on the Commission.

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Claim/J. H. Rudolph & Co.: A claim in the amount of \$29,553.02 to J. H. Rudolph for the seventeen (17) locations completed was presented for payment. Mr. Brenner noted that all the pertinent attachments had been included with the claim. Motion was made by Commissioner Willner that the claim be approved for payment. A second to the motion was provided by Commissioner Cox. So ordered.

Commissioner Willner said he wanted to advise that he has been getting nothing but good comments on the bridge resurfacing. They seem to appreciate it and he thinks this was a very good move. Mrs. Cox said she would second that!

Oak Hill Guard Rail: Mr. Brenner said he contacted the insurance company re the guardrail on Oak Hill Rd. and Lynch Rd. (This is where we put up the guardrail to protect a property owner's house -- they had been thru his house twice -- and Mr. Brenner just got another claim -- \$555.00 worth of guardrail. He still just can't fathom why we need it there, but they continue to take it out. Mr. Brenner said it involved 825 ft. of guardrail and he talked to the City -- but didn't get anywhere. He said the guardrail is on order; the supplier promised him three (3) day delivery, but that was a week ago or longer and he still has nothing.

Ohio Street Bridge Pedestrian Walkway: Mr. Brenner said that last week the Board received three (3) bids for installation of pedestrian walkway on Ohio Street Bridge. Invitational Bids received were as follows:

Tri-State Erection Co. -	\$6,355.00
Deig Bros. Lumber -	\$5,120.00
Rig-Mar Contracting -	\$3,700.00

Commissioner Willner asked if there is any particular reason there was so much difference between the bids, insofar as Mr. Brenner could determine? Mr. Brenner said that Rig-Mar (the low bidder) may know the job better, because they took the walkway off the Maryland Street Bridge. Motion was made by Commissioner Willner that Rig-Mar Contracting Co. be awarded the bid for installation of pedestrian walkway on the Ohio Street Bridge in the amount of \$3,700.00. A second to the motion was provided by Commissioner Cox. So ordered.

Duesner Road Pipe Project: The bid from Ray Stradtner Excavating, Inc., in the amount of \$8,200.00 for Deusner Road Pipe Project (awarded on September 4th by the Commissioners) was presented to Joanne Matthews of the Auditor's office for inclusion in the bid files.

Bridge & Guardrail Repair-Weekly Report: Mr. Brenner submitted the Bridge & Guardrail Repair Report for period September 17 thru September 21, 1984.....report received and filed. Mr. Brenner did comment that on Thursday, September 20th, they were taking concrete out of the culvert out on Broadway at Johnson Lane. It did help this morning -- as Mr. Brenner went out to look at it. The City had said they would clean out that ditch from the SUNOCO station (in fact they were awarding the contract) and they told Mr. Brenner that if he would clean out the two feet of concrete (where they had been washing out trucks) -- this was causing the flooding. Mr. Brenner said something went right -- because it didn't flood this morning. During the last rain a resident had two (2) ft. of water in his house.

RE: COUNTY HIGHWAY ENGINEER - ANDY EASLEY

Mr. Easley said he really didn't have anything requiring action on the part of the Commissioners, other than possibly discussing the Meadowbrook situation at this time. He said that he and Mr. Bethel have had conversations with Mr. Zeller and they have put construction stakes along an alignment that was to his satisfaction. He has agreed to grade that ditch and is to begin on October 1st. Insofar as a solution to the problem is concerned, Messrs. Easley and Bethel have agreed that it would probably be a good idea to put in 30 - 40 ft. of 30-inch diameter storm drainage pipe to connect a culvert to this ditch. They told Mr. Zeller they thought they could get permission to have the county forces do this. He did tell Mr. Zeller that we wouldn't put it in until he dredges out the ditch. Mr. Easley said he has not had an opportunity to discuss the matter formally with Mr. Brenner, but the homeowners in the neighborhood

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have agreed to pay half the cost of the silt basin (to share 50% of the cost with the farmer) and he believes the Soil Conservation Service will pay for the other 50%. John Hodge is pursuing that. Mr. Easley is trying to take care of the lower end of it -- and he believes it will be in the best interest of all concerned and improve the drainage for the subdivision if this 40 ft. of 30-inch pipe is installed. Mr. Easley asked if normally Mr. Brenner's crew would put that in? There will be no vehicular traffic on it -- and it could be that pipe rejected by State highway specs would serve quite well. Mr. Easley said he knows that it probably rubs everyone's fur the wrong way for the County to have to go in and put in a pipe -- but he thinks this is probably an easier solution than going to Court over it. Mr. Easley asked Mr. Brenner if he has any comments concerning this?

Mr. Brenner said the drainage plans approved for Mr. Zeller's subdivision shows it like he proposed to make it -- that is the way he was supposed to put it in. Now that he wants to develop that next lot, he ends up with two (2) ditches in there... Mr. Brenner went back to Engineer Associates and they ripped out their calculations and said he wouldn't put it in the way it was approved. Mr. Brenner said that, to his way of thinking, what Mr. Zeller is trying to do is get the County to put it in the way the original drainage plan was approved so he can sell Lot No. 9 -- he wants to sell it. If Mr. Zeller had put it in the way he was supposed to put it in 1974, he wouldn't have this problem. As it is now, the major ditch runs between two (2) lots and another one that runs right thru it -- so the lot is worthless. Commissioner Willner asked Mr. Brenner if we have a copy of that drainage plan? Mr. Brenner said he certainly does. Commissioner Willner suggested that Mr. Brenner show it to Mr. Easley to jog his memory.

Mr. Easley said that he did not have the benefit of this information when he was out there having a meeting on the situation. Mr. Brenner said he was out there before and chased the situation back. Somehow or other, it then got in the hands of the highway department. Mr. Brenner said that Mr. Zeller is a very persistent fellow.

President Borries remarked that the calculations Mr. Easley has now are fine, but what Mr. Zeller has out there now is not what was originally submitted? Mrs. Cox said he doesn't have anything out there now. Mr. Easley said he filled in the ditch. He is getting a lot of silt and he is mad at the farmer; but that really isn't the County Commissioner's fault. The ultimate solution is to restore the capacity of storm drains and stop the silt. The farmer has indicated he will cooperate and John Hodge has said the people will pay money towards the silt dam, if necessary.

Commissioner Cox asked if Mr. Zeller is the original owner of this property? Mr. Brenner said, "You'd better believe it." President Borries asked Mr. Easley if he will contact Mr. Zeller and advise him to go ahead with the drainage plan approved in 1974. Commissioner Cox said that before he can get a permit to build on that lot he will have to do this, won't he? It was the consensus among the Board that Mr. Zeller would have to do this.

Bergdolt Rd.: Mr. Brenner said he knew there was something he had forgotten. Mrs. McLaughlin on Bergdolt Rd. is unhappy with the ditch dug thru that subdivision. Do the Commissioners recall that little sub -- and we turned it down? Mr. Brenner said he went out there a week or so ago and they said that the flow of the ditch brought more water back to the pipe that goes thru her house. She is absolutely right! They were supposed to dig a big trench to take the water towards Highway 41 (Whirlpool)... they dug a ditch, but it slopes back to her pipe. So, instead of draining more water that way, they picked up water that used to go west and brought it back to her pipe. She called and wanted Mr. Brenner to come out there today. He did not go because he knew what he was going to see. It runs right thru her garage. Mr. Bethel said that SIGECO has not lowered their tile. Mr. Bethel said his crew dug the ditch exactly the way the surveyor had it surveyed. Mr. Brenner said you can just stand and look at it and it is running back to her pipe. Mr. Bethel said that unless SIGECO lowers their tile it never will run right. Commissioner Willner said that Mrs. McLaughlin wants tile in there. Mr. Bethel interjected that the tile is in -- they put it in. Mr. Easley said he thinks Mr. Bethel is correct. Raley should lower the SIGECO culvert. Mr. Brenner said he never did figure out how the County got into this -- digging the ditch. Commissioner Willner said it is our roadside ditch -- and we're on County property. Therefore, he has no problem with that. They furnished the tile -- we didn't pay for that. But that west end has to be done yet. Mr. Easley said he

called Mr. Nicholson a month ago and told him that it had to be lowered. Commissioner Willner said that Mr. Easley needs to follow thru on this and tell him that it must be done. Mr. Brenner said it is worse now than when he started. He's got two (2) houses in there -- and is proceeding. When he gets 6-7 houses in there, he's never going to have any interest in this thing.

Commissioner Cox said that if she remembers correctly, when he presented it to the Board, it was accepted providing he would get the drainage system established even before he started to build. Commissioner Willner said he was allowed one house, because he didn't have to sub-divide. He could build one house -- which he did. He had a house even before he came to the Board. Then he divided six or seven more -- then got another building permit. As long as he keeps getting building permits, he is not going to do what he is supposed to do. Commissioner Cox asked if we can put a stop on that? Mr. Brenner said that the Building Commission or APC either one could handle this -- Commissioner Cox said she thought they always asked if all improvements, etc., had been done before permits were issued. President Borries said that SIGECO still has to do their part. Mr. Brenner said that SIGECO is not going to do anything. SIGECO's property was satisfactory as it was -- the only benefit is to this fellow. So, it is up to him. Commissioner Cox said that SIGECO did go in three years ago and clean out the area -- to try to alleviate the drainage problem -- before all of this came up.

Mr. Brenner said he is certain Mrs. McLaughlin will be calling the Commissioners, because she does have a legitimate complaint. Commissioner said it is the fellow's job and he should do it. Will Mr. Brenner relay that to him? Mr. Brenner said that so far he has done nothing. Mr. Brenner said if the Board will recall, at that time they turned down an apartment complex in there -- and at that time they asked the guy to dig the ditch. It was up to him to get it there. We probably should have left it that way, but we tried to help and we're half way. President Borries requested that Mr. Easley contact the individual concerning this situation. Mr. Easley agreed to do so.

RE: CERTIFICATE OF INSURANCE

Greene & Greene Agency, Inc.: Welborn Memorial Baptist Hospital for Johnny Mathis Concert in the Gold Room at the Auditorium on October 26, 1984, as well as the Auditorium on this date.

RE: REQUEST FROM WELFARE FOR FUNDS

Commissioner Willner said he thinks a solution has been reached, whereby we have enough dollars left in the Insurance Account to lend the Welfare Department \$363,000. He is uncertain whether they can pay us back in 1985, or possibly, 1986. The State Board is still in the process of making a decision as to which it will be. But, if they pay it back in 1985, we do not need to do anything, except perhaps hold a couple of bills at the end of the year and pay them right after the beginning of the new year. If the State Board decides that they cannot raise their 1985 budget and it has to be 1986, then we will need to use the 5¢ the Board cut off the Bridge Tax for 1984 -- that will need to be used for the County General Fund. Then it will be paid back in 1986. If the State Board allows them to raise their 1985 budget, we will not need to use that 5¢ and the tax rate for the County will be 5¢ lower than it is otherwise. Therefore, it is his recommendation that we loan the Welfare Department \$363,000 or the requested dollars; the one thing this does is keep the Welfare Department from going out to private institutions and paying interest which, in turn, the taxpayers would have to pay. So, it is a savings for the taxpayers if we find this money -- and he thinks we have. Commissioner Cox asked if this was a motion on Mr. Willner's part? He replied in the affirmative. A second to the motion was provided by Commissioner Cox. President Borries asked for a roll call vote:

Commissioner Cox	- Yes
Commissioner Willner	- Yes
Commissioner Borries	- Yes

President Borries said that based on Commissioner Willner's recommendation, the loan will be initiated, and we will wait to hear from the State Board to see which direction we will travel with regard to our advertised rates for 1985 or 1986.

(continued)

RE: PHILHARMONIC ORCHESTRA

Commissioner Cox advised President Borries that there is a gentleman in the audience who can tell the Board how the new Philharmonic Orchestra Shell works! She was in Nashville and did not get to hear the performance on Sunday. The Chair recognized Mr. Steve Johnson, president of the Evansville Philharmonic Board, as he approached the podium.

Mr. Johnson said that first of all he wishes to express thanks to the Commissioners on behalf of the Evansville Philharmonic Orchestra for their generosity in providing the rehearsal time to them for purposes of tuning the new orchestra shell. The first impact he noted was that the musicians were all buzzing around very, very happy -- because for the first time they were actually able to hear each other. The cellos never really knew there were woodwinds because they couldn't hear them and vice versa. Their playing is much more relaxed than before. Mr. Johnson said he believes this will improve the quality of the orchestra. He said he had talked with several members of the orchestra and, in their opinions and in his, the sound is much more evenly distributed. The "shellabration" they had on Sunday netted them ten (10) season tickets and thirty (30) individual performance tickets.

An attempt had been by Mr. Johnson to contact President Borries -- which, he said, isn't easy during an election year! But, without wearing out his welcome, he does have another item he wants to respectfully request of the Commissioners. On the 8th of December, the Philharmonic will have its Classic 50th Anniversary Concert. As the Commissioners may be aware, several things are going to be happening that night. The program will be televised. A director from New York has been contacted; he is coming in to do the program. Channel 9 will be putting the telecast together and it is tentatively scheduled to be broadcast the Friday before Christmas, as a local Christmas program. The important thing to note is that Channel 9 will be offering it free of charge to all of the other Public Television Stations in the State of Indiana. So the orchestra, the community and Vanderburgh Auditorium will hopefully be seen throughout the State -- because this particular occasion seems to be especially noteworthy. The Governor has been asked to participate in the program as the narrator for one of the pieces scheduled to be played. They also hope to have as many dignitaries from the community -- hopefully the Mayor and all of the Commissioners will be there. There is one slight problem. They have been very successful in selling season tickets -- and since they also have been very successful in selling individual seats -- they probably will sell out the performance. There were only twenty-five (25) seats left as of this morning. Therefore, they have a problem. That is, what to do with the dignitaries who will be coming in for that particular performance: the Governor's entourage, the Mayor's staff, other people in the community who are to be invited, members of the national press, magazines and newspapers and other electronic media who are to be invited. There is the possibility that they may not have any seating for them. The Philharmonic Orchestra respectfully request that the Commissioners -- on a one-time basis -- (only because it is a 50th Anniversary Concert) -- consider the possibility of putting temporary seating at the bottom of the loggia along the wall (possibly 100 seats). He said he knows that as a general rule this has not been done, because of the concern on the part of the Commissioners should there be a fire. He does know that a couple of years ago there was some temporary seating for one of the traveling Broadway shows. So, he respectfully requests that the Commissioners give this every consideration -- as he thinks it will make the evening all that much more successful and will tend to insure that the community and statewide support generated that night will be as great as possible. Again, Mr. Johnson thanked the Commissioners for the rehearsal date for the Philharmonic to tune the new orchestra shell -- and, in advance, for their consideration in this matter.

It was the consensus of the Commissioners that there were no objections among the Board members, as long as the request for temporary seating could be worked out to the satisfaction of the State Fire Marshall. The Commissioners will make this contact and advise Mr. Johnson concerning their findings.

RE: SCHEDULED MEETINGS

President Borries reminded the Board that a special Drainage Meeting is scheduled at 4:00 p.m. for purposes of a Public Hearing concerning the combining of Maidlow

COUNTY COMMISSIONERS
9/24/84

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Ditch and Buente Lateral "A" into one ditch to be known as Maidlow Ditch.

CLAIMS

David . Miller: A claim in the amount of \$66.00 for professional services(Hirsch lit.) rendered to Vanderburgh County. Motion to approve claim for payment was made by Commissioner Willner, with a second from Commissioner Cox. So ordered.

Patrick A. Shoulders of Kahn, Dees, Donovan & Kahn: Claim in the amount of \$184.80 for the services of Mr. Patrick A. Shoulders re litigation for Complete Lumber was submitted for approval. Motion to approve claim for payment was made by Commissioner Willner, with a second to the motion being provided by Commissioner Cox. So ordered.

David M. Griffith & Associates: A claim in the amount of \$11,900.00 to David M. Griffith & Associates was presented for approval. President Borries said this is in regard to preparation of County Cost Allocation Plan, based on fiscal year 1983, per contract specifications. This is annual fee as per contract. Mrs. McBride said their estimate for next year has gone down substantially. President Borries said they examine all the claims thru Welfare. Commissioner Willner asked Mrs. McBride if we still make money on it? Mrs. McBride said that we do. Commissioner Cox asked if Mrs. McBride knows how much? She said we got \$50,000 plus, and the year before we got \$73,000. But she thinks they're projecting around \$13,000 for next year -- so we're not really making that much -- but we're making at least some. Motion was made by Commissioner Willner that the claim be approved for payment. A second to the motion was provided by Commissioner Cox. So ordered: -

RE: EMPLOYMENT CHANGES- RELEASES

Voter's Registration Office

Edna Henry 305 N. Tekoppel P.T. Clk. \$30.00/Day Eff: 9/22/84

Knight Township Assessor

Susan J. Behme 837 Taylor Ave. Deputy \$10,760/Yr. Eff: 9/30/84

RE: EMPLOYMENT CHANGES - APPOINTMENTS

Voter's Registration Office

Mary Ellen Mueller 4912 Conlin Ave. P.T. Dep. \$30.00/Day Eff: 9/24/84

Knight Township Assessor

Lillian N. Tibbals 5117 Conlin Deputy \$10,760/Yr. Eff: 10/1/84

Clerk of Circuit & Superior Courts

Linda Webster 3918 Claremont P.T. \$ 6.00/Hr. Eff: 9/17/84

There being no further business to come before the Board at this time, President Borries declared the meeting adjourned at 4:15 p.m.

PRESENT:

COMMISSIONERS

COUNTY AUDITOR

COUNTY ATTORNEY

Richard J. Borries
Robert L. Willner
Shirley Jean Cox

Alice McBride

Cedric Hustace, Representative

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COUNTY SURVEYOR

Robert Brenner

COUNTY ENGINEER

Bill Bethel

BUILDING COMMISSION

Jesse Crooks

AREA PLAN COMMISSION

Virginia Wirthwine

BURDETTE PARK

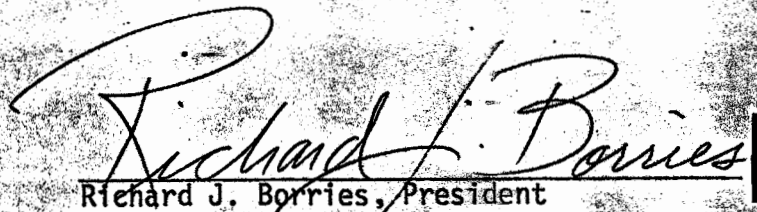
Mark Tuley

OTHER

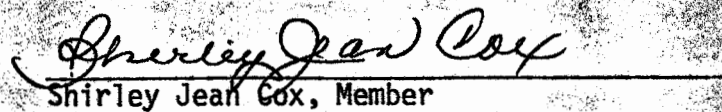
Steve Johnson, President of
Evansville Philharmonic
Board
News Media

SECRETARY:

Joanne A. Matthews


Richard J. Borries, President


Robert L. Willner, Vice President


Shirley Jean Cox, Member

MINUTES
COUNTY COMMISSIONERS' MEETING
October 1, 1984

<u>Subject</u>	<u>Page No.</u>
AMBULANCE & PARAMEDIC SERVICE/Ordinance & Resolution-----Referred to County Attorney & Commissioners to Take Under Advisement for 2 Weeks -----	1
APPROVAL OF MINUTES -----	1
CLAIMS	
Insurance Audit & Inspection Co.-----\$5,150 -----Approved -----	5
Kevin Winternheimer, Atty. -----\$1,500 -----Approved -----	6
COUNTY ATTORNEY -----David Miller Settlement Agreement/Mann Rd. -----Attorney Negotiating w/Clients' Atty.-----	2
COUNTY ENGINEER -----Andy Easley Settlement on Lynch Road Project-----Referred to David Jones, Co. Atty. ----	4
Fifth Avenue Bridge -----	4
Pigeon Creek Bridge/Green River Rd.-----	4
HERPICC Seminar/Railroad Crossings -----	4
Meadowbrook Drive Ditch -----Zeller Digging Ditch Today -----	4
COUNTY HIGHWAY -----Bill Bethel -----	2 & 3
Absentee Report, Weekly Work Report, Weekly Work Schedule, Fire Damage Check & Request to Go Before Council to Request Transfer of Funds (approved)	
COUNTY SURVEYOR-----Bill Jeffers, Chief Deputy ----- Bridge & Guardrail Repair Report Maryland Street Bridge Broadway & Johnson Lane	3
COUNTY TREASURER - MONTHLY REPORT -----October 1, 1984 -----	4 & 5
EMPLOYMENT CHANGES -----	6 & 7
EXTENSION OF CITY WATER SERVICE TO HIGHWAY 57, ETC. ----- (Commissioners to Check w/City re Their Plans)	7
LETTER OF CONGRATULATIONS TO DON MATTINGLY (AMERICAN LEAGUE) ---Approved -----	7
PHILHARMONIC ORCHESTRA----Request for Additional Seating-----Denied Locally - J. Crooks Checking Out w/State Fire Officials -----	1 & 2
SCHEDULED MEETINGS/EVENTS-----	6
VANDEBURGH AUDITORIUM -----	1

MINUTES
COUNTY COMMISSIONERS' MEETING
October 1, 1984

The meeting of the Board of County Commissioners was held on October 1, 1984, at 2:30 p.m., in the Commissioners' Hearing Room, with President Borries presiding.

Since it was the first meeting of the month, the meeting was formally opened by Sheriff Shepard, who declared the meeting in session pursuant to adjournment.

The Chair entertained a motion concerning approval of the minutes of the previous meeting. A motion was made by Commissioner Willner that the minutes of the meeting held on Monday, September 24th, be approved as engrossed by the County Auditor and the reading of same be waived. A second to the motion was provided by Commissioner Cox. So ordered.

RE: ORDINANCE CREATING EVANSVILLE-VANDEBURGH COUNTY AMBULANCE & PARAMEDIC DEPARTMENT AND RESOLUTION ADOPTING AN INTER-LOCAL GOVERNMENTAL AGREEMENT CONCERNING EVANSVILLE-VANDEBURGH COUNTY AMBULANCE & PARAMEDIC DEPARTMENT

President Borries announced that he had received the original version of an Ordinance Creating Evansville-Vanderburgh County Ambulance & Paramedic Department and the original version of a Resolution Adopting an Inter-Local Governmental Agreement Concerning Evansville-Vanderburgh County Ambulance & Paramedic Department. Both documents have already been signed by the City Council and have been passed to the Board of Commissioners for their approval prior to forwarding for approval by the County Council.

There was brief discussion among the Commissioners during which Commissioner Willner commented that if the County could not realize a cost savings in a service operated by the governmental bodies, then he could see no advantage to switching from the privately-operated service currently being utilized by the County. It was the consensus of the Board that the proposed Ordinance and Inter-Local Governmental Agreement required thorough study prior to taking any action on the matter. A motion was made by Commissioner Willner that copies of both documents be distributed to the members of the Board for their perusal and the original versions forwarded to the County Attorney for his review and recommendation as to proper legal form, etc., and that the matter be taken under advisement for a period of two (2) weeks. A second to the motion was provided by Commissioner Cox. So ordered.

RE: VANDEBURGH AUDITORIUM

President Borries advised that although the printed agenda for today's meeting includes a report from Kim Bitz, Manager of Vanderburgh Auditorium, the hearing of this report has been deferred for one (1) week; Mr. Bitz will be re-scheduled for next week's meeting.

RE: REQUEST FROM EVANSVILLE PHILHARMONIC ORCHESTRA RE TEMPORARY SEATING FOR DECEMBER CONCERT

President Borries said that Mr. Steve Johnson, President of the Evansville Philharmonic Board, appeared before the Commissioners on September 24th to request temporary seating for approximately one hundred (100) persons for its Classic 50th Anniversary Concert to be held at Vanderburgh Auditorium on Saturday, December 8th. The Board had advised Mr. Johnson that they would have to pursue his request with the officials of the local Fire Department and the State Fire Marshall.....and would get back to him with their findings. The following letter has been received from Mr. Jimmie L. Culley, Fire Inspector/Evansville Fire Department, and a copy has been sent to Mr. Steve Johnson.

(continued)

COUNTY COMMISSIONERS
October 1, 1984

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"September 26, 1984

Rick Borries, County Commissioner
County Commissioners Office

Dear Mr. Borries:

PLACES OF ASSEMBLY

Regarding fixed seating, the occupant load of an area having fixed seats shall be determined by the number of fixed seats installed. Required aisle space serving the fixed seats shall not be used to increase the occupant load, in accordance with NFPA 101 Life Safety Code Section 9-1.7.1 (E).

Sincerely,

Jimmie L. Culley
Fire Inspector"

Commissioner Cox noted that this letter designates that "aisle" space shall not be used; it was her understanding that Mr. Johnson was speaking of the loggia -- or space between the fixed seats and the stage, etc., rather than the aisles per se. However, President Borries pointed out that the letter states the "occupant load" shall be determined by the number of fixed seats installed. In any event, he has mailed a copy of said letter to Mr. Johnson. Also, Mr. Jesse Crooks, Building Commission, will be up in Indianapolis re other matters and per discussion between Messrs. Borries and Crooks, he will discuss this particular matter with State Fire Officials and advise President Borries of his findings.

RE: COUNTY ATTORNEY.....David Miller

Settlement Agreement/Mann Road (Hartmans, Adlers, Bixlers, etc.): Attorney Miller said he received this morning a revision to the Settlement Agreement being proposed in the Hartman-Adler-Mann Road matter. In addition to the language in the original Settlement Agreement, there is additional language proposed that puts additional burden on the County. He is not in the habit of changing Settlement Agreements after they have been entered into. However, he has a letter from Les Shively (attorney for the Adlers, etc.) indicating that his clients will not sign the agreement unless the additional terms are added to the Agreement. There was brief discussion among the Board and, again, it was noted that under the terms Mr. Shively's clients want included in the agreement -- if what the County does in replacing the ditch is not satisfactory -- then said parties could reject same and it would have to be re-done to their satisfaction, etc. It was the consensus of the Board that the County Attorney should advise Mr. Shively that the Board is not willing to modify the Settlement Agreement entered into to include the new language desired. County Attorney Miller said he would do so and get back to the Board concerning any further developments in this matter. Hopefully, they will agree to delete the new language so we can get on with the settlement in this matter.

RE: COUNTY HIGHWAY.....Bill Bethel

Absentee Report: Mr. Bethel submitted the Weekly Absentee Report for employees at the County Garage for period September 24th thru September 28th.....report received and filed.

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

(continued)

Work Schedule: Attached to the Weekly Work Report was the following work schedule:

Gradall: Marx Rd. and Koressel, Greenbrier, 6914 W. Mill Rd., Eastbrook, and Goebel Lane.

Paved: Old Henderson Rd.

Tree Crew: Greenbrier Dr., Skyline Dr., Mill Rd., Mesker Park Dr., Old Henderson Rd., Kasson Dr., Motz Rd. (Bridge) and Orchard Rd.

Patch: Boonville-New Harmony, Heppler Rd., Green River Rd., Roth Rd., Allen Rd., 7150 Sweet Gum Ct., and Eastbrook.

Grader: Motz Rd., Emge Rd., Buente Rd., Allen Rd., Marx Rd., Happe Rd., Church Rd., Church Lane, Trapp Rd., Bexler Rd., Mann Rd., Montgomery, Cypress-Dale, Maasberg, Lutterbach Rd., and Hornby.

Mower: Marx Rd., Church Rd., Allen Rd., and Happe Rd.

Oil Roads: County-Line Rd.- East, and Outer Darmstadt.

Fire Damage Check: Mr. Bethel presented a check from Home Insurance Companies in the amount of \$2,345.69 for payment of fire damage, to be deposited to Acct. 201-3352 (Highway Fund/Appropriation Account). Motion to approve acceptance of check was made by Commissioner Willner, with a second to the motion being provided by Commissioner Cox. So ordered.

Request to Go On Council Call re Transfer of Funds: Mr. Bethel said it would be necessary to go before County Council to request transfer of funds to keep the County Highway Department going to the end of the year. He requests that the following amounts be transferred from Acct. 201-3300 (General Fund) to the designated accounts:

<u>Amount</u>	<u>Account No.</u>	<u>Description</u>
\$ 1,000	201-3222	Tires & Tubes
\$ 12,500	201-3223	Garage & Motor Supply
\$ 10,000	201-3352	Tractor & Truck Repair
\$ 28,856	201-3330	Traffic Department

Motion was made by Commissioner Willner that Mr. Bethel be granted permission to appear before Council with the foregoing request for transfer of funds. A second to the motion was provided by Commissioner Cox. So ordered.

RE: COUNTY SURVEYORBill Jeffers

Bridge & Guardrail Report: Mr. Jeffers submitted the Bridge & Guardrail Repair Report for period September 24th thru September 28th.....report received and filed.

Maryland Street Bridge: It was noted by Mr. Jeffers that the setting of bridge beams has been delayed due to the recent rains. He said there will be twelve (12) of these beams, weighing 45 tons each. Weather permitting, they are scheduled to begin setting these beams tomorrow morning at 7:00 a.m.

Broadway & Johnson Lane: Commissioner Cox commented that the County had done some work out on Broadway & Johnson Lane -- removal of concrete, etc. Do they plan to go in there and clean out the balance? Mr. Jeffers said he has walked thru it -- and it is a mess. It will be necessary to borrow a jackhammer and compressor...and work will have to be scheduled accordingly. Mr. Jeffers is to check on this and will let Commissioner Cox know when they anticipate completion of this project.

(continued)

COUNTY COMMISSIONERS
October 1, 1984

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RE: COUNTY ENGINEER.....Andy Easley

Settlement on Lynch Road Project: Mr. Easley stated that he has a letter from Steve Dilk of the Indiana Department of Highways concerning the settlement of the contract for the Lynch Road Expansion project, which has been in dispute in excess of three years. Engineer Associates was the contractor on this project. The proposed settlement with the Indiana Department of Highways would give the County about \$34,000 to pay overhead charges submitted by Engineer Associates. Following a brief discussion among the Commissioners, the proposed settlement was referred to County Attorney David Jones (since he is the attorney who has worked on the details concerning this matter) to verify the figures are correct and in keeping with a payment formula worked out among the three parties.

Fifth Avenue Bridge: It was noted by Mr. Easley that the Fifth Avenue Bridge has a couple of holes in the deck. They repaired this bridge two (2) years ago -- but this will be the third winter. Because of the inclement weather when the repair work was done previously, some of the apoxy did not bond properly. Mr. Easley thinks the current repairs can be done with our own work crew, however, using Latex bonding.

Pigeon Creek Bridge/Green River Road: Mr. Easley said there are a couple of holes on the Pigeon Creek Bridge on Green River Road -- a dip at one end and the holes. He thinks Latex bonding would do the job here, also. It probably won't take over five (5) gallons at approximately \$40.00 per gallon.

HERPICC/RAILROAD CROSSINGS: Literature has been received concerning a seminar to be held in New Albany on improving railroad crossings, etc. Mr. Easley said he thinks we pretty well have this under control locally, and he doesn't think it would be worth our sending someone to this seminar. However, the detailed booklet accompanying notice of said seminar does contain much valuable reference information and he would certainly like to make certain that it is kept in some appropriate location for handy reference purposes. President Borries suggested that Mr. Easley retain the booklet in his technical library.

Meadowbrook Drive Drainage Problem: Mr. Easley said that Mr. Zeller was supposed to dig out the ditch in Meadowbrook Drive area today.

RE: COUNTY TREASURER/MONTHLY REPORT

President Borries asked that the following Monthly Report from the County Treasurer re Collections to Date and Investments be made part of the record:

TREASURER
VANDERBURGH COUNTY
October 1, 1984

TO: COUNTY COUNCIL
COUNTY COMMISSIONERS

Collections to date are:

COUNTY REVENUE	\$478,093.25
FEDERAL REVENUE SHARING	6,669.44
POOR RELIEF	6,254.17
	<u>\$491,016.86</u>

Outstanding investments are:

- 1) Investments, \$3,000,000, dated December 28, 1983, due December 27, 1984. Estimated income \$273,700.00, of which \$22,812.00 will go to the Reassessment Fund. Rate 9.125%.
- 2) Investments, \$500,000, dated December 29, 1983, due December 27, 1984. Estimated income \$46,200.00. Rate 9.25%.

(continued)

- 3) Investments, \$2,000,000, dated January 4, 1984, due December 27, 1984.
Estimated income \$188,000.00. Rate 9.50%.
- 4) Investments \$2,000,000, dated July 5, 1984, due December 26, 1984.
Estimated income \$111,000.00. Rate 11.50%.
- 5) Investments \$2,000,000, dated September 21, 1984, due December 27, 1984.
Estimated income \$57,000, of which \$42,800.00 will go to the Roads
and Streets Fund.

When all outstanding investments are collected, income will appear as follows:

COUNTY REVENUE	\$1,088,381.25
FEDERAL REVENUE SHARING	6,669.44
POOR RELIEF	6,254.17
REASSESSMENT	22,812.00
ROADS AND STREETS	42,800.00
	<u>\$1,166,916.86</u>

Yours truly,

Lewis F. Volpe, Treasurer
Vanderburgh County

The above-mentioned report was received and filed.

RE: CLAIMS

Insurance Audit & Inspection Company: A claim in the amount of \$5,150.00 to Insurance Audit & Inspection Company for yearly service contract beginning October 21, 1984 was submitted for approval. President Borries said that Mr. John Wall has been coming in during the past four (4) years and conducting a comprehensive review of the County insurance. During his last visit as an auditor and an inspector, he was pleased with our insurance at this time -- especially since we added our umbrella to the coverage. He did, however, have one initial concern; our boat -- since it was not clearly defined concerning the law enforcement capacity, etc. This is the boat utilized by the Sheriff's Department on Fridays, Saturdays, Sundays and Holidays to patrol some 40 miles of riverfront. Said boat is also utilized for dragging operations in the event of drownings, as well as towing disabled boats, etc. Sheriff Shepard said the boat patrols from the Angel Mounds boat ramp down to the County Line in the Union Bottoms, which comprises some 40 miles. Mr. Wall's concern pertained to the jurisdictional boundaries, since it has never been established whether certain ownership or boundaries belong to Indiana or Kentucky. Sheriff Shepard stated that he does have reciprocity with the Sheriff of Henderson County.....and they have encountered no problems to date. In any event, Mr. Wall will forward his written report in about a month concerning the County's insurance. There being no further discussion or comments, motion was made by Commissioner Willner that the claim be approved for payment. A second to the motion was made by Commissioner Cox. So ordered.

Also attached to the claim was the following letter from Mr. M. C. Houtz, President of Insurance Audit and Inspection Company:

September 28, 1984

Mr. Richard Borries, President
Board of Commissioners of
the County of Vanderburgh
305 Civic Center Complex
Evansville, Indiana 47708

Dear Mr. Borries:

(continued)

At Mr. Wall's suggestion, we are enclosing our invoice for our risk management service for the year beginning October 21, 1984. The "blue form" was signed by Mr. Wall at the time of his visit.

You will note that our charge is the same as it has been for the past two years, although our incurred costs have exceeded the fee. Mr. Wall suggests that we request your consideration, for budget purposes, of an adjustment to Five Thousand Five Hundred Dollars (\$5,500) for the next contract year beginning October 21, 1985.

We continue to appreciate our relationship with the County of Vanderburgh and hope to be of practical and substantial help to you in the risk management function.

Cordially,

M. C. Houtz
President

RE: SCHEDULED MEETINGS

Among the scheduled events, the following were brought to the attention of the Board:

County Council Meeting - Wednesday, October 3rd - 2:30 p.m./Council Chambers

Auction of County-Surplus Property - To be held on Saturday, October 13th at 10:00 a.m. on St. Joseph Avenue & Mill Roads.

West Side Nut Club Fall Festival - To be held on Franklin Street beginning today and running thru Saturday evening, October 6th.

RE: CLAIM

Kevin Winternheimer, Atty: A claim in the amount of \$1,500.00 to Kevin Winternheimer, Atty., for representation of the Vanderburgh County Sheriff's Dept. from June 1, 1984 thru September 11, 1984, in the matter of the Discipline of Deputies Kingston, Duckworth and Patterson was submitted for approval. A motion was made by Commissioner Willner that said claim be approved for payment. A second to the motion was provided by Commissioner Cox. So ordered.

RE: EMPLOYMENT CHANGES - RELEASES

Sheriff's Department

Mary Russell

Patrolman \$17,243/Yr. Eff: 9/21/84

Surveyor's Office

Bill Jeffers 6608 Kembell Dr.

Party Chief \$18,341/Yr. Eff: 10/1/84

Dave Guillaume/106 1610 Hicks Dr.

Chief Deputy \$18,393/Yr. Eff: 10/1/84

Dave Guillaume/203 1610 Hicks Dr.

Chief Deputy \$ 3,520/Yr. Eff: 10/1/84

Board of Review

Fred Stocker Martin Rd.
Casper Hudson 2501 N. Governor

Bd. Member \$ 40/Day Eff: 9/24/84
Bd. Member \$ 40/Day Eff: 9/24/84

Superior Court/Juvenile Division

Sue Metz

Prob. Off. \$17,178/Yr. Eff: 8/31/84

(continued)

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COUNTY COMMISSIONERS
October 1, 1984

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Prosecutor's Office

Jerry A. Atkinson	112 N.W. Seventh St.	Dep. Pros.	\$13,505/Yr.	Eff: 9/21/84
Susan Mattingly	3000 Maryland St.	Paralegal	\$13,500/Yr.	Eff: 9/10/84

RE: EMPLOYMENT CHANGES - APPOINTMENTS

Sheriff's Department

Ronald A. Brown	8113 N. Mt. Vernon	Pro-Patrol	\$15,743/Yr.	Eff: 9/22/84
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Convention & Visitor's Bureau

Thomas S. Heaton	900 N. Fairlawn	S&M Mgr.	\$20,000/Yr.	Eff: 10/1/84
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Election Office

Sylvia Loviscek	632 S. Harlan	Dep/ Clk.	\$ 4.05/Hr.	Eff: 9/24/84
Gerald Wohlhueter	1806 Conlin	Bal. Ass.	\$ 4.05/Hr.	Eff: 10/1/84
John Lee Jones	820 S. Governor	Bal. Ass.	\$ 4.05/Hr.	Eff: 10/1/84

Surveyor's Office

Bill Jeffers/106	6608 Kembell Dr.	Chief Dep.	\$18,393/Yr.	Eff: 10/1/84
Bill Jeffers/203	6608 Kembell Dr.	Chief Dep.	\$ 3,520/Yr.	Eff: 10/1/84

Board of Review

Casper Hudson	2501 N. Governor	Secretary	\$ 30/Day	Eff: 9/25/84
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Prosecutor's Office

Sheryl Weiss	3120 Edgewood	Secretary	\$ 5.00/Hr.	Eff: 9/25/84
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Superior Court/Juvenile Division

Carolyn Prior	Child in Placement Dir.	\$17,178/Yr.	Eff: 10/2/84
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As he concluded reading all of the employment changes, President Borries extended congratulations to Mr. Bill Jeffers on his appointment as Chief Deputy/Surveyor's Office.

RE: LETTER OF CONGRATULATIONS TO DON MATTINGLY

Commissioner Cox stated that she thinks the Board of Commissioners should send a Letter of Congratulations to the city's current favorite son, Don Mattingly (who has just won the American League Batting Championship for 1984)...since he has done much to promote Evansville. Commissioners Borries and Willner were in complete agreement and President Borries said a Letter of Congratulations would indeed be sent to Mr. Mattingly.

RE: EXTENSION OF CITY WATER SERVICE TO HIGHWAY 57

Commissioner Cox said she would also like to ask the Board of Commissioners to have the County Attorney look into the possibility of the City's water service being extended to Highway 57 ...to anyone there who wants to hook onto it. President Borries said the City does have plans to extend water service into that area -- and we will contact them to see just exactly what those plans are, prior to taking any further action.

There being no further business to come before the Board at this time, President Borries declared the meeting adjourned at 3:30 p.m.

(continued)

COUNTY COMMISSIONERS
October 1, 1984

Page 8

PRESENT:COMMISSIONERSCOUNTY AUDITORCOUNTY ATTORNEY

Richard J. Borries
Robert L. Willner
Shirley Jean Cox

Alice McBride

David Miller

SURVEYORENGINEERHIGHWAY

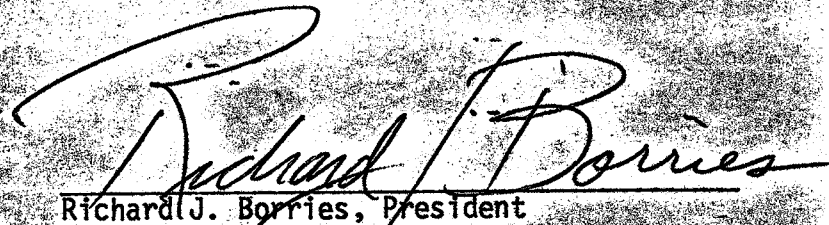
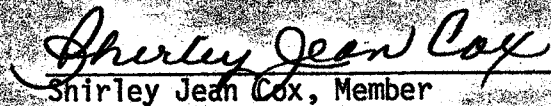
Bill Jeffers

Andy Easley

Bill Bethel

SECRETARY:

Joanne A. Matthews


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

574.

MINUTES
COUNTY COMMISSIONERS' MEETING
October 8, 1984

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APPROVAL OF MINUTES -----

AUCTION

County Surplus Property---October 13th @ 10:00 a.m. ----- 13

BIDS - CARPETING, PAINTING & WALL COVERING FOR VANDERBURGH AUDITORIUM--- 2,9, 10 & 13

Carpetland U.S.A.-----REJECTED-----NOT IN ORDER

* Carpets from Designer Collection ---\$24,954.45---(Carpeting) -----

Wedel Interiors, Inc. -----Carpeting - \$26,592.30; Wall Covering -
\$6,043.50--No Bid on Painting* Hormuth Drywall & Painting---\$14,395.00 - Painting & Wall Covering &
\$29,500.00 - Carpeting

Simms Painting Co., Inc. --- \$39,915.00 - Lump Sum Bid - Rejected---

*AWARDED Carpeting to Designer Collection & Painting & Walls to Hormuth
for a total package of \$39,349.45.

BURDETTE PARK

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Alice McBride---Auditors' Meeting -----App'd. ----- 12

Peggy Powless ---Auditors' Meeting -----App'd. ----- 12

Rig-Mar Contracting, Inc. -----Partial -----App'd. ----- 10 & 11

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VANDERBURGH AUDITORIUM

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VETERANS' COUNCIL/OLD COLISEUM - RENEWAL OF LEASE INDENTURE (Insurance) -App'd. --- 1 & 2

WATER SERVICE EXTENSION/HIGHWAY 57 AREA & TURRIS COAL MINE ----- 7 & 8

575.

MINUTES
COUNTY COMMISSIONERS' MEETING
October 8, 1984

The meeting of the Board of County Commissioners was held on October 8, 1984, at 2:30 p.m. in the Commissioners' Hearing Room, with President Borries presiding.

A motion was entertained by the Chair concerning approval of the minutes of the previous meeting. Motion was made by Commissioner Willner that the minutes of the meeting held on Monday, October 1st, be approved as engrossed by the County Auditor and the reading of same be waived. A second to the motion was provided by Commissioner Cox. So ordered.

President Borries said one item would be added to today's meeting agenda. There are several representatives of the Veteran's Council present to speak regarding their agreement and attentions at the Coliseum.

RE: RENEWAL OF LEASE INDENTURE/VETERANS' COUNCIL

President Borries introduced Carl Wallace, Veteran's Service Officer. Mr. Wallace, in turn, introduced Messrs. Don Morris, Quartermaster of the Veterans' Council and Bob Herman, Commander of the Veterans' Council. At the last meeting of the Council, it was decided they should start paying the insurance on the Coliseum. They have their Check #195 in the amount of \$2,821.40 for the first year's insurance -- and they would like to continue to pay the insurance every year. Said insurance is being paid in accordance with the following agreement:

RENEWAL OF LEASE INDENTURE

This RENEWAL AGREEMENT made and entered into this 4th day of October, 1984, by and between THE BOARD OF COMMISSIONERS OF VANDERBURGH COUNTY, INDIANA (hereinafter designated as "LESSOR") and THE VETERANS' COUNCIL OF VANDERBURGH COUNTY, INDIANA, INC., (hereinafter designated as the "LESSEE").

WITNESSETH THAT:

WHEREAS, heretofore under date of April 8, 1971, the parties hereto made and entered into a certain lease indenture entitled "The Board of Commissioners of the County of Vanderburgh, Indiana, Lessor to the Veterans' Council of Vanderburgh County, Indiana, known as the "Old Coliseum" located in the City of Evansville, Vanderburgh County, Indiana; and

WHEREAS, pursuant to paragraph 2, item NINETEENTH of said lease indenture, the Lessee is and was granted the option to extend its lease, possession and use of the subject real estate and premises effective April 8, 1984, upon payment of an insurance premium in the amount of two Thousand Eight Hundred Twenty-One Dollars and Forty Cents (\$2,821.40) representing the premium due from April 8, 1984, up to and through April 8, 1985, receipt of which sum is hereby acknowledged by the Board of Commissioners of Vanderburgh County, Indiana.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS that said Lease indenture dated April 8, 1971, is in all respects ratified and confirmed by and between the parties hereto.

1. The terms and provisions hereof may be amended or modified only by written instrument executed by both of the parties hereto.
2. The terms and provisions hereof shall extend to and be binding upon the successors, heirs, assigns and legal representatives of the parties hereto.

IN WITNESS WHEREOF, this amendment has been executed as of the day and date first above written.

THE BOARD OF COMMISSIONERS OF
VANDERBURGH COUNTY, INDIANA

Richard J. Borries, President
Robert Willner, Member
Shirley Jean Cox, Member

ATTEST:

Alice McBride, Auditor

(continued)

"LESSOR"

THE VETERANS' COUNCIL OF
VANDERBURGH COUNTY, INDIANA, INC.By: Laura L. Kerby
Commander

ATTEST:

Marvin D. Morris
Quartermaster,

"LESSEE"

President Borries said the Board is very pleased to have Messrs. Wallace, Morris and Herman at today's meeting. The Veterans are to be commended for their cooperation and the pride they take in the Old Coliseum. Mr. Wallace said the Veterans' Council is saving their money to eventually one day put a new roof on the Coliseum. Mr. Morris is the "money man" over there -- and he keeps pretty tight strings on the purse. They will be paying the insurance on the Coliseum every April. Commissioners Willner asked that Mr. Wallace convey the Commissioners' best wishes to the Veterans' Council and their appreciation for the Veterans' Council paying the insurance. The Commissioners hope they will make a lot of money out of the facility.

The Chair entertained a motion to approve acceptance of above-mentioned check. Motion to execute Lease Indenture and accept check was made by Commissioner Willner, subject to verification by the County Attorney that the Lease Indenture is in good form. County Attorney David Jones indicated his approval. A second to the motion was made by Commissioner Cox. So ordered. Lease Indenture was signed by the Commissioners and a copy handed to Mr. Don Morris for his files.

RE: OPENING OF BIDS FOR CARPETING, PAINTING & VINYL WALL COVERING/AUDITORIUM

Commissioner Willner moved that the County Attorney be instructed to open the bids received concerning Carpeting, Painting & Vinyl Wall Covering for Vanderburgh Auditorium. A second to the motion was provided by Commissioner Cox. So ordered.

RE: VANDERBURGH AUDITORIUM.....KIM BITZ

President Borries asked Mr. Kim Bitz, Manager/Vanderburgh Auditorium, if he has additional comments to make concerning the Auditorium? Mr. Bitz said he just wanted to brief the Board on the current status of work being done at the Auditorium. This week will mark the completion of the rigging work and installation of new draperies. They are 99% finished at this point -- only a few touches remain. Tomorrow they will begin work on refinishing of stage floor, and that work should be completed by the middle of next week. In other words, subject projects are progressing nicely.

Commissioner Cox said that approximately a month to five weeks ago she brought to Mr. Bitz's attention the matter of the plaster falling off the east side of the building and asked that this be brought to the attention of the Advisory Board. She notices that the plaster has been cleaned up off the ground -- but that no repairs have yet been made to this area. Does Mr. Bitz have plans to have this taken care of? Mr. Bitz said that currently there are three (3) different companies looking at this problem, and he is endeavoring to obtain a cost estimate insofar as repairs are concerned. Commissioner Cox asked if these companies are looking at all of the building exterior -- especially where the columns are out? If it is falling from that area, it might very well fall from some of the other columnar areas in front of the building -- and she would hope that these companies would inspect all areas. Are they? Mr. Bitz said they are. Further, Mr. Bitz said that one of the gentlemen from Industrial Contractors said that this has been a problem since the building opened -- thru the construction, some moisture got behind the pillars -- and they are checking all columns on both sides and in the front.

(continued)

RE: INTER-LOCAL GOVERNMENTAL AGREEMENT/VANDERBURGH COUNTY-CITY OF EVANSVILLE
EVANSVILLE-VANDERBURGH COUNTY DEPARTMENT OF HEALTH & A RESOLUTION OF THE
COMMON COUNCIL OF THE CITY OF EVANSVILLE APPROVING AN INTERLOCAL GOVERNMENTAL
AGREEMENT BETWEEN THE CITY OF EVANSVILLE AND THE COUNTY OF VANDERBURGH
CONCERNING THE JOINT CITY-COUNTY HEALTH DEPARTMENT

President Borries said the following is an amended version that changes the ratio to accurately reflect the funding of the City-County Health Department to accurately reflect the population of the 10-Year Census. Indiana Code indicates that this must be done when the Census of the Annual 10 Years has been completed. Other than that, there are no changes. In response to queries from Commissioners Willner and Cox, President Borries said the percentages would be 78% and 22%. Commissioner Cox said she had spoken with County Auditor, Alice McBride. She was aware of the 22% figure and did include the 22% in the 1985 County Budget. President Borries stressed, again, that the only changes involved the funding. Motion was made by Commissioner Willner that the Agreement be executed by the Board of Commissioners. A second to the motion was provided by Commissioner Cox. So ordered.

Resolution No. C-84-71

INTRODUCED BY: JERRY LINZY

A RESOLUTION OF THE COMMON COUNCIL OF THE
CITY OF EVANSVILLE APPROVING AN INTERLOCAL
GOVERNMENTAL AGREEMENT BETWEEN THE CITY OF
EVANSVILLE AND THE COUNTY OF VANDERBURGH
CONCERNING THE JOINT CITY-COUNTY HEALTH DEPARTMENT

WHEREAS, the City of Evansville and the County of Vanderburgh have heretofore operated and contributed toward the operation of a joint Department known as the Health Department; and

WHEREAS, this operation has not been formalized by a written contract; and

WHEREAS, the City of Evansville and the County of Vanderburgh wish to continue the joint operation and enter into an intergovernmental agreement concerning same;

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Evansville, as follows, to-wit:

Section 1.

That the parties do enter into the interlocal governmental agreement as attached hereto and approve and adopt said agreement in all respects.

Section 2. Effective Date

This resolution shall be in full force and effect from and after its passage by the Common Council and signing by the Mayor.

INTER-LOCAL GOVERNMENTAL AGREEMENT
VANDERBURGH COUNTY-CITY OF EVANSVILLE
EVANSVILLE-VANDERBURGH COUNTY DEPARTMENT OF HEALTH

WHEREAS, the City of Evansville and the County of Vanderburgh have heretofore operated and contributed toward the operation of a joint department known as the Evansville-Vanderburgh County Department of Health; and

WHEREAS, this Evansville-Vanderburgh County Department of Health has operated on a consolidated City-County basis heretofore, without formalizing such agreement; and

WHEREAS, the Indiana State Board of Health has approved such department.

(continued)

NOW, THEREFORE, the parties do enter into this Inter-Local Governmental Agreement creating a joint department known as the Evansville-Vanderburgh County Department of Health upon the following terms and conditions:

1. Duration:

This agreement is for a period of two (2) years and shall be automatically renewed for periods of two (2) years unless either party hereto gives the other party written notice of its intent to terminate this agreement, which written notice shall be received by the other party no later than one (1) year before the termination of this agreement.

2. Precise Organizations:

The joint Evansville-Vanderburgh County Department of Health shall be managed by the Evansville-Vanderburgh County Board of Health consisting of seven (7) members, not more than four (4) of whom shall be members of the same political party and at least three (3) of whom shall hold unlimited licenses to practice medicine in Indiana, and one (1) of whom may be a licensed veterinarian. Of the seven (7) members appointed to the joint Evansville-Vanderburgh County Board of Health, the Mayor shall appoint six (6) members and the County Commissioners shall appoint one (1) member. Members of both sexes shall be represented on the board.

The Health Officer shall be the Executive Officer for the department and shall serve as Secretary of the local board. The Health Officer shall have the duties and responsibilities given by State law, local Ordinance and the board.

Besides the Health Officer, the Evansville-Vanderburgh County Department of Health shall have staff support necessary to adequately carry out the responsibilities and functions of the Department.

The Board and the Department shall have those powers and duties as defined in IC 16-1-7.

3. Purpose:

The purpose of the Evansville-Vanderburgh County Department of Health is to:

- (a) Collect, record and report the vital statistics of and within their respective areas and jurisdictions.
- (b) Make sanitary inspections and surveys of all public buildings and institutions.
- (c) Enter upon and inspect private property in regards to the possible presence, source and cause of disease, and in connection therewith, order what is reasonable and necessary for prevention and suppression of disease.
- (d) Order schools and churches closed and forbid public gatherings when deemed necessary to prevent and stop epidemics.
- (e) Enforce any orders made by the Circuit Court or Superior Court.

4. Financing:

The Evansville-Vanderburgh County Department of Health shall be financed as follows: per IC 16-1-17-18

The contributions toward the annual budget made by the City of Evansville and the County of Vanderburgh will be determined on a pro rata per capita basis as determined by the most recent general U. S. census. The budget of this Department and the percentage allocation of the respective parties shall be reviewed by the parties annually in the preparation of the budgets of the City and of the County. The budget for the Evansville-Vanderburgh County Department of Health shall be submitted to both the Common Council of the City of Evansville and the Council of Vanderburgh County for mutual approval. The City and County Councils may meet in

concert, or separately, for consideration of the budget, or an amendment thereto, of this department. Vanderburgh County shall appropriate its share of such budget amount as approved by the County Council, and remit same to the Controller of the City of Evansville in monthly reimbursements. The Controller of the City of Evansville shall recognize vouchers and pay vouchers only according to the procedures set out for cities of the second class in paying of vouchers, and only according to the budget as passed by the County of Vanderburgh and the Common Council of the City of Evansville.

5. Property Ownership and Termination:

All property owned or purchased shall be owned jointly by the parties in the percentage that each party contributes to the budget. In the event of the termination of this agreement, the parties shall distribute the property of the Department on the basis of percentages contributed to the annual budget, and the value of the property shall be the actual cash value of the property. Distribution may be by means of purchase by one party of the interest of the other party in the properties of the Department, or by sale of the properties, either in total or in part. All properties to be transferred upon the termination of this agreement, shall be first appraised by three disinterested appraisers appointed, two (2) by Mayor and one (1) by Commissioners. The procedure for such appraisals shall follow the procedure as established by the City of Evansville for the sale of surplus property.

6. Amendment:

This agreement may be amended in total or in part. Such amendment shall be reduced to writing, signed and dated by the parties attached hereto, made a part hereof.

7. Legal Representation:

The City of Evansville and the County of Vanderburgh do hereby agree that the City of Evansville Law Department will serve as legal council for the joint Evansville-Vanderburgh County Department of Health. The parties further agree that any judgment or settlement of a claim, charge or lawsuit upon recommendation of the City shall be paid by the City upon contribution of the County in the same percentage amount as the percentage of budget paid.

DATED THIS 1st DAY OF October, 1984.

CITY OF EVANSVILLE

COUNTY OF VANDERBURGH
COUNTY COMMISSIONERS

By: Michael Vandever
Mayor

By: Richard J. Borries, President
Board of County Commissioners

COMMON COUNCIL

COUNTY COUNCIL

By: James M. Landers, President
Common Council

By: President, County Council

ATTEST:

ATTEST:

Betty Lou Jarboe
City Clerk

Alice McBride, Auditor
Vanderburgh County

APPROVED AS TO FORM.

APPROVED AS TO FORM:

City Attorney

David L. Jones
County Attorney

(Note: Original Agreement given to Jean Wilkey for obtaining signature of County Council President, Mark Owen. Subsequently to be signed by City Attorney -- for completion.)

RE: BURDETTE PARK - REQUEST FOR TRANSFER OF FUNDS

Mark Tuley, Manager/Burdette Park, said he had only one item requiring the attention of the Commissioners. He needs to be placed on the November 7th Council Call to request transfer of funds as follows:

FROM:	Acct. #210 Fuel & Butane	\$ 4,000.00
	Acct. #271 Chemicals	\$ 2,000.00
TO:	Acct. #352 Repairs to Equipment	\$ 4,000.00
	Acct. #355 Repairs to Buildings	\$ 2,000.00

Commissioner Cox asked Mr. Tuley if he has specific needs in the area of repairs to equipment and buildings -- does he have bills that need to be paid over and above the amounts currently in the accounts? Mr. Tuley said that he will have by the end of November. In other words, he is requesting the transfer in anticipation of needs. The Heating & Air Conditioning people will be out to perform the fall/winter maintenance check. Hopefully, there will be no major problems. But should there be, then he wants to have money in the account to handle same. There are other buildings which need some repair work, following all the summer rentals. Motion was made by Commissioner Willner that Burdette Park be placed on Council Call for November 7th meeting concerning transfer of funds. A second to the motion was provided by Commissioner Cox. So ordered.

RE: COUNTY HIGHWAY - BILL BETHEL

Weekly Absentee Report: The Weekly Absentee Report for employees at the County Garage was submitted for period October 1 thru October 5, 1984.....report received and filed.

Weekly Work Report: The Weekly Work Report for employees at the County Garage was submitted for the same period.....report received and filed. Attached to the Work Report was the following Work Schedule:

Gradall: Baumgart Road, Ashwood Drive and Elmridge Drive

Paved: Old Henderson Road and Roth Road

Tree Crew: Old Henderson Road and Dogwood Drive

Oil Roads: Outer Darmstadt, Neubling Rd., Hornby Lane, Ruston and Roth Rd.

Patch: Elna Kay, Oak Grove Rd/East, Old Henderson Rd., Old Lower Mt. Vernon Rd.

Culvert/West Mill Road: Commissioner Cox asked if the culvert under the drive in the 6900 Block of West Mill Road has been cleaned? Mr. Bethel said that this has been done.

RE: COUNTY ASSESSOR/TRAVEL REQUEST

President Borries read the following request from James L. Angermeier, County Assessor:

October 8, 1984

Vanderburgh County Commissioners:

The following enclosed request for the presence of the County Assessors, throughout the State of Indiana, to be brought together on October 18, 1984, for the purpose of discussing the Indiana Property Appraisers Manual.

The Indiana Property Appraisers Manual, is the guideline and the bible throughout the reassessment procedure.

I feel that, the experience of the last two general reassessments would afford me an excellent opportunity to recommend some interpretations that have caused property owners to appeal.

My request is for mileage only, for one (1) car, transporting all of the members of my office who are involved in Real Estate evaluations.

James L. Angermeier
Vanderburgh County Assessor (continued)

Commissioner Cox noted that the aforementioned is like a District Meeting -- it is not like a State-called Board of Accounts meeting. Therefore, this would not come under mandated funds? Do we have money in our budget? The County Auditor has confirmed that this would not come under the mandated meeting -- to be paid for out of Unappropriated Funds. The Board instructed Mrs. McBride to check on availability of funds. Mrs. McBride returned to the meeting and advised funds are available in the Commissioners' Budget for Travel. Motion was made by Commissioner Willner that Mr. Angermeier's request for travel be approved. Motion was seconded by Commissioner Cox. So ordered.

RE: WATER SERVICE EXTENSION IN HIGHWAY 57 AREA AND TURRIS COAL MINE

President Borries read the following letter from James McIntyre, Director/Utility Administration; in response to discussion at last week's Commissioners' meeting concerning extension of water service to Highway 57 area, etc.:

October 3, 1984

Mr. Rick Borries
Board of County Commissioners
305 Administration Building
Evansville, IN 47708

Dear Rick:

Your letter dated 10-2-84 concerning water service extension in the area of Highway 57 and Turris Coal Mine.

Mr. W. C. Shahan from Houston, Texas, representing Shell Oil Company, owner of the coal mine, made application for water extension line on July 26, 1982. These estimates are numbers 6140 and 6156.

At the present time this project is on hold pending notice to proceed by Shell Oil Company.

Very truly yours,

EVANSVILLE WATER & SEWER UTILITY DEPT.

James McIntyre
Director, Utility Administration

Commissioner Cox indicated she had a question. She said this service is just to go to Ruston Lane and Petersburg and to the mine area? Commissioner Borries indicated that this is correct. Commissioner Cox said there are companies farther north on Highway 57. She is speaking of our businesses out there who are experiencing water problems. This does not address that. Shell will not do this unless they open a mine in the area -- and we do not know when that is going to be. Her point was, to help the economic development and growth for industries out in the county, that the county, itself, should make some effort to see that these services are extended -- especially to the industrial parks. That was her point. She knew that Shell was going to do this for the mine and allow people to tap in. If they didn't want to tap in at this time, Shell is to pay their tap in fee. Commissioner Willner pointed out that this is further south, not further north. There is nothing north of Shell; so, if Shell runs the water lines to their mine, then every business in the town of Daylight will be able to tap on. Commissioner Cox said this is farther out; there are some other businesses beyond that. President Borries indicated he will follow up with Mr. McIntyre. What specific industrial park is Commissioner Cox speaking of? Commissioner Cox said there is Ted Hesley's Diesel Repair, there is one business north of Ted Hesley's that closed because of no water. And there is one on the east side of Highway 57 -- just building and reopening -- and none of those has water. Commissioner Willner said that Commissioner Cox is correct in that a number of businesses need water -- but, they are all south of the mine site. Commissioner Cox asked if the county would be willing to go ahead and push to have these water lines put out there, with the understanding that if Turris Coal did, in fact (and she hopes they do) open their mining operations -- reimburse the county for that portion they were going to pay in the first place? She talked with Mike Ferguson of Shell in Houston, and he is amenable to any suggestions the County Commissioners might have -- concerning a proposal for Shell to consider along this line. Commissioner Willner said

(continued)

he is of the opinion that the Board should ask the County Engineer to make a survey -- and talk to all businesses and homes who might want the water service -- and if the County can do something other than dollars (because he does not know where we would get the dollars) than they should. President Borries asked Commissioner Cox if she has a specific item when she says "pushing for dollar figure"? Commissioner Cox said she did not. But it would not be any more than the cost estimate they gave to Turris Coal. Commissioner Willner asked where the County would get the dollars? Commissioner Cox said the County has uncommitted Local Option Income Tax monies. President Borries said it has not yet been determined. Commissioner Cox said she is afraid that if the County doesn't act as though they need that money -- then it is not going to be demonstrated that the County needs their share of that money. President Borries said he thinks Commissioner Willner's suggestion to have the County Engineer make a survey is a good suggestion -- to see, first of all, what needs exist in that area -- and continue to talk with Mr. McIntyre concerning schedules of where or when those water lines would be extended into that area. Perhaps if there is enough interest on the part of those affected businesses and nearby residents, the project could be speeded along. Turris Coal is a major concern in that area, since if they find a buyer for the coal they would definitely want those water lines extended to their property.

Mr. Easley asked if Turris is going to pay for the total cost of the extension? Or, would they want to be reimbursed if somebody connects to it? Commissioner Cox said the agreement, as she understands it, is that they were going to pay to have the line run to Ruston Lane. Any of those people who wanted to use the City water would pay their tap-on fees. Those who said they have a well and do not want City water, then Turris Coal would pay that share of that owner who did not want to participate. Then, in the future, if that owner then decided to participate in the City water, that portion they paid would then revert back to Turris Coal -- the party who paid it in the first place. President Borries said that, depending upon where those lines would be extended -- Turris Coal would be farther north than the Daylight area so, again, it would depend upon where those lines would be extended. If Mr. Easley could make contact with persons in the Daylight area, then we could get some type of reading.

Mr. Easley said there are a number of families on Petersburg Road who would love to have City water. If there were some way that line could go along Petersburg Road, there would be a lot more customers -- but that's west. The distance that line would have to travel probably wouldn't be all that great. The coal operation is actually going to be just east of Petersburg Road. Commissioner Cox (in addressing Mr. Easley) said that if all things go, the coal company has an option -- if everything can be settled to buy all those homes -- from Ruston Lane it would be north of Petersburg Road. Are any affected who would be south of Ruston on Petersburg Road? Mr. Easley said there is not really all that much of Petersburg Road that is east of the northerly prolongation. There isn't that much of Petersburg Road that is east of there. Mr. Easley said that perhaps we should concentrate on frontage or look at Petersburg Road -- he doesn't know how much water line is actually east of Green River Road on Highway 57. Commissioner Cox said she thinks individuals in that area are depending upon wells or having water hauled. But she thinks we should definitely look at the Highway 57 corridor. Commissioner Willner suggested that Mr. Easley look at both areas -- we might get a loop. Mr. Easley said he thinks those people would love to have something like German Township has...a small diameter affordable PVC water system. They feel they cannot afford the \$16.50 per foot that the Evansville Water Department has to charge for a main system.

RE: COUNTY ENGINEER - ANDY EASLEY

Getting back to the meeting agenda, President Borries asked Mr. Easley if he has anything for the attention of the Board today? Mr. Easley said he has nothing requiring action on the part of the Commissioners. He is, however, working on several things. Carrol Erhler from the Highway Department noted that we left out a sentence on a legal description re the Euler transaction. Mr. Easley said he had talked with Mr. Johnson and he has indicated that if Mr. Easley will show him where it is, he will have deed re-typed for signing. Other than that, things seem to be going smoothly at this time.

With regard to request concerning water lines, President Borries asked that Mr. Easley contact Mr. Jim McIntyre in the City Utility Department -- as he would be the important contact person concerning said water lines.

(continued)

RE: COUNTY SURVEYOR'S OFFICE - BILL JEFFERS

Bridge & Guardrail Repair Report/Week 10/1/84 thru 10/5/84: Mr. Jeffers presented copies of subject report.....report received and filed.

Delaware Street Overpass: They put the expansion joints back into the concrete deck. This project was completed last Thursday morning (October 4th). Surveyor's office will probably recommend to the City Highway Department that they not use the steel blade snow plow on that -- so we don't have to repeat repairs next year. Hopefully, they can utilize rubber-bladed plows.

First Avenue Guardrail: On Thursday, October 4th, work was begun on installation of approximately 750 ft. of guardrail between the new First Avenue Bridge --north along the east side of the street -- to the entrance to Kley Meyer Park, to prevent vehicles from going into the football field. He said he does not know if the Commissioners have seen this yet. As of yet, it is unpainted. He thinks it looks o.k. as is, without the orange stripes they use on guardrail placed out on the country. He is not certain the Board wants the orange stripes used in the city. Commissioner Cox said she has seen it and it looks nice.

Claim/Rig-Mar Contracting, Inc.: A claim to Rig-Mar Contracting, Inc. in the amount of \$157,247.85 for work on the Maryland Street Bridge thru October 4th was presented for approval. This is minus previous payments to date, less 5% retainage. Attached to the claim was a detailed sheet, indicating that most items are 100% complete, with the exception of the steel reinforcing and epoxy resurface seal. On those items 100% complete, Rig-Mar is asking 95% payment. On stored quantities (quantities which are stored on the job site for which they have already paid -- or are presently being billed by the suppliers) -- the State allows the County to pay up to 65% on these items. President Borries advised that subject claim has been reviewed by Bob Brenner, County Surveyor. Motion to approve claim for payment was made by Commissioner Willner. A second to the motion was provided by Commissioner Cox.

Acceptance of Insurance Check: Mr. Jeffers said that on the good news side-- he has received a check from Motorists Mutual Insurance Company/Columbus, Ohio, in the amount of \$555.00 for damage to a piece of guardrail at Oak Hill and Lynch Roads -- where someone decided to go straight in the middle of the night. Mr. Jeffers said repairs were made with supplies on hand, and then the insurance company reimbursed them via subject check. Motion to accept check was made by Commissioner Willner, with a second from Commissioner Cox. So ordered.

North 5th Avenue Bridge over Pigeon Creek & Green River Road over Pigeon Creek: The Commissioners had expressed concern during the last meeting re dips and potholes, etc. Mr. Jeffers said he has looked at these areas. As soon as the weather dries up somewhat, these will be patched with some kind of epoxy. On the 5th Avenue Bridge, very few of the potholes were previously patched. Cropping up now are areas around what was repaired and new areas. Less than half of what needs to be repaired has previously been repaired.

RE: BIDS FOR CARPETING, PAINTING & WALL COVERING FOR AUDITORIUM

County Attorney David Jones said there were a total of five (5) bids submitted:

- 1) Carpetland, U.S.A./Evansville, IN: Carpeting ONLY
Bid was NOT in order. No Bid Bond and Check submitted was a regular check. State Law and the Specs require that check be either a Cashier's Check or Certified Check. BID THROWN OUT.
- 2) Carpets from The Designer Collection/Evansville, IN: Bid IN ORDER. Bid was only as to carpet in the amount of \$24,954.45. Certified Check in amount of \$1,245.00 included.
- 3) Wedel Interiors, Inc./Evansville, IN: Bid IN ORDER. Bid on carpet in the amount of \$26,592.30. Bid on wall covering in amount of \$6,043.50. No bid on painting. (Bid Bond for 5% of Maximum Amount of Bid included.)

(continued)

- 4) Hormuth Drywall & Painting Service/Evansville, IN: Bid Bond for 5% of Bid Amount enclosed. Bid on carpeting in the amount of \$29,500.00. Bid on Painting & Vinyl Wall Covering in amount of \$14,395.00. Inasmuch as specs had three (3) separate areas to bid on, Attorney Jones said this is not a responsive bid to the latter.
- 5) Simms Painting Co., Inc./Evansville, IN: BID THROWN OUT. This was a lump sum bid of \$39,915.00 for all three (3) items. Therefore, it is impossible to delineate it line item-by-line item and it cannot be compared to any other bid.

County Attorney said bid from Hormuth on Painting & Vinyl Covering should also be thrown out because the two items were combined -- unless the Commissioners want to re-bid these things again. Commissioner Cox asked Attorney Jones if there is no bid for the painting? Attorney Jones said the bid is not separate. There is a lump sum bid. Commissioner Cox said what she means is, if we take the recommendation to reject the Hormuth, Simms and Carpetland bids -- do we have any bid at all on the painting? The attorney said there is no separate bid on the painting.

There was a question from the floor as to why a combined bid could not be submitted on the three (3) items? President Borries said he will let the County Attorney address that. But when the bid specs separate the items, it would be impossible for the Commissioners to determine what is the lowest bid from that standpoint.

Attorney Jones said he thinks the problem now with it is that somebody who put in a combined bid knows what everyone else has bid for a specific item -- and it is too easy to carve out what is favorable. It would be his recommendation to throw out all the bids and do them over again and require that it all be separate and the Commissioners not allow a combined bid. Otherwise, the Board will have to go with what they have -- and still not have the painting done. So, the painting would have to be let for bid again anyway -- since there was no acceptable bid on the painting portion. But, in terms of fairness to everyone who bid, he doesn't see how the Board can let someone carve out something out of a lump sum bid.

Commissioner Cox noted that the only way would be if Purchasing had an estimate in mind for all three items -- and then they could tell if the combined bids were within reason. She asked Mr. Dorsey if he has such estimates? She doesn't expect him to give out the estimates to the public, but does he have a ballpark figure comparable to an engineer's estimates when consideration is given to building a bridge? Mr. Dorsey said he does have some estimates on the amounts expected -- at least ballpark on what they expected the bids to be. He suggested that he, Mr. Bitz and Mr. Rhoades could evaluate the bids; they can at least look at the combined cost of the one bid in comparison to the various packages, which will give them an idea as to whether the bid is at least comparable. It would mean, of course, that they could not award that particular bid line item-by-line item since it is not broken out. But assuming it is the lowest total package, it could conceivably still be awarded.

Commissioner Willner stated that the Board is in a bind insofar as time limit is concerned, due to scheduled events at the Auditorium. Could Messrs. Dorsey, Bitz and Rhoades evaluate the bids and get back to the Commissioners prior to adjournment of today's meeting? A decision should be made today as to whether we have to re-advertise or will accept bids received for consideration (which were in order).

RE: COUNTY ATTORNEY - David Jones

IDOH CLAIM/Lynch Rd. & St. Joe: Attorney Jones has reviewed the claim received from the Indiana Department of Highways with respect to St. Joseph Avenue and basically finds that it is acceptable, appropriate, and conforms with the settlement that was previously reached -- although he must be candid and say that he did not expect to get any money back. He thinks when this whole thing with St. Joseph Avenue and Lynch Road started, we were facing six (6) figures in payback to the State. Notwithstanding that it has been a long, tortuous road to get here and taken several years, he is glad to see the County receive any amount of money out of this -- let alone not have to pay anything back.

President Borries asked if Attorney Jones knows whether this is the final claim on Lynch Road and St. Joe? Attorney Jones said this is only Lynch -- and this will close that matter out. After this thing started, the Federal Government changed the way of doing this. We, in effect, got more money pumped into both projects. In talking with IDOH

(continued)

officials, it is his understanding that the reason the St. Joe Avenue matter is slower than the Lynch Road matter is that they are also attempting to get some money added in for the County's benefit for work that was done before the Notice to Proceed. Otherwise, the County would have paid the approximate \$9,000 out-of-pocket. But that may be funded, as well. So there may be better news on that one.

Continuing, Attorney Jones said this is the County's claim to the Indiana Department of Highways for reimbursement for about \$34,000.00 off of Lynch Road. Commissioner Cox asked if Andy Easley prepared the claim? Attorney Jones said the claim was prepared by the State and forwarded to Evansville. Commissioner Cox asked Mr. Easley if he presented this claim last week? Mr. Easley said he gave it to Attorney David Miller last week for transmittal to Attorney David Jones. President Borries explained that Attorney Jones is the individual who has run the figures on this for four (4) years. Attorney Jones said he didn't want to do that to Mr. Easley. He is not trying to side-step the County Engineer; but this was such a can of worms that it would have taken Commissioner Cox interrupted that she was merely trying to familiarize herself with the document and determine if it is the one which came before the Board last week? Attorney Jones said that the County did not get charged for some work done by the State; why, he doesn't know. And, he doesn't want to pick at it. He just wants to get the money from the settlement and put this one to bed! Motion was made by Bob Willner that said claim be approved. A second to the motion was provided by Commissioner Cox. So ordered. (Mr. Easley will forward to State Highway Department.)

Inter-Governmental Agreement-City-County/Health Department: Said agreement has been reviewed by Attorney Jones and it appears to meet the form of existing agreements. The funding and representation formula are, he assumes, to be related in that the County only appoints one (1) member to the Board and the Mayor appoints the other six (6). Since funding is on a per capita basis, the County's share of the budget is in relation to the population of the County outside the City, it appears to him to be pretty well equal. Following his recommendation that Agreement was acceptable insofar as form is concerned, said Agreement was approved by the Commissioners earlier in the meeting. As soon as County Council has approved said Agreement, copy should be given to Joanne Matthews so she, in turn, can forward a copy to American Publishing Company for inclusion in new Supplement to Code of Ordinances.

RE: CLERK OF THE CIRCUIT COURT - MONTHLY REPORT

Report from the Clerk of the Circuit Court for period ending September 28, 1984 was submitted.....report received and filed.

RE: BUILDING COMMISSION - MONTHLY REPORT

Report from the Building Commission of Permits Issued for Month of August, 1984, was submitted.....report received and filed.

RE: CERTIFICATE OF INSURANCE

Whirlpool Management Club: A Certificate of Insurance re business meeting of Whirlpool Management on October 16th at the Auditorium (Heston Insurance Agency) was submitted.... received and filed.

RE: SCHEDULED MEETINGS

Auditorium Advisory Board Meeting: To be held at 4:00 p.m. tomorrow (October 9th) at the Auditorium.

RE: OLD BUSINESS

There was no old business to be discussed.

(continued)

RE: CLAIMS

Helen Kuebler: Claim in the amount of \$262.88 for Clerk's Meeting (State Board of Accounts) for meeting in Ft. Wayne, IN. Total amount includes meals and lodging for two (2) nights and mileage (612 miles) @ 24¢ per mile. Commissioner Cox asked if said claim has been checked by the County Auditor? Mrs. McBride had not checked the claim, but indicated she could do so at this time. Upon Mrs. McBride's verification that claim was in order, motion was made by Commissioner Cox that the claim be approved for payment. Motion was seconded by Commissioner Willner. So Ordered. Mrs. McBride requested that Mrs. Meeks send claims of this nature to the Auditor's office (Gloria Evans) for approval prior to submitting to Commissioners for approval.

Evansville-Vanderburgh County Building Authority: President Borries said that Jim Lindenschmidt, Executive Assistant, has really done a fine job in the very complicated activities -- there are many activities when you're dealing with huge amounts of services and changes that come before the Commissioners. He asked that Mr. Lindenschmidt explain said claim and why it is being made to the Building Authority. Said claim is part payment of the County's share of the new Telecommunications Sytem for the Civic Center. We have had \$109,608.07 in a special account as a down payment for part of the County's share of the phone system in which we're participating with the City of Evansville and the Evansville-Vanderburgh County School Corporation. The Building Authority at this time has continued to pay portions of the installation fees, etc. The subject claim will represent a significant downpayment for our share of the cost of purchasing the new phone system, switches, etc.

Mr. Lindenschmidt explained that the Building Authority was billed for \$302,000 as a partial payment as the percentage went up and Mr. Gil Ruston told him that they had depleted their account. Mr. Lindenschmidt said he talked with President Borries and County Auditor Alice McBride about the fund we had set aside -- and whether we could go ahead and pay this amount to help them out, since our share will be more than the \$109,607.07 anyway. This would be a partial payment for us and would help the Building Authority since their pocketbook is low. The money has been sitting in this special account for two (2) years and they can use it right now. President Borries said this amount will be credited to our unit of government. Mr. Lindenschmidt said we do not know at this time what our total bill will be -- since everything is not completed, and they do not have the exact figures yet. The claim has been signed by Mr. Gil Ruston, General Manager of the Building Authority. Motion was made by Commissioner Willner that the claim be approved for payment, with a second from Commissioner Cox. So ordered.

Alice McBride: A claim in the amount of \$251.52 for State-called meeting, including mileage, lodging and meals. Motion was made by Commissioner Willner that claim be approved for payment, with a second from Commissioner Cox. So ordered.

Peggy Powless: A claim in the amount of \$44.00 for State-called meeting, meals only for two (2) days at \$22.00 per day. Motion to approve claim for payment for First Deputy in Auditor's office was made by Commissioner Willner, with a second from Commissioner Cox. So ordered.

RE: EMPLOYMENT CHANGES - APPOINTMENTS

Soil Conservation Service

Rebecca J. Kachanuk 4216 Big Cynthiana Rd. Dist. Coord. \$10,885/Yr. Eff: 10/4/84

Election Office

Beulah Evans	1100 Erie	Dep. Clk.	\$ 4.05/Hr.	Eff: 10/1/84
Edna L. Henry	305 N. Tekoppel	Dep. Clk.	\$ 4.05/Hr.	Eff: 9/24/84

RE: EMPLOYMENT CHANGES - RELEASES

Election Office

Charlene Luker R.R.#7, St. Joe Rd. Dep. Clk. \$ 4.05/Hr. Eff: 9/28/84

(continued)

COUNTY COMMISSIONERS
10/8/84

RE: COUNTY SURPLUS PROPERTY AUCTION

President Borries announced that the County Surplus Property Auction will be held at the County Highway Garage at 10:00 a.m. on Saturday, October 13th.

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

* * * *

RECONVENED SESSION
COUNTY COMMISSIONERS' MEETING
October 8, 1984

RE: AWARDING OF BIDS FOR WORK AT VANDERBURGH AUDITORIUM

Immediately after adjournment, Messrs. Dorsey and Bitz entered the meeting room, having evaluated the bids submitted for Carpeting, Painting and Wall Covering for the Vanderburgh Auditorium. President Borries subsequently announced that the Commissioners' Meeting would be reconvened at 3:36 p.m.

Mr. Tom Dorsey said the bids submitted were evaluated and, on the basis of their evaluation, they recommend the Board award bids as follows:

- 1) Installation of Carpeting - to Carpets from the Designer Collection in the amount of \$24,954.45. (Bidder did not bid on painting or wall covering.)
- 2) Painting & Wall Covering - to Hormuth Drywall & Painting, Inc. in the amount of \$14,395.00

The above represents a total package price of \$39,349.45. Mr. Dorsey pointed out that the lump sum bid received from Simms Painting Co., Inc. for all three (3) items was in the amount of \$39,915.00. The two (2) bids awarded to Designer Collection for carpeting and to Hormuth for painting and wall covering is still lower than the lump sum bid presented by Simms.

Commissioner Willner asked Mr. Bitz if he has any idea when the recommended bidders could start? Commissioner Cox asked if the bid specs did not indicate that work was to be completed by October 24th? Commissioner Willner asked if both recommended bidders are agreeable as to the completion date and ready to begin? Mr. Bitz indicated that they are.

Motion was subsequently made by Commissioner Willner that the Board award bids as recommended by Messrs. Dorsey and Bitz. A second to the motion was provided by Commissioner Cox. So ordered.

There being no further business to come before the Board at this time, the reconvened session was adjourned by President Borries at 3:45 p.m.

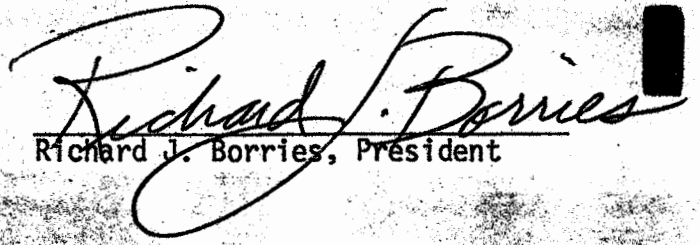
<u>PRESENT:</u>	<u>COMMISSIONERS</u>	<u>COUNTY AUDITOR</u>	<u>COUNTY ATTORNEY</u>
	Richard J. Borries Robert L. Willner Shirley Jean Cox	Alice McBride	David L. Jones
	<u>SURVEYOR'S OFFICE</u>	<u>COUNTY ENGINEER</u>	
	Bill Jeffers	Andy Easley	

588.

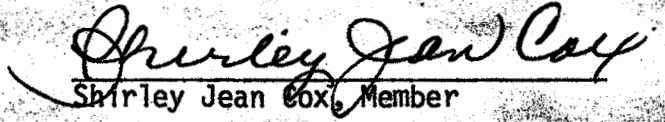
COUNTY COMMISSIONERS
10/8/84

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SECRETARY: Joanne A. Matthews


Richard J. Borries, President

Robert L. Willner, Vice President


Shirley Jean Cox, Member

529.

MINUTES
COUNTY COMMISSIONERS' MEETING
October 15, 1984

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MINUTES
COUNTY COMMISSIONERS' MEETING
October 15, 1984

The meeting of the Board of County Commissioners was held on October 15, 1984, at 7:30 p.m. in the Commissioners' Hearing Room, with President Borries presiding.

President Borries announced that Tom Massey of the law firm of Bowers, Harrison & Kent is present tonight to represent the County Attorney.

Commissioner Willner is currently out of town, but is scheduled to return in time for next week's Commissioners' meeting.

The Chair entertained a motion concerning approval of the minutes of the previous meeting. Commissioner Cox indicated she had one comment concerning the minutes. On Page 11, Paragraph 2 -- where it states "that she was trying to familiarize herself with the document and determine if it is the one which came before the Board last week".....Attorney Jones did verify that it was the same. With that clarification, motion was made by Commissioner Cox that minutes of the meeting held on October 8th be approved as engrossed by the County Auditor and the reading of same be waived. The motion was seconded by President Borries. So ordered.

VC-13-84, Petitioner, Phillip & Mary Hedrick: President Borries announced that rezoning petition VC-13-84 previously scheduled for First Reading at tonight's meeting has been withdrawn.

VC-14-84, Petitioner, Dan Fonner: Owner of the property is the Order of the Moose Lodge 85; said property is located at 4360 Upper Mt. Vernon Rd. Existing land use is a Private Club and proposed use is a Catering Operation - Commissary & Party Room. Motion was made by Commissioner Cox that VC-14-84 be approved on First Reading and forwarded to the Area Plan Commission. A second to the motion was provided by President Borries. So ordered.

VC-11-84 (Third Reading) Petitioner, James A. Bauer: President Willner said this property is located within the town limits of Darmstadt; therefore, it must be considered by the Darmstadt Town Board. Beverly Behme of APC was present and commented that they approved this petition in their Town Board meeting on Thursday of last week.

VC-12-84, Petitioner, Richard Bengert: Attorney Daniel Hewins was present to represent Mr. Bengert (and Mr. Bengert was also present to answer any questions which might be posed). Attorney Hewins said the requested zoning is C-4 of an approximately one (1) acre tract, which is presently zoned Agricultural. This property is located on McCutchan Road just south of Baseline Road in the county. It is located immediately behind a presently zoned C-4 tract, which is used for an automobile repair business and service station. Said property is surrounded by property presently owned by the Bengerts and, as mentioned, as you face the front of the road -- it is immediately behind present C-4 zoning. The proposed use of this property by the Bengerts is to erect a commercial building for the purpose of storing automobile parts and autos, themselves, to get them out of public view. The work presently done at the business is primarily auto repair and servicing, as well as trucks and farm equipment for farmers and residents in the area, as well as business from some individuals who live in town. The petitioners understand fully and agree that this property will not be used as an auto salvage yard. Neither the Bengerts or their legal representatives are aware of any objections from those who live in the neighborhood, members of the APC or any other individual. Therefore, they are seeking approval of this petition. Attorney Hewins said if there are any questions he will try to answer same and, of course, Mr. Bengert is here for that purpose, also.

Commissioner Cox said she had no questions -- just a comment, which was addressed by Attorney Hewins...that previously concerns had been expressed that the granting of this additional C-4 ...that it would become a storage yard, junk yard or salvage yard. Attorney Hewins has stated very plainly here that that is not the case -- and petitioner is simply asking to expand a present C-4 zoning granted in the past. Attorney Hewins verified that Commissioner Cox is correct.

The meeting continued with President Borries asking if there were any remonstrators in the audience who wished to speak concerning subject rezoning petition. There being none, the Chair entertained a motion. Commissioner Cox moved that VC-12-84 be approved on Third Reading. A second to the motion was provided by Commissioner Cox. The President then asked for a roll call vote:

Commissioner Cox - Yes
Commissioner Borries - Yes

(continued)

RE: MOERS WOODY KNOLL SUBDIVISION

Drainage plans for this subdivision were approved in Drainage Board Meeting held on October 1, 1984. Commissioners Borries and Cox had a lengthy discussion with County Engineer Andy Easley and Beverly Behme of the Area Plan Commission, after which President Borries stated that, for record purposes, said discussion concerned a professional opinion re the waiving of curb and gutters and sidewalks from the new County Subdivision Code on the Moers Woody Knoll Subdivision. The Commissioners have taken the matter under advisement and will defer a decision on this for one (1) week.

RE: COUNTY HIGHWAY - BILL BETHEL

Weekly Absentee Report: Absentee Report for employees at the County Garage for period of October 8th thru October 12th was submitted.....report received and filed.

Weekly Work Report & Schedule: The Weekly Work Report for employees at the County Garage for same work period was submitted.....report received and filed. Attached to the Work Report was the following Work Schedule:

Gradall: Re-worked road on Baseline and Old Petersburg Roads

Paved: Roth Rd., and Smith-Diamond

Tree Crew: Boonville-New Harmony Rd., between Petersburg Rd. and Highway 57, Browning Rd.

Patch: Lynn Rd., Bayou Creek, Allen Rd., Crowley, Burkhardt, Old Boonville Highway, Old Henderson, Green Briar and Meadow View Drive.

Trash: Lynn Rd., Bayou Creek, Allen Rd., Burkhardt, and Millersburg Rd.

Grader: Baseline and Petersburg Rds., Sensemeier, Neubling, Ridgewood Dr., Eissler Rd., and Fitzgerald Rd.

Rocked: Baseline, Old Petersburg Rd., Happe Rd., Long Rd., Ridgewood Dr., and Fitzgerald.

Speed Limit on Kuebler Rd. (near Big Cynthiana & Meier Rd.): Commissioner Cox asked Mr. Bethel if he knows what the speed limit is on Kuebler Rd. between Big Cynthiana and Meier Rd.? Mr. Bethel said he was not familiar with same. Commissioner Cox then asked that Mr. Lindenschmidt look this up in the Code of Ordinances to see if there is a speed limit restriction. She said she did not have an opportunity to get out there to look, but the residents said there is just one "35 MPH" sign posted along that road and they are really complaining about traffic traveling about 60-65 MPH. They evidently are using Kuebler Rd. to cut up from Mill Road in the North Park area to Mesker Park and around and picking up Orchard Rd. (or whatever you pick up) and come around and use that. Mr. Bethel said most of those roads are 40-45 MPH. But whatever signs need to be put up, they will be glad to put them up. Commissioner Cox said they would like the 35 MPH signs posted again; they seem to think that is what the speed was out there. Actually, it should be 35 MPH, because Kuebler Rd. is narrow, curvy and hilly. Could Mr. Bethel check this out? He said he would have signs posted.

Mr. Bill Jeffers, Chief Deputy in County Surveyor's Office, said that while he is not a traffic study person, he thinks what is happening in that area -- Wimberg Road up to Kratzville Road used to be so bad (they still have a sign up that says "Rough Pavement" from the city limits -- railroad tracks on up to Kratzville) the City did their part of it and this year the County Highway paved our part of it -- and the County also did underneath the railroad underpass, which had very bad potholes. Now all of a sudden, the traffic count on that road has really jumped -- that is the short cut he has always used to get to the County Garage from his house. He has noticed every morning that this road is really being used. This traffic may be scooting on up to Meier Road and out towards the St. Joe area. Previously they used Mill Road. Now they're using Meier and Kuebler Roads. That might be why those people are noticing a big increase in traffic. Every time we pave a road, that's the one they use first.

(continued)

COMMISSIONERS MEETING
October 15, 1984

Page 3

RE: COUNTY ATTORNEY - Tom Massey

National Revenue Corp. Collections: Attorney Massey said the National Revenue Corp. matter was being returned to the County Treasurer's office, since it is not the responsibility of the County Attorney. President Borries accepted the correspondence and accompanying documents for transmittal to County Treasurer Lew Volpe. Letters were from County Attorney David Jones and Michael Niemeyer, District Manager for National Revenue Corp., as follows:

September 18, 1984

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

RE: National Revenue Corporation Tax Collections

Dear Commissioners:

Attached hereto please find a copy of the correspondence from Michael Niemeyer, District Manager for National Revenue Corporation, regarding their review and recommendations concerning collection of delinquent personal property taxes. Please note that his letter offers a reduced fee from that which appears in the contract.

Very truly yours,

BOWERS, HARRISON, KENT & MILLER

David L. Jones, County Attorney

* * * * *

September 18, 1984

Bowers, Harrison, Kent & Miller
4th Floor
Permanent Federal Savings Building
Evansville, IN 47708
Attn: David Jones, Attorney-at-Law

Dear David,

Last week, while making preparations to begin collection work on 1983 delinquent personal property taxes in the Treasurer's office, Bob John and I reviewed all of the accounts that have completed our prelitigation efforts without responding to pay. Using account balances over \$500.00 as a starting point, we selected some 50 accounts located in Vanderburgh County totalling some \$100,000 and an additional 25 accounts located outside of Indiana totalling some \$75,000. All of these accounts have good addresses and have received both personal as well as written communication from National Revenue and we strongly recommend to the Commissioners that legal follow-up be authorized.

The firm representing NRC in Evansville is Mitchell, Staser and Shaw. After meeting with Mr. Shaw last week he was to contact Lew Volpe and discuss individual accounts. With a history of Vanderburgh County judicial decisions siding with the county, he is recommending pursuing any accounts over \$200 on a contingency fee basis. National Revenue would not require a forwarding fee on any accounts referred in Vanderburgh County. On any account referred to National Revenue for forwarding to a network attorney outside Indiana, the account management fee would be \$25.00 per account. This fee would be in lieu of the \$47.50 which appears on each copy of the Document of Authorization to Commence Litigation. If the Commissioners have any questions, please feel free to call either Bob John or myself.

Very truly yours,

COMMISSIONERS MEETING
October 15, 1984

Page 4

Michael Niemeyer
District Manager

cc: Lou (sic) Volpe, Vanderburgh County Treasurer

(Note: Original correspondence and documents transmitted to Mr. Volpe
on 10/16/84 at 8:30 a.m.)

* * * * *

Continuing, President Borries explained that the foregoing are additional revenue items and what Attorney Jones has said is that Mr. Volpe can begin his proceedings on those if they are found locally. If not local -- but in the State of Indiana -- he can contact other County Treasurers who can begin to make efforts to collect. On those items out-of-state, then a licensed attorney in whatever state these people may be found would have to be hired. President Borries said he would assume the \$500.00 starting point would be adequate for Court Costs, if there were any. Under that, by the time Court Costs are included, it might not be feasible to even bother to collect them. There is also a problem with delinquencies on several; so, at this point, the County Attorney feels that on what can be handled here we should enter an appearance and file same. Several of the accounts amount to \$37.00, \$54.00 -- low figures.

RE: COUNTY SURVEYOR - BILL JEFFERS, CHIEF DEPUTY

Bridge & Guardrail Repair Report: Mr. Jeffers submitted the Bridge & Guardrail Repair Report for period 10/8/84 thru 10/12/84, indicating that it is self-explanatory.

Fitzgerald Drive: Mr. Jeffers indicated he was puzzled when Mr. Bethel mentioned "Fitzgerald Road" during his report; somewhere along the line he's missed this one. Where is it? Commissioner Cox said it is really "Fitzgerald Drive"; and is located off Burkhardt Road per Mr. Bethel....and is a county accepted road and they have maintained it for quite some time.

Maryland Street Bridge: Construction of the Maryland Street Bridge is on schedule -- in fact, possibly a few days ahead of schedule. Hopefully, they can pour the deck on October 17th. All of the other concrete has cured real fast. If they get good curing time on the deck, they may be open a few days after October 17th. The maximum would be twenty-one (21) days. If they get a good concrete test on the 14th day, they could possibly open fifteen (15) days after the deck is poured.

RE: COUNTY ENGINEER - ANDY EASLEY

Eichoff Road Project Progress Report: Copies of the Monthly Status of Progress Report on Eichoff Road were presented to the Board by Mr. Easley. This project seems to be slightly behind schedule, but the steepness of the curve on the chart indicates that it is going to be back on schedule shortly.

Claim Voucher for Final Settlement on Lynch Road: Mr. Easley said he had forwarded the Claim Voucher on Lynch Road in the amount of \$34,040.12 to the IDOH for the amount owed the County on Lynch Road engineering. He provided the Board members with copy of transmittal letter.

Cost Estimate/Creasey Company Building Modifications: Mr. Easley said the following letter has been forwarded to Mr. Stephen Dilk, Area Engineer/IDOH:

October 15, 1984

Mr. Stephen M. Dilk, Area Engineer
Division of Local Assistance
Indiana Department of Highways
100 North Senate Avenue
Indianapolis, Indiana 46204-2249

Re: M-E185(2) Lynch Road, Road Portion from U.S. 41 to Oak Hill Road

(continued)

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Dear Mr. Dilk:

This letter is to advise you on the status of the Lynch Road Project.

1. The regulatory signs which were located off the right-of-way are not objectionable to the property owners along the road frontage. If your office and the FHWA would agree, the City-County Traffic Engineer and the undersigned would like to obtain formal permission from the property owners to allow the signs to remain in their present location. Please advise us if this would meet with your approval.
2. The undersigned has been in contact with Mr. James Ruey of the Marathon Oil Company, Real Estate Department.
3. The undersigned believes the easiest solution to the problem with the Marathon Service Station Sign is to grant the company a permit to allow the sign to remain. If your office and FHWA would agree, the undersigned will contact the IDOH Vincennes Office for assistance in preparing a permit. Please advise us if this would meet with your approval.

The Marathon Oil Company Real Estate Department has advised me that they had received an estimate of \$2,500.00 to relocate the sign. This seems high to the undersigned. If relocating is the only solution, who has to pay the cost of moving the sign?

3. The undersigned has previously sent your office the cost estimate from the Seaboard Railroad on relocating the railroad switch in Lynch Road. We are enclosing two (2) copies of a construction plan for the building modifications that will be required for the Relocation of the Railroad Car Overhead Door of the Creasey Company, together with a cost estimate for the work.

We are confident the Creasey Company building can be modified for a maximum of \$15,000.00 and hope your office and the FHWA will agree to the scope of the work for this portion of the switch relocation work.

We apologize for the amount of time it has taken us to prepare the construction plans for the Creasey Company building and compile a final cost estimate.

Please contact the undersigned if any additional information is required.

Very sincerely,

R. Andrew Easley, Jr.
County Highway Engineer

cc: County Commissioners
Mr. Lee Gallivan, FHWA

Mr. Easley said he spoke with Mr. Lee Gallivan today and he thought the cost estimate was reasonable on the Creasey Company building modification and he thinks they will probably get that approved very quickly. He said he came up with the cost estimate based on some solicited proposals for the work, breaking it down into five (5) sections. As he has said in the past, Seaboard has said their work will be \$22,000 -- to take up the track and slide it north. Hopefully, we can get started shortly.

Maintenance Inspection Report of Federal Funded Projects in Vanderburgh County: A letter has been received from Stephen M. Dilk, Area Engineer IDOH, including the Inspection Report concerning Federally Funded Projects in Vanderburgh County in connection with the recent tour taken by Mr. Lee Gallivan. Letter read as follows:

(continued)

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COUNTY COMMISSIONERS
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Board of County Commissioners
Vanderburgh County Courthouse
Evansville, IN 47708

Attn: Andy Easley

Dear Sir:

Attached herewith is a maintenance inspection report of federal funded projects in Vanderburgh County for your review and file. The report is the result of a maintenance review of completed federal aid projects performed by the FHWA in July of 1984. The review and report noted several significant findings which are related to the Vanderburgh bridge/structures program.

The report concludes that the county officials are aware of their maintenance responsibilities on completed federal aid projects. The report stated that the level of maintenance on the road projects is satisfactory, but is lacking on the bridge/structure projects.

Therefore, the county is requested to address the following. Please provide an explanation of the lack of bridge maintenance on the noted structures; take steps to resolve the current deficiencies and; list what steps will be incorporated to initiate an active bridge maintenance program.

There will be follow up activities in this matter. Please accomplish the necessary work in the field and address the above comments/requests in writing to our office.

The FHWA is planning another field inspection in six months, due to the severity of the bridge related problems, to determine if your activities in this matter are sufficient. Please submit your answer to the above comments/requests to our office within 60 days. If there are any questions, please let me know.

Very truly yours,

Stephen M. Dilk, Area Engineer
Division of Local Assistance

cc: Lee Gallivan - FHWA
Paul Owens

Continuing, Mr. Easley said there were minor comments and he has noted some maintenance that needs to be done. However, he believes they are fairly happy with the way the County has taken care of the federal aid projects. Commissioner Cox said she was just perusing the inspection report and notes that it points out the fact that we do not maintain a log of completed projects nor do we identify specific projects for maintenance. Mr. Easley said he remembers reading that and he thinks we will have to take action to satisfy the FHWA on this. Commissioner Cox asked if they require this on the federal monies they participated in? Mr. Easley said he does not know. He said that apparently there is some stipulation that needs to be done.

RE: LIAISON TO COUNTY COMMISSIONERS - Jim Lindenschmidt

Speed Limit/Kuebler Road: Mr. Lindenschmidt stated that he checked the Code of Ordinances and could find no posting concerning speed limit on Kuebler Road. He said that in checking some of the roads in that immediate area, the speed limit seems to be 35 miles per hour. Commissioner Cox expressed her appreciation to Mr. Lindenschmidt for checking this matter out.

County Surplus Property Auction: The auction of county surplus property was held, as scheduled, this past Saturday morning. Grossed on the sale was \$3,531.00. Things seemed to go well, despite the downpour of rain the early part of the morning. A report on the net receipts will be available in about ten (10) days.

(continued)

Commissioner Cox asked if we got rid of everything? Mr. Lindenschmidt said the only thing left was some Addressograph plates. Nobody seemed to want those. He asked Benny Gossar to take them to the salvage yard this morning -- and he thinks he's out there loading those up now. They were piled on the ground out at the auction and the rain got to the boxes -- and it was a mess.

Truck: Mr. Bethel said an old truck, which was sold at the last auction (a year ago in March) is still sitting out there and he asked that it also be hauled off. Motion was made by Commissioner Cox that the old truck also be hauled off. A second to the motion was provided by Commissioner Borries. So ordered.

Telephone Update: A meeting is scheduled Wednesday morning with the telephone people at which time Mr. Lindenschmidt is to receive an update of everything that's going on. Most of the off-premise locations are already in the new system. Mr. Lindenschmidt asked the news media individuals present if it would be possible to publish the new telephone numbers of the County and City Garages:

County Garage	428-0573
City Garage	428-0622

Mr. Lindenschmidt said problems are being encountered as a result of the change in telephone numbers. When you dial the old number, the only thing that happens is that they tell you the number has been disconnected -- and they do not and will not give a recording of the new number.

RE: REQUEST TO GO ON NOVEMBER COUNCIL CALL/COMMISSIONERS

President Borries stated there are requests for appropriations as follows:

Commissioners	130-305	Patient & Inmate Care	\$ 39,016.12
	130-306	Soldiers Burial	5,000.00
	130-327	Change of Venue	4,500.00
	130-329	School Transfer Tuition	22,630.92
	130-342	Legal Ads	1,301.76
Drainage Board	126.0-190	Social Security	100.00

There is also a request for Transfer of Funds, as follows:

From:	130-192	Group Insurance	\$ 12,000.00
To:	130-312	Postage	\$9,000.00
	130-318	Duplicating Services	3,000.00

Request for Appropriations are to cover the following:

130-305	Bills being held in this amount to Muscatatuck & Plainfield Boys School
130-306	Bills being held in this amount for Soldiers Burial
130-327	Bills owed in Change of Venue on John Cabell in amount of \$11,500
130-329	Bills owed to Muncie Community, Lincoln & Kankakee Schools
130-342	Bills owed for Legal Ads
126.0-190	Social Security for (3) Board Members & (2) Attorneys

Commissioner Cox said she had not seen the requests. All of those amounts are actually needed to pay bills in the specified accounts? President Borries replied in the affirmative. Motion was made by Commissioner Cox that permission be granted for the Commissioners to go on Council Call in November. A second to the motion was provided by Commissioner Borries. So ordered.

NOTE: Subsequently being advised by County Auditor Alice McBride that the County did not have monies available for additional appropriations --but that possibly the requested funds could be transferred from other accounts to handle these outstanding bills, the Commissioners opted to go on November Council Call to request transfer of funds.

(continued)

RE: CERTIFICATES OF INSURANCE

The following Certificates of Insurance were submitted.....received and filed.

Tradesmen's Club: Dance to be held in the Civic Center Gold Room on October 13th (Helfrich Insurance Agency).

American International Entertainment Corp., Vanderburgh County & The Exchange Club:
Use by Exchange Club of Vanderburgh Auditorium on October 16th.

Also submitted was a Certificate of Insurance for the University of Evansville for Student Activities October 19th. However, the certificate mentions the City of Evansville and talks about including Roberts Stadium. Since Vanderburgh Auditorium is not mentioned, President Borries said that certificate should be forwarded to the Board of Works. (Certificate transmitted to Bobbie Burkhart, Board of Public Works.)

RE: OLD BUSINESS

Ambulance & Paramedic Board of Trustees: President Borries said that two (2) weeks ago we received a proposal regarding a City-County Paramedic Board of Trustees and enabling Ordinance to enact same. The Commissioners are currently studying the proposal. The Board of Commissioners has questions and concerns and will contact Councilman Jerry Linzy this week. Perhaps Mr. Linzy or City Attorney Sue Hartig can attend the Commissioners' meeting on Monday, October 22nd at 2:30 p.m. to answer questions they have concerning said Ordinance.

Water Service/Highway 57 Area: Commissioner Cox asked Andy Easley if he has yet had an opportunity to get out to talk with the people along Highway 57 concerning their water needs? Mr. Easley responded in the negative.

RE: SCHEDULED MEETINGS

Subdivision Review Committee Meeting is scheduled at 9:30 a.m. on Tuesday, October 16th. There are about five (5) subdivisions to be reviewed according to Commissioner Cox.

RE: CLAIMS

Brallier Productions: Claim in the amount of \$500.00 was submitted; refund of deposit made to the Auditorium for the Debbie Boone Show scheduled for October 9th, which was cancelled. Commissioner Cox asked if Kim Bitz has seen this claim and did the sponsor cancel in time? Ms. Meeks said it was her understanding that they did. Motion to approve payment of claim was made by Commissioner Cox, with a second being provided by Commissioner Borries. So ordered.

Alexander Ambulance Service, Inc.: A claim in the amount of \$38,001.75 for quarter ending 9/30/84 was submitted. President Borries asked Chief Deputy Auditor Pat Tuley if he has had an opportunity to examine said claim? Mr. Tuley responded in the negative. He said he is being pushed for Board of Review papers, but will be glad to examine the claim at the earliest possible moment. President Borries asked Mr. Tuley to examine the claim and bring it back to next week's Commissioners' meeting.

RE: EMPLOYMENT CHANGES - RELEASES

Sheriff's Department

Linda S. Euler 213 Tyler Ave. Civ. Jailer \$12,308/Yr. Eff: 10/5/84

Superior Court

Tracey Lynne Statz Clk. Asst. \$10,972/Yr. Eff: 10/8/84

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County Highway Department

Thomas W. Jameson	1512 S. Morton	Equip. Oper.	\$ 7.19/Hr.	Eff: 10/2/84
Tracey Leon Jones	622 E. Chandler	Laborer	\$ 6.71/Hr.	Eff: 10/5/84

Voters Registration

Edna L. Henry	305 N. Tekoppel	Part-Time	\$ 30.00/Day	Eff: 9/24/84
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Circuit Court

Terri Golding	1210 Vann Ave.	Ct. Reporter	\$16,702/Yr.	Eff: 9/29/84
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RE: EMPLOYMENT CHANGES - APPOINTMENTSSuperior Court/Juvenile Division

Eileen Baker	840 Bayard Park	Prob. Off.	\$16,678/Yr.	Eff: 10/15/84
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Sheriff's Department

Arlita L. Small	1361 Ridgeway	Civ. Jailer	\$12,308	Eff: 10/6/84
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County Highway Dept.

Tracey Leon Jones	622 E. Chandler	Equip. Oper.	\$ 7.19/Hr.	Eff: 10/5/84
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Superior Court

Tracey Lynne Statz		Rid. Bailiff	\$13,491/Yr.	Eff: 10/8/84
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Co-Operative Extension Service

Robert Calvin Kimbrough, Jr.	429 Adams	Part-Time	\$20.00/Day	Eff: 10/8/84
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Perry Township Assessor

James C. Hoffman	2611 W. Delaware	Field Deputy	\$30.00/Day	Eff: 10/15/84
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Circuit Court

Daniel Edgar Hall	718 Thornberry Dr.	Baliff	\$150.00/Wk.	Eff: 9/24/84
Connie Elaine Gwaltney	R.R.#1, Mill Shoals,			
	ILL	Intern	\$3.35/Hr.	Eff: 9/24/84

There being no further business to come before the Board of Commissioners at this time, President Borries declared the meeting adjourned at 8:35 p.m.

PRESENT:Commissioners

Richard J. Borries
Shirley Jean Cox

Auditor

Pat Tuley,
Chief Deputy

County Attorney

Tom Massey, Representative

Highway

Bill Bethel

Engineer

Andy Easley

Surveyor


Bill Jeffers, Chief Deputy

SECRETARY:

Joanne A. Matthews

COUNTY COMMISSIONERS
October 15, 1984

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Richard J. Borries


Robert L. Wittner


Shirley Jean Cox

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MINUTES
COUNTY COMMISSIONERS' MEETING
October 22, 1984

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Joint Inter-Governmental Agreement re Data Processing-----Approved ----- 6 & 7
 Agreement re Ambulance/Paramedic Service -----Newly Written Agreement from
 County Attorney to be reviewed by City Council ----- 4 & 5

APPROVAL OF MINUTES ----- 1

BUILDING COMMISSION - MONTHLY REPORT (September, 1984) ----- 14

BURDETTE PARK -----Acceptance of Restitution Check ----- 7

CLAIMS

Alexander Ambulance Service, Inc. -----\$38,001.75 -----Approved ----- 15
 David L. Jones for Litigation ---\$1,682.91 -----Approved ----- 15
 Rig-Mar Contracting, Inc.---Ohio St. Bridge ---\$3,700 ---Approved ----- 12
 Rig-Mar Contracting, Inc.---Ohio Street Bridge/Extra Work --\$2,487.73--HOLD--- 12
 (Bill Jeffers to get further Clarification and present 10/29/84)

COUNTY ATTORNEY -----DAVID L. JONES ----- 7

COUNTY ENGINEER -----ANDY EASLEY

Burkhardt Road ---Bids should be awarded this week ----- 13
 Lynch Road/Creasey Co. Project ----- 13 & 14
 Millersburg Road (Telephone Equipment Turned) ----- 14
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COUNTY HIGHWAY

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 St. Wendel Road - "S" Curve ----- 8
 Schissler Road (Request for Reduction of Speed Limit) ----- 8

COUNTY SURVEYOR - BILL JEFFERS

Bridge & Guardrail Repair Report ----- 11
 Ohio Street Bridge Repairs ----- 11, 12 & 13
 Broadway-Johnson Lane Culvert Clean-up ----- 11 & 12
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EMPLOYMENT CHANGES ----- 15 & 16

(Approval of Leave of Absence for David Guillaume)

MOERS WOODY KNOLL SUBDIVISION/Waiving of Requirement for Sidewalks, Curbs & Gutters
 -----Approved ----- 4

OLD BUSINESS ----- 15

POOR RELIEF/PIGEON TOWNSHIP-----John W. Johnson ----- 1 thru 3

RESOLUTION FOR SHORT TERM LOAN TO WELFARE DEPARTMENT ----- 14 & 15

TRAFFIC ENGINEERING - DAVID SAVAGE

Speed Limits (Spring Valley, Kuebler & Schissler Roads) ----- 8
 Program for Replacement of Reflectorized Signs, etc.---EUTS to get with County
 Attorney on this Program ----- 9 & 10
 Traffic Sign Ordinances -----County Attorney to Prepare ----- 10
 St. Joe-Allen Lane Intersection -----EUTS to conduct Study ----- 10
 County Accident Report/Filing System--Commissioners to get with EUTS ----- 11
 No Replacement for David Savage to Date ---Contact John Vezzoso in the Interim-- 11

VOTING PLACES FOR NOVEMBER 6, 1984 GENERAL ELECTION --List Approved for Advertisement
 On October 26, 1984 ----- 14

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MINUTES
COUNTY COMMISSIONERS' MEETING
OCTOBER 22, 1984

The meeting of the Board of County Commissioners was held on October 22, 1984, at 2:30 p.m. in the Commissioners' Hearing Room, with President Borries presiding.

The Chair entertained a motion concerning approval of the minutes of the previous meeting. Motion was made by Commissioner Cox that minutes of the meeting held on October 15th be approved as engrossed by the County Auditor. A second to the motion was provided by Commissioner Borries. So ordered.

President Borries announced that a meeting agenda is available (on the table near the entrance to the room) for those who might be interested. There is, however, one addition to the agenda, which will be taken at the beginning of the meeting -- in accordance with usual procedure. There is one Poor Relief matter to be considered.

RE: POOR RELIEF/PIGEON TOWNSHIP

John W. Johnson/320 Monroe Avenue: The Chair asked that the Poor Relief applicant approach the podium and state his name and address, as well as the nature of his request. Applicant stated that his name is John W. Johnson and he lives at 320 Monroe Avenue. Mr. Johnson said he has been off from work for medical reasons. He has a wife and three (3) children -- ages 16, 12 and 9. The Johnsons have applied for ADC; it was granted, but it takes 45 days. Mr. Johnson has been out of work and has had no money whatsoever during the 45 day period. Last Saturday (October 20th) they received an ADC check in the amount of \$336.00, which was used to get another place to live and pay the damage deposit, which is required. The home at 320 Monroe Avenue is owned by the Reichert Family Trust Fund and they do not give you any time; once you are ten (10) days late with rent, it is cut and dried and they start Court proceedings -- there is no talking with them. Consequently, having been taken off his job for medical reasons, he had no money to pay the rent and the Johnsons received an eviction notice. The Judge didn't seem to think it was quite fair -- but that is the Indiana State Law and the man was entitled to have his property back.

As stated, the money from ADC was used to find a new place to live. However, he went to the Pigeon Trustee to see if that office would pay the \$97.70 for the last month's gas and electric bill -- which must be paid before SIEGCO will turn on the utilities at the new address. The Trustee informed Mr. Johnson that on the 10th of October they paid 10% of his utility bill; therefore, in accordance with State law or the auditor or whatever would make such a fuss about it -- that they were not allowed to pay twice on a utility bill in one month without coming to the Commissioners. That is why he is here. He has been to every other charitable organization in Evansville that he is aware of or leads given to him -- in an effort to take care of this utility bill -- and has met with no success.

The Chair entertained questions from the Board. Commissioner Cox asked Mr. Johnson what he is specifically asking for -- the \$97.70? Mr. Johnson said if it is paid today it is \$97.70. After today it is \$101.44. Commissioner Cox asked if Mr. Johnson has received a cut-off notice? Mr. Johnson said this has to be paid before they will turn on utilities at the new address. Commissioner Cox said then that it isn't a question of a cut-off notice? The Trustee hasn't refused to pay it because he has not received a cut-off notice? They have said they can't pay it because they gave Mr. Johnson some assistance on a utility bill when? Mr. Johnson said they paid 10% of a bill on October 10th. He said the only thing he is saying is that the Trustee's office was aware that the utility bill was \$101.00 balance at that time. SIEGCO said they would leave it on due to the medical problems, etc. Emergency SAFE paid \$282.00 and the Trustee's office paid \$39.76, which was 10% of the bill -- and that left a balance at that time of \$101.44. SIEGCO said they normally would not do this, but under the circumstances they would wait and bill the \$101.44 on the new bill, which is coming out now. Mr. Johnson said he explained this to the Trustee's office at that time -- because he knew then he was going to be taken to Court and evicted. He said he could have made up the two rent payments where he was living the first of next month -- but landlord would not wait. So he has been pushed into a position where the utility bill has to be paid or he does not get utilities at the new residence. SIEGCO won't even talk with him; they want the money or they won't turn the utilities on. Commissioner Cox asked if Mr. Johnson thinks that by moving to the new residence -- will that help with his finances? Mr. Johnson said that it will. The rent is cheaper and it is closer to the schools -- so the children won't have to be driven back and forth -- so it will save on gasoline. Commissioner Cox asked if Mr. Johnson knows how much longer he is going to be out of work? He said he does not know at this point. Commissioner Cox asked if

(continued)

Mr. Johnson is on disability? Mr. Johnson has filed for disability and went to a disability doctor last Saturday; he is awaiting the results of that visit.

Commissioner Borries asked if Commissioner Willner has any questions? He responded in the negative, saying he talked with Mr. Johnson prior to the meeting. He would like to hear from the Trustee's office.

President Borries asked Mr. Johnson if that as of this month is the first time he has received ADC? He said he went on ADC in 1980 -- that is when he was originally taken off work. He had surgery on his left ankle and he has polio in his right leg; therefore, he cannot stand too long or walk any great distances and he can't lift. That is what his former job required. He said he talked with his doctor because he got so far behind on everything. The doctor told him to try to go back to work on a lighter job. If he could handle it -- fine. If he couldn't....Well, he worked there for five (5) weeks collecting. But his employer started pushing him to go out and collect -- and he said he couldn't stand up under that. He was going back to the doctor and getting pain pills -- and the doctor said "That's it -- you're going off work and file for disability." To answer the Commissioner's question, Mr. Johnson said he received ADC from 1980 to 1983 until he went back to work -- and he worked five (5) weeks the first part of this year -- and was taken off work again. He did not receive his last two checks from his employer, because he owed the employer money from when he originally started back to work. He borrowed quite a sum of money from the employer to get him thru to pay his bills up at that time. He paid the employer all but \$600, and the employer kept the last two checks to apply to this owed balance, leaving a current balance of some \$200. However, he worked for the man for ten (10) years -- and he knows that if Mr. Johnson ever gets the \$200, then he will get his \$200. So not only did Mr. Johnson have no money for the 45 day period, he had no money for the two-week period prior to that.

Ms. Nancey Walters of the Trustee's office said the bill Mr. Johnson has now is a current utility bill. On the 10th of this month, the Trustee's office paid \$39.76 and SAFE paid \$285.00 -- the utilities were shut off -- and that was 10% of the bill. On September 11th, they paid \$118.22 to SIGECO. On March 28, 1984, they paid \$116.01 to SIGECO and \$60.83 to the Evansville Water Department. This totals \$334.82 for the last six (6) month period. According to the Pigeon Trustee's Guidelines, they are only supposed to pay \$300.00 per year for utilities. Further, they are not supposed to pay on a current bill. The bill Mr. Johnson has is a current bill, because the deadline on that bill is today. After today, the bill goes up to \$101.44. Ms. Walters said she did not have enough time to talk with Mr. Johnson's previous employer. She put a call into him and he was to return her call -- but she hasn't heard from him. According to the School Book form in her file, which was received on Thursday, October 18th -- which was filled out by Mrs. Johnson on September 6, 1984 -- their income was \$536.00 per month. That is something which was not reported to the Trustee. Ms. Walters also talked to the ADC caseworker; the maximum amount for five (5) people in the household is \$376.00. The caseworker said that evidently Mr. Johnson must owe some money to the Welfare Department, which is the reason he is getting \$339.00 per month from ADC.

Commissioner Cox asked Ms. Walters the reason for the denial? Ms. Walters said Mr. Johnson's request was denied because the Trustee has paid on his utility bill once this month already -- and they cannot pay on the same bill twice in any month. Also, they have already paid over the allowed standard of \$300.00 for a 12-month period. Commissioner Cox was reviewing the written guidelines and asked where specific information concerning utility bill allowance was included. President Borries said this information appears on the next to the last page, Item #17. Commissioner Willner asked if Mr. Johnson has been on the workfare program? Ms. Walters said that he has not. In March, when he was in and the Trustee paid on the utility bill, the nephew was supposed to work on the workfare program for 52 hours, but did not. President Borries asked Mr. Johnson's age, and Ms. Walters said he is 38 years old...and he has applied for Social Security Disability, as well as ADC. Commissioner Willner asked if S.S.I. has been approved? Mr. Johnson said he is still awaiting word on this.

Ms. Walters again brought up the school book form, which indicates that on 9/6/84 he was supposed to be getting \$536.00 per month income. On September 11th, the Trustee paid a utility bill of \$118.22, which was way over their standards if he did have income in that amount.

COUNTY COMMISSIONERS
October 22, 1984

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Commissioner Willner asked if Mr. Johnson's new residence is in Knight Township? He replied in the affirmative. Commissioner Willner asked if he has completely moved in yet? Mr. Johnson said only half of his belongings have been moved to date. With regard to the nephew who was supposed to work the 52 hours on the workfare program, Mr. Johnson said he was given the choice of working those hours or leaving the household. He chose to leave and left town.

President Borries asked Mr. Johnson if his understanding is correct -- in that Mr. Johnson did apply to SAFE for assistance? Mr. Johnson said that is correct. When the utilities were shut off, Emergency SAFE paid the larger portion of the bill (\$285.00). He has also applied for regular SAFE. Among the other organizations to whom Mr. Johnson has applied for assistance with his utilities are Outreach Ministries, Catholic Charities, The Salvation Army and the GAP Program. Commissioner Willner asked if he has been to Patchwork Central? He said he had not.

President Borries said the Board is very much aware of Mr. Johnson's struggle...and they have examined the Trustee's Guidelines to ascertain if there has been a violation of some nature or inconsistency, which would allow some eligibility. However, according to the Guidelines, the Trustee has already exceeded the \$300.00 per year stipulation. President Borries asked if either of the other Commissioners could think of anything? Commissioner Willner said there is no doubt that the Commissioners need to help this gentleman; however, in accordance with the Township Guidelines, there is no Township money available this month. We need to put Mr. Johnson in touch with an agency where he will qualify for assistance at this time; if he could get his utilities turned on, then maybe next month the Trustee could again help him. Actually, it's just a matter of a few days before the new month begins; but he needs his gas and electric turned on.

Commissioner Borries said that while he does not know if it is possible since Mr. Johnson has some pending disability claims -- but is there any possibility that he could perform some sort of service in the workfare program and thereby be eligible for benefits thru the Trustee's office? Ms. Walters said she does not think so, since the Trustee cannot pay on the same utility bill twice in any given month.

Commissioner Cox interrupted by saying that the note given to Mr. Johnson by Catholic Charities indicates the gentleman in charge was out when Mr. Johnson made application for assistance -- they are an excellent organization. Mr. Johnson said the way the girl in the office explained it to him, the most they would go would be \$40.00 -- and she couldn't do this without approval of the subject individual who was unavailable at the time. But, she knew they would not release one penny until some organization or some individual stepped up to say they would pay the balance. He said he asked her if she could get in touch with that individual prior to his coming to the Commissioners' meeting to see if they would pay the \$40.00, which would only leave \$57.00; she said she could not do that. It would be necessary for Mr. Johnson to come to the Commissioners first to see what he could do, then go back to Catholic Charities to see what he needed for the balance -- up to the \$40.00...because money was very tight.

President Borries asked Ms. Walters if, from the Trustee's office, she could help Mr. Johnson via contacting the individual at Catholic Charities to whom he did not speak and perhaps also see if another agency (such as Patchwork Central) could provide some emergency matching funds? Can Ms. Walters assist Mr. Johnson via contacting these individuals? He does not know where else the Commissioners can go at this point. If the Trustee's office has their valid adopted guidelines -- then he doesn't think there is anything the Commissioners can do to change that. The problem is further complicated by the fact that the Trustee has made one utility payment already in October. Can Ms. Walters contact the appropriate individuals at Catholic Charities and Patchwork to see if there are any emergency funds available to assist Mr. Johnson at this time? Ms. Walters indicated she could do this via a nodding of her head. Commissioner Willner said that Ms. Walters should also contact Ron Saulman at the Knight Trustee's office, since Mr. Johnson's new residence is in that Township; perhaps the Knight Trustee can give him some assistance after November 1 -- but not until then. President Borries asked Mr. Walters if he can meet with Ms. Walters -- possibly right now -- so she can suggest a way a solution could be reached to the immediate problem... that is, getting the utility bill paid so utilities can be turned on at the new residence.

(continued)

RE: MOERS WOODY KNOLL SUBDIVISION ORDINANCE

Ms. Barbara Cunningham of the Area Plan Commission said the Commissioners approved the Moers Woody Knoll Subdivision Plat at a Drainage Board Meeting on October 1, 1984. It was given Subdivision approval on October 3rd by the APC. Unfortunately, everything has not come together to get sidewalk approval -- and according to the new Subdivision Ordinance, the Commissioners have full approval over waiving sidewalks. The Board of Commissioners requested that APC take this to Subdivision Review Committee and get their recommendation. The Subdivision Review Committee met October 16th and recommended for the Commissioners' consideration that the requirement of sidewalks, curbing and gutters for the subject subdivision be waived. The subdivision has seven (7) lots and deadends. Further, according to Mrs. Cunningham, there are no sidewalks in the immediate vicinity. Commissioner Willner asked if the possibility exists that the road will be a thru road at some period in time? Ms. Cunningham said it is a private road now. After giving the matter consideration, a motion was made by Commissioner Willner that the requirement re sidewalks, curbs and gutters be waived for Moers Woody Knoll Subdivision. A second to the motion was provided by Commissioner Cox. So ordered.

RE: ORDINANCE CREATING A CITY/COUNTY AMBULANCE & PARAMEDIC DEPARTMENT/INTER-LOCAL AGREEMENT CONCERNING A CITY-COUNTY AMBULANCE & PARAMEDIC DEPARTMENT AND RESOLUTION PROVIDING FOR A CITY-COUNTY AMBULANCE & PARAMEDIC DEPARTMENT

With regard to the various documents listed on the agenda re the Ambulance & Paramedic Department, this past week President Borries asked Councilman Jerry Linzy and City Attorney Sue Hartig to attend the Commissioners' meeting today to answer questions re the Ordinance filed thru the City and sent to the County for its consideration. The goal throughout all the meetings and the intent of what has happened at this point is to look at an efficient delivery of a service and to provide for it in the most cost effective way possible -- regarding a very critical service within the community. The Chair then welcomed Mr. Linzy and Ms. Hartig and asked that they answer questions from the Board.

City Councilman Linzy approached the podium and said that before discussing this matter, he would like to comment on the Ordinance and Agreement. He thinks it needs to be clarified that the Commission who helped write this -- is a Commission appointed by the Board of Commissioners and Mayor Vandever -- and not by City Council. Secondly, the Commissioners have attended a number of meetings, as has the Executive Assistant to the Commissioners, and the City has been in correspondence throughout most of 1984 with the County Attorney, inviting people to attend the meetings to review the various documents being prepared. So the Ordinances are not something with which the Board of Commissioners is not familiar; Commissioner Cox has attended some of the meetings of the Council and the Task Force. A couple of changes were made at City Council level relative to getting it moved forward; beyond that, the key parts of the Ordinances and Inter-Governmental Agreement -- as well as the 32 pages of specifications for either bidding or contracting -- were provided and should not necessarily be new to everyone concerned. Councilman Linzy then called for questions from the Commissioners. Commissioner Cox asked if the Board has a report from the County Attorney? Commissioner Willner said to answer the question, week before last he sat down and jotted down some of the problems he has with the proposed agreement, etc., and gave said copy to the County Attorney, who has done extensive work on the Ordinance itself. It is almost too lengthy to go into at this time. He does not wish to create another committee who has sole authority for the paramedic service to Vanderburgh County. The attorney has written a new agreement, which Commissioner Willner would like to give to Mr. Linzy at this time for study. He has not been thru it completely himself, as he just received it about ten minutes ago. However, he would like for Mr. Linzy to take this copy and discuss same with the City Attorney to determine if we can come to an agreement insofar as mutual wording is concerned.

Mr. Linzy said this is certainly the prerogative of the Commissioners. He said he believes the County Council approves the funding and the Commissioners approve the Ordinance. The City will have to review the new agreement. Out of selfish interest, the City is in somewhat of an awkward predicament relative to its own paramedic service. Therefore, time is somewhat of the essence. But they will be glad to review what has been drafted as it relates to this document. He said he would ask if there is a consensus among the Commissioners as to whether they favor a county-wide ambulance service -- at least in theory or concept? He said the Ordinance which came to the Commissioners

merely endorsed -- and the Ordinance approves -- a county-wide system to the extent that it permits (assuming county adoption) the Commissioners and the Mayor's office to appoint a Board of Trustees who will then, in fact, come back to the appropriate legislative bodies and the Mayor's office and the Commissioners with a recommendation to bid this out for contract or negotiate a contract with an ALS provider and also to bring back to each body the final budget for approval. Therefore, Mr. Linzy would be interested in knowing whether or not -- it was not exactly an easy task to get the language thru City Council as it was -- without having seen the language that has been changed -- if that will require that the Ordinance/Agreement go back to City Council for approval -- and given what he knows the legislative agenda is for the balance of this month and next month -- it is liable to put this into the first part of 1985. If the Commissioners are not in favor of a county-wide system, then he is not necessarily sure he is inclined to take it back to City Council to have them wrestle with it. He needs a feel for this. He realizes there are some unanswered questions, but that would not seem to preclude whether the Commissioners think we should have some kind of county-wide system.

Commissioner Willner said he is certainly not speaking for the other two Commissioners; but in previous conversation, he thinks they all agree that a county-wide Ambulance/Paramedic Service is desirable. Having said that, the Board of Commissioners certainly want the best language. Commissioner Willner said he does not feel that any of the Commissioners are going to give a "Committee" the sole right to govern. They do not mind the Committee doing everyday operations of the department; but the rules and regulations are going to be made by the Governmental body -- and he agrees with that. To pass the buck to where the Commissioners would have no say in the everyday operations is ridiculous and he does not feel the Commissioners want to do that. They do not want to give a blank check.

Councilman Linzy said he does not know whether Attorney Jones has reviewed the 32 pages of effort (although he knows he did receive a copy) that has gone into this process for the last 18 to 24 months that essentially would have to be approved by the legislative bodies which specify the day-to-day operations and how the process is governed. He said he is at somewhat of a disadvantage in not having seen what the County Attorney has said. So, perhaps he should not take any more time of the Commissioners today; rather, he should read the new agreement drawn up by Mr. Jones and then come back.

Commissioner Willner said he certainly wants to agree with Councilman Linzy re his statement that this has not been an easy task. A few years ago he went thru this with the County and he knows exactly what Mr. Linzy is talking about -- it's not an easy task. He knows Mr. Linzy has guidelines; but those are his guidelines and not those of the Commissioners. However, Commissioner Willner is not in a hurry to get something he cannot live with; he does want to do it right.

Councilman Linzy said he certainly appreciates that perspective. But the City has tried diligently for a year -- starting with a note to the County Attorney on January 20, 1984, asking and hoping they would have participation from the County in the process of all of this -- so it would not have to be done over.

Commissioner Willner said he appreciates Mr. Linzy's input; and if we made a better contract -- then he will feel better. (Since the Commissioners gave their marked copies to Attorney Jones for his consideration in preparing the newly written agreement, Commissioner Willner asked that Joanne Matthews make extra copies of the City's version for further review by the Commissioners.)

President Borries asked that the records show that any action on this matter will be deferred until such time as the members of the City Council who are here today have a chance to look at some of the suggestions that have been forwarded to them.

Attorney Jones interjected that the City's version does not indicate whether the Board of Trustees receives compensation or not. It is silent. If they receive compensation, who pays them? And, he does not think you can turn over a set of rules and regulations to that Board.....etc., etc.

(continued)

RE: RESOLUTION PROVIDING FOR A CITY-COUNTY AGREEMENT RE DATA PROCESSING SERVICES

President Borries said that, as he understands it, is the same as that previously signed by the Commissioners. However, County Attorney Jones interrupted by stating that it is not the same -- he has changed it. He said he is sorry Councilman Linzy left, as he could say the same thing about the Data Processing Agreement that the County worked on with no input from the City. Every time the County submitted something, they changed it. So, Attorney Jones feels about the Data Processing Agreement the same way that Councilman Linzy feels about the Paramedic Service. However, the City had a full year to work on the Paramedic Service agreement and the County has only had it a couple of weeks. But this is the third time he has sent something on Data Processing Agreement and they have turned around and changed it. This time, they want the language on the appointments to the Board to require that rather than being familiar with data processing that they be employed in data processing. President Borries asked where that change occurs? Attorney Jones said it is on Page 2. Commissioner Cox asked just what that means? President Borries said there would be one member appointed by the City Council, the Mayor and/or Internal Board of Public Works of the City shall be persons who are not governmental employees and who are employed in data processing.

Attorney Jones said that formerly the term utilized was "familiar with data processing" insofar as requirements for appointments were concerned. That is the only change which has been called to his attention. President Borries said that of the members appointed to this Board by the Commissioners, if he is correct -- both of those individuals are employed in data processing at some point or another. Mr. Ernie Nolan is a data processing instructor at I.S.U.E., a member and past president of the Evansville Data Processing Club, and has also been employed at Chayes-Virginia in data processing. The other appointee, Mr. Jones, is a person employed thru Creative Technologies in data processing and served on the Louisiana Data Processing Board in that state. Therefore, we would not have any problem in meeting that requirement.

Commissioner Cox said that a teacher in data processing certainly wouldn't qualify as a person employed in data processing. Commissioner Borries said he is employed at I.S.U.E., and also at Chayes-Virginia as part of the Controller's Department. If the Board has no serious objections, the Board could amend what they have. Commissioner Willner said it is not a big item with him. If that is the only change,..... Commissioner Cox said she wonders why they made the requirement "employed in" rather than "expertise in the field"? President Borries said he does not know. He asked if the Board would like to call Sue Hartig in to see what she has to say about this? Commissioner Willner said he sees where it might be a problem if we appoint someone who moves from one field to another.....Ms. Hartig entered the room and President Borries advised that the Board has a minor question. With regard to the Data Processing Review Board, there was a change in the Ordinance to read "who are now employed in data processing"...and the Board wanted some rationale behind this. Ms. Hartig said that she believes this came about because it was felt that "familiar with" was not a descriptive enough term. Many could be "familiar with" but not an expert in the field. It was discussed also that using "employed in" would leave out certain groups of people -- those people previously employed in, etc., but there was discussion and the motion was made and passed to use "employed in". Commissioner Cox said she believes what the Board is looking for here is "expertise in the field" -- whether they teach it, or sell it, or whatever. Ms. Hartig said she believes one of the objections was how to define the word "expertise". Commissioner Cox said the only problem she has with a person that is "employed in" is the fact of objectivity. They have a job that they rely on and she's certain they are going to be loyal to their company or employer. So she believes we do limit the field when we say "employed in". We not only limit it, but we may restrict it and may not get the objectivity that we're seeking. This is already a very small Board; and with this requirement, we might be losing something.

Commissioner Borries asked Ms. Hartig if she would consider an individual employed at a university employed in the field of data processing? To take up on what Commissioner Cox has said, one person appointed by the Commissioners works in data processing at Chayes-Virginia and is also an instructor in data processing at I.S.U.E. Ms. Hartig said that to consider that individual employed in data processing would be a reasonable interpretation. Attorney Jones said that if data processing is what he teaches at the university for which he draws compensation, then that would be his interpretation. President Borries said he would then entertain an amendment or approval at this time, in accordance with the wishes of the Board concerning this agreement.

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Commissioner Willner said he doesn't have any problem with this and he would move that it be approved. Commissioner Cox said is that motion with the understanding that that would be acceptable and it is not limiting the field to those specifically employed at a certain data processing company? If so, she would second the motion....if that is everyone's understanding. Commissioner Willner indicated that Mrs. Cox is correct. President Borries said the Board has had two legal opinions (that of Ms. Hartig and Attorney Jones) so, hopefully then, people who are related to the field of education -in other words we're saying that the word "employed" does have a broader meaning here -- and a teacher or person perhaps who does have expertise -- would they have to receive some compensation? A teacher does. Attorney Jones said one would have to receive compensation to call it employment, otherwise it would be gratuity services. It is a shame that it doesn't involve someone who wasn't an employee -- because someone who is employed has the possibility of a conflict of interest...the way these computer operations are getting interlinked and one outfit services all these companies. He has a problem with this. He feels that former employees would have lesser problems. Commissioner Willner said the one thing that bothers him is that a retired person who might give it 30 hours a week would have to be turned down....this bothers him a bit. But he thinks we could stretch the point -- and say if he has been previously involved with data processing for his livelihood, he thinks that would be covered, too. Commissioner Cox said she does not think a schoolteacher would be covered the way the Ordinance is written. Any college professor or whatever who might want to volunteer his/her services -- she doesn't think they would be covered the way it is now written.

President Borries said that, again, we belabour these things on and on. The other problem is that a public school teacher -- be it at the university level or the secondary level is a governmental employee. He said the Resolution states "persons who are NOT governmental employees and employed in the field of data processing." Attorney Jones pointed out that only one (1) of the two (2) has to be employed in data processing. It was the consensus among the Commissioners that they could live with this. With this understanding, a second to Commissioner Willner's motion for approval of the Resolution was provided by Commissioner Cox. The Chair then called for a roll call vote, with the following results:

Commissioner Cox - Yes
Commissioner Willner - Yes
Commissioner Borries - Yes

So ordered. Attorney Jones cautioned that the Resolution must also go to the County Council for their approval.

RE: COUNTY ATTORNEY - DAVID JONES

The Chair recognized Attorney Jones, who stated that he had nothing to report.

Commissioner Willner indicated he had a question for Attorney Jones. A Tort Claim was received in the morning mail concerning alleged injuries incurred by Harold Wolf at Fendrich Golf Course on June 2, 1984. Claim was filed by Harold and Opal Wolf, with indication damages may exceed \$100,000. Commissioner Willner said he wanted to make certain that Attorney Jones was aware of the fact that said claim has been forwarded to City Attorney. Attorney Jones indicated that receipt of claim and forwarding of same to City Attorney should be made a part of the record.

RE: BURDETTE PARK

Mark Tuley, manager of Burdette Park, had entered the meeting and left. Alice McBride, Auditor, stated that Mr. Tuley had given her a check from the Vanderburgh Superior Court Clerk in the amount of \$12.50 for portion of restitution of an incident which occurred on June 24, 1983, involving burglary and theft at the park on the part of Mike McDanough. Motion to accept check for endorsement by Commissioners was made by Commissioner Cox, with Commissioner Willner providing a second. So ordered.

RE: COUNTY HIGHWAY

Absentee Report: Mr. Bethel submitted the Absentee Report for employees at the County Garage for period October 15 thru October 19, 1984.....report received and filed.

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Weekly Work Report: Also submitted was the Weekly Work Report for employees at the Garage for the same period.....report received and filed. Attached to the Work Report was the following work schedule:

Gradall: Mesker Park Dr., Mill Rd., 7109 Chestnut

Paved: Smith Diamond, Old Lower Mt. Vernon, Baseline (west from Highway 65)

Patch: Buente Rd., Old Boonville Hwy., Bob Court, Peacock Lane, West Haven Dr., Bayou Creek, Schissler Rd., Mill Rd., Marx Rd., and Green River Rd.

Grader: Swope, Moffett, Myrtle, Fitzgerald, Baseline west, Cypress-Dale, Golden Rule, Seminary, Outer Darmstadt, Schissler, Kneer, Old Henderson, Happe R., Schmidt and Baehl

Oil Roads: Sensmeier, Kissel, Nuebling, and Mann roads

Tree Crew: Sensmeier and Kissel

Rock: Marx and Fitzgerald

Mowed: Little Schaffer, Kleitz, Fisher, Moore and Emge

"S" Curve on St. Wendel Rd.: Commissioner Cox said she had a call over the weekend from a resident on St. Wendel Road. A portion of the resident's request has been referred to the Traffic Engineer's office. Just west of the Whispering Hills Sub on St. Wendel Rd., there is a bad "S" curve. There have been numerous accidents and cases of cars running off the road. The right-of-way needs to be cleaned back for better visibility. She has also asked Mr. Gerard in Traffic Engineering to study the area concerning posting of "S" Curve Ahead sign, or SLOW sign or something similar. St. Wendel Road has a lot of bad curves in it. Would Mr. Bethel arrange to send out the mowing and tree crews to have them clean this right-of-way back? Mr. Bethel indicated he would handle this (by nodding his head).

Schissler Road Speed Limit: Mr. Bethel said he has had a request from the Sheriff's department to reduce the speed limit on Schissler Road from 45 MPH to 35 MPH. If approved, Mr. Bethel will order the signs.

Commissioner Willner asked who is running the traffic check on this -- the Sheriff's department or Traffic Engineering? Mr. Bethel said he'd asked Traffic Engineering to make a survey. Mr. Jeffers said that Schissler Road is just as bad all the way to County Line Road----so if the speed is reduced, it should be for the entire road. Commissioner Willner agreed, saying that it is hard to spot speed limits -- you have to do the entire road to be effective.

Commissioner Cox asked if any progress has been made on the intersection at Schissler and Schmuck Road? Mr. Bethel said that he had been out there numerous times -- and he cannot see any danger there. He has actually gone into the lanes and driven out himself -- you can see both up and down the road and he does not see any danger. Somebody has done some cutting out there (the garage did not do it). Mrs. Cox said she had spoken with both parties last week and tried to contact Mr. Bethel at that time. Since she could not reach him, she asked Mr. McDermott to contact Mr. Bethel personally.

RE: TRAFFIC ENGINEERING - DAVID SAVAGE

Mr. David Savage of the Traffic Engineering Office was present for purposes of discussing several matters, prior to his leaving County employment at the end of this week.

Speed Limits: Mr. Savage indicated there are about three (3) outstanding SPEED LIMIT matters -- Spring Valley Road, Kuebler Road and Schissler Road. He said he knows that Commissioner Willner was here when the Comprehensive Speed Limit was put into effect to take the place of the hodge-podge of speed limits on all the different roads. Some of the speed limits probably do need to be lowered. However, in an effort to assure that we do not end up with another hodge-podge in five or ten years, he wonders if a

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decision can be made as to whether the Commissioners want to follow the standard procedure for setting speed limits, which is set out in the Indiana Manual. Basically, the procedure is as follows: A speed check is taken and the speed is set at the 85th percentile speed of the recorded speeds. However, what we end up with a lot of the time there is that we have people who have the gut feeling that the speed is too fast. A speed check will usually show that a speed limit of 45 MPH is reasonable on a typical county-type road, even though the people who live along that road may feel it needs to be slower. If it is lower than the 85th percentile, it is very difficult to enforce. Mr. Savage asked if the Commissioners would have any input on this for him and his successor?

Commissioner Willner said that he was here when that was done. There were some roads -- perhaps two (2) miles long -- which might very well have four (4) different speed limits...and the drivers utilizing said roads would not be knowledgeable as to the speed limits -- even though there were signs -- because the signs changed so often. Some of these roads which were connected with the City would have speed limits of 40 MPH in the City, while out in the County the speed limit would be 35 MPH -- it was absolutely ridiculous. Therefore, the Commissioners set a standard speed for the County -- enforceable all over the County. Having said that, Commissioner Willner said he thinks we need to stay on that basis. If there is a certain road that deserves 40 MPH or 35 MPH, then he is certain the Commissioners would like to know about it; but he does feel that we need to take the whole road -- rather than simply taking one curve and lowering the speed limit and then raising it again.

Mr. Savage said his recommendation is that when we have a request, we have a speed study as required by the State Manual. He will talk with the Sheriff's department prior to his departure and give them the procedures outlined in the manual, basing any recommendations we have on that information. He said that it is his personal opinion that reducing the speed on Schissler Road is like spitting in the wind. If they did a traffic study on that road and counted the required number of vehicles, they'd probably be there for three (3) weeks. It is never going to be feasible to have a car sitting out there to enforce the lower speed limit -- and people will simply drive the speed they darn well please. However, anyone who drives faster than 30 MPH on any portion of Schissler Road is taking their life in their hands. It is his recommendation that consideration be given to posting a particular warning-type speed advisory and leaving the speed limit at 45 MPH according to current statute. He believes we could do that without an ordinance. Commissioner Willner commented that he thinks posting a warning advisory would be wise.

Traffic Sign Ordinances: Attorney Jones said it was called to his attention by Joanne Matthews that there were a number of stop signs changed which would, no doubt, require an ordinance. He said the specific schedules are in the Code of Ordinances and to change a Speed Limit, Weight Limit, Truck Route, Stop sign, Pass sign, Yield sign (these six categories) requires that an ordinance be plugged in --- a one page ordinance would probably suffice. Mr. Savage asked why that is? Attorney Jones said again that it has to go thru in Ordinance form if you attempt to enforce it.

Mr. Savage said he does have a list and there are several which need to be included in an ordinance. He said he had left those because prior to David South's departure (he is the individual who set up all the codes for the last revision made) -- he indicated he would like to see these things accumulate until such time as you have a handful and then have an ordinance -- but that may not be the best way to do it. Attorney Jones said he has the list and will prepare the necessary ordinances.

Commissioner Cox said that actually these are already posted -- which is of benefit to the travelers, yet we have no ordinance.

Mr. Savage acknowledged that he could see some legal problems if a stop sign is put up without an ordinance -- the way Mr. South suggested doing it. Attorney Jones asked Mr. Savage if he recalls that the County got hit with a lawsuit the first week that both he and Mr. Savage began working for the County?

Reflective Signs:

Mr. Savage said he did recall the lawsuit concerning reflective quality of specific sign. Attorney Jones asked if Mr. Savage can tell the Commissioners what the status of that program is insofar as county signs are concerned, the schedule for replacement, etc.? Mr. Savage said that shortly after the lawsuit was filed, the Traffic Engineers

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made a check of all county intersections -- as well as they could with the list they had -- to assure that there were no more non-reflective rise stop signs out there. At this point in time, there is no scheduled replacement or determination concerning how much life remains in the reflectorized signs which are out there.

Attorney Jones asked if such a determination could be made without moving mountains? Mr. Savage said this could not be done within the scope of the department as it is now set up. He said this is a great undertaking, because you have to have the people who could look at each sign and evaluate how much life is left in that sign. Attorney Jones asked if there are any records indicating when the signs were installed? He said that if we know the grade of the sign and when it was installed -- then there is a useful life for each grade of sign and once we know the grade and installation date, then a determination could be made as to the useful life of said sign. Do we have information on the date of purchase of installation?

Mr. Savage said that when we dealt with this problem re sign on Green River Road, dates were kept of all signs installed subsequent to that date. However, a large number of signs in the county were installed prior to that date. Attorney Jones said that every one of those is a potential problem. Mr. Savage said that reflective material has not been in use for a long period of time in the county -- so that we have a lot of dead signs out there. But in the next five (5) years, we will probably reach that point. He feels a project of this type would probably save some potential liability.

Attorney Jones asked that Mr. Savage make a note somewhere for his successor, indicating that he will be glad to meet with him concerning this. He said he very, very strongly recommends that such a project be undertaken -- regardless of whose area of responsibility it is. He is afraid that all of the current individuals are going to be gone sooner or later; and all the folks down the road will not know anything about it. Because the sign is reflective -- you drive by it every day and can't tell about it, unless you actually know the date -- or come up on the sign at night -- you wouldn't know about it. It would consequently be forgotten until, once again, an accident occurs -- resulting in a lawsuit! Mr. Savage indicated that he would make a note for his successor, so he can arrange to meet with Attorney Jones concerning this project.

In conclusion, Mr. Savage expressed his appreciation to the Commissioners for the good relationship enjoyed during his tenure with the County, etc. President Borries said that Mr. Savage is a nice person to work with and has done a fine job. He wished him well in his new endeavors. Commissioner Willner said that while he has not always agreed with the amount of time put in on County projects, etc., he does think that Mr. Savage had the best interest of the county at heart and he has been a good department head. He wishes him well in his new endeavors. Commissioner Cox said she concurs with all that has been said -- and it has been nice to work with someone who is conscientious and interested.

St. Joe Avenue Intersection: Commissioner Cox said she did have one other item to discuss with Mr. Savage. She has numerous calls from residents in the Allen Lane-St. Joe Avenue area. She said this is a problem we've wrestled with since the improved St. Joe was first opened -- what to do with that intersection. There was an accident at this intersection one morning last week and yet another accident around 3:30-5:30 p.m. that same day. Sometimes that pinpoints people's concerns. She is wondering if since St. Joe Avenue has been open now for a good three years -- should we take a look at that intersection to determine if traffic patterns have changed? So agreed.

Treeline Barrier at Busler's: Another point brought up was that the treeline at Busler's (way back on the other side of Diamond -- beyond the south side of Diamond) creates a barrier -- like when you're traveling Allen Lane going east and look to the south to see if St. Joe is clear). The treeline barrier at Busler's creates a visibility problem for vehicles dark in nature. It may be that we need to better light that intersection along there. Currently, Allen Lane is a stop -- on both sides of St. Joe.

Mr. Savage said this problem is probably beyond the scope of that which he can accomplish prior to his departure at the end of this week. He will, however, give a note to David Gerard -- asking that he evaluate the existing problem to see what can be done. Commissioner Cox stated that the traffic is very, very heavy during the morning and evening work hour traffic periods. Other than that, it is not very heavy.

County Accident Report/Filing System: Mr. Savage said there is one other item, in particular, that the Commissioners might very well want to work with EUTS on. That is, the filing system for accident reports. There may be something in the mill already -- he isn't sure. But the County's filing system on accident reports is very cumbersome insofar as looking up all the accidents at a particular intersection, because the reports are filed by date. He said he seems to recall hearing that they were going to do something to modify that; if not, EUTS does have a program they are using to enter all the City's traffic accidents. It keeps track of each intersection and spits out a report. It would probably be a small matter for them to do that in the County, also. He said he is certain it could be added to their work program and should be extremely helpful engineering-wise for evaluating accident problems.

Replacement for David Savage: Mr. John Vezzoso advised that Mr. Savage has a lot to clean up between now and Friday. He said he is glad the Commissioners feel about him as they do. Insofar as Mr. Vezzoso is concerned, losing him is like losing his right arm! It will be hard to replace him (and as of yet they do not have a replacement) -- but he will endeavor to do what he can in the interim. In response to Commissioner Willner's query as to who will be handling the everyday calls, etc., Mr. Vezzoso said, "You're looking at him!" All of the personnel are staying -- and he and the whole engineering staff will be available at any time; just call Ext. 5431 or 5468 -- and they will do whatever they can.

RE: COUNTY SURVEYOR - BILL JEFFERS

Bridge & Guardrail Repair Report: Mr. Jeffers submitted the Bridge & Guardrail Repair Report for period October 15 thru October 19, 1984. He noted that on Wednesday and Thursday of last week they used something called "Speedcrete" to make surface repairs on Delaware Bridge. If it works like it seems it is going to, this is what they will use on the 5th Avenue Bridge, also. The "Speedcrete" sets up awfully quick and it has a bonding agent in it which they think will adhere to the defective concrete in the potholes there.

Ohio Street Bridge: Commissioner Cox indicated she has questions about the rest of the walkway on the Ohio Street Bridge. There is still an open section on the west side....probably at least two (2) feet. Mr. Jeffers said that what happened here was that they had about 400 ft. of 4-ft. panels. The first thing they did was to take these panels and replace the wooden walkway itself. Then they took some more panels and cut and spliced them in between that opening. They thought they had enough material; but when they got down to it, there was a lot of rusted and substandard pieces which had to be junked -- not safe for use anywhere -- and they came up a bit short on material with which to fill in that opening. As a matter of fact, Bob Brenner told him this morning that they are going to go ahead and do this with something; it may not be that particular type of steel grating -- because that was an antique type -- but there is something that looks like it that will serve the same purpose. Commissioner Cox had expressed concern about this opening last week -- and the surveyor's crew is going ahead and finish it off. Commissioner Cox asked if we're going to do this in-house? Mr. Jeffers said they do have a couple of employees who are pretty good welders; if it doesn't involve as extensive a job as that which Rig-Mar has had to do to date, then we can probably do it in-house. Otherwise, we might have to ask Rig-Mar to go ahead and do the work on a cost-plus basis to finish the repair. Nonetheless, they are as concerned about this as is Commissioner Cox and Mr. Brenner wants to finish the job. He does feel, however, that to go out and buy new material for this would be too expensive. Thus, they are trying to locate something that would do the job as well -- perhaps something from the salvage yard; or, maybe we have another bridge where we could take the material from there.

Broadway/Johnson Lane Clean-up:

Commissioner Cox said she also had a question about the cleaning of the culvert on Broadway and Johnson Lane? Mr. Jeffers said he was out there on Wednesday of last week. At that time, there was a lot of water coming down Wolf Creek. The channel which had been cut by the surveyor's crew seemed to be providing a sufficient opening for the water to escape. He said he'd also had a letter from one of the residents in the area who had been experiencing problems during heavy periods of rain with flooding in his yard, garage, etc. He said that since the work accomplished by the surveyor's crew had been completed he had not been having any problems and he expressed his appreciation on what had been done to alleviate the problem.

(continued)

Continuing, Mr. Jeffers said his main concern is that since he is not certain just how much concrete can be taken out of that channel without weakening the footer, he is reluctant about putting men up under that structure and continuing to take concrete out from around the footer. As the Board knows, it was not built by the county and it was not built by the state. The bridge culvert underneath the highway itself was built by the state when that was a state highway and the county did some extension of that culvert only to the right-of-way line. Then, the private property owners evidently designed and had constructed what we're calling a concrete block culvert. It has a variety of different materials used for the ceiling support, etc., and doesn't look very safe. In Mr. Jeffers' opinion, we took care of our responsibility by unstopping a waterway which was causing problems for the residents upstream; he believes the water is now passing thru it in a manner sufficient to alleviate that problem and he is somewhat hesitant to remove any more concrete in case the concrete poured there is actually acting as a footer for that wall.

Commissioner Cox said that is all she needs to tell the inquiring parties; however, probably ten feet away from the bridge there is maybe no more than a 2-ft. opening and people are questioning whether the county is going to do any more than that which they have done. If Mr. Jeffers feels that this is enough to move the water adequately -- and leave the rest of it there to make certain the footing along the side holds -- then this is all she needs to know. When the subject was previously mentioned, there were problems with the jackhammer, etc., and subsequently there has been a lot of rain.

Mr. Jeffers said he would like to qualify his statement a bit. At this time, it appears sufficient to carry the water. Should it prove to be a problem in the future, then the surveyor's office would like to hear about it from either the residents or the Commissioners. He noted that the workers did not encounter any steel or any other type of reinforcement in the concrete -- and this is another reason they are hesitant to remove any more concrete -- and then all of a sudden have a large amount of concrete break loose.

Claims: Mr. Jeffers said the work accomplished up to this point on Ohio Street Bridge is covered by two (2) claims, which he has to submit for approval today. Subsequent to removal of the old walkway, however, the total job to finish the project is a bit more than anticipated -- and they would like to finish it if they can. Regardless, the work completed to date is reflected by the following claims:

- 1) Rig-Mar Contracting, Inc.: Claim in the amount of \$3,700, in accordance with designated work reflected in invitational bid awarded on September 24th in that amount. Motion to approve said claim was made by Commissioner Willner, with a second being provided by Commissioner Cox. So ordered.
- 2) Rig-Mar Contracting, Inc.: Claim in the amount of \$2,487.73 for labor, material, etc., for additional flooring put between the walkway. Commissioner Cox asked for an explanation. Mr. Jeffers said the bridge is in excess of 200 ft. long; additional flooring was needed for about 80-ft. As explained previously, because of substandard pieces which had to be junked -- there was not enough material to finish the total job. However, this claim does cover work finished by Rig-Mar to date, which was beyond that portion of the work quoted on via invitational bid. This extra work was done on a purely cost-plus basis. The bill is calculated on manhours worked x hourly rate plus the fringe benefits Rig-Mar has to pay their workers, plus 10% overhead/profit. Additionally, Rig-Mar had to provide some angle iron. Commissioner Cox queried Mr. Jeffers about this. Mr. Jeffers said this was flat steel angle iron welded to the beams of the bridge in order to lay the grating. The county merely supplied the grating for the steel floor. Rig-Mar provided additional angle iron in order to be able to weld it to the structure.

Commissioner Cox said it cost \$3,700 to move all the material from the Maryland Street Bridge and move it to the Ohio Street Bridge and install same. Now, it is costing another \$2,487.73 just to do the piecing work between the installed walkway and the steel driving surface. Mr. Jim Lindenschmidt interrupted by commenting that Rig-Mar did a good job. Commissioner Cox acknowledged that there is no question about that. She asked Commissioners Borries and Willner if they feel the \$2,487.73 charge is in line with the work accomplished?

Mr. Jeffers interrupted by saying he would like to address the \$3,700 claim, which was very, very inexpensive for the amount of work done -- and is certainly reflected by the amounts quoted by the other bidders. Commissioner Cox said she

knows this but you can't make up on one job what you lose on another -- that's not the way it is done. Mr. Jeffers said he does not feel that Rig-Mar tried to do this. They took the prevailing rate they pay their people (as can be seen in the middle column of the claim) and simply multiplied the hours worked by that rate, added unemployment, FICA, union fringe, materials and equipment plus 10% profit and 10% overhead and came up with the end result figure. He does not think it was out line, since the surveyor did have an inspector on the job site who verified that the employees of Rig-Mar worked those hours. He said there is not but one (1) eight-hour day on the entire project; the closest was perhaps something like 5, 6 or 7 hours -- so he does not think this bill is padded.

Commissioner Willner pointed out that to fill in the old walkway was reasonably simple. To fill in the blank space, you had to weld an additional base in order to lay the material in. Mr. Jeffers said that Mr. Willner is exactly right. The 4-ft. panels were removed from the old bridge and cut apart at that site for disposal. The contractor was laying 4 x 4 panels, all stacked up like new materials. No cutting or special work of any kind was involved. They took them over to the Ohio Street Bridge site, laid them on the existing supports and then welded them down. On the piecing job, they had to cut each piece to fit all around the different upright supports and weld the old angle iron to the old driving surface beams or the old floor beams under the driving surface and then just piece-by-piece work their way down thru there.

Commissioner Cox said she would have felt better had the surveyor's office come back to the Commissioners and said they needed to fill in the other part. To her, the job looks as though it is not complete and we have a cost overrun which is almost as much as the original thing on which we went out with invitational bids. She said she is not saying it is right or wrong -- only that the Commissioners need to be kept apprized of the situation. She would have had no objection to saying, "Yes, let's get invitational bids or see how much we're talking about." But she does feel that this is a pretty big overrun on a \$3,700 project.

Commissioner Willner emphasized that this is not a cost overrun; it is additional work. However, he did acknowledge that it is a considerable amount of money. He further indicated that Mr. Brenner did come back and tell the commissioners the additional work would be required and asked permission to proceed with same. They did tell him to go ahead -- but did not ask him for a cost estimate. Commissioner Cox said she does not recall this. Mr. Jeffers said he is not trying to dodge Mrs. Cox's questions; but he was in a different job at the time and unaware of how it was handled. Mr. Jim Lindenschmidt stated that Mr. Brenner was in to see the Commissioners and advised them that they were going to have to piece that in, and the Commissioners gave him approval to do it.

Motion was made by Mr. Willner that claim to Rig-Mar in the amount of \$2,487.73 be approved for payment. Commissioner Cox said, however, that she would not second the motion. President Borries indicated the Board can take the claim under advisement for one week. Mr. Jeffers said he will be glad to check it out further if the Board wants further clarification. It was the consensus of the Board that Mr. Jeffers get some further clarification.

RE: COUNTY HIGHWAY ENGINEER

Burkhardt Rd.: Mr. Easley said he spoke with Steve Dilk this morning to determine if they were expecting the bids on Burkhardt Road and they are -- probably tomorrow. The only problem they have been experiencing with bidders is in the MBE (Minority Business Enterprise) area. Most of the bidders now have the word, so those bids should be in tomorrow and Mr. Dilk talked like the bids would perhaps be awarded this week. He indicated they would not have to take them under advisement for a very long period of time.

Lynch Road: Mr. Dilk also acknowledged receipt of the package of information on the Lynch Road matter, but he will not get that forwarded to Lee Gallivan of the Federal Highway Administration until next week. Mr. Dilk did give indication that it seemed to be in order with what they were expecting, based on Mr. Easley's preliminary estimate. He said it will probably take about thirty (30) days to get the lump sum work agreement prepared for the county and get it to the railroad. As soon as that arrives..Mr. Easley said he thinks he will go ahead and firm up the prices; some he received two or three bids on and on others he only received one bid. He will be acting as Construction Manager for the County Commissioners for the work at the Creasey Company. He said it

looks as though we can get it done for under \$15,000; and, he thinks we can go ahead and do that in advance of Seaboard's working with the railroad tracks.

Telephone Equipment on Millersburg Road: It was noted by Mr. Easley that the Telephone Company moved that piece just north of Millersburg Road (it wasn't actually moved -- just turned). Commissioner Willner said that while it certainly did not alleviate the problem completely, it did help.

Ohio River Erosion - Mile 782.5: Commissioner Cox said she received notice via a monthly report from the U.S. Army Corps of Engineers (as did all the other Commissioners) wherein they referred to a project where they are authorized to place fill material as bank protection on the right bank of the Ohio River (Mile 782.5) near Evansville, Vanderburgh County. She asked if this is the area on Old Henderson Road -- and could Mr. Easley check this out? She said the Corps of Engineers said that the owners have given permission for them to do that work.

Highway 57/ Water Needs: Commissioner Cox asked if Mr. Easley has had a chance yet to get out on Highway 57 to make the survey concerning water needs in the area? Mr. Easley said he has been working on that; but he's primarily been concentrating on the Lynch Road project.

RE: VOTING PLACES FOR NOVEMBER 6, 1984 GENERAL ELECTION

President Borries said that he has the list of Voting Places for the November 6, 1984 General Election to be submitted for approval. The list is the same as the one approved for the Primary Election held earlier this year. Motion was made by Commissioner Willner that list be approved, as presented. A second to the motion was provided by Commissioner Cox. So ordered.

RE: MONTHLY REPORT FROM THE BUILDING COMMISSION

The monthly report of building permits issued for September 1984 was submitted..... report received and filed.

RE: VOTING PLACES FOR NOVEMBER 6, 1984 GENERAL ELECTION

Commissioner Cox asked if a motion is needed concerning advertisement of the approved list of Voting Places -- or, is that just standard? Commissioner Willner said he would amend his motion to read that list of Voting Places for the November 6, 1984 General Election be approved, as presented, and advertisement of same appear in the Courier & Press on Friday, October 26th. A second to the amended motion was provided by Commissioner Cox. So ordered. (Info re advertisement was already included on the list.)

RE: RESOLUTION FOR SHORT TERM LOAN TO WELFARE DEPARTMENT

President Borries submitted the following Resolution for approval, which subsequently will be forwarded to the State Board of Tax Commissioners for approval. He noted the Commissioners approved the loan in their meeting of October 1, 1984; the only action required today is the signing of the formal resolution, itself. Resolution was as follows:

RESOLUTION

BE IT RESOLVED by the County Commissioners of Evansville, Vanderburgh County State of Indiana, that it is desired and deemed necessary to provide a short term loan to the Vanderburgh County Welfare Fund in the amount of \$363,992.00 per statute.

Approval of the State Board of Tax Commissioners is being requested for the above loan.

Source of loan is County General Fund.

Adopted this 1st day of October, 1984

Richard J. Borries
Robert J. Willner
Shirley Jean Cox

(continued)

COUNTY COMMISSIONERS
October 22, 1984

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ATTEST:

Alice McBride
Auditor, Vanderburgh County

Motion to approve the Resolution was made by Commissioner Willner, with a second being provided by Commissioner Cox. So ordered. Attorney Jones queried Mrs. McBride concerning the repayment of the loan. She stated that a decision as to how and when this loan will be repaid will not be made until the State people come down in November.

RE: OLD BUSINESS

The Chair asked for any items of Old Business to be brought before the Board at this time. There were none.

RE: CLAIMS

The following claims were submitted for approval:

Alexander Ambulance Service, Inc.: Claim presented in the amount of \$38,001.75 for quarter ending September 30, 1984. Commissioner Borries said the claim has been reviewed by Chief Deputy Auditor, Pat Tuley, who found it in order. Mr. Lindenschmidt said he and Mr. Tuley will go over all the Alexander claims, etc., as soon as Mr. Tuley is finished with Board of Review matters; but Mr. Tuley has been too busy to break away for the meeting with Alexander Ambulance personnel. Motion was made by Commissioner Willner that subject claim be approved for payment. A second to the motion was made by Commissioner Cox. So ordered.

David L. Jones: A claim for litigation services re numerous matters in the amount of \$1,682.91 to David Jones of Bowers, Harrison & Kent was submitted. Motion to approve claim for payment was made by Commissioner Willner, with a second from Commissioner Cox. So ordered.

RE: EMPLOYMENT CHANGES - RELEASES

Board of Review

Casper Hudson	2501 N. Governor	Sec'y.	\$ 30.00/Day	Eff: 10/2/84
Janice Richard	2801 Koring Rd.	"	"	Eff: 10/8/84

Surveyor

Tammy File	1917 S. Lombard	"	\$11,298/Yr.	Eff: 10/19/84
Carol Corum	11540 Village Lane	"	\$11,298/Yr.	Eff: 11/2/84

Area Plan Commission

Betty J. Gilles	1409 S. Kentucky	Dep. Adm.	\$11,000/Yr.	Eff: 10/19/84
(end of probationary period)				

Clerk of the Circuit Court

Shannon Gray		P.T.	\$3.50/Hr.	Eff: 10/5/84
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Prosecutor's Office

Deborah Wallace	816 W. Idlewild Dr.	Paralegal S.	\$11,500/Yr.	Eff: 10/22/84
Brenda Robbins	1201 Old Post Rd.	" S.	\$11,500/Yr.	Eff: 10/22/84

RE: EMPLOYMENT CHANGES - APPOINTMENTS

Surveyor's Office

Anita Louise Williams	963 S. Grand	Secretary	\$11,298/Yr.	Eff: 11/5/84
Carol Corum	11540 Village Lane	"	\$11,298/Yr.	Eff: 10/22/84

(continued)

616.

COUNTY COMMISSIONERS
October 22, 1984

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Area Plan Commission

Betty J. Gilles 1409 S. Kentucky Dep. Adm. \$11,320/Yr. Eff: 10/22/84

Prosecutor's Office

Deborah Wallace 816 W. Idlewild Paralegal S. \$12,500/Yr. Eff: 10/22/84
Brenda Robbins 1201 Old Post Rd. " \$12,500/Yr. Eff: 10/22/84

President Borries said Commissioner Cox had directed his attention to the fact that there needs to be a motion concerning approval of Leave of Absence for David Guillaum (without pay) -- due to medical problems in the Guillaum family. Motion was made Commissioner Willner that Mr. Guillaum be given the requested leave of absence, without pay. A second to the motion was provided by Commissioner Cox. So ordered.

It was noted by President Borries that Mr. Guillaum is not certain just how long he will have to be on leave, but the Commissioners will check the Personnel Policy to determine allowed period -- 60 days or 90 days. Further, Mr. Guillaum has said he would be willing to pay his total share of the insurance premium. He will be off the County payroll and off the County Insurance Participation program; but, he will pay his full share of the insurance premium to retain the coverage.

There being no further business to come before the Board at this time, President Borries declared the meeting adjourned at 4:30 p.m.

PRESENT:COMMISSIONERS

Richard J. Borries
Robert L. Willner
Shirley Jean Cox

COUNTY AUDITOR

Alice McBride

COUNTY ATTORNEY

David L. Jones

COUNTY HIGHWAY

Bill Bethel

COUNTY ENGINEER

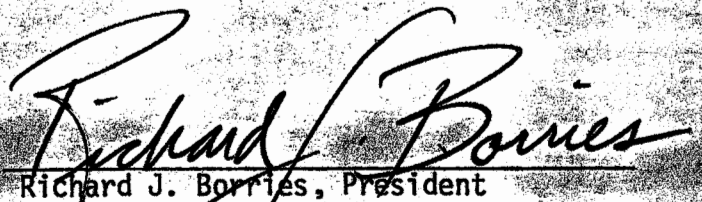
Andy Easley

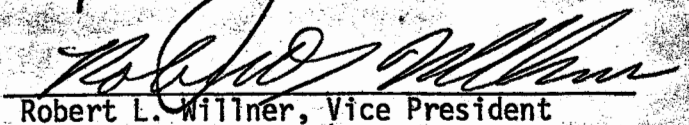
COUNTY SURVEYOR

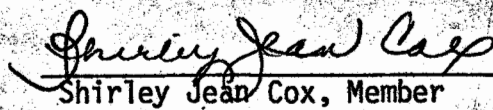
Bill Jeffers, Chief Deputy

OTHER

Nancey Walters, Pigeon Trustee's Office
News Media
John W. Johnson
Councilman Jerry Linzy, etc., etc.


Richard J. Borries, President


Robert L. Willner, Vice President


Shirley Jean Cox, Member

SECRETARY:

Joanne A. Matthews

MINUTES
COUNTY COMMISSIONERS' MEETING
OCTOBER 29, 1984

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MINUTES
COUNTY COMMISSIONERS' MEETING
OCTOBER 29, 1984

The meeting of the Board of County Commissioners was held on October 29, 1984, at 2:30 p.m. in the Commissioners' Hearing Room, with President Borries presiding.

The Chair entertained a motion concerning approval of the minutes of the previous meeting. Motion was made by Commissioner Willner that the minutes of the meeting held on October 22nd be approved as engrossed by the County Auditor. A second to the motion was provided by Commissioner Cox. So ordered.

President Borries indicated the Board had received two (2) Notices of Poor Relief action. However, Mr. Eddie Shelton of Pigeon Township called in -- stating that he is ill and must go to the doctor. Therefore, his wife will be here in his stead. Commissioner Borries said he would have to seek legal counsel via the County Attorney as to whether Mrs. Shelton could appear in Mr. Shelton's behalf.

RE: POOR RELIEF/KNIGHT TOWNSHIP

Applicant: Kenneth G. Eastham/1537 Jeannette Avenue: Katherine Rybak of Legal Services approached the podium and stated that she is appearing today with the applicant and will speak in his behalf. Mr. Eastham applied for assistance with medication, as well as asking for a non-food order. Since making application for assistance, Mr. Eastham has obtained assistance with his medication from the Veteran's Administration. They are appearing today to ask for the non-food order, which would be used to purchase supplies such as soap, detergent for clothes, toiletries, etc. Mr. Eastham was turned down by the Trustee's office on basis of over income, according to the Trustee's guidelines and falsification of an application -- and in parenthesis it says, "failure to declare other income". Ms. Rybak said the denial of assistance is not specifically sufficient and she does not know what other income the Trustee's office is talking about. Mr. Eastham guesses they are referring to his "Section 8", which is not really a source of income at all. Mr. Eastham is living in Section 8 housing, which means that his rent is paid for -- but he gets no money in hand with which to pay for necessities. The other possible source of income that Mr. Eastham feels the Trustee might be referring to is that occasionally he donates plasma and for that he can receive up to \$22.00 per week. During the month of October, he has received approximately \$60.00 from giving plasma. During the month of September he received \$30.00 for giving plasma. But that is not a regular source of income. Even if this were considered, that is his only "cash" income and that surely should not make him over income according to the Trustee's guidelines and ineligible to receive benefits. Therefore, Mr. Eastham should be given his poor relief non-food order. Mr. Eastham is not employed at this time; he is disabled. He has been disabled because of a work-related injury received at Whirlpool in June 1982. He presently has pending a Social Security Disability claim and a Workmen's Comp claim. Other than the money received from donating plasma, he has no income at all and should not be considered over income for Trustee's benefits.

President Borries thanked Ms. Rybak for her comments and entertained questions from the Commissioners concerning this appeal.

Commissioner Cox asked Ms. Rybak the amount received for blood donations during the month of September? Ms. Rybak said it was approximately \$30.00. Mr. Eastham recalls giving blood on September 7, 12 and 26 -- for a total of \$30.00. Commissioner Cox asked if Ms. Rybak checked with the place where the blood was given? Ms. Rybak said they would not give out that information.

President Borries then called on Teri Stokes, investigator for the Knight Township Trustee's office for her comments. Ms. Stokes said that in their guidelines, "Monthly Income" is defined as "that net income which is available to the household or applicant from any source, including non-monetary income". Section 8 pays \$215.00, plus he receives a check made out to him for \$39.00 per month to go toward his utilities. That alone puts him over income. Then, the Trustee's office discovered that he has been going regularly to Highland Blood Plasma Donor Center; he does not donate -- it is paid for. In fact, he's been going regularly from September 1983 until now. From January to October, 1984, he has received \$770.00. She said this puts him more over income. The Trustee's office turned him down on medication because he is covered by full coverage via his Etna Insurance; he has to pay 20%, which he can easily do with money received from Highland Plasma Center. Ms. Stokes said that, technically, Mr. Eastham has perjured his last three (3) applications by not declaring any money coming into the household. According to the Trustee's standards, he is definitely over income; and, he has falsified his applications by not declaring the money received from Highland Plasma Center. The

(continued)

non-food assistance he is talking about is for \$3.00 per month. He gets more from Highland Plasma in one week than he needs for non-food order.

Commissioner Willner asked Ms. Stokes what assistance has been given to Mr. Eastham to date by the Trustee's office?

Ms. Stokes said that from April 22, 1983 thru August 27, 1984, the Trustee's office has given Mr. Eastham \$1,038.25 in medical assistance and approximately \$35.00 for non-food orders last year. Technically, he was not entitled to this because he falsified his applications and was over income.

Commissioner Willner asked what income figure the Trustee's office uses per month? In other words, according to the Trustee's calculations, what is Mr. Eastham's income per month? Ms. Stokes said they calculate his income at \$330.00, and the Trustee's guidelines specify \$250.00 for a one-person household. Further, according to their records, he gave plasma on the following dates and received the following monies for his blood donations; this is more than three (3) times and in excess of \$30.00.

September 5	\$ 8.00
September 7	14.00
September 12	8.00
September 14	14.00
September 19	8.00
September 21	14.00
September 22	8.00
	<hr/>
	\$74.00

Therefore, the Trustee's office feels that Mr. Eastham can make it; he is doing better than the majority of their poor relief applicants. He has his shelter supplied; assistance with his utilities; he has full coverage insurance; he receives food stamps. And, he can apply to Project SAFE for utility assistance. He receives \$39.00 per month and last month SIGECO's bill was \$38.83.

Commissioner Willner asked Ms. Stokes if she is saying that according to the Trustee's records, Mr. Eastham is \$80.00 over income? She responded that that is correct. Commissioner Willner asked if Mr. Eastham has ever participated in the workfare program? Ms. Stokes said he has not. They tried to schedule him for this program; the doctor sent a statement saying he could do light housekeeping. Three weeks later, he came back with a statement saying he could not do this. She believes the statement from the doctor indicated he was paranoid and schizophrenic.

The Chair entertained further questions from the Board. Commissioner Willner said that as far as he can determine, he considers Mr. Eastham over income. He suggested that President Borries ask Ms. Rybak if she considers the Section 8 housing allowance as "income"? If it is considered as income, then Mr. Eastham is over income. If it is not considered income, then that's a different matter. That is the bone of contention here.

President Borries asked Ms. Stokes if, according to their guidelines, monthly income is defined as "that gross income available to the household from any source, including non-monetary...?" He asked Ms. Rybak if she has a problem with this? Ms. Rybak said that she does have a problem with this. What Mr. Eastham is getting thru the Section 8 housing is the ability to live in a place; he has no control over how that money is spent. Similarly, the \$39.00 amount which goes for his utilities. He is not asking for assistance with either of those categories. For the Trustee's office to allege that he falsified his application, she thinks the Board will find that Mr. Eastham has not been secretive about the fact that he lives in Section 8 housing or that he has given plasma; in fact, he has mentioned both of those items on occasions when he has been in the Trustee's office. The plasma donation monies are not a regular source of income. They have to find him fit to give the plasma in order for him to get that money; so he can't predict what his monthly income from this might be. Ms. Stokes interrupted by saying the Trustee's office has a statement from the doctor at Highland Plasma Center stating that Mr. Eastham can give plasma. The medication he is on does not affect his plasma....and he has been going regularly since September 1983. Ms. Rybak said that in any event, the most Mr. Eastham could make would be \$88.00 per month. He has no control over the Section 8 money given to his landlord for rent -- and he is in no position to have money to purchase items like toilet paper, deodrant, soap, razor blades, etc., which he needs.

Emarie West of the Knight Trustee's office approached the podium and asked President Borries if she could comment concerning Mr. Eastham's application? Permission was granted. Mrs. West said she realizes that Mr. Eastham cannot predict what his monthly income from plasma donations might be. However, he has had regular income from this source over the period of time stated. If \$88.00 or an average of \$80.00 per month is not enough to take care of his own personal hygiene, then the \$3.00 non-food order from the Trustee's office would not be enough either. He is on the food stamp program; she realizes groceries are high and perhaps this does not cover all his needs at the grocery store. However, she is wondering where all this other money from blood donations goes. She knows he has a telephone and a car, which is expensive...and an added expense. Ms. Rybak interrupted by stating that Mr. Eastham needs these items for medical reasons. Ms. West continued by saying that never has Mr. Eastham stated to them during time he was making application that he was selling his plasma. When he talked with the Trustee one day last week, he was trying to tell the Trustee that he donated his blood; he does not donate his blood, he sells it. And, he does receive the income from same.

Continuing, Mrs. West said they do count Section 8 housing for the other applicants who come into their office; it is not just for Mr. Eastham that they have counted it. They count it for any other applicant who receives Section 8 housing. Not all of the applicants get the entire amount of their rent paid -- some of it is partial payment; but she does not understand why Mr. Eastham would be able to receive the other benefits of the Section 8 (as to what it does for him) and be able to receive all the other benefits from the office, including the non-food order.

Commissioner Willner asked if "aid-in-kind" (rent for housing) is considered as income insofar as all the other applicants are concerned? Mrs. West said they do if it is on a Section 8...it is considered non-monetary income.

President Borries said that at this point he has no consensus from the rest of the Board to grant the request. Because of his shelter and utilities, they feel they cannot find a way in which Mr. Eastham's emergency needs or his rights are being violated. A motion to this effect was made by Commissioner Willner, with a second being provided by Commissioner Cox. So ordered. Appeal denied.

RE: POOR RELIEF/PIGEON TOWNSHIP

Applicant: Eddie Shelton/614 Main Street (Civic Plaza Hotel): President Borries said he understands that Mr. Shelton is ill and that Mrs. Shelton is present. He asked that Mrs. Shelton approach the podium. He explained that he did not want to be impolite; but it has been his understanding that a person who has the right to appeal to the Board of Commissioners must do so in person. It does indicate that counsel may be retained to speak in applicant's behalf and he is not certain that Mrs. Shelton can represent Mrs. Shelton. However, the Board can listen to what Mrs. Shelton has to say at this time and perhaps set up another time when Mr. Shelton can personally appear.... Mrs. Shelton asked if there were sufficient time for her to return to their place of residence (Civic Plaza Hotel) and get him up and bring him back to the meeting? He was running a temperature of over 100°F this morning. President Borriessaid that Mr. Shelton has the right to request an appearance at any of the Commissioners' weekly meetings. Mrs. Shelton said she went to the Trustee's office this morning to try to take care of things and she was told that the last time Mr. Shelton was there -- she was under the impression that the Sheltons had been split up. Mrs. Shelton said this was not the case. Mr. Shelton told her it was his understanding that the misunderstanding occurred as a result of his request to go back home. He was under doctor's orders and they advised he get away from stress and strain, which you cannot do at the Civic Plaza Hotel -- it is impossible. Mr. Shelton said the Trustee's office asked him if the two of them would be together and he said "no".....but he said this because Mrs. Shelton was not going back home (to Kentucky) with him during the week and a half or two weeks that he would be gone. So, since the SSI is still pending and the Trustee had given him a bus ticket to go back to Kentucky -- when they went to make application for the rent assistance then everything was messed up. Mrs. Shelton is still looking for work; however, she is four months pregnant -- and there are not many employers who would hire her now. She said she explained this to the Trustee's office this morning. So, the fact that she remained in Evansville to still seek employment while Mr. Shelton returned to Kentucky to recover from stay at hospital is where the Trustee's office misinterpreted their not being together.

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President Borries stated that he is still confused. The application stated that Mr. Shelton received transportation on 10/10/84. What was the bus ticket for? Mrs. Shelton said it was for purposes of Mr. Shelton's going home to recuperate; he had just gotten out of the hospital. Commissioner Borries asked, "go home to where?" Mrs. Shelton said that Mr. Shelton's mother resides in Kentucky and she was picking him up at Ft. Campbell so he could go to her home and recuperate from his hospital stay. She said this was under doctor's orders. President Borries asked if the doctor gave a written order to do this? Mrs. Shelton said it was not a written order; the doctor said that Mr. Shelton needed to get out from under stress and strain.

President Borries said he had conferred with County Attorney David Miller, who indicated that Mrs. Shelton could appear in her husband's behalf. Therefore, it may be possible for the Board to make a determination concerning application for assistance today. Commissioner Willner said he has some questions; for instance, why is applicant living at Civic Plaza Hotel, etc. He would like to hear from the Trustee's office, which may clarify some of these questions. President Borries asked Mrs. Shelton how many children are in the family? Mrs. Shelton said, "None -- but one on the way; she is four (4) months pregnant." Commissioner Cox asked Mrs. Shelton if she is living at the Civic Plaza Hotel? And, Mr. Shelton is back there now? Mrs. Shelton indicated that Mrs. Cox is correct on both points. Their rent is due tomorrow.

Louise Hall of the Pigeon Trustee's office was recognized by the Chair and approached the podium. She said that Mr. & Mrs. Shelton came to the Trustee's office for rent assistance on May 23rd. He said he had just been released from Deaconess Hospital and previously had worked for a Susan Benson (who had left town for two weeks) doing landscape work. The Trustee paid rent of \$135.00 and issued \$25.00 food order. On June 22nd, Mr. Shelton was in for rent assistance again -- stating he had just been released again from the hospital. The Trustee issued another month's rent and Mrs. Hall explained that they could not continue to pay his rent. On July 23rd, he came into the Trustee's office with a letter from Social Security stating he had filed for disability. The Trustee again paid his rent. (When disability is pending, they have no choice but to pay the rent.) In August, Mrs. Hall was on vacation; however, Mrs. Shelton came to the Trustee's office and the supervisor paid rent for her at the Civic Plaza Hotel, because Mr. Shelton was in the hospital in Madisonville, Kentucky. In September, another case worker took Mr. Shelton when he came into the office (Mrs. Hall was out of the office at that time). The other case worker paid the rent for September because the disability was still pending. She also gave the Sheltons a \$10.00 food order (although they are receiving food stamps). On the 10th of October, Mr. Shelton came into the office personally; nothing was said about leaving for rest or relaxation or anything about a doctor's orders. Mr. Shelton stated that he wanted to go to Ft. Campbell, Kentucky to his mother's. He said his mother was going to help him get a loan to take care of himself until he could get his disability started. Mrs. Hall talked with Mr. Goff (the supervisor). They explained to Mr. Shelton that if they gave him a purchase order for a ticket to go to Ft. Campbell that they would not be able to assist him again for a period of eighteen (18) months. He understood that. Mrs. Hall asked him where his wife was and he indicated she was not with him. (Mrs. Hall said she doesn't know -- she doesn't get into that. But he said she wasn't with him.) Nonetheless, Mr. Shelton agreed to the bus ticket to Ft. Campbell. While Mrs. Hall was getting that ready, Mr. Shelton asked if he could make a telephone call at Pigeon Township's expense to his mother -- so she could pick him up at the bus station. She told him they couldn't do that. But the bus ticket was issued on the 10th of October. Two weeks later, he came in for rent assistance again. Mrs. Hall explained that they could not assist him with the rent because of the bus ticket and the 18 month waiting period. Mrs. Shelton came to the Trustee's office this morning and said that Mr. Shelton is ill and asked if she could apply for rent assistance? Mrs. Hall said that since Mr. Shelton is considered the head of the household, he will have to come in personally to make application -- and that is where it stands. She reiterated that Mr. Shelton told her he was going to his mother's. He said nothing about a doctor's orders, etc. She said she doesn't think they can send someone someplace to rest and relax at the taxpayers' expense! But she did explain to him that they could not help him again since they sent him to Ft. Campbell.

President Borries thanked Ms. Hall for her comments and the Commissioners perused Page 5 of the Pigeon Township Eligibility Guidelines with regard to transportation, etc. President Borries asked Mrs. Hall if the Trustee's office considered Mr. Shelton a transient -- towards interpreting the guidelines? Mrs. Hall is saying that if they give Mr. Shelton travel assistance, as far as they are concerned he never gave any

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indication he was coming back to Evansville? Mrs. Hall responded that Mr. Shelton said he was coming back. She said that per her supervisor, she explained to him that if he came back they could not assist him anymore -- they could not pay for traveling up and down the road -- and would not assist him anymore. He said he was going home to get a loan from his mother so she could help him with his needs until he could help himself.

County Attorney David Miller asked Mrs. Hall that if it were not for the bus ticket -- would the Sheltons qualify for another month's rental assistance? Just forget about the bus ticket for the moment -- and suppose that he just came in on the 23rd of October as he had in the past -- would he qualify since his S.S.I. is pending? Mrs. Hall acknowledged that he would; she has to pay his rent until she finds out what the outcome is concerning that disability claim. Attorney Miller asked if Mrs. Hall has verification that he has applied? She said she does -- a letter from Social Security stating that he has applied for disability. Attorney Miller said he has to say that based upon the guidelines as they are written, with respect to the transportation assistance, that there is a difference between giving travel assistance to someone who is a resident and giving travel assistance to a transient....and he gathers from what has been disclosed here that the Sheltons are not transients -- they live here. The Trustee's office does have discretion to give people other than transients limited amounts for travel assistance. In fact, the guideline states "city bus tokens, Greyhound bus tickets, and gasoline". And, that does not carry with it the 18-month period of inability to apply. Therefore, if the Sheltons otherwise qualify, because of the pendency of social security disability, then he believes the denial results from a misinterpretation of Paragraph H in Section 5. Therefore, if the Sheltons otherwise qualify for assistance, then he feels it should be granted.

Commissioner Willner said he feels he needs to know the status of Mr. Shelton's medical problems today. Mrs. Hall said she does not know; Mr. Shelton said he has a heart problem. She said she has no doctor's statement -- just a statement from Social Security that he has applied for disability. Commissioner Willner queried Mrs. Hall again about Mr. Shelton's last employment? Mrs. Hall said he told her that his last employment was in the area of landscaping for a party named Susan Beeson (that was on May 23rd, when he came into the Trustee's office). Commissioner Willner asked long Mr. Shelton had been out of work at that time, and Mrs. Hall said about two weeks. Commissioner Willner asked where the Sheltons lived at that time? Mrs. Hall said they were living with Susan Beeson -- on her property. Commissioner Willner asked if the Sheltons had a permanent address in Vanderburgh County at some time? Mrs. Hall said she didn't know -- she didn't go into that. She just took the last address he gave her -- living with Susan Beeson-- and since she left town they had no place to go. Commissioner Willner asked when the employment with Susan Beeson started? Mrs. Hall said she did not ask that question. She simply took it from the time he came to the office and applied for assistance. She took the situation as it was when he came in.

Commissioner Cox asked if Mr. Shelton had an address when he came into Mrs. Hall's office? Mrs. Hall said, "No, he was asking for an address -- as he had no place to go after Susan Beeson left town. Therefore, the Trustee put them into the Civic Plaza Hotel. President Borries asked if Mr. Shelton worked for Susan Beeson? Mrs. Hall said that is what she was told. President Borries asked, "How long?" Mrs. Hall said she did not go into that.

Commissioner Willner requested that the Chair ask Mrs. Shelton to again approach the podium, as he needed some questions answered. President Borries asked Mrs. Shelton to approach the podium.

Commissioner Willner asked if the Sheltons were married in Vanderburgh County? Mrs. Shelton said they were married in Springfield, Tennessee in 1983. Commissioner Willner then asked how long the Sheltons have been in Evansville? Mrs. Shelton said since December of 1983....and they have been at the Civic Plaza Hotel for about eight (8) months. President Borries asked if they had any other address in Evansville? Mrs. Shelton responded they did not. Commissioner Willner asked if the Sheltons have any relatives in Tennessee? Mrs. Shelton said they did not. Both Mr. and Mrs. Shelton's parents reside in Kentucky. Since the Sheltons have lived in Evansville, Mr. Shelton has been in the hospital seven or eight (7 or 8) times. Attorney Miller asked what is medically wrong with Mr. Shelton? Mrs. Shelton said he has a hole in his heart. He can handle nothing very physical or strenuous.

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Commissioner Cox referred to the fact that Mrs. Shelton said something about Mr. Shelton doing landscaping? Mrs. Shelton said Mrs. Beeson needed some flowers planted, etc., and since Mr. Shelton knew something about this -- he did this for a few weeks until she left town. Commissioner Cox said then that Mr. Shelton did not live there? He still lived at the Civic Plaza Hotel? Mrs. Shelton said that is correct.

President Borries asked how soon an answer should be received from Social Security? Mrs. Hall said it was filed in July, so they should be hearing something in the near future -- it usually takes 2-3 months. Mrs. Shelton said Social Security did contact her about three weeks ago advising they had an appointment set up for a physical for Mr. Shelton on a Saturday at 7:00 -- and he was in the hospital at the time. He also did not show up for another appointment because he was in the hospital at the time. They were going to contact Deaconess direct. Commissioner Willner asked Mrs. Shelton if Mr. Shelton filed for permanent disability? She said that is correct. President Borries asked if Mr. Shelton is a veteran? Mrs. Shelton said that he is not. She also said that in addition to her pregnancy, another thing that hurts about her getting a job is that she must make certain she can get a bus to and from work, if she is fortunate enough to find something.

President Borries asked Mrs. Shelton what she will do when the child is born? She said she will try to work -- in fact, she is trying to work now while she is waiting to have the child. Commissioner Willner indicated that the Board needs to do something. He suggested that possibly the matter should be referred back to the Trustee with instructions to make arrangements as best they can, with even the idea of sending the Sheltons back to Kentucky where both of their families are -- because these people need some help. President Borries asked Mrs. Shelton how Mr. Shelton's medical expenses are being handled at this time? She said she couldn't say. In fact, she had a message this morning to call Deaconess Hospital on the account. She thinks Mr. Shelton is going to try to get some help with that; they have no insurance. Attorney Miller said that if Mr. Shelton is approved for S.S.I., Medicaid would pick up the medical costs. But this is going to be a continuing problem. If he has a hole in his heart, he is probably going to be disabled for the rest of his life. Commissioner Cox interrupted by saying that if Mr. Shelton has "pericarditis", this is an infection or inflammation around the lining of the heart which causes it to accumulate fluid. But if he has a hole in his heart, that is something which can be medically treated and repaired. Mrs. Shelton said they have been talking surgery and have been endeavoring to get all the doctors together to make a pertinent decision, etc. Commissioner Willner asked Mrs. Shelton whether there has been any talk between she and Mr. Shelton re going back to where their parents live? She said there has not; their parents are not financially able to help them. They know something needs to be done - but they don't know what. They're just trying to make it here.

Commissioner Willner said it is his recommendation that the matter be referred back to the Trustee with some help of some kind forthcoming. He thinks we have to do something; he doesn't yet know what it is -- but we need to make arrangements somewhere for some help...and he'd rather it not be at the Civic Plaza Hotel. Commissioner Cox asked when the Shelton's rent payment is due? Mrs. Shelton replied that it is due tomorrow. Commissioner Cox said that in reviewing the guidelines, not considering the Sheltons as transients (which she does not consider the Sheltons to be) she sees no reason they would not qualify for the rent assistance. Commissioner Willner said he agrees. But, in reviewing the whole family problems -- they certainly need some help from their parents, even if it's just moral support. Even after Mrs. Shelton has the child and goes to work, she is going to have to have someone to take care of the child -- so she's involved in a never-ending situation. President Borries asked what other assistance the Sheltons receive other than their rent? Mrs. Shelton said they do receive food stamps. Commissioner Cox asked if Mrs. Shelton is getting medical care for her pregnancy? She should be. Commissioners Willner and Borries stated that there is a clinic at St. Mary's. It was the consensus of the Commissioners that Mrs. Shelton should immediately seek medical guidance/care concerning her pregnancy. President Borries asked if it is the recommendation of the Board that the matter be referred back to the Trustee? Commissioner Cox asked what the Trustee is going to do? The Trustee can't act as a social agency and go out and try to find another place for these people to live! Commissioner Willner said he would if he were the Trustee...and, in fact, he did. He thought that was part of the Trustee's job. When you have a problem case -- you have to work with it. Mrs. Hall said the only thing she knows -- they could apply for housing -- but she doesn't know how soon anything would be available. President Borries said that, assuming that this month the S.S.I. would come about, is there anyway thru Mrs. Hall's office that she could check to see how quickly that could come about -- if there would

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be one month's rent given here? In any case, they would have to move when the child is born -- in accordance with standards at the Civic Plaza Hotel. Mrs. Hall said she could contact Public Housing Authorities -- and it might be that if there is a waiting list they could move the Sheltons up the list. Commissioner Willner said what the Trustee's office needs to help the Sheltons with is long-range planning. Commissioner Cox said they also need a rent payment immediately. Commissioner Willner said the Sheltons need much more than this. Mrs. Hall again indicated that if the Sheltons will make application for public housing, the Trustee's office will help them with that. Further, she will contact the Social Security office re the pending disability claim.

Commissioner Cox asked if the application was for one month's rental assistance? What about the medical? The notice of appeal states "rent and med.". Mrs. Shelton said this may have been re the last prescriptions Mr. Shelton got for Tagamint for his heart problem. Mrs. Hall said that medication has never been mentioned. Commissioner Willner said he is just going by what the Trustee's office has typed on the form -- and it states "rent and med.". Mrs. Hall reiterated that Mr. Shelton has never been in seeking medical assistance. Commissioner Willner read the form again, "rent and med.".. then said he guesses it was a matter of a typographical error! Commissioner Cox asked Mrs. Shelton how much their rent at the Civic Plaza Hotel is? She said it is \$168.00 per month....that is what they have on the bulletin board in the lobby. However, there was some discrepancy....with Mrs. Hall indicating it was something like \$135.00 (I believe.....her remarks were almost inaudible).....

Motion was made by Commissioner Cox that the appeal from the Sheltons be granted. Commissioner Willner said he would like to see more done, but he would provide a second to Mrs. Cox's motion. So ordered. Continuing, President Borries advised Mrs. Hall that the Board would ask the Trustee's office to respond by paying one month's rent for the Sheltons. Further, to offer assistance in the following areas:

- 1) Determine as soon as possible the status of Mr. Shelton's social security disability claim
- 2) Direct Mrs. Shelton in the various details concerning application for public housing.

Commissioner Willner interrupted by asking that Mrs. Hall do one additional thing. Get some legal advice for Mrs. Shelton; either thru Legal Services, Legal Aid or whoever. Make arrangements for her to talk with these people. Mrs. Hall indicated she would comply with the Commissioners' requests.

RE: COUNTY TREASURER - LEW VOLPE

Tax Payment/Kelly Prichard, Coldwell Banker/El Segundo, CA: Mr. Volpe said that on Thursday of last week, a letter containing \$18,000 in taxes was received in the Treasurer's office. Contents was validated and deposited in the bank on Friday. Today, the Treasurer's office received a bill in the amount of \$14.00 from Emery Worldwide for a letter of under 5 oz. The party in California had sent the tax payment collect via overnight Emery Worldwide. Mr. Volpe said the policy is that nobody sends anything collect. However, because the Treasurer's office receives a lot of Certified mail, the girl inadvertently signed for it. In any event, Mr. Volpe sent the following letter to Mr. Prichard this morning:

October 29, 1984

Kelly Prichard
Coldwell Banker
201 Continental Blvd.
El Segundo, CA 90245

Re: 10-21-19-12-47 & 10-21-19-12-34

(continued)

Dear Mr. Prichard:

We cashed your check for the tax payment on the two (2) real estate bills before we realized that you had sent the payment collect.

We will not credit your payment to your account until you pay Emery Worldwide the \$14.00 charge.

Lew Volpe
Treasurer, Vanderburgh County

cc: County Attorney
Emery Worldwide

Continuing, Mr. Volpe said that Mr. Prichard still has two (2) weeks to pay Emery Worldwide the \$14.00 and convince the Vanderburgh County Treasurer he has done this, or else receive an \$1,800 penalty. The penalty may eventually come off, but they are going to have to pay attorneys, jump up and down and write letters and it will cost them at least \$500 to take the \$1,800 penalty off. But he feels that Mr. Prichard is just trying to be cute by sending the tax payment "collect".

Commissioner Cox asked if Mr. Prichard was trying to meet a deadline? Mr. Volpe said that he doesn't know what deadline Mr. Prichard would have met last week. The fall tax payment deadline is still two weeks away.

Extension of Due Date for Fall Tax Installment: Mr. Volpe advised that the deadline for payment of Fall Tax Installment is extended to Monday, November 12th, because the November 10th deadline falls on a Saturday. He requested the various news media individuals present to publicize this fact....and it was so agreed.

Returns on Investments: Mr. Volpe said he came before the Commissioners a few months ago and advised that he could make \$200,000 more than the original estimate on investments. He just about has that made. The Board authorized a split of \$100,000 for Roads & Streets and \$100,000 for County Revenue. Mr. Volpe has already made \$99,700 in Roads & Streets. But he has \$64,000 to make on County Revenue before the end of the year...and the big collections haven't come in yet. Therefore, he is certain he can make another \$100,000 above that, which will put him in the \$300,000 surplus category. He requests that the Board determine where he should put this money. Commissioner Cox asked County Auditor Alice McBride if she knows at this time how much is pending in emergency requests? Mrs. McBride said she does not have that information with her, but could leave the meeting and retrieve the figures. However, it was noted that Mr. Volpe will not be making another investment for about a week and if the Board will advise him of their wishes at that time -- this will be sufficient. Mrs. McBride said that the County Council should be made aware of these surplus monies prior to their meeting scheduled for November 7th. President Borries requested that Mrs. McBride be prepared to give an estimate re emergency requests to the Board of Commissioners at their meeting on November 5th, so they can make a decision at that time concerning their recommendation on use of said funds.

RE: COUNTY ATTORNEY - DAVID V. MILLER

Memorial High School's State Soccer Championship: Attorney Miller said he had two (2) items for the record today. First and most important -- is to take note of Memorial High School's State Soccer Championship! Commissioner Cox said she was going to say that if Mr. Miller didn't! (President Borries stated that Mr. Miller has a son who plays on the team.)

Hartman/Adler-Mann Road Matter: Attorney Miller said we have finally reached what he believes to be agreeable language in the Hartman/Adler-Mann Road matter. He tried to contact the County Surveyor, but was unsuccessful at the moment. Nonetheless, the language is consistent with the concerns expressed by the Commissioners approximately three weeks ago. The following letter was received:

(continued)

October 12, 1984

Mr. David V. Miller
Bowers, Harrison, Kent & Miller
Fourth Floor
Permanent Savings Building
Evansville, IN 47708-1489

Re: Hartman vs. Adler and Vanderburgh County

Dear David:

I have talked with Gene and Barbara Adler and they are agreeable to modifying Paragraph 2 to read as follows:

"COUNTY shall construct on the property purchased from SELLERS a new ditch running parallel to Mann Road, which said ditch shall become a COUNTY ditch and maintainable by the COUNTY. Said new ditch shall be constructed with the following minimum requirements:

- (a) COUNTY shall construct said ditch as close to a two to one (2:1) slope as is possible to allow for proper flowage of water through said ditch. The term 'two to one' (2:1) is defined in this context to mean that for every one foot (1') in depth of the ditch, the ditch shall be two feet (2') in width;
- (b) The bottom of the ditch shall be four feet (4') in width;
- (c) The portion of the ditch which intersects with Big Creek shall be at a sufficient depth to provide for sufficient drainage flow into Big Creek at that point of intersection to provide a proper grade for drainage.

During construction COUNTY shall cooperate with SELLERS so as not to impede SELLERS' ability to harvest and/or to tend to crops in the vicinity of the construction site. The COUNTY further agrees that it will sow winter wheat in the area surrounding the ditch to prevent erosion during and after completion of construction."

If these changes are agreeable to the County Commissioners, I will see that the changes are made in the actual documentation, signatures are obtained by the Adlers and forwarded to the County Commissioners for final signature.

Thank you in advance for your cooperation and assistance.

Very truly yours,

JOHNSON, CARROLL AND GRIFFITH
Professional Corporation

By: Leslie C. Shively

cc: Mr. and Mrs. Ken Adler
Mr. and Mrs. Gene Adler

In commenting on the above, Attorney Miller said we had indicated the willingness to sow winter wheat and not to rip rap -- no willingness to rip rap or anything of that sort; no guarantee as to erosion -- and this is consistent with the letter he sent following the last Commissioners' meeting during which this matter was discussed. He said he would ask that there be a motion that this modified language be approved.

Commissioner Cox asked "what about the ditch on the south side?" Attorney Miller said the ditch on the south side is not dealt with. There is no obligation. The ditch on the south side will no longer carry the water. Commissioner Cox recalled that the first

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proposals that came in said that there shall be no ditch on the south side. The Commissioners questioned that -- to sign in an agreement, and wanted it addressed that it may be necessary to have a ditch on the south side of Mann Road. Attorney Miller said.....but Commissioner Cox interjected that the revised agreement did not address that. Attorney Miller said it believes that it was intentional that any reference to there not being a ditch was deleted-- it is out! There is no reference at all to the ditch on the other side of the road.

Commissioner Willner moved that the language given in Mr. Shively's letter be approved and the Board reserve final approval until such time as they have seen the complete document. A second to the motion was provided by Commissioner Cox. So ordered.

RE: COUNTY HIGHWAY - BILL BETHEL

Weekly Absentee Report: Mr. Bethel submitted the Weekly Absentee Report for employees at the County Garage for period October 22 thru October 26, 1984.....report received and filed.

Weekly Work Report: The Weekly Work Report for employees at the County Garage for the same period was submitted.....report received and filed. Attached to the Work Report was the following Work Schedule:

Gradall: Bayou Creek, Emge Rd., Tree Top Lane (City).

Paved: Baseline Rd.

Trash: Lynn Rd., Old Green River Rd., S. Weinbach

Grader: Green River Rd., River Rd., Young Rd., Huebner Rd., Trapp Rd., Schmitt Lane, Buente Rd., and Emge Rd.

Tree Crew: Smith Diamond, Skyline Dr., St. Wendel Rd., Whispering Hills, Bayou Creek, Karen Ct., and Meadow Lark.

Oil Roads: Old Green River Rd., and River Rd.

Patch: Boonville-New Harmony, Schutte Rd., and Bayou Creek.

Miles Paved - 1984: Mr. Bethel presented the members of the Board with copies of the following letter:

October 29, 1984

Mr. Richard Borries, President
Vanderburgh County Commissioners
Room #305
Civic Center Complex
Evansville, Indiana

Dear Sir:

Last December 5, 1983, I appeared before you to report that the Vanderburgh County Highway Department paved 32.6 miles for 1983.

As of this time, we have paved 34.9 miles -- and will continue paving every day, weather permitting.

Itemized list of roads paved is attached hereto.

Sincerely,

William Bethel, Superintendent
Vanderburgh County Highway Dept.

cc: Robert Willner
Shirley Jean Cox

(continued)

ROADS PAVED IN VANDERBURGH COUNTY
(as of October 29, 1984)

2.3	Big Schaefer	1.7	Smith Diamond
2.4	Boonville-New Harmony (east & west of Green River Rd.)	1.0	Henze Rd.
1.4	Cemetery Rd.	.9	West Haven
1.5	Mill Rd. from St. Joe to Mesker Park Dr.	.1	Knob Hill
.7	Wimberg Rd.	.2	Pine Tree Drive
.1	Happel Rd.	.3	Debbie Lane
2.1	Mesker Park from Mill Rd. South to Allen Lane	.2	Wedeking
.1	Hobart	.1	Dussendorf
.3	12th Avenue	.2	Venetian Drive
1.0	McCutchan Rd.	.3	Ward Rd.
1.8	Schlensker	.2	O'Hara Drive
.7	Old Petersburg from T Bridge to Highway 57	.1	Walsh Rd.
.7	Baseline East of Hwy 57	.1	Swinging Way
1.0	Hillsdale	.2	Twickingham
1.2	Roth Rd.	.6	Barton Lane
.5	Lower Mt. Vernon Rd.	1.3	Burkhardt (Wedging)
2.6	Cypress-Dale	.2	Magnolia
2.8	Baseline West of #65	.2	Meadowlark
3.0	Old Henderson Rd.	.2	Karen
.1	Inglefield Rd. West of #41	.4	Burkhardt between Division & Outer Lincoln Ave.
.1	11th Avenue		

Total Miles Paved to Date = 34.9

Letters from Hartford Insurance Co.: Mr. Bethel presented the following letters from Hartford Insurance Company:

"Dear Bill,

This will confirm my visit to your location on September 13, 1984. Purpose of the visit was to continue assisting the County Highway Department in their loss control efforts. At the time of my visit, we had a safety meeting with Vanderburgh County Flagging Crews. Also, flagging crews of the Bridge Repair Group under the County Surveyor. At this meeting we discussed proper flagging techniques, stressed the importance of qualified flagmen and viewed a film on proper flagging procedures.

I also left with you a sketch of a road closure device that is trailer-mounted, that I had recently seen at another location. I feel that this device could be fabricated by your crews and probably would work fairly well, especially in emergency road closure situations, such as storm damage, cleaning of streets, etc. Also, this could easily be pulled by a pick-up or used in conjunction with your road paving crews.

(continued)

You stated that you liked this idea and would have one fabricated in your shop and tested to see how it performs. I am looking forward to hearing your response after the unit is used in the field.

Bill, overall, the County Highway shop was very clean and well organized. This shop is continuing to show improvements.

Once you have started the fabrication of the aforementioned unit, if you have any particular questions, please do not hesitate to give me a call.

Cordially,

HARTFORD SPECIALTY COMPANY

Wayne Fox
Loss Control Department

* * * * *

Dear Bill,

This letter will confirm my visit to your Roth Road paving job on Thursday, October 4th. I reviewed the layout of the job site and proper traffic control being utilized. I also viewed the equipment at the job site. I was happy to see that the paving crews are installing a fire extinguisher each day on the lay-down machine.

We also discussed that before dumps loaded with asphalt leave the yard, they drain the load for a period of time to prevent splatter and damage to cars while along the route, due to asphalt leadage.

Bill, I have no suggestions for improvement from viewing this job, as all was in good order.

If we can be of further service to you before our next contact, please do not hesitate to give me a call.

Sincerely,

HARTFORD SPECIALTY COMPANY

Wayne Fox
Loss Control Department

* * * * *

President Borries said that before continuing, Mr. Bethel is certainly to be commended. As pointed out by Mr. Fox, Loss Control Consultant thru the Hartford Specialty Company who has been very active in working with Mr. Bethel and other departments, overall the County Garage was clean and organized during his visit and continues to show improvements. He said the Board appreciates the work done by Mr. Bethel and his crew during the year in regards to the paving projects.

Railroad Crossings: Mr. Bethel said that Mr. Lee Stuckey has been in charge of railroad company contacts, and he asked that Mr. Stuckey approach the podium to give the Board a report concerning railroad crossings, etc.

Mr. Stuckey said that the matter of railroad crossings has been one of the biggest headaches of the County Commissioners. He got with the new owners of the L&N Railroad (Seaboard) and he is now happy to announce that every Seaboard railroad crossing in Vanderburgh County has been paved -- and he means paved right, with new pads, etc. There is only one crossing now where you start on Old Henderson Road -- but that belongs to CON-AGRA and he is in the midst of negotiations now concerning repairs to this crossing, which they would have to do at their own expense. Mr. Easley has written them a letter telling them that they have to raise the crossing up about 18 inches, because there is a dangerous dip there, which is going to cause someone to have a wreck and get killed.

(continued)

With regard to Seaboard, Mr. Stuckey said that Commissioner Borries had written the following letter to the superintendent of the Seaboard System Railroad, which he has to present for signatures of the other two commissioners today, so that it can be forwarded:

October 26, 1984

Mr. L. C. Love, Superintendent
Seaboard System Railroad
P. O. Box #3849
Evansville, Indiana 47736

Dear Mr. Love:

As President of the Vanderburgh County Commissioners, and on behalf of the other two commissioners, along with the County Garage Supervisors, I want to personally commend your company, Mr. Jim Watson, and his crews for the excellent job you have done in the removal of some unused crossings, and in the extensive replacing of old rails, and the repair of all your crossings in Vanderburgh County.

The cooperation you have extended to us in our endeavors to make improvements in our county has helped us to accomplish another step in our goal to make this county one of which we can be proud.

Thanking you, again, for making our working relationship a pleasant one, I am

Sincerely,

Richard Borries
President, Vanderburgh County Commissioners

Robert L. Willner
Commissioner

Shirley Jean Cox
Commissioner

cc: Jim Watson
Robert Willner
Shirley Jean Cox
Bill Bethel
Lee Stuckey

President Borries expressed the Board's appreciation to Mr. Stuckey for his report. With regard to Seaboard, President Borries said it has been refreshing to work with people who have tried to hard to improve their business and be cooperative. The residents should see a lot of improvements as they travel over the various railroad crossings.....as they have improved all their crossings from the Old Henderson Bridge completely north and to the Posey County Line on the west, etc. Commissioner Cox noted that there are some I.C. crossings which need repair, however. Mr. Stuckey said that Mr. Easley has been working with the other railroads, but they are very lax. President Borries said that the general public needs to commend those who are doing a good job. Commissioner Cox said, however, that the public needs to know that we do still have crossings out there -- where we are addressing problems. President Borries said it was especially nice that the work accomplished by Seaboard coincided with the County's bid program -- where we did all the rough crossings on the bridges at approximately the same time. Most of the public has really been grateful. Commissioner Willner said he has received a lot of favorable comments on both the bridges and the railroad crossings. He said Seaboard is to be commended for the work they have done since taking over the L&N -- they've done an excellent job and he is happy to sign the letter of commendation. The Board commended Mr. Stuckey for the work he has done, also, with regard to the railroad crossings.

(continued)

RE: COUNTY SURVEYOR - BILL JEFFERS, CHIEF DEPUTY

Bridge & Guardrail Repair Report: Mr. Jeffers submitted the Bridge & Guardrail Repair Report for period 10/22/84 thru 10/26/84.....report received and filed. Mr. Jeffers said the crew had been doing a lot of rip rapping, and on the two rain days -- they serviced all their vehicles. They are praying that it will stop raining, as there is a lot of work they want to finish before cold weather begins.

Safety Program: Mr. Jeffers submitted the following letter received from Hartford Specialty Company with regard to the Columbia Street and Ohio Street bridges, etc.:

October 19, 1984

Mr. Robert Brenner, Surveyor
Vanderburgh County
Civic Center Complex
Evansville, IN 47708

Dear Bob,

This letter will confirm my visit to Vanderburgh County on October 4, 1984, to review the crews working on the Columbia Street Bridge. The crews were observed installing expansion material on this bridge. I found that a good traffic control system was set up...there were flagmen on each end of the job and these flagmen were properly flagging traffic and all crew members were wearing reflective vests and hardhats. Tom Goodman, your foreman, should be complimented on the good layout and appearance that his crew had on this particular job.

We also reviewed the laying of steel decking to replace the wooden decking on the pedestrian walkway at the Ohio Street Bridge. I was glad to see that additional decking was installed under the pipeline adjacent to this walkway, as this could have been a severe exposure from children attempting to walk the pipe -- possibly falling thru the opening adjacent to it. These improvements to the pedestrian walkway will greatly lessen the chances of pedestrians being injured on this bridge crossing. As with wooden walkways, there is always considerable maintenance involved.

Bob, I will be checking other surveyor's job sites during my regular contacts with Vanderburgh County. In the meantime, if you have any questions please feel free to give me a call.

Sincerely,

Wayne Fox
Loss Control Consultant

Mr. Jeffers said the Surveyor's office was rather proud of this letter -- and if it were included in the minutes, they would be glad to see it there. Commissioner Cox said the letter is very nice and does point up the fact that on the replacement of the walkway on the Ohio Street Bridge that Hartford Specialty was happy to see that we were enclosing all areas of that. Her question is, Mr. Jeffers had a claim held over from last week from Rig-Mar Contracting Co. Has he had a chance to check this?

Claim/Rig-Mar Contracting Co.: Mr. Jeffers responded that he had the claim with him today, which could be resubmitted. Mr. Jeffers said Mr. Fox, the loss control consultant, makes surprise visits at all county sites and he evidently checked out the surveyor's crew on the Delaware Street Bridge and complimented the traffic control system and the method used to flag traffic at both ends of the project. He believes the paragraph to which Mrs. Cox is referring states, "I was glad to see the additional decking was installed under the pipeline adjacent to this walkway, as this could have been a severe exposure for children attempting to walk the pipe, possibly falling thru the opening adjacent to it." Mr. Jeffers said these concerns were discussed at previous Commissioners' meetings. Our other concerns regarded the danger to those who may be under the bridge. The surveyor's office has measured the remaining opening and determined that probably somewhere between 375 and 400 sq. ft. of grating will be required. They have located this at Dumas Brothers (the only source they could find of used grating). Their price is 20¢ per pound; since they are in the junk business, they sell

(continued)

it as scrap steel. One of the surveyor's men measured what Dumas Bros. had and found that they probably had enough for us to finish the job -- if there is not too much wastage during the cutting process. Mr. Jeffers said they estimate they may need 400 sq. ft., and it runs approximately \$1.40 per sq. ft. -- or about \$560.00 total. Two of the surveyor's men have expressed their belief that they can cut and tack-weld this material down. Mr. Jeffers said he knows they can cut it. He said one possible way of looking at it would be that the surveyor's men could cut it and someone else could tack it down if the surveyor's men cannot tack it down. In the additional work performed by Rig-Mar, the costly item was the cutting of the grating to fit; a lot of labor went into that. The reason the surveyor's men did not cut the grating previously is because they were involved in other projects they were sent to do. So, they just went ahead and asked the contractor to continue work until such time as they ran out of material -- which they did. He said he would hesitate to give the Board an estimate at this time and then chance overrun the estimate. He does think, however, that we are talking about some \$560.00 worth of material. Commissioner Cox said she would imagine that this is about right -- but from her observation, it is about half completed. This was her concern -- that we spent some \$2,400 or whatever the amount of the claim is to do half of it -- and if that is the cost of the remaining work, then we will have spent \$4,800, which is more than we spent on the walkway initially. Mr. Jeffers said he does not believe there is anything whatsoever inappropriate about the claim. As a matter of fact, he is not sure but that the contractor would agree with what Mrs. Cox is saying. The last time he talked with the contractor, his suggestion was for the surveyor's men to cut the material and if they found they could not tack-weld it down, to contact him or someone else to do this. He said he could care less who did the work; it is just that he agreed with the rest of us in that what ate up the labor cost was the cutting of the material to fit around the different obstructions around which he had to work. If the surveyor's crew did all the cutting and had the material all laid down in the track -- if they found they could not tack-weld it down -- (however he is fairly confident that we can, given enough time to do it) -- they could call in one welder and one helper just to tack-weld it down and it probably wouldn't take over the better part of one day. If it is the Commissioners' pleasure, the surveyor's office will pursue this and keep the Board advised of every move made in that direction. If the Board feels the surveyor's office is doing an economical job, they will continue. If not, they will be glad to take the Commissioners' suggestions as to another method. Continuing, Mr. Jeffers said they did thoroughly review this claim, talking with both the contractor and the inspector, and everything seemed to be in order.

Motion was made by Commissioner Willner that the claim to Rig-Mar Contracting in the amount of \$2,487.73 be approved for payment to cover the cost plus work done to date on the Ohio Street Bridge. A second to the motion was provided by Commissioner Cox. So ordered.

The Commissioners requested that Mr. Jeffers proceed, as discussed, and keep them informed. Mr. Jeffers indicated that he will probably give the Commissioners a report prior to their meeting on November 5th (either separately, or together). The Board expressed their appreciation to Mr. Jeffers for his informative report.

RE: COUNTY ENGINEER - ANDY EASLEY

Reimbursement Checks from State Auditor: Mr. Easley advised that the following reimbursement checks from the State Auditor had been received on the Environmental Project in connection with Eichoff Road -- under the Federal Topics Program:

\$1,340.14
\$1,647.75

Motion was made by Commissioner Willner that the checks be approved for acceptance, in accordance with Mr. Easley's recommendation. A second to the motion was provided by Commissioner Cox. So ordered.

Building Modifications/Creasey Co.: Mr. Easley said he spent about two hours with Mr. Lee Gallivan last Wednesday and talked with Steve Dilk this morning concerning the building modifications at the Creasey Co. on Lynch Road. The requests re this project are being processed.

(continued)

Water Needs Survey/Highway 57: Mr. Easley said he has spent several hours this past week out on Highway 57 and there does seem to be a need and interest in water line extensions. Mr. Al Trapp, who lives north of Dale out on Green River Road, said they would also be interested in investigating the feasibility of a water line extension up North Green River Road. Since there is a lot of interest, Mr. Easley is going to look up some frontages and names of property owners and perhaps send out a mailing to see what kind of response we get -- and then we could separate the projects. The project on Highway 57 is, however, probably the most urgent. Mr. Easley said we will also see how we could structure financing in connection with these projects.

Commissioner Cox asked if the representative from Turris Coal Company contacted Mr. Easley? Mr. Easley said that he did and he had a nice talk with him. Turris wants to cooperate on said extension. Presently the line ends at Alvey's or .7 of a mile from there to Ruston Lane. The people at the Diesel Service are interested and indicated that the rest of the people who own the balance of that Industrial Park are interested.

RE: BURDETTE PARK - MONTHLY REPORT

The following financial report for period ending September 30, 1984, had been submitted by Mark Tuley, Manager of Burdette Park.....report received and filed:

1984 STARTING BUDGET

1984 Budgeted	\$ 396,037.00
1983 Encumbered	6,303.94
1983 Encumbered by Contract	70,547.44
1984 Additional Appropriation	<u>10,000.00</u>
Total 1984 Budget	\$ 482,888.38

EXPENDITURES & BALANCE 1/1/84 to 9/30/84

Total Expenditures	\$ 379,428.14
Total Balance	\$ 103,460.24

INCOME 1/1/84 to 9/30/84

Pool	\$ 70,209.00
Rink	29,309.11
Rentals	55,719.92
Misc.	<u>8,169.73</u>
Total	\$ 163,407.76

September 30, 1984

Total Expenditures	\$ 379,428.14
Total Income	<u>163,407.76</u>
Total Deficit	\$ 216,020.38

RE: EMPLOYMENT CHANGES - RELEASES

Vanderburgh Superior Court

Sara Ellen Culley Riding Blf. \$13,491/Yr. Eff: 10/19/84

Burdette Park

Kevin Mayer	1403 E. John	P.T. Rink Gd.	\$ 3.50/Hr.	Eff: 8/27/84
Larry Nickens	R.R.#2 Hillview	P.T. Grd. Crew	\$ 4.00/Hr.	Eff: 10/15/84
Arthur Pagett	273 Washington	P.T. Grd. Crew	\$ 4.00/Hr.	Eff: 10/15/84
Mark Walker	1163 Regency Ct.	P.T. Grd. Crew	\$ 3.50/Hr.	Eff: 10/15/84

(continued)

Mary Ann Barthel	4221 Bellemeade	P.T. Grd. Crew	\$ 3.50/Hr.	Eff: 9/2/84
Tony Behme	1721 E. Franklin	"	\$ 4.00/Hr.	Eff: 9/10/84
Tina Coomes	27 W. Maryland	P.T. Rink Gd.	\$ 4.00/Hr.	Eff: 1/19/84
Jeff Craft	2834 Pennsylvania	P.T. Grd. Crew	\$ 3.50/Hr.	Eff: 9/3/84
Bertrum Forney	4604 Sweetser	"	\$ 4.00/Hr.	Eff: 10/15/84
Jonathon Gugin	417 Schreeder	"	\$ 4.00/Hr.	Eff: 10/1/84
Laura Hemmer	1629 N. Elm	"	\$ 3.50/Hr.	Eff: 9/24/84
Carla Kamman	3173 Droll Ave.	"	\$ 3.50/Hr.	Eff: 10/1/84

RE: EMPLOYMENT CHANGES - APPOINTMENTSElection Office

Dorothy Caarey	2051 Conlin	Dep. Clk.	\$ 4.05/Hr.	Eff: 10/22/84
Mary Lee Bassemeier	6618 Little Schaefer	Dep. Clk.	\$ 4.05/Hr.	Eff: 10/22/84

Circuit Court

Benjamin Evans	1369 E. Chandler	P.T. Work Rel.	\$ 4.50/Hr.	Eff: 10/15/84
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Vanderburgh Superior Court

Donna Faye Baumeier	315 N. Lemcke Ave.	Riding Blf.	\$ 13,491/Yr.	Eff: 10/22/84
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RE: OLD BUSINESS

There were no items of Old Business for discussion.

RE: SCHEDULED MEETINGS

There were no scheduled meetings brought to the attention of the Board.

RE: AREA PLAN COMMISSION - BARBARA CUNNINGHAM

Angermeier Subdivision: Mrs. Cunningham said she is appearing before the Commissioners with regard to requirements for sidewalks, curbs and gutters in Angermeier Subdivision, which will be seeking Drainage Board approval today. This subdivision is at the corner of St. Joseph Avenue and Schenk Rd. All of the lots face on Schenk Rd. It was the recommendation of the Subdivision Review Committee that sidewalks, curbs and gutters be waived. Commissioner Willner asked that when we upgrade the St. Joe intersection with Federal funds, how will this affect that? Mrs. Cunningham stated that it was suggested at the time that due to the proposed improvements at St. Joe and Schenk Rds., that a total of 30-ft. right-of-way be granted on Schenk Rd. for said intersection improvements. They have a 70-ft. thoroughfare set-back on St. Joe, so that should be more than adequate. The engineers at the time indicated that they did not think this would be a problem. Mrs. Cunningham thinks the request is valid. There are no cuts on St. Joe. Commissioner Willner stated that if the proposed plans are acceptable to the owners, then he moves that the requirements for sidewalks, curbing and gutters be waived for Angermeier Subdivision. A second to the motion was provided by Commissioner Cox. So ordered. (Approved, subject to additional right-of-way.)

Ridge Subdivision: This subdivision is located on Evergreen Rd., east of Darmstadt Rd. The Subdivision Review Committee met and recommended that the lane should be a public street and adhere to public standards to become a county-accepted street -- and that sidewalks, curbs and gutters should be required. Mrs. Cunningham said this is close to one (1) mile from the City. The lots are not very big -- and it is a cul-de-sac operation. Motion was made by Commissioner Willner that sidewalks, curbs and gutters be required for Ridge Subdivision. Further, Mrs. Cunningham should talk to EUTS and Area Plan about at least a one (1) car or two (2) car acceleration/deceleration lane on Evergreen Road. A second to the motion was provided by Commissioner Borries. So ordered. There was some discussion as to whether Mr. Gerard of EUTS had a recommendation. Mrs. Cox said that EUTS does not give the Commissioners a report on subdivisions. However, Mrs. Cunningham said that Mr. Gerard receives a copy of the subdivision plats and he attends the Subdivision Review Committee meetings....and looking at these things is part of the review committee process.

(continued)

There being no further business to be brought before the Board of Commissioners at this time, President Borries declared the meeting adjourned at 4:10 p.m. -- with the announcement that a meeting of the Vanderburgh County Drainage Board would be held immediately following the adjournment of the Commissioners' meeting.

PRESENT:

COMMISSIONERS

Richard J. Borries
Robert L. Willner
Shirley Jean Cox

COUNTY AUDITOR

Alice McBride

COUNTY ATTORNEY

David V. Miller

SURVEYOR

Bill Jeffers, Deputy

COUNTY HIGHWAY

Bill Bethel
Lee Stuckey

COUNTY ENGINEER

Andy Easley

AREA PLAN

Barbara Cunningham

COUNTY TREASURER

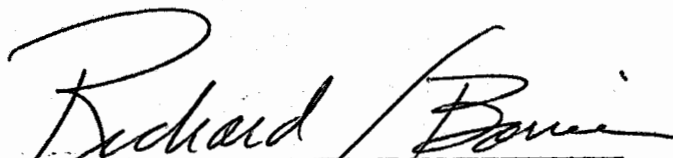
Lew Volpe

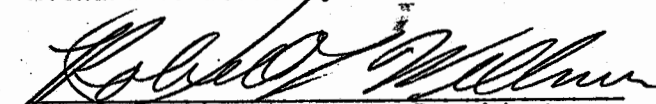
OTHER

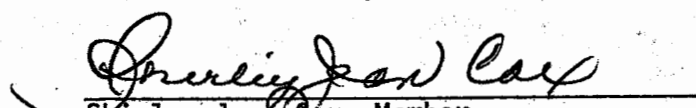
Teri Stokes/Knight Trustee's Of.
Emarie West/Knight Trustee's Of.
Louise Hall/Pigeon Trustee's Of.
Katherine Rybak/Legal Services
Sheriff Shepard
Kenneth Eastham
Mrs. Eddie Shelton
News Media

SECRETARY:

Joanne A. Matthews


Richard J. Borries, President


Robert L. Willner, Vice President


Shirley Jean Cox, Member

MINUTES
COUNTY COMMISSIONERS' MEETING
NOVEMBER 5, 1984

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MINUTES
COUNTY COMMISSIONERS' MEETING
NOVEMBER 5, 1984

The meeting of the Board of County Commissioners was held on November 5, 1984, at 2:30 p.m., in the Commissioners Hearing Room, with President Borries presiding.

This being the first meeting of the month it was officially opened by Sheriff Clarence Shepard.

The Chair entertained a motion concerning approval of the minutes of the previous meeting. Motion was made by Commissioner Willner that minutes of the meeting held on October 29, be approved as engrossed by the County Auditor. A second to the motion was provided by Commissioner Cox. So ordered.

RE: ED JOHNSON-REQUEST TO VACATE A PORTION OF BOEHNE CAMP ROAD

President Borries said the agenda, as printed before us today states the request is to vacate a portion of Felstead Road, however, that is in error and should read a portion of Boehne Camp Road. (The Notice of Petition also states "Felstead Road").

Attorney Ed Johnson was present and stated he has filed a petition to vacate a portion of a roadway in Vanderburgh and he would like to show the Board exactly where this is located and get a date for a final hearing, if possible. It is a forty foot county easement that he assumes would have been an extension of Boehne Camp Road, and he pointed out where Boehne Camp Road ends, at Middle Mt. Vernon Road. There is a forty foot easement, that is platted, that would go over to Felstead Road. The clients he represents are Al Umbach and Gene Hahn, and they own a rectangular shaped tract of land and the forty feet easement is contained only in their property and they would like to have it vacated so that they can complete a real estate sale and utilize the use of the rectangular shaped piece of property and without this being done, the piece of land could not be built on.

Mr. Johnson said if possible he would like to have the final hearing date set for November 26th and he will then get the notices out and come back for final hearing.

Commissioner Willner moved that permission be granted to advertise for the vacation and that the final hearing be instituted. Commissioner Cox seconded the motion. So ordered.

RE: COUNTY ATTORNEY.....DAVID JONES

Inter-local Governmental Agreement...County Ambulance and Paramedic Department: Mr. Jones said he has another revision, copies of which he has given to each of the Commissioners, of the Inter-local Governmental Agreement for a joint paramedic service. The changes which were made in this revision, which is dated November 11, 1984, is before the Board today. One of the things he was not aware of before is that the agreement that was given to us originally, by the City, did not contain a provision that was in the ordinance, so they had a conflict and didn't know it, and that was, the ordinance that was approved by the City required that the appointments of the Mayor and the Commissioners be ratified by the Common Council and the County Council, respectively, but the agreement omitted that. He has inserted that provision into the agreement that is before the Board today. In addition to that revision, there was also no funding percentage, as to how much the city and the county is going to pay and this would have created a problem in later years. This was done in line with population and reads the County's portion of said budget shall be equal to 22% of the entire budget and the City's portion of said budget shall be 78% of the entire budget. Also, in the event that services hereunder are extended by Agreement to the Town of Darmstadt the percentage of contribution of each party shall be amended to reflect the ratio of the population of each entity to the population of all entities combined. They also added an automatic appointment of a City Council and a County Council member, to the Board of Trustees, which increased the membership from five (5) to seven (7) members. They also eliminated the right for the three (3) ex-officio to vote, that they will be there to give advice and recommendations only.....not to vote. The agreement also calls for competitive bidding, that it be done in the same manner that all other governmental contracts are done. Another thing he found to be particularly bad was that the rules and regulations, or the legislation for this department, was created by itself, so the change was made to reflect that rules and regulations can be recommended by the Board of Trustees, but they are adopted by the people that are elected to do so, the legislative arm of the City and County. Also, in terms of reviewing emergency medical services, if this is to be county wide, they had eliminated the volunteer fire departments and they have now been included.

There is also a provision for under-financing, that in no event shall the total budget increase more than five (5) percent from the previous year budget during the initial three (3) year term of this agreement, and after that, it is whatever the city and county councils agree to.

Commissioner Cox said on page 2, under the heading Board of Trustees, she does not believe it says anything about compensation for any of the Board of Trustees.

Mr. Jones said he has not heard that discussed and therefore he does not know what anyone's pleasure is regarding that compensation, as to how much it would be and also who determines the amount.

Commissioner Cox said on page 3, under Section V, it states the duties of the Evansville Vanderburgh County Ambulance and Paramedic Department is to recommend to the City Council and the County Council a minumum operating budget, and she would like that explained further to her.

Mr. Jones said he believes this was put in, in recognition of a lot of the discussions that have gone on for a few years, from various parties, about what it ought to be. It was put in there that simply there is some basic amount that you need in order to carry on what is proposed and beyond that, it is refinements and additions, that putting in a small amount that they could not operate on from the beginning, is useless.

Commissioner Willner said what he would like to do with this Agreement is forward it to the County Council at their next regular meeting, for their review and recommendations and that it then come back to the Commissioners for final approval, and he would therefore move this be done. Commissioner Cox seconded the motion. So ordered.

RE: BILL BETHEL....COUNTY HIGHWAY DEPARTMENT

Weekly Absentee Report: Mr. Bethel submitted the weekly absentee report of the employees at the county garage for the period of October 29 thru November 2, 1984. Report received and filed.

Weekly Work Report: Mr. Bethel submitted the weekly work report of the employees at the county garage for the period of October 29 thru November 2, 1984. Report received and filed.

Attached to the weekly work report was the following work schedule for the same period of time.

Gradall: City - St. George Road

Paved: Baseline Road and Weiss Road.

Patched: Bayou Creek, Winterheimer Road, Allen Lane, Ridgeview Drive, St. George Drive and Kleitz Road.

Tree Crew: Middle Mt. Vernon, Peerless Road, Five Dollar Road and Baseline West.

Cut Bleeders: Frontage Road, Hillview Road, St. Joe and St. Wendel Road.

Rocked: County Line East, Nunning Road, Seib Road and County Line West.

Grader: Seib Road, Happe Road, King Road, Long Road, Newman Road, Weiss Road, Hillside, Denzer and County Line East.

Worked on barricades.

Commissioner Cox said at the corner of Rosenberger and Hogue Road, on the east corner of the intersection there is a hole about 36" in diameter and 6-8" ^{deep.} across. Mr. Bethel said he will check on it.

COUNTY COMMISSIONERS
NOVEMBER 5, 1984

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RE: BOB BRENNER.....COUNTY SURVEYOR

There was no one present from the County Surveyor's office, however, they did submit the weekly bridge and guardrail report of the bridge crew for the period of October 29 thru November 2, 1984, which was received and filed.

RE: JIM LINDENSCHMIDT....SUPERINTENDENT OF COUNTY BUILDINGS

Mr. Lindenschmidt reported the County had a surplus auction on the 13th of October and the final accounting is done and at this time he would submit a check in the amount of \$2,984.98, to be quietused into the General Fund.

Commissioner Willner moved the check be signed by the Commissioners and put into the County General Fund. Commissioner Cox seconded the motion. So ordered.

New Telephone System: Mr. Lindenschmidt said cut-over date of the new telephone system is going to be December 7th., after 5:00 p.m. There will be telephone training sessions the weeks of November 26th. thru 30th. and December 3rd. thru December 7th. The lady from KLF will come in next week and set up a time schedule. We still do not have a final cost, but the estimated cost will be around \$50,000.00 less than we anticipated.

RE: TRAVEL REQUEST....COUNTY ASSESSOR

President Borries said the Commissioners received a request to travel, from County Assessor, James L. Angermeier. He is asking permission to travel to Indianapolis, to attend Association of Indiana Counties, 26th Annual Conference, to be held on November 18, 19 and 20, 1984. He believes that Mark Owen is also going to attend.

The Commissioners, after a brief discussion among themselves, decided to defer the request for one (1) week and check and see if anyone else wanted to attend and if so perhaps they could double up on the ride.

RE: REQUEST TO USE COPY MACHINE...ELECTION BOARD

The following letter was read aloud by President Borries, dated October 23, 1984, and directed to the Board of County Commissioners.

Re: Use of Portable Copy Machine

I respectfully request permission to use the portable copy machine from the Auditor's office for the county center on Tuesday, November 6, 1984.

We are again planning to furnish precinct printouts on election night and the above mentioned copier works just great.

Sincerely,
Helen L. Kuebler
Election Board Secretary

Commissioner Willner moved the above request be approved. Commissioner Cox seconded the motion. So ordered.

RE: LETTER AND CHECK FROM EVANSVILLE CABLE TV, INC.

A check, in the amount of \$8,027.19, and the following letter was received by the Commissioners, dated October 29, 1984.

Dear Commissioners:

Enclosed you will find our check in the amount of \$8,027.19 which represents payment for the third quarter franchise fees for Vanderburgh County for 1984.

Last year, we sent you a check for \$7,363.53 for the third quarter payment of 1983 which is a sizeable increase. This also represents an increase over the second quarter payment which was in the amount of \$7,931.52.

COUNTY COMMISSIONERS
NOVEMBER 5, 1984

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Letter Continues:

By way of review, we have opened up some 47 additional homes on Old Boonville Highway. We are in the process of building Hillsdale Road out Old State Road to Ridgeway Heights and are in the process of building St. Joe, Indiana. It is our plans to have these started between now and year end.

Additionally, we will be doing Heckel Road and Oak Hill Road of some 40 homes, and Millersburg, to Oak Hill, to Green River Road for an additional 100 homes. We will be processing an area on out Old State Road that will also include an area around the Hornet's Nest. We estimate some four miles plus of plant going by roughly 143 homes.

Again, Evansville Cable would like to thank the County Commissioners for giving Evansville Cable TV the pleasure of serving residents of the county with cable TV service. If the Commissioners have any questions, please feel free to call me at any time. My private number is 429-2461.

Best regards,
Robert D. Ossenber
Vice President and
General Manager

Commissioner Cox moved the check be endorsed and put in the General Fund and that a letter of acknowledgement be sent to Evansville Cable. Commissioner Willner seconded the motion. So ordered.

RE: ELECTION DAY CLOSINGS

All County offices will be closed November 6th, for the General Election.

RE: CERTIFICATES OF INSURANCE

Received and filed was the following certificates of insurance.

Vanderburgh County Convention and Visitors Bureau for the Nashville Network, Dancing USA - October 29, 1984/November 2, 1984. The Vanderburgh County Auditorium and Convention Center is additional insured with respect to this event.

Evansville Area Labor Management Committee for use of the Vanderburgh Auditorium Gold Room on November 15, 1984.

Tennis Hatfield, for Arts and Crafts Christmas Bazaar on November 25, 1984.

Whirlpool Management Club, for a fall dance on November 10, 1984.

RE: TREASURER'S REPORT FROM THE VANDERBURGH COUNTY TREASURER

Commissioner Cox said she believes the Commissioners were to decide what to do with the Treasurer's extra interest monies.

President Borries said that is correct and the Commissioners also received the following investment report from Mr. Volpe, dated November 5, 1984.

Collections to date are:	COUNTY REVENUE	\$478,093.25
	FEDERAL REVENUE SHARING	\$ 6,669.44
	POOR RELIEF	\$ 6,254.17
		<hr/>
		\$491,016.86

Outstanding investments are:

1) Investments \$3,000,000, dated December 28, 1983, due December 27, 1984. Estimated income \$273,700.00 of which \$22,812.00 will go to the Reassessment Fund. Rate 9.125%.

Treasurer's Report Continues

- 2) Investments \$500,000, dated December 29, 1983, due December 27, 1984. Estimated income \$46,200. Rate 9.25%.
- 3) Investments \$2,000,000, dated January 4, 1984, due December 27, 1984. Estimated income \$188,000. Rate 9.50%.
- 4) Investments \$2,000,000, dated July 5, 1984, due December 26, 1984. Estimated income \$111,000. Rate 11.50%.
- 5) Investments \$2,000,000, dated September 21, 1984, due December 27, 1984. Estimated income \$57,000, of which \$42,800 will go to the Roads and Streets Fund. Rate 10.625%.
- 6) Investments \$3,000,000, dated October 14, 1984, due December 27, 1984. Estimated income \$73,570, of which \$49,000 will go to the Roads and Streets Fund. Rate 10.51%.
- 7) Repo, \$500,000, dated October 23, 1984, due November 21, 1984. Estimated income \$3,725.69. Rate 9.25%.
- 8) Investments, \$2,000,000, dated October 26, 1984, due December 27, 1984. Estimated income \$31,800, of which \$7,900 will go to the Roads and Streets Fund. Rate 9.25%.
- 9) Repo, \$500,000, dated October 30, 1984, due November 29, 1984. Estimated income \$3,802.08. Rate 9.125%.

When all outstanding investments are collected, income will appear as follows:

COUNTY REVENUE	\$1,144,379.02
FEDERAL REV. SHARING	6,669.44
POOR RELIEF	6,254.17
REASSESSMENT	22,812.00
ROADS & STREETS	99,700.00
	<hr/>
	\$1,279,814.63

Lewis F. Volpe
Treasurer, Vanderburgh County

Commissioner Borries asked Mrs. McBride what the extra amount is, that Mr. Volpe estimates he will receive and she replied \$100,000.00.

Commissioner Cox moved the \$100,000.00 excess interest monies, received by County Treasurer, Lewis Volpe, be placed in the Roads and Streets Fund.

Commissioner Willner said he believes this is an excellent choice and he will second the motion. So ordered.

RE: EMPLOYMENT CHANGES.....APPOINTMENTS

VOTERS REGISTRATION

Travis Rayburn 1916 N. Fifth Ave. Acting Brd. Member \$636.43 Eff: 11-5-84

RE: EMPLOYMENT CHANGES....RELEASES

VOTERS REGISTRATION

Carolyn Sauer 7215 Washington Ave. Board Member \$636.43 Eff: 11-2-84

Commissioner Willner said he would like to extend his best wishes and good luck to both Mr. Borries and Mrs. Cox at tomorrow's election.

There being no further business, President Borries declared the meeting recessed at 3:10 p.m.

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NOVEMBER 5, 1984

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PRESENT:

COMMISSIONERS

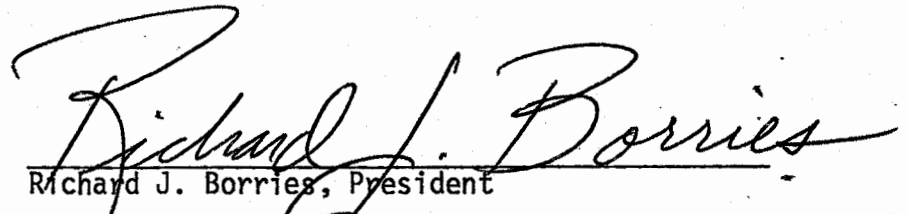
COUNTY AUDITOR

COUNTY ATTORNEY

Richard J. Borries
Robert L. Willner
Shirley Jean Cox

Alice McBride

David Jones


Richard J. Borries, President


Robert L. Willner, Vice President


Shirley Jean Cox, Member

SECRETARY: Janice Decker
FOR: Joanne A. Matthews

643.

MINUTES
COUNTY COMMISSIONERS' MEETING
NOVEMBER 12, 1984

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COUNTY ATTORNEY - DAVID V. MILLER

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Mileage ONLY for Meeting of AIC in Indianapolis on 11/18 thru 11/20 ----- 8

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MINUTES
COUNTY COMMISSIONERS' MEETING
NOVEMBER 12, 1984

The meeting of the Board of County Commissioners was held on November 12, 1984, at 2:30 p.m. in the Commissioners' Hearing Room, with President Borries presiding.

The Chair entertained a motion concerning approval of the minutes of the previous meeting. Motion was made by Commissioner Cox that the minutes of the meeting held on November 5, 1984, be approved as engrossed by the County Auditor, with the exception of one change to be noted. The last sentence refers to a pothole on the corner of Rosenberger and Hogue Roads. It should read 6-8" deep, rather than 6-8" across. Incidentally, Mr. Bethel has already had that pothole filled and they did a nice job. A second to the motion was provided by Commissioner Willner. So ordered.

Commissioner Willner congratulated Commissioners Borries and Cox on their recent victories -- in being re-elected to the Board of County Commissioners for another term.

RE: COUNTY ATTORNEY - DAVID V. MILLER

Settlement & Release Agreement/Hartman-Adler-Vanderburgh Co.: Attorney Miller said he has the entire Settlement & Release Agreement in the Hartman-Adler-Vanderburgh Co. matter for approval. He does not have the original of the signature pages with him today, but would submit the agreement for approval in its present form. The paragraph that was always at issue was Paragraph #2, which has been modified in accordance with the Commissioners' wishes and Attorney Miller recommends approval. In its previous form it was already signed by Mr. Shively's clients. Therefore, what the Commissioners will see attached here is the second page, together with subsequent pages, which have not been changed in any form. He will submit the original version for execution by the Commissioners, but he merely wants them to see the completed agreement.

Motion was made by Commissioner Willner that the Settlement & Release Agreement in the Hartman-Adler-Vanderburgh Co. matter be approved. A second to the motion was provided by Commissioner Cox. So ordered.

RE: COUNTY HIGHWAY - BILL BETHEL

Weekly Absentee Report: Mr. Bethel submitted the Weekly Absentee Report for the employees at the County Garage for period of November 5 thru November 9, 1984....report received and filed.

Weekly Work Report & Work Schedule: Also submitted was the Weekly Work Report for period November 5 thru November 9, 1984.....report received and filed. Attached to the Work Report was the following Work Schedule:

Gradall: Weiss Rd. and Heckel Rd.

Paved: Weiss Rd. and Edgewater Drive

Wedged: Boonville-New Harmony and Martin Station Roads

Trash: St. Joe Ave., Mill Rd., Darmstadt Rd., Old State Rd., Lynn Rd., So. Weinbach Ave., and River Rd.

Patch: Heubner Rd., Green Fiver Rd., Boonville-New Harmony Rd., and Oak Hill Rd.

Picked Up Red Bank Rd., Upper Mt. Vernon Rd., and Dussendorf Rd.
Loose Rock
@ Intersection

Tree Crew: Peck Rd.

Commissioner Willner asked that with the paving of Weiss Rd. and Edgewater Drive., does that conclude the paving for the year? Or, do they intend to try to do more? Mr. Bethel said they are wedging into places with the paver, as weather permits. Commissioner Willner said he wanted Mr. Bethel to take a look at Caranza Drive, which they had discussed previously. Mr. Bethel said he would get that.

Commissioner Cox asked if Mr. Bethel has had an opportunity to look at Mt. Pleasant Rd. -- between Cypress-Dale and Bayou Creek? It really needs some work, and that is probably the route that the majority of people in Union Township use. Mr. Bethel said they go down there and spread -- then take a grader and grade it in, then roll

(continued)

it -- and it will hold things for the year. They have several sections where they are going to do this.

RE: COUNTY SURVEYOR - BILL JEFFERS, CHIEF DEPUTY

President Borries said the Commissioners will not have an opportunity to congratulate Robert Brenner, County Surveyor, who was also re-elected on November 6th, since he is not present for today's meeting. However, Chief Deputy Bill Jeffers is on hand to give the Surveyor's report.

Mr. Jeffers said that Mr. Brenner did send his congratulations to the two re-elected Commissioners and said that he and his staff had enjoyed working with the Board for the past four years and look forward to working with them during the next four years.

Bridge & Guardrail Repair Report: Mr. Jeffers distributed copies of the Bridge & Guardrail Repair Report for period November 5 thru November 9, 1984....report received and filed.

Caranza Drive: Mr. Jeffers said he would like to make one comment about Caranza Drive. Is that west of Old State Road --near the Johnson residence? Commissioner Willner said that it was. Mr. Jeffers said they had called the surveyor's office, also. They would like to work with the Highway Department on this, as they believe it will also require some correction of a drainage problem. They worked on the dropbox. They tried to get the dropbox to take the water-- which is coming down from a northerly direction from a vacant lot. Some of the yards have been built up in that area and they are holding water back on the street. We really need to get the water off the street, and then they can pave it -- and possibly it will hold a little better.

Guardrail Damage/Darmstadt Road: The following letter was read by Mr. Jeffers:

November 12, 1984

Lisa G. Kirkwood
2624 N. Elsas Avenue
Evansville, Indiana 47711

Dear Lisa G. Kirkwood:

The following is an itemized statement of the damage to Vanderburgh County property caused by your accident on 9-28-84.

25 ft. Guardrail @ \$4.00/ft.	\$100.00
3 Guardrail Posts @ \$30.00 ea.	90.00
2 Guardrail End Sections	50.00
Installation Labor	<u>150.00</u>
Total	\$390.00

Please remit to the Vanderburgh County Commissioners, Room 305, Civic Center Complex, Evansville, Indiana 47708.

If you have any questions regarding this matter, contact my office at 426-4210.

Sincerely,

Robert W. Brenner
Vanderburgh County Surveyor

cc: Vanderburgh County Attorney

Mr. Jeffers said the foregoing letter serves as a "bill". The accident occurred on Darmstadt Road just north of Inglefield Rd. Ms. Kirkwood is being billed because her insurance carrier has indicated that he was a former insurance carrier. Ms. Kirkwood was very fortunate, as she came to rest on a gas pipe -- and did not rupture same.

(continued)

Claim - Rig-Mar Contracting, Inc.: A claim in the amount of \$118,115.00, representing all work completed thru November 9, 1984 (as well as guardrail installation, which is ongoing today) on the Maryland Street Bridge, less 5% retainage, less previous payments. The figures have been reviewed by both the Surveyor's Office and the Auditor's office and found to be in order.

Maryland Street Bridge Opening: Mr. Jeffers said the Surveyor's office has been contacted by at least one television station and one radio station concerning an exact date for the opening of the new Maryland Street Bridge. The Surveyor's office has told them it will be the end of this week. The contractor is shooting for Wednesday; and if he gets rained out Tuesday or Wednesday, the Surveyor's office is saying Thursday or Friday. What they would like to do is to give everyone an opportunity to attend the opening; thus, they may go ahead and set the opening for Friday noon. Since the Surveyor's office works under the direction of the Board of Commissioners, they would like to have all three of the County Commissioners present for the opening. Mr. Jeffers suggested that a tentative opening be scheduled for Friday noon, pending weather conditions. If rain is forecast for Friday, it could be moved up to Thursday. If it rains between now and Friday, the opening may have to be scheduled for Monday. President Borries requested that the Surveyor's office keep the Commissioners' office advised, and they will let the news media know if there is any change. If they are able to complete the work ahead of schedule and want to have the opening sooner, then the Commissioners' office will let the media know, etc. Mr. Jeffers said they would like to get the bridge open as soon as possible, as there are several industries in the area who need it quickly.

Road, Bridge & Culvert Projects: Mr. Jeffers said that Mr. Lee Gallivan from the Federal Highway Department came down and made an inspection (along with Commissioner Borries and County Engineer Andy Easley) of several road, bridge and culvert projects which had government involvement in years passed, to see how we are maintaining those projects and protecting their federal dollars, etc. After Mr. Jeffers read Mr. Gallivan's report, he called him on the telephone and he indicated that if we responded immediately to three of the projects which are listed as bridge projects -- that would satisfy him at this time. The three projects he would like us to respond to are:

- 1) Green River Road over Pigeon Creek
- 2) Green River Road over Firlick Creek (1/2 mile north of Heckel and 1/2 mile south of Millersburg Rd.)
- 3) St. Joe Avenue -- 5,150 ft. north of Boonville-New Harmony Rd.

With regard to #2 above, President Borries asked if this was the "mystery bridge"? Mr. Jeffers said it is not. And it is understandable how difficulty was encountered in finding the "mystery bridge". It was said to be on Old Boonville-New Harmony Rd. Actually, it is on Old Green Road over Schlensker. Schlensker (surveyors are a strange bunch and they all like to name a creek) -- and there are deeds from the 1800's which list Schlensker as "Blue Grass Creek". However, those deeds have subsequently been corrected -- and the area is now called "Schlensker Ditch". So that is how everyone was thrown off. It is located on Green River Road over Schlensker Ditch -- approximately one quarter mile north of Boonville-New Harmony Rd.

With regard to #3 above, it is over Maidlow Ditch. What exists there is a twin 8' by 12' elliptical culvert -- two (2) corrugated metal pipes (not aluminum -- but steel) -- and they are sitting in Maidlow Ditch, which is a legal drain. Since 1981, the County has been working closely with the property owners and the contractors to improve that ditch. Right now, Big Creek Drainage Association has just completed some more improvements on Mr. Thiel's property and it is ready for inspection. So, we have done a lot of work in this area. Our concern is that one (1) 8' by 12' elliptical pipe is capable of carrying 670 cu. ft. per second on a flat grade. On the most radical grade we could put in there, we could only get up to 810 cu. ft. per second. So, a twin pipe would carry 1,340 cu. ft. per second on a flat grade which now exists, or 1,620 cu. ft. per second on a radical grade. The estimated life of corrugated metal pipe is 20 years. I believe his report indicates when that pipe was set (1962 or so) and so it is near the end of its effective life. (It is steel; aluminum pipes have slightly longer life.) Maidlow watershed above that pipe is 2,084 acres, more or less. About 90% of that acreage is rolling farmland. The longest lateral of that ditch measured by the surveyor's office was 12,000 ft. The drop from the highest point in the watershed to the structure itself is 65 ft., which generates 1,652 cu. ft. per second water under heavy rain. There is evidence, as noted by Mr. Gallivan, that water has been up over the road. Since we've had heavy rains in the last week or so, Mr. Jeffers went out and

looked at the area this morning. There was evidence of water up to the road -- not over it, but up to it -- so he does not doubt Mr. Gallivan's findings in that case. The rubbish up against the pipe this morning was corn stubbles out of recently harvested fields.

If the Commissioners will allow the Surveyor's office to pursue the matter, one of the surveyor's proposals is to install a bridge, rather than twin culvert pipes. They do not particularly like twin culvert pipes. They cleaned that one out this spring and it is already beginning to silt up again. What happens is that, on a curve -- and there is a curve immediately west of the pipe -- water goes thru the outside pipe at a higher velocity than on the inside pipe and causes an eddy, which fills the pipe up with silt. Under ideal conditions, they can only expect that pipe to carry 1,620 cu. ft. per second. Under heavy conditions, they are generating 32 cu. ft. more per second than that. It is possible that the run-off would be greater as development occurs out in that area. The bridge they are proposing for that site is the same bridge that is now sitting in Heddon Road over Firlick Creek and Waterworks Road over the Little Slough (we built two of them in 1981) -- that bridge will fit in there and it is almost identical in size to what is required. They have a 30 ft. wide ditch and the opening here is 28 ft. They could move it up 2 ft. -- and he thinks that will run the water thru there. The bridge is rated 2,203 cu. ft. per second. The cost in 1981 of the bridge on Heddon Road was \$41,032.35. Deig Bros. bid three (3) bridges at the same time and allowed the County a \$1,500 deduct per bridge if they got all three bridges. The bridge was bid at \$45,770.00, with final cost \$41,032.35, due to the deduct and the fact that we did not require as much rip rap as originally planned. If we add 10% to 12% increase in cost during the last couple of years, we're talking about a bridge that would cost us between \$46,000 and \$51,000. That is not an engineer's estimate at this time, as we feel we could shorten the wingwalls and eliminate some concrete yardage. It is a preliminary estimate for the Commissioners to consider. What we are doing is to respond to Mr. Gallivan's request to do something about the situation in this particular area.

The other thing the surveyor's office could do would be to simply repair what we've got; but, as mentioned, the estimated life of that pipe is 20-25 years from the date of installation. And it is felt that this pipe has served its purpose. Any repairs made to the roadway and embankment, etc., might cost between \$5,000 and \$8,000; and yet we'd have a pipe which has probably far surpassed its useful life span. The surveyor's office is asking at this time whether the Commissioners want them to go ahead and design a bridge for this site and prepare it for bids? Or, to advise the surveyor concerning this matter as they see fit. Commissioner Cox asked Mr. Jeffers if he has an approximate cost on what a new culvert would be for that area? Mr. Jeffers has said that aluminum lasts better than steel. In areas where we're getting a lot of chemicals, fertilizers, etc., which come out of the farmers' fields -- which is really hard on aluminum culvert -- does Mr. Jeffers have any estimate on what it would cost to replace the existing culvert with a large culvert -- something similar to what we have over around the Burdette Park area -- and not only with the metal, but with concrete? Mr. Jeffers said the proposed bridge is a concrete culvert of very simple design. He said it originated from the "X" Bridge. The box portion of that bridge is the design they used to put in on Heddon and Waterworks Roads. Other than the fact that it has guardrails, it is a culvert. Mr. Jeffers said that Commissioner Cox is right in that aluminum does deteriorate in the presence of certain salts, including salts used agriculturally. It also deteriorates anytime that water stands in it. It becomes like an aluminum cooking pan -- if it isn't dried out thoroughly. The surveyor could examine the cost of putting a large pipe in there; but they want to stay away from the twin pipe -- and they're talking about spanning 30 ft. They could look into it; there could be some steel or aluminum units that could be dropped in there and used as a large pipe. They have not yet, however, examined the cost of that. They will, though. And, if the Commissioners so direct, they would reinstall a twin pipe. But, the surveyor's office is turned off by them, as none they have are working for them, including the one on Volkman Road near Mr. Curran Miller's property.

President Borries said Commissioner Willner has requested that the Board take the matter under advisement for one (1) week. There are some problems with cracks that have developed in the concrete along the side of it which are of concern. In the interim, the Board would like for Mr. Jeffers to obtain an estimate on a large pipe. He said he believes the Board would abide by the surveyor's wishes not to go back to a double pipe if there are some alternatives here. If the surveyor's office will get an estimate on the alternatives, perhaps the Board can make a decision at their meeting next week.

(continued)

Mr. Jeffers said that the concrete that Commissioners are speaking of is totally deteriorated, in that it has cracked in enough places to be impermeated by water on both sides of the structure and it is causing the embankment to slowly cave away and the guardrails have sunk into the voids caused by the water eroding the dirt away. The surveyor's office will be glad to provide the Commissioners with more information. But they do want to respond to Mr. Gallivan by December 2nd.

Structure #82 (Over Firlick Creek on North Green River Road: The surveyor's office has been in contact with individuals at the Kentucky State Department of Highways, because they have resurfaced several bridges between Lexington and Ashland on Interstate #64. The surveyor's office called them to get a cost per square yard for this resurfacing, because Mr. Gallivan is in agreement with our engineer in that you should never asphalt a concrete deck. Some years in the past this was the practice. When the asphalt cracks, salt gets under the asphalt and then eats away at the concrete without our knowing anything about it. He advised that we should take up the asphalt scarf out of the concrete at least a depth of 1½ inches, remove any rotten concrete -- if any is discovered -- and then pour new concrete on top of this. The cost in Kentucky, whether they use Indiana or Kentucky contractors -- and they do use both, out of Jeffersonville, Indiana -- was approximately \$30.00 to \$40.00 per square yard. In the case of this particular bridge, it is 90' by 28'; at \$30.00 per square yard, the resurfacing would cost us \$8,400. At \$40.00 per square yard, it would cost us \$11,200. However, the \$30.00 and \$40.00 figures are the high and low range and include traffic control. Kentucky and Illinois both use the form of traffic control where they have a stoplight at each end of the construction site. On Green River Road, we could hardly require people to take a three (3) mile detour on that type of road, as heavy as the traffic is. So, by holding this down to below \$10,000 (by going with the \$30.00 per sq. yd. figure at \$8,400 and using our own traffic set-up -- these generally run around \$1,500 per set-up for those stoplights; they will run day and night; all we have to do is provide power to the site. There is a contractor in Madisonville, whose cost runs around \$1,500 per set-up. Mr. Jeffers said he is only using this as an example. Since these are used in both Kentucky and Illinois, there are contractors all over this part of the country. If we could do that, we could hold the cost down to about \$10,000; and then we could do the guardrail work ourselves on that one.

Structure Over Pigeon Creek: The other structure is over Pigeon Creek and the deterioration on the underside of the structure and on the surface, which has been brought to the surveyor's attention several times by the Commissioners -- the deck surface -- is such that we really need to take a very close look at that. The surveyor's office is not ready at this time to present any recommendations on that bridge. However, they will be ready by the time they come back with the aforementioned estimates. Commissioner Willner asked if he was just talking about the deck at Green River Road over Pigeon Creek? Mr. Jeffers said that he was not so worried about the deck, because he knows we're willing to scarify the surface on Firlick Creek; he knows we can get that done. He's worried about the super structure and the steel and concrete underneath the bridge itself....which, due to high water there is a lot of surface rust accumulated on the steel portions of that bridge. He was also concerned about the waterway opening being cleared of silt and driftwood. What we really want to look at is the underside of that bridge. This is a case of where we're going to have to take a close look at it because at Firlick Creek we can divert traffic if we had to close it down all the way -- and send them down Millersburg one (1) mile west to Oak Hill Road and thence one (1) mile south to Heckel Rd., and one (1) mile back east to Green River; that's only three (3) miles. To make a detour around the bridge at Pigeon Creek, they would have to go all the way down to Morgan Avenue and that would probably stir up a hornet's nest. So we'll have to take a close look at that one.

Pipe on Red Bank Road: Commissioner Cox said she had a question. The pipe underneath Red Bank Road between Ogden and Nurrenbern -- will that job be completed today? Mr. Jeffers said they left at 8:00 this morning from the County Garage with the pipe on the truck. He is assuming they could get most of it completed within four (4) hours. Commissioner Cox said that is good. The farmers are desperately trying to get their crops out of the fields out there and the closing of this road would be a hardship. She told them it was to be closed for one (1) day only. Mr. Jeffers said the crew had talked to some of the farmers and told them they hoped to be finished by noon today. because they know the farmers have to get in and out with their grain trucks.

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RE: COUNTY ENGINEER - ANDY EASLEY

President Borries advised that Andy Easley is not present today due to illness. However, he asked that President Borries submit a check in the amount of \$34,040.12, as a final settlement on Project M-E 185(2), which is Lynch Road. This would be a final payment to Vanderburgh County on the Lynch Road Contract. This is the contract which has been disputed for some time -- at least 1981. This is for the portion between U. S. Highway 41 and Oak Hill Road on Lynch Road. President Borries said it is our understanding that there are yet two things to be done; he thinks this involves a right-of-way sign near Oak Hill Road (where the Marathon Station is located) and the other involves the relocation of a railroad track that we chose not to accept near the Creasey Company, where the switch was in the road itself. There have been barrels there for some length of time. Mr. Easley has made a design that both the Federal Highway and the Railroad have approved. Having been approved, we can expect that the switch would be relocated to the north side of Lynch Road. When that switch has been taken out of the road itself, that will finish this particular project. Therefore, the Chair entertained a motion to approve the signing of this check in the amount of \$34,040.12 from the Federal Highway Revolving Fund. Motion to this effect was made by Commissioner Willner, with the comment that he does not believe this check covers any of the railroad problems. President Borries said that it will not; but the Federal Government is going to pay that in full. The motion was seconded by Commissioner Cox. She indicated she also had a question; the monies due Engineer Associates can now be paid? President Borries said that is correct. Commissioner Cox asked if Mr. Easley is holding a claim to Engineer Associates? President Borries said that if Mr. Easley doesn't have subject claim, he believes Attorney David Jones would be holding it. Attorney Miller interjected that he believes they are holding a claim that has been a part of the dispute for some time. Commissioner Cox said that Attorney Jones had a revised claim some time ago, which was approved by the Commissioners, and she imagines we were waiting for the check from the State. Attorney Miller said he is certain this is correct.

RE: INVESTMENT RESOLUTION

President Borries stated that he has a note indicating that County Auditor, Alice McBride, will make an explanation concerning the Investment Resolution to be signed. Mrs. McBride said that the Commissioners voted to put that money into the Roads & Streets Fund last week. That is not possible, however, because all the money that is in Roads & Streets is invested right now. We have that invested to make this \$100,000. We can't write a check out of Roads & Streets to invest the money because there is no ready cash, so they cannot put that in the resolution at this time. They could next year, at the end of the year....advise the Treasurer to invest the money early in the year. But right now there isn't any money in there, it has all been invested. To get \$100,000 in this short a period of time, you'd have to have about \$1,000,000. All the ready cash is already invested. Commissioner Willner said that Mr. Volpe said this was money to be earned yet this year. Mrs. McBride said that the Treasurer will be able to earn it; but he will have to earn it on money on deposit, and money on deposit will have to go into the General Fund. The only way that we can invest \$100,000 into Roads & Street Funds is to invest it out of Roads & Streets; and the money isn't there to invest since it has all been invested. To invest the money out of Roads & Streets to get the \$100,000 interest, you would have to write a check out of Roads & Streets and invest it. The money isn't there; it is already invested. You can't invest it twice. Commissioner Cox said that the Treasurer said that he would earn by the end of the year an additional \$100,000 that was not committed. Mrs. McBride said that is true. Commissioner Cox said where is this coming from? Mrs. McBride said there is money on deposit; that is where that money is. Commissioner Cox said what the Board asked Mr. Volpe was if the \$100,000 interest over and above what has been put into the County General Fund could be placed in the Roads & Street Funds? Mrs. McBride said you cannot do that, because the money that you are investing -- if Commissioner Cox will recall, when we had this trouble before -- we were investing money on deposit and then the Treasurer was putting a certain percentage back into Roads & Streets and the Highway and that was wrong. The State stopped that and said "you have to invest the money out of these particular funds". She cited Reassessment. We couldn't put that back into the Reassessment Fund because we have to invest it "out of" -- we have to write a check out of Roads & Streets or Revenue Sharing, or whatever. She said that perhaps Mr. Volpe can better explain it. Commissioner Willner said we took the investments from the R&S account and put it into the General Fund for years. Mrs. McBride said that is right; but the Treasurer was stopped from doing that. Now, the only way you can put money back into Roads & Streets is you have to write a check out of their account and invest that. Whichever account you invest the money out of, you

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have to put it back into that same account. Commissioner Cox said she does not understand this, because we took Roads & Streets monies and invested them and used the interest from those Roads & Streets monies to go into the General Fund. And, Bridge money has gone into the General Fund. Mrs. McBride said she is speaking of the last few years, where we've been doing it right. Before that, we were doing it wrong. If we were still doing it wrong -- we could do that. He used to take the money on deposit and percentage it out, etc. As she said, maybe Mr. Volpe can better explain it. But, according to law, you have to invest the money out of Roads & Streets and that is the account you have to put the interest monies back into. Commissioner Cox said that Mr. Volpe said there wasn't anything to that law. The State Board of Accounts came down and there was a big question about it and there was an Ordinance directing him to invest that money and put that interest back into that same fund. Mrs. McBride said that is what we are doing right now. Commissioner Cox said they haven't given us direction to do that. Commissioner Willner asked why we would need an Ordinance? Mrs. McBride said you need the Ordinance because if you don't have an Ordinance, he would write everything out of monies on deposit and anytime you invest money out of money on deposit, it has to go back into the General Fund. You can't put it into Cumulative Bridge or Roads & Streets fund. You have to write a check out of the Roads & Streets account -- and the monies you get from this investment have to go back into Roads & Streets -- or whatever account the check was written out of.

Attorney Miller said that if you have \$100,000 available in Roads & Streets Fund for investment, if you don't have an Ordinance and you take the \$100,000 out of Roads & Streets and invest it, the interest earned doesn't go back into Roads & Streets it goes into the General Fund. If you have an Ordinance that says that money invested from the Roads & Streets Fund should earn interest that is paid back to Roads & Streets, then you can then put that money back. But you cannot take money from Roads & Streets and invest it and then direct that the interest be paid to Cumulative Bridge account. You can't do that. That is where the Statute was different than practiced in the past. Mrs. McBride said that is correct. That is why we will get \$100,000 into Roads & Streets this year, because we directed him to invest it out of Roads & Streets... to get that \$100,000. Commissioner Cox said "No"... Mrs. McBride said, "Yes, I'm afraid you did." Commissioner Cox said the Board passed an Ordinance that said "Money up to One Something Million would go into the County General Fund; and then they came back and revised that and gave you more money in the County General Fund. I've never signed any Ordinance that says you invest money out of R&S and the interest goes back in there, Alice." Commissioner Willner said, "The way you're talking, it would make our job easier; but that's not the way I understood it. In other words, we could pass a Resolution saying that all monies invested from all separate accounts go back into that account -- that's what you're saying." Mrs. McBride said, "No. The only money that you can put back into the R&S account is the amount of money you invest out of R&S." Commissioner Willner said, "In other words, we could make a Resolution for the coming year then that all monies invested out of any separate account would go back into interest." Mrs. McBride said, "I thought that is what you did." President Borries said, "We asked this question several years ago and then we got into this term called 'jackpotting', where the money that was eligible for investment (that's when we had a gentleman from the People's Savings Bank come in here) and they questioned that if we began to make specific kinds of Resolutions that the float (let's say he gets a big investment due on Friday and if he didn't have specific directions, then we would lose 'X' amount of dollars over the weekend and everything else. So, what we were to do in our Ordinance was to tell Lew where we wanted the interest to go, based on the amount of investments coming in. I think that was our understanding." Mrs. McBride said, "Didn't you tell him that you wanted \$100,000 to go back into R&S before this time? Commissioner Borries said, "Yes, yes.". Mrs. McBride said, "That's what I'm saying; he invested that money so he could get this \$100,000 for you. But he has no money left in R&S to invest to get you another \$100,000."

Commissioner Cox asked what has happened to the other interest money made off the monies invested from the R&S account since January 1984? Mrs. McBride said that it went to the General Fund, because that is money on deposit. Commissioner Cox said what the Board is asking is that the money that went to General Fund be reimbursed back to Roads & Streets. Commissioner Willner said, "That's right." Commissioner Cox said she doesn't understand. Mrs. McBride said that perhaps Mr. Volpe can better explain it. What she is saying is that the law reads that any money you have accumulated -- you call that money on deposit -- if you invest that money without the Board's direction to take it out of a certain account, that money has to go back into the General Fund. But if the Board tells Lew Volpe that they want \$100,000 to go back into the R&S account, then the money has to be invested out of the R&S account.

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President Borries said the question of the Commissioners always was that they didn't know how much was in each specific account that was tied up in the various repos at "x" amount of interest. He will invest it in a 91-day certificate, let's say at \$10,000, and the Board has never been able to really determine how much money was from the R&S account, the Cumulative Bridge account, or whatever was in that particular float. So when it came due, it came back into General Fund or anything else that we specified at that point. It could go back into R&S, into Cumulative Bridge, or whatever.

Commissioner Cox said that we need the money in the R&S account -- whatever the Board has to do to get it in there.

President Borries stated that the Board will defer the matter for the moment.

RE: APPOINTMENT - BOARD OF ZONING APPEALS

President Borries asked that Commissioner Willner read the following letter from Mrs. Barbara Cunningham, Director/Area Plan Commission:

TO: Vanderburgh County Commissioners

FROM: Barbara Cunningham

We have been informed that Mr. Clifford Ford, Jr., of the Board of Zoning Appeals said that he intends to resign and has been trying to notify you. We are sorry to lose Mr. Ford. However, it is imperative that a replacement for Mr. Ford be appointed at the earliest possible time in order to maintain a quorum on the Board of Zoning Appeals.

Barbara Cunningham

Commissioner Willner said he would like to place the nomination of Wilfred C. Bussing, III of 2905 Bayard Park Drive, Evansville, Indiana, on the floor as a replacement for Mr. Ford. Commissioner Cox asked if Mr. Bussing had been contacted? Commissioner Willner said that he has, and the Board has his resume. Commissioner Cox provided a second to the nomination of Mr. Bussing. So ordered.

RE: OLD BUSINESS

Travel Request/Jim Angermeier: President Borries said a Travel Request from Jim Angermeier, County Assessor, to attend the Association of Indiana Counties' Twenty-Sixth Annual Conference in Indianapolis on Sunday, Monday and Tuesday (November 18, 19 and 20, respectively) had been deferred until this week. Mr. Angermeier was requesting mileage only for attendance at that meeting. Commissioner Willner moved that Messrs. James Angermeier and Mark Owen, County Assessor and President/County Council, respectively, be granted permission to travel to the Indianapolis meeting...receiving mileage reimbursement. A second to the motion was provided by Commissioner Cox. So ordered.

December Meeting: Continuing, President Borries said this particular Association will also have a meeting in early December. He does not know whether any of the Commissioners would be interested in attending that session. There will be a couple of items of concern to the Commissioners, specifically in regards to welfare and a Welfare Study Commission Report -- and also budgeting for welfare. He is of the opinion that this might be a pretty important meeting (people from the Indiana Legislature will be in attendance, studying that issue -- and, according to the news media, it is going to be a major topic of discussion in the upcoming legislative session) and one or more of the Commissioners may want to attend. President Borries will check his own schedule to see if he can attend.

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RE: INVESTMENTS - LEW VOLPE

President Borries expressed his appreciation to Mr. Volpe for attending today's meeting, during which the matter of investments is being discussed. He said that Mrs. McBride had given the Board an explanation regarding not being able at this time to put \$100,000 interest into the R&S account. She went thru a lengthy discussion during which she said that the reason this could not be done was because we did not have in any kind of Certificate enough from R&S to earn \$100,000 interest.

Mr. Volpe said there's not enough in the R&S account at this time. To earn \$100,000 within the next 45 days, we'd have to have \$10 million. We don't have \$10 million. In fact, we have nothing! Several years ago, Mr. Volpe took care of this by arranging things percentage-wise. Of course, the State always knew he did it that way and never said anything until the Commissioners brought it up. Then, the State said that if that's the way the Commissioners want it -- that's the way they want it. So now, the Commissioners have been hurt by their own policy.

Commissioner Cox questioned, "What own policy?"

Mr. Volpe said, "Your own policy of not pro-rating the interest out as is needed." You need it in R&S but you can't have it in R&S because there is not enough cash in R&S.

Commissioner Cox said she doesn't know that the Commissioners have anything. "At one time they did have the Ordinance that directed the Treasurer to invest monies out of specific accounts and put the interest back into those specific accounts....." -- Mr. Volpe interjected, "But that Ordinance was invalid!" Commissioner Cox requested that Mr. Volpe please let her continue. She said we had a lot of discussion on this of how much money might be lost. All the Board has been doing here is signing Resolutions giving the Treasurer authority to put "x" amount of dollars back into the County General Fund. The Board has given the Treasurer no direction other than those things he must invest -- Revenue Sharing has to be invested and go back there; that's a Federal statute -- and she thinks there's another one, also. Mr. Volpe said Roads & Streets is the same way. Commissioner Cox asked when did they put that in there? This is the first the Commissioners have heard of it. Mr. Volpe said it's been that way all along. Commissioner Cox said that Mr. Volpe came before the Board last week and asked them where they needed that money? Mr. Volpe said that is correct. But the thing was, Mrs. McBride did not realize how much money she would need in order to generate that much money. She has investigated and there is no way.

Commissioner Cox asked what has happened to the other interest monies that have been garnered off the Roads and Streets investments? Mr. Volpe said they will come in December 27th. Commissioner Cox said it has been going into the County General Fund. Mr. Volpe said, "No, it has been going into Roads & Streets; but it will come in on December 27th. She has invested several million dollars from Roads & Streets and the interest will go to Roads & Streets -- but it becomes due December 27th."

Commissioner Cox asked how can we get the extra \$100,000 into Roads & Streets? Mr. Volpe said, "You've got to manufacture \$10 million in Roads & Streets account -- that's all you can do." Commissioner Cox said what she is doing is asking for Mr. Volpe's advice. We're not going to have \$10 million, but we do need the \$100,000 in the Roads & Streets account. If it goes into the County General Fund, can the County Council put it in Roads & Streets? Mr. Volpe said they cannot.

Commissioner Cox said we've already used \$100,000 for Roads & Streets from the County General Fund. Mrs. McBride said, "Not this year; I know what you're saying. But you can't wait until the end of the year, because there is not enough money there to invest. If you invest it right at the beginning of the new year....." Commissioner Willner interjected that if the Board of Commissioners is going to be allowed to direct the \$100,000 that Mr. Volpe says he is going to earn, we must know what it was invested from -- is that correct? Mrs. McBride said that it is not invested from anything as of yet. Mr. Volpe said he just stated last week or the week before that we're going to have an extra \$100,000. Commissioner Willner asked where that was invested from? Mr. Volpe said that it hasn't been invested yet. It will be invested tomorrow. He will make some investments that will take him up to the limit of what the Board has authorized. When he invests Wednesday or Thursday, he will have no place to invest unless the Board tells him today where to put it. He can't do it out of the R&S Fund

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because she doesn't have any money in the R&S account.

Attorney Miller asked Mr. Volpe where the money comes from that he plans to invest on Wednesday and Thursday of this week? Mr. Volpe said that it is going to come from Property Tax Collections -- and property tax collections do not go to roads and streets. Attorney Miller said then that Mr. Volpe is going to make property tax collections. As a result of same, he is going to have a lot of money? Mr. Volpe said it could go to General Fund, it could --we could make a switch and put it in reassessment; we could make another little switch and put it into a few things like that. But not into Roads and Streets; because the total cash in Roads & Streets is controlled by the State. They have only given us so much money and we can only make so much money off what they have given.

Continuing, Attorney Miller said that the money Mr. Volpe is going to invest on Wednesday or Thursday is going to be the result of property tax collections that he is going to be making the next few days? Mr. Volpe said that that is correct, and he has no authorization of where to put it. Attorney Miller said that it is Mr. Volpe's understanding that an estimate of the money to be invested will earn approximately \$100,000 between the time of the investment and end of the year -- is that correct? Mr. Volpe said that is correct. Attorney Miller said Mr. Volpe is asking the Commissioners what fund the interest should be credited to? Mr. Volpe said that is correct.

Commissioner Cox asked if there is anything else they cannot credit it to, before they do something else wrong?

Attorney Miller said that it is his understanding that they can credit that interest to any fund they want to credit it to -- it is not a part of a budgeted amount of money.

Mr. Volpe said that is incorrect. That is the way he used to do it. Then, the Commissioners said, "No, no, no -- we don't want you to do it that way."

Attorney Miller queried Mrs. McBride about the directive of the State Board of Accounts concerning this type....?

Mrs. McBride stated that the State Board of Accounts says that any money you have on deposit you may invest -- but it has to go into General Funds. But if the Commissioners so desire, they can tell you to invest money out of Reassessment, Roads & Streets or whatever. When you do that, you have to write a check out of those accounts and the interest monies earned have to go back into those accounts.

Attorney Miller said that the money Lew Volpe is going to invest this week does not come out of any of those budgets. What Mrs. McBride is saying is that the State Board of Accounts says that interest earned from these monies has to go into the General Fund. Is that correct? Mrs. McBride said that is correct.

Continuing, Mrs. McBride said had Mr. Volpe not already invested money from the R&S account there would be money there and there would be no problem because there would be money in that account. Attorney Miller said there is no point talking about that -- because the money is not there -- is that correct? Mrs. McBride said that is correct.

Continuing, Attorney Miller said that if Mrs. McBride is going to follow the State Board of Accounts directive, she is saying that that money has to be credited to the General Fund -- once it is earned. Is that correct? And it is the Commissioners' problem to figure a way to get that money out of the General Fund and into the R&S account or whatever? Commissioner Willner said you can't take General Fund money and put it into Roads and Streets.

Commissioner Cox said they've earned interest on it for the General Fund, so she doesn't see why it can't be a payback.

Commissioner Willner suggested that a meeting be set up prior to next week's Board meeting with the three (3) Commissioners, Mr. John Wilgis of the State Board of Accounts, and Mrs. McBride -- so this can all be straightened out before year's end-- and asked that Mrs. McBride make arrangements for same. Mr. Volpe said, however,

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that he has to know something before Wednesday of this week -- or else he just lets that money sit for 3, 4, 5, or 6 days.

Commissioner Willner asked Mr. Volpe what the possibilities are, again? Mr. Volpe said that General Fund is about it. The Highway Fund is down to about nothing. Commissioner Willner asked if any interest at all is going into the Highway Fund this year? Mr. Volpe said the Highway Fund never has any more on hand than \$50,000 out of which they have to pay salaries every two weeks. When you're talking about interest on the highway fund, you're talking about pennies.

President Borries said that, based on what has been said, the Resolution needs to be changed at this time to read that the money be put into the County General Fund. Mr. Volpe said that tomorrow he will invest monies according to the Resolution already written. But he will have money again by Wednesday or Thursday to invest. By that time, he will need a directive of where the Commissioners want that to go.

Attorney Miller queried Mr. Volpe as to why he needs a directive if there is only one place it can go? Mr. Volpe said there is a long history concerning that.

Commissioner Cox asked if the Board can make a recommendation if it goes into the County General Fund? A recommendation that the Council give consideration to an appropriation in view of the difficulty experienced with the counting equipment of the election night tallies -- perhaps a portion of this could be put aside to use to look into some new counters or something? Mr. Volpe remarked, "At least counters that can withstand six evenings of operation every four years!"

President Borries suggested the Board make a decisionthere was further aside discussion among the members of the Board, but it was inaudible.

A motion was made by Commissioner Willner that the Resolution presented be changed to read "County General Fund".....Commissioner Cox asked if we have to make a commitment at this time? President Borries asked if we need a Resolution to this effect? Mr. Volpe said he won't make the investment without it. President Borries asked Mr. Volpe what he will do with the money -- just let it sit? Mr. Volpe said that without a Resolution -- it will just sit there....because he got too damn much hell a couple of years ago for using discretion.....and it was from this Board that he got it.

Commissioner Cox said she would second Mr. Willner's motion that the Resolution be changed to read "County General Fund" and request a roll call vote. The Chair said the motion had been made and seconded that the Resolution be amended to read "County General Fund" and asked for a roll call vote:

Commissioner Cox	-	Yes
Commissioner Willner	-	Yes
Commissioner Borries	-	Yes

President Borries said that at this time, without having talked to Mr. Wilgis, we will schedule a tentative meeting with Mr. Wilgis next week (we've had meetings before and it was his understanding at that time that the Board could make a determination as to where they wanted the interest to go -- but someone has changed the rules here in the middle of the game or something) so any misunderstandings can be resolved before the new year begins. Nonetheless, with the Board's approval, he has altered the current investment Resolution to read "County General Fund" to insure that we don't lose any interest on the investment monies at this time.

RE: SCHEDULED MEETINGS

United Way - Tuesday, November 13th: President Borries plans to attend a United Way meeting tomorrow. The County has received some Federal allocation funds that are to be distributed to local United Way Agencies. A committee is looking at that and they have asked Mr. Borries to serve on that committee. It is specifically for food banks and for people who would not have any means to get food. The United Way Committee is to determine where this money is to be allocated.

Labor-Management Meeting: Scheduled to be held at the Vanderburgh Auditorium on Thursday, November 15th.

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Maryland Street Bridge Opening: For the benefit of the news media, President Borries said we'll simply have to say that we have a tentative Maryland Street Bridge Opening on Friday, November 16th -- but the Commissioners' office will advise the media as to the exact time.

RE: 1ST AVENUE BRIDGE & THOROUGHFARE

Commissioner Willner said he wished to publically thank the Mayor's Office, the Engineering Department, the County Commissioners, the County Surveyor -- he thinks we have one of the nicest thoroughfares in the city now on 1st Avenue. He notes that same did not receive much media coverage, but this was probably due to the fact that it opened the day before the November 6th election. However, everything is up to date. The fact that we got rid of one (1) stoplight in the city is worth the effort. There was some extra paving and he regrets that the railroad tracks are going to have to be torn up one more time. They did not get the petromat down in one of the crossings and it will be excavated to get that in. They have assured Mr. Willner that traffic will be continued both ways, however.

RE: VOTING TABULATION & SYSTEM

Commissioner Willner said the second matter to which he wishes to direct the Commissioners' attention concerns the voting tabulation and system currently in use. He would move for the President of the Commission to set up a meeting with a representative of Computer Election Systems as soon as possible -- in the Commissioners' office -- and at that time notify the Election Board and Helen Kuebler to start on a new and improved system. Commissioner Cox provided a second to the motion. So ordered.

RE: CLAIMS

Deig Bros. Lumber & Construction Co., Inc. - President Borries read the following letter from County Attorney David L. Jones:

Board of County Commissioners
Room 305, City-County Building
Evansville, IN 47708

RE: County Jail Improvement Project

Dear Commissioners:

Enclosed please find a claim submitted by the contractor for the Vanderburgh County Jail Improvement Project with the attached certification and certificate for payment of the project architect and accompanying invoices. I have reviewed each of these documents and find same to be in order and recommend approval to the Board.

Very truly yours,

BOWERS, HARRISON, KENT & MILLER

By: David L. Jones, County Attorney

Claim is in the amount of \$25,483.77 for current billing (after deduction of 5% retainage). Mr. Deig has signed the claim and County Attorney Jones has reviewed the claim and found it to be in order. Motion to approve claim for payment was made by Commissioner Willner, with a second from Commissioner Cox. So ordered.

Rig-Mar Contracting, Inc.: (Previously mentioned by Chief Deputy Surveyor Bill Jeffers on Page 3 of these minutes.). Claim in the amount of \$118,115.00 for work completed thru November 9, 1984 on Maryland Street Bridge Project. Claim has been reviewed and signed by County Surveyor Robert Brenner. Motion to approve claim for payment was made by Commissioner Willner, with a second from Commissioner Cox. So ordered.

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David L. Jones: Claim in the amount of \$2,831.59 for litigation services and condemnation matters. Motion to approve claim for payment was made by Commissioner Willner, with a second from Commissioner Cox. So ordered.

David V. Miller: Claim in the amount of \$2,721.00 for professional services rendered in litigation and condemnation matters. Motion to approve claim for payment was made by Commissioner Willner. So ordered.

RE: EMPLOYMENT CHANGES - APPOINTMENTS

Clerk of Circuit & Superior Courts

Helen Hammer	3103 Allen Rd.	Book Dept. Clk.	\$417.92/Pay	Eff: 11/5/84
Angela Delgman	3000 W. Franklin	Dep. Clk.	\$412.26/Pay	Eff: 11/7/84

Circuit Court

Daniel Hall	718 Thornberry Dr.	Baliff	\$200/Wk.	Eff: 10/22/84
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County Recorder

Thelma Jones	465 S. Governor	Dep. Bkkpr.	\$11,298/Yr.	Eff: 11/7/84
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County Highway Department

Alan E. Groves	1135 Stanley Ave.	Laborer	\$ 6.71/Hr.	Eff: 10/30/84
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Sheriff's Dept.

Mark A. Sloat		Patrolman	\$17,243/Yr.	Eff: 11/15/84
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Election Office

William McKinley	1116 S. Linwood	Bal. Assem.	\$ 4.05/Hr.	Eff: 10/29/84
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RE: EMPLOYMENT CHANGES - RELEASES

Sheriff's Office

Mark A. Sloat		Pro. Patrolman	\$ 16,243/Yr.	Eff: 11/15/84
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Clerk of Circuit & Superior Courts

Sharon Yunker	5313 Sherbrook	Dep. Clk. Bkp.	\$ 417.92/Pay	Eff: 11/5/84
Darlene Maveety	904 Olmstead	Dep. Clk.	\$ 412.26/Pay	Eff: 11/7/84

Circuit Court

Daniel Hall	718 Thornberry	Baliff	\$ 150/Wk.	Eff: 10/18/84
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County Highway Dept.

Alan E. Groves	1135 Stanley	Laborer	\$ 6.71/Hr.	Eff: 10/30/84
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County Recorder

Alice Louise Williams	963 S. Grand	Dep. Bkkpr.	\$ 11,298/Yr.	Eff: 11/5/84
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RE: INVESTMENTS

County Auditor Alice McBride said that if the Commissioners do not want the same problem to come up next year with regard to investments on Roads & Streets account, what they should do is to advise the Auditor and the Treasurer to keep Roads & Streets monies invested at all times. This should be done at the beginning of the new year. Then if it comes to the end of the year next year and we see that we're not going to have enough

(continued)

COUNTY COMMISSIONERS
NOVEMBER 12, 1984

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in the General Fund, then we could stop investing Roads & Streets and could let that money go into monies on deposit, which would go into the General Fund. This year it was done rather backwards, because it was thought at the beginning of the year that perhaps we wouldn't have enough money for the General Fund. But if the Commissioners switch it.....Commissioner Willner interjected, "the same way with the Bridge fund." President Borries said he doesn't think there will be any real problem. Since there will be a new Treasurer, the Commissioners need to sit down with the Treasurer and the Auditor; and, perhaps get Mr. John Wilgis from the State Board of Accounts to offer some guidelines. However, it was the Commissioners' understanding that because of the way the Treasurer was investing the money -- that because it was in large sums of money and again called the jackpotting kind of thing -- that they were to direct him as to where these monies were to be deposited when the interest earned became due. This seems to be where the confusion has existed. Thus, in Mr. Borries opinion, the Commissioners do need to have a meeting so they can determine what they want to do in 1985.

RE: CERTIFICATES OF INSURANCE

Petra-Petrified Productions: For event at the Auditorium on November 15, 1984.

There being no further business to be brought before the Board at this time, President Borries declared the meeting adjourned at 4:00 p.m.

PRESENT:

COMMISSIONERS

COUNTY AUDITOR

COUNTY ATTORNEY

Richard J. Borries
Robert L. Willner
Shirley Jean Cox

Alice McBride

David Miller

RECORDING
SECRETARY:

Janice Decker
for
Joanne Matthews

TRANSCRIBING
SECRETARY:

Joanne A. Matthews

Richard J. Borries
Robert L. Willner
Shirley Jean Cox

INVESTMENT RESOLUTION
OF THE BOARD OF COUNTY COMMISSIONERS,
VANDERBURGH COUNTY

November 5, 1984

WHEREAS, the Board of Commissioners of Vanderburgh County, Indiana, pursuant to Indiana Code 5-13-1-1 et seq. ((Acts 1975, P.L. 44, 81, p. 222) is vested with authority to direct the County Treasurer to invest county funds under the control of the Board of Commissioners pending distribution to units of government; and,

WHEREAS, the Board of Commissioners desires to provide flexibility in meeting the financial obligations and other budgetary considerations for Vanderburgh County;

NOW, THEREFORE, be it resolved, by the Board of Commissioners;

THAT the Vanderburgh County Treasurer is hereby authorized and directed to transfer the sum of One Hundred Thousand Dollars (\$100,000.00) realized from current interest on deposits on county funds to the County General Fund.
~~County Roads and Streets Fund.~~

Passed and approved this ^{12th} 5th day of November, 1984.

BOARD OF COMMISSIONERS OF
VANDERBURGH COUNTY, INDIANA

BY:

Richard J. Bories
Richard J. Bories

BY:

Robert L. Willmer
Robert L. Willmer

BY:

Shirley Jean Cox
Shirley Jean Cox

ATTEST:

BY:

Alice McBride
Alice McBride, Vanderburgh
County Auditor

BY:

[Signature]
Approved, County Attorney

659.

MINUTES
COUNTY COMMISSIONERS' MEETING
NOVEMBER 19, 1984

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MINUTES
COUNTY COMMISSIONERS' MEETING
NOVEMBER 19, 1984

The meeting of the Board of County Commissioners was held on November 19, 1984, at 7:30 p.m. in the Commissioners' Hearing Room, with President Borries presiding.

The Chair entertained a motion concerning approval of the minutes of the previous meeting. Motion was made by Commissioner Willner that the minutes of the meeting held on November 12, 1984, be approved as engrossed by the County Auditor. A second to the motion was provided by Commissioner Cox. So ordered.

RE: REZONINGS

VC-15-84/First Reading; Petitioner, C.A. Frank et al: Property is located at 10521 Darmstadt Rd., currently zoned Agricultural and requested change to PUD (Planned Unit Development). Clearcrest Golf & Country Club was previous use; proposed use is residential. In response to queries from President Borries, Mrs. Barbara Cunningham said there would be two commercial designations in the old Country Club building itself and the corner by that building would be designated commercial. Residential offices and condominiums are also planned....it is a total Planned Unit Development with a mixture of single-family residences. There being no further comments from members of the Board or others present at the meeting, a motion was made by Commissioner Willner that VC-15-84 be approved on First Reading and forwarded to the Area Plan Commission. The motion was seconded by Commissioner Cox. So ordered.

VC-14-84/Third Reading; Petitioner, Dan Fonner: The Chair recognized Mr. Dan Fonner, and asked that he approach the podium to offer his comments concerning the subject rezoning petition. Mr. Fonner said the property is located at 4360 Upper Mt. Vernon Road and formerly was used as a private club (Moose Lodge). Property is currently zoned agricultural and requested change is to C-4, for purposes of operating a catering service, commissary and party room. The Moose Lodge had a bar and party room previously.

The Chair entertained questions from the Board. Commissioner Willner asked what recommendation was made by the APC. Commissioner Cox stated that there were eight (8) affirmative votes and one (1) negative vote. Dust-free parking was also requested. Mr. Fonner interjected that the driveway and parking lot is currently gravel. The APC has recommended that new owner put #53 stone on the driveway and parking area and oil same, to keep the dust down. President Borries asked Mr. Fonner if he is willing to do that, and Mr. Fonner replied in the affirmative.

President Borries asked if anyone is present who wishes to speak regarding VC-14-84? Mr. Melvin Tenbarge of 4401 Upper Mt. Vernon Road approached the podium. He said that he resides directly across from the subject property. He and other neighbors have had some concerns about the dust from the driveway and parking lot and have previously been inconvenienced by same. However, if Mr. Fonner plans to correct that situation, then he foresees no problems. The other concern noted by Mr. Tenbarge regarded the traffic. He said they had had one death on Upper Mt. Vernon by the old Moose Lodge -- and they don't want anymore deaths. So, if the parking area is maintained to keep the dust down and the traffic kept down, he has no further objections.

Commissioner Willner said he understood there was a sports field adjacent to the building on the subject property. Does the new owner intend to lease the ballfield out? If so, they would have to provide restroom facilities. Mr. Fonner indicated that he does intend to lease out the sports field.

There being no further comments or questions either from members of the Board or the audience, a motion was made by Commissioner Willner that VC-14-84 be approved on Third Reading, with the stipulation that the owner will insure that dust will be controlled at all times, both now and in the future, and that before the sports field can be leased for the purpose of playing ball or any other physical sport, restroom facilities will be provided. The motion was seconded by Commissioner Cox. A roll call vote was taken, with the following results:

Commissioner Cox - Yes
Commissioner Willner - Yes
Commissioner Borries - Yes

Mr. Fonner again assured the Board that he plans to comply with request to control the dust, until such time as he is able to possibly blacktop or pave the driveway and parking lot.

(continued)

RE: ORDINANCE AMENDING COUNTY CODE OF ORDINANCES ON ACCESSORY STRUCTURES

In September, the Commissioners had tabled a proposed ordinance banning front yard satellite TV dishes. Mrs. Cunningham of the APC appeared before the Commissioners at this meeting with a new draft of the proposed ordinance. She said that the APC had suggested the change in the county zoning code after receiving complaints (mostly from city residents) about front yard satellite dishes obstructing driveway views. Mrs. Cunningham said that in essence what has been determined is that although a garage, barn, etc., or other accessories cannot be in the required front yard, they also have to be farther than 10 ft. from the main structure. In other words, what it says is that the satellite TV dishes not be in the required first building set-back line, which is generally 25 ft. If a resident is in the county and has a huge lot, all the ordinance is saying is that they could not have the satellite TV dish in the first 25-ft. of the required front yard; but, from that point back, it could be in the front yard. Continuing, Mrs. Cunningham said there is a procedure for appeal. If there is no other place that the dish can go in order to get reception, then the resident can appeal to the Board of Zoning Appeals (just as they would if they had no other place to put a garage). Mrs. Cunningham said that what started this whole thing is that the existing code, by inference, states that there can be no structures in the required front yard; and the code definition of "structure" is: "Anything except a sign or outdoor advertising constructed or erected, the use of which requires location on the ground, or anything attached to something having location on the ground." This also would disallow birdbaths or mailboxes; and that is a little ridiculous. Mrs. Cunningham said she is certain that was not the intent of the ordinance. If the satellite TV dishes were to be disallowed, they should be specifically listed. That is why it was determined that they would be treated as an accessory structure, as is a barn, etc., and they would go under those regulations. An accessory structure is not allowed in the required front yard. Mrs. Cunningham then read the requirements concerning accessory structures from the Code of Ordinances.

President Borries entertained questions from members of the Board and there were none. He then recognized Mr. John Bassemier, who was seated in the audience, and asked if he wished to speak? Mr. Bassemier approached the podium and stated that he is a seller of satellite antennas, so he wishes to make it clear that the sellers and the homeowners do not want the dish in the front yards. However, there are times when you have no choice. He said he lives in St. Joe, Indiana in the County and there are houses along Orchard Road, Mesker Park Drive and Cynthiana Road where there is no room either in the back yard or side yard for a satellite TV dish. The reason the dish is placed in the front yard is because you have to have a southern and a western view to the satellite to receive. If trees or houses are in the way, the only place you can put the dish is in the front yard. This is the only way that many of the county residents can receive the best quality programming -- in the 100 to 150 channels you can get on satellite television that you can't get in any other way. The space program, the first satellites and the technology was all paid for by the taxpayers. He said he does not think it fair to deprive the taxpayers of satellite TV, since they paid the bill for it in the first place. Further, the satellite TV dishes are becoming smaller and more transparent and less noticeable and more attractive. Mr. Bassemier said there were some objections that you could not see the traffic coming by. The most popular dishes sold today are the transparent types (and Mr. Bassemier held up a sizable sample of the material). He said they are selling many dishes now that are only 6 ft. in diameter. He does not feel the ordinance is necessary and does not believe there is that much public outcry against them. He said that concludes his comments, but he will be happy to answer any questions.

Commissioner Willner said that every so often we see a satellite TV dish that is only 2 ft. Are these becoming more popular? Is this just for one satellite? What are the advantages of a 2-ft. dish as opposed to a 6-ft. dish? Mr. Bassemier said he has seen a lot of dishes that are only 1-ft. to 18 inches, which are a direct broadcast from a relay station. There was one like that in Evansville for a while, but he doesn't think they are around anymore. There is a new technology that uses a 2-ft. dish, and it picks up maybe just one very powerful satellite. The problem with that is that there are 24 channels on each of the satellites. The satellites which have 6, 8 or 10 channels have a lot more power -- so you can use a smaller dish. Those in the industry feel that it is so expensive for the programmers that the technology has not really caught on -- and they do not feel it will be as big a thing. When the dishes and electronics are more refined, then you can get a clearer picture. Theoretically, the 8-ft. to 10-ft. dishes provide a better picture.

(continued)

President Borries then recognized Mr. Charles Lueke and asked that he approach the podium, since he wishes to address the matter under discussion. Mr. Lueke said he lives on Schutte Road. He asked if this ordinance could be adopted only in the city and not in the county? He asked if it has already been passed by City Council? Mrs. Cunningham said that it has not. With regard to difference in property sizes between the city and the county, he is wondering if it would not be possible for the city to adopt the ordinance and the county not adopt it?

The Chair then asked if there are any other persons present who wish to speak concerning the matter of the proposed ordinance?

President Borries, in addressing Mrs. Cunningham, said he still has a question. He feels the size of lots does make a difference. Mrs. Cunningham said that both the city and the county generally have the same front yard set-back requirements. Even if the lot were ten (10) acres, we're still talking about only the first 25 ft. Mrs. Cunningham said the problem lies in that APC considers the satellite TV dishes an accessory structure and the Building Commissioner does not; therefore, it makes it difficult for the APC to enforce, unless the satellite TV dishes are specifically listed.

There was brief discussion among the Commissioners, following which Commissioner Willner said that it bothers him that a person would have no choice but to go down and pay a \$10.00 fee and try for a variance if he wanted to place a satellite TV dish in his front yard. Commissioner Cox said that she agrees; and, basically, she believes that a homeowner should be able to put anything within reason in his front yard that he wants to. However, the problem of obstructing traffic (if there are such cases) does bother her because of the safety factor. There was also comment indicating that existing ordinance covers the problem because it lays out requirements with regard to obstruction of right-of-way, etc. After further discussion, it was the consensus of the Board that the proposed ordinance should be tabled until some future date since there is not a public outcry concerning these satellite TV dishes and the rapid development in technology. Mr. Bassemier reiterated that improved technology is producing systems that are increasingly compact and less noticeable than older models and, again, the majority of new materials are transparent. With regard to blocking view of traffic, Mr. Bassemier said he knows that his people do not place the dishes where they obstruct view of traffic. And, he knows hundreds of places where trees and/or shrubbery block views of traffic.

Mrs. Cunningham said the Board can always act on the proposed ordinance at some future date if they deem it necessary. Commissioner Willner said that at this time he opposes the ordinance. He thinks we are trying to regulate too much of peoples' lives and what they can and can't do. And, again, he is bothered about the \$10.00 fee people would have to pay in order to seek a variance if the ordinance was in effect.

Discussion on the ordinance ended with the Commissioners taking no vote because of their many reservations concerning said ordinance.

RE: PETITION REQUESTING THAT EASEMENT BE OPENED UP BETWEEN KEDZIE & WALCOTT STREETS

President Borries read the following petition, which contained seventeen (17) signatures:

We, the undersigned, request the easement between Kedzie St. and Walcott St. going west from Van Ness Ave.; and the twenty-five (25) ft. easement next to George Koch plant from Kedzie St. to Walcott St. be opened up.

The Chair recognized Mr. Jesse Fleeger of 4119 Walcott Street, and asked that he approach the podium to explain the petition. Mr. Fleeger said the "alley" is in such a mess that it would be impossible for a fire truck to get into or out of the area. Mr. Fleeger said he has a Chevrolet pick-up truck and he can't drive that down the alley. The county highway people have looked at it and said it is in bad shape. He and the other individuals with him are here to request that the Commissioners get this alley fixed so that it is passable. Ruts are currently over 2 ft. deep.

(continued)

COUNTY COMMISSIONERS
November 19, 1984

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Commissioner Willner asked if this is a county-accepted street, and indication was given that it is not. Commissioner Willner then asked Mr. Fleeger if this area is then an easment to the people from the developer, and Mr. Fleeger responded in the affirmative. Commissioner Willner said that it has been past practice to ask the residents to bring those up to county standards before they are accepted by the county for maintenance. Therefore, it would be a little out of the ordinary if the county accepted this is a a street and then used county refunds to repair it...because we ask other developers and other individuals to do the opposite. Therefore, he would need to look at the specific alley before he could make a decision.

Commissioner Cox said she also has a question. Is this really a street or an alley, or exactly what is it? Mr. Fleeger said it is an alley. Mrs. Cox said that as far as she knows, we only have three (3) alleys in the county which we maintain. Mr. Bethel of the Highway Department was present and said he believes it is an easement. Further comments revealed that the Telephone Company dug up the easement some 5-6 years ago, which is why it has such bad ruts, etc. An unidentified individual in the audience stood up and stated that according to the deeds to their property, there is a 12-ft. easement.....and since the telephone company dug it up some 5-6 years ago it cannot even be mowed. It is so bad that even the garbage trucks cannot go down it, let alone a fire truck or an ambulance.

After further brief discussion, it was the consensus of the Board that a study would have to be made to determine if it is a utility easement in some way (such as the telephone company). If so, then they would need to maintain it. Thus, the Board of Commissioners would need to refer the complaint to them to see what they can do. President Borries said that he also hopes that Mr. Fleeger and those with him understand what was said by Commissioner Willner. The County does not maintain easements because unless, again, it would be like a street or right-of-way -- there would be difficulty doing this everywhere. In order to determine what the use would be, a study would have to be made. Commissioner Cox said that maybe this area is not even supposed to be used as an alley; it may be only a grant for the telephone company to have the right to go in on the property to work on their lines. In other words, what the Board of Commissioners must do is to determine what use was meant for the area.

President Borries expressed appreciation to Mr. Fleeger and those accompanying him for bringing this matter to the attention of the Board. He indicated the Board will certainly look into the matter and if they can do something, they will.

RE: COUNTY ATTORNEY

St. Joseph Avenue Settlement: The following letter was read by President Borries:

Board of Commissioners of Vanderburgh County
Room 305, City-County Building
Evansville, IN 47708

Re: Settlement of Project TQM-E 560(1), Contract R-12200 St. Joseph Avenue

Dear Commissioners:

Enclosed is a copy of the correspondence received from the Indiana Department of Highways with respect to settlement of the above-captioned project audit. I have reviewed the proposed audit resolution and find that it is generally in accordance with the proposed settlement approved by the Board of Commissioners and forwarded to the Indiana Department of Highways in December 1983.

If the Board of Commissioners approves the Indiana Department of Highways' proposal, please advise the undersigned as soon as possible and I will advise the Indiana Department of Highways of your acceptance.

Sincerely yours,

BOWERS, HARRISON, KENT & MILLER

By: David L. Jones, County Attorney

(continued)

Attorney Jones said that the proposal from the Indiana Department of Highways is basically along the lines of the settlement approved by the Commissioners. The overhead percentage is the same as that agreed to by all the parties previously. It also increases the allowable federal participation in the project by 5%. He cannot at this time tell the Board what the bottom line comes out to be, except that it was within something of which they agreed at the time they could live with. They have apparently picked up some additional funding for the amount of work generated by the engineer prior to the written notice to proceed. He is not certain whether this is being picked up by federal funds or not. The original settlement did not have that being paid for by federal monies. So, if we picked that up -- we're that much more to the good. If his memory serves him correctly, this was something like \$9,000 to \$10,000. With the acceptance of this -- he believes we've already gotten the check on the Lynch Road project, and if that it is any measure of time -- then he believes we would see a final resolution of the St. Joe Avenue matter within three (3) weeks of notifying the Department of Highways. Attorney Jones said that we are not going to have to repay anything to the Federal agency. When the money does come in, he believes we can offer it back to the Commissioners. We tied up some real estate as collateral against any deficiencies. They have requested for some time that we release it, but Attorney Jones has refused to bring it before the Commissioners until this matter was finally resolved. We will have some mortgages to release on real estate once we get our money from the Indiana Department of Highways. Again, that was for the protection of the county.

Commissioner Cox said her question is that we did receive the Lynch Road check and it went back into the Lynch Road fund. It was also her concern that we pay Engineer Associates any money that we owe them. Does Attorney Jones have the blue claims? How much money do we owe them out of that, and should they not be paid now that we.... Attorney Jones said he thinks we have to get the money from St. Joe in first, because there is a variation in what the settlement was. In one, they owed us and in the other we owed them. And there may be a \$1,000 - \$2,000 difference one way or the other. But now the Federal government has changed it and have added more money. All he knows is that we are not going to have to repay anything to the Feds. At one time we were looking at \$150,000 that we'd have to repay. Now they have paid us more money and he thinks there will be some money going out to Engineer Associates. But he will have to get with County Engineer Andy Easley to go over the figures and see where those accounts are.

Attorney Jones said the Commissioners need to accept the proposal. He will then notify Mr. Hallock and Mr. Owens that it has been accepted -- and then we will wait for the check.

Motion to accept the proposal of the Indiana Department of Highways on Project TQM-E 560(1), was made by Commissioner Willner, with a second from Commissioner Cox. So ordered. Comment was made that this check should be put in the (General Fund) when it is received. *RLS*

RE: BURDETTE PARK - FINANCIAL REPORT

The Chair recognized Mark Tuley, Manager/Burdette Park, who gave the following financial report for period ending October 31, 1984:

1984 STARTING BUDGET

1984 Budgeted	\$ 396,037.00
1983 Encumbered	6,301.54
1983 Encumbered by Contract	70,547.44
1984 Additional Appropriation	<u>10,000.00</u>

Total 1984 Budget \$ 482,885.98

EXPENDITURES & BALANCE 1/1/84 to 10/31/84

Total Expenditures	\$ 413,978.56
Total Balance	\$ 68,907.42

(continued)

INCOME 1/1/84 to 10/31/84

Pool	\$ 70,209.00
Rink	31,278.26
Rentals	59,205.42
Misc.	<u>8,832.77</u>
Total	\$ 169,525.45

10/31/84

Total Expenditures	\$ 413,978.56
Total Income	<u>169,525.45</u>
Total Deficit	\$ 244,453.11

Mr. Tuley said Burdette will probably wind up with a deficit of some \$280,000. He said that while we have a long way to go with Burdette, at least we're headed in the right direction.

Commissioner Willner asked if Mr. Tuley has looked at his budget to see if there are any monies he is not going to use during the remainder of this year? Mr. Tuley said he does have some money he will be turning back this year. Commissioner Willner asked that Mr. Tuley show that money in December on his final statement? Mr. Tuley said that he would be glad to do this.

RE: COUNTY HIGHWAY DEPARTMENT - BILL BETHEL

Weekly Absentee Report: Mr. Bethel submitted the Weekly Absentee Report for employees at the County Garage for period November 12 thru November 16, 1984.....report received and filed.

Weekly Work Report: Also submitted was the Weekly Work Report for employees at the County Garage for the same period.....report received and filed. Attached to the Work Report was the following Work Schedule:

Gradall: Speaker, Boonville-New Harmony, Heckel Rd., and Hogue Rd.

Wedged: Ridgeview Dr., West Lake Dr., Boonville-New Harmony, and Volkman Rd.

Grader: Emge Rd., Seminary Rd., Lyle Rd., West Lake Dr., Volkman Rd., Folz Rd., Baseline Rd., Petersburg Rd., River Rd., and Old Green River Road.

Trash: Darmstadt, Old State, Green River, Pollack, Lynn, and S. Weinbach

Patch: Heckel, Green River Rd., Millersburg, New Harmony, Garrison and Vogel

Tree Crew: Peck Rd.

Haul Fill: Old Henderson Rd.

Schmuck & Schissler Rd.: Commissioner Cox queried Mr. Bethel about a problem under the guardrail on Schmuck & Schissler Rd. He said he knows where she is talking about and they have plans to take care of that this week.

Westlake Drive Wedging: Mrs. Cox said she notes that the wedging was completed on Westlake Drive; she said that is good because this was badly needed.

Pollack Ave. (east of Kathleen) Patching: President Borries asked if Mr. Bethel could check Pollack Avenue just past Kathleen? A hole or two has developed and he'd like to see some patching there. Guardrail has been installed along there, and there is not much room to move one way or the other to avoid these holes. Mr. Bethel said he will check this out and take care of it.

(continued)

COUNTY COMMISSIONERS
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Mt. Pleasant Rd.: Commissioner Cox asked if Mr. Bethel still plans some wedging on Mt. Pleasant Rd., and he replied in the affirmative.

Caranza Drive: Commissioner Willner said that he, Mr. Bethel and the surveyor are supposed to get together re problems on Caranza Drive. Before anything is done there, some drainage problems have to be resolved.

Indian Mounds: Mr. Bethel said he also needs to get out to Indian Mounds to do some work. There are also drainage problems out there.

RE: ALEXANDER AMBULANCE SERVICE

President Borries submitted report from Alexander Ambulance Service, Inc., for period ending October 31, 1984.....report received and filed.

RE: COUNTY SURVEYOR

President Borries stated that the County Surveyor's office would not be represented at tonight's meeting. However, Mr. Jeffers had requested that he distribute copies of the Bridge & Guardrail Repair Report for period November 12 thru November 16, 1984. Report received and filed.

RE: COUNTY ENGINEER

The Chair advised that County Engineer Andy Easley is not present tonight. Due to the death of a relative, he is out of the city.

RE: APPOINTMENTS TO PRIVATE INDUSTRY COUNCIL

The following letter was read by President Borries:

Richard Borries, President
Vanderburgh County Commission
City-County Building
Evansville, Indiana 47708

Dear Mr. Borries:

The Metropolitan Evansville Chamber of Commerce would like to nominate the following people for the Board of Directors of the Private Industry Council:

Michael Geon, Director/Human Resources
Ronald Rehrman, Vice President/Southern Indiana Gas & Electric Co.

Thank you very much for your consideration.

Sincerely,

James T. Dittoe CCE,
President

Motion was made by Commissioner Willner that the Board accept the nominations made by the Chamber of Commerce. The motion was seconded by Commissioner Cox. So ordered.

(continued)

COUNTY COMMISSIONERS
November 19, 1984

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RE: CERTIFICATES OF INSURANCE

Marble Construction, Inc. DBA Elberfield : General insurance coverage during period of installation.

Evansville Alumnae Chapter of Delta Sigma Theta: Ebony Fair Fashion Show to be held at the Auditorium.

RE: OLD BUSINESS

Culvert on St. Joe Avenue: Commissioner Cox said that since the Surveyor's office is not represented tonight, did they mention any report on the St. Joe Avenue culvert? President Borries said he did talk with the surveyor about this and he is still working on a report. It will be forthcoming next week. Commissioner Willner said he believes they are going to try to see if they can salvage that culvert -- but we should know next week.

Maryland Street Bridge Opened: President Borries said the new Maryland Street Bridge was opened last Friday, and seemed to be well received by those in attendance. Again, this does open up an artery where some 6,000 plus automobiles travel every day, which improves our transportation system.

RE: SCHEDULED MEETINGS

Vanderburgh County Council: A special meeting of the Vanderburgh County Council will be held on Wednesday, November 20th, to consider the revisions of the proposed City-County Paramedic Ordinance. As Commissioner Borries understands it, there will be some representation from the City -- persons who have been working with the ordinance to answer any questions that the County Council might have. County Attorney David Jones will also be in attendance, as well, to answer any questions on the part of any Council members.

Commissioners-Election Board: On Tuesday, November 27th, a special meeting has been scheduled with the Commissioners and the Vanderburgh County Election Board in attendance. The respective County Chairmen have been notified. Mr. Quentin Davis, who served in the Election Office on election night will also be present. The purpose of this meeting is to discuss any proposed changes and improvements that could be made to the election counting process in Vanderburgh County. The meeting will be held in the Commissioners' Hearing Room at 2:00 p.m. Commissioner Cox asked if a representative of Computer Election Services will be present? President Borries said a representative of this firm will not attend the initial meeting.

RE: HOLIDAY CLOSING FOR COUNTY OFFICES

President Borries said there will be public notice that all County offices will be closed on Thursday and Friday, November 22 and 23, respectively for the Thanksgiving holidays.

RE: ELECTRONIC GATE AT VANDERBURGH AUDITORIUM

Commissioner Cox said she had received notice of the County Council meeting to be held on Wednesday, December 5th, and the agenda for same. She noted an item that she does not recall ever being discussed at a Commissioners' meeting -- namely, a request for an appropriation of \$8,000 for an electronic gate for the Vanderburgh Auditorium parking lot. Did that come before the Commissioners for their recommendation? President Borries said that it did not. Commissioner Cox said she feels that \$8,000 is a tremendous amount of money to spend on an electronic arm for that parking lot. We've had difficulty with the other system we had.....and it hasn't even been used. It's been up for the past two (2) months. We've expended money on trying to do something about that. She is of the opinion that an electronic gate will not work any better. Commissioner Borries said that the Auditorium Advisory Board has been studying that particular problem, because of increased useage in the evening. While he will ask for some clarification on that, he does not think the request has anything to do with the replacement of the present electronic arm. He thinks this would be looking at an entirely different structure.....different altogether. He does not think the one that exists now can be repaired. Commissioner Cox said that we need the Auditorium parking lot resealed or resurfaced more than we need to spend \$8,000

(continued)

on some kind of electronic gate. President Borries said that the Advisory Board dealt with this several months ago -- as one of the things they felt should be studied, because there is obviously revenue there to be gained. Losing parking lot receipts during the daytime and evening events has been of major concern. A considerable amount of money is involved over a period of years -- which would more than return the \$8,000 expense. The aspect of putting an individual out there was another alternative considered. Again, we're talking about a very expensive operation when you talk about a fulltime basis throughout the day and evening hours. President Borries said he would also check with the County Council secretary and ask for some clarification. Commissioner Cox said that one of the problems experienced with the existing electronic system was the time element involved in clearing the parking lot following events. People had to wait in that parking lot for over an hour for that arm to go up and down and let the next one out, etc. And we certainly do not want to have to deal with something like that again. President Borries said that it was his understanding that they were considering newer type of gates or some type of coin-operated facility so that there may not be the type of thing that goes up and down, etc. Commissioner Cox said she feels we really need to take a look at this. Further, she feels that before anyone goes before Council with a request of this magnitude that, certainly, it should come before the Board of Commissioners for their recommendation and permission to go on the agenda. To her knowledge, no permission was ever requested or granted. Commissioner Borries said that the concern about the parking lot revenues is valid and the Advisory Board has been looking into various alternatives. Again, he will seek some clarification from Kim Bitz and the County Council secretary.

RE: CLAIMS

Schultheis Insurance Agency: Claim in the amount of \$75.00 for renewal of Official Bond for Sheriff Clarence C. Shepard for period 1-1-85 to 12-31-85. Motion to approve claim for payment was made by Commissioner Willner, with a second from Commissioner Cox. So ordered.

Mike Volkman Insurance Agency: A claim in the amount of \$30.00 for renewal of Bond for County Surveyor Robert Brenner for period 1/1/84 to 1/1/86. Motion to approve claim for payment was made by Commissioner Willner, with a second from Commissioner Cox. So ordered.

RE: EMPLOYMENT CHANGES - RELEASESCenter Township Assessor

Brian Edward Gates	3706 Van Meter Ct.	P.T.	\$30.00	Eff: 11/19/84
Jeffrey A. Toon	11051 Kahre Ct.	P.T.	\$30.00	Eff: 11/19/84

Circuit Court

Elizabeth Hammers	213 Washington Ave.	Intern	\$3.35/Hr.	Eff: 11/8/84
Margaret Bitz	514 Lewis	P.T.	\$3.35/Hr.	Eff: 11/8/84

Prosecutor

Sheryl Weiss	3120 Edgewood	Sec'y.	\$5.00/Hr.	Eff: 11/9/84
Nancy A. Schmitt	5122 Snyder (New)	Sec'y.	\$10,500	Eff: 12/3/84

Voters Registration

Gloria Evans	1369 E. Chandler	Deputy	\$90.00	Eff: 11/7/84
Lucille Musgrave	4304 Pennington Ave.	Deputy	\$90.00	Eff: 11/7/84
Pamela Bailey	1159 S. Linwood	Deputy	\$90.00	Eff: 11/7/84
Jeffrey D. Evans	1369 E. Chandler	Deputy	\$90.00	Eff: 11/7/84
Marie Lurker	2100 Schutte Rd.	Deputy	\$90.00	Eff: 11/7/84
Beatrice Phillips	1132 Lohoff Ave.	Deputy	\$90.00	Eff: 11/7/84
Naomi Broerman	3207 Mt. Vernon Ave.	Deputy	\$90.00	Eff: 11/7/84
Bob Whitehouse	912 S. Villa Dr.	Deputy	\$30.00	Eff: 11/7/84

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COUNTY COMMISSIONERS
November 19, 1984

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Election Office

Beulah Evans	1100 Erie	Dep. Clk.	\$ 4.05/Hr.	Eff: 11/9/84
Clara L. Berry	1308 Bellemeade	Dep. Clk.	\$ 4.05/Hr.	Eff: 11/9/84
Carol Jean Primm	805 S. Villa	Dep. Clk.	\$ 4.05/Hr.	Eff: 11/9/84
Jo Ann Duggins	1024 Jefferson	Dep. Clk.	\$ 4.05/Hr.	Eff: 11/9/84
Sylvia Loviscek	632 S. Harlan	Dep. Clk.	\$ 4.05/Hr.	Eff: 11/9/84
Dorothy Carey	2051 Conlin	Dep. Clk.	\$ 4.05/Hr.	Eff: 11/9/84
William McKinley	1116 S. Linwood	Bal. Ass.	\$ 4.05/Hr.	Eff: 11/9/84
Gerald Wohlhueter	1806 Conlin	Bal. Ass.	\$ 4.05/Hr.	Eff: 11/9/84
John Lee Jones	820 S. Governor	Bal. Ass.	\$ 4.05/Hr.	Eff: 11/9/84
Fred C. Roeder	8744 Big Cynthia	Bal. Ass.	\$ 4.05/Hr.	Eff: 11/9/84

RE: EMPLOYMENT CHANGES - APPOINTMENTS

Center Township Assessor

Brian Edward Gates 3706 Van Meter Ct. Real Est. Dep. \$500/Pay Eff: 11/19/84

Voters Registration

Marie Lurker	2100 Schutte Rd.	Deputy	\$90.00	Eff: 11/6/84
Beatrice Phillips	1132 Lohoff Ave.	Deputy	\$90.00	Eff: 11/6/84
Naomi Broerman	3207 Mt. Vernon Ave.	Deputy	\$90.00	Eff: 11/6/84
Bob Whitehouse	912 S. Villa	Deputy	\$30.00	Eff: 11/6/84

Knight Township Assessor

Susan Behme 837 Taylor Ave. Clerk \$30.00 Eff: 11/16/84

Prosecutor

Susan G. Mattingly	940 Wessel	Para. Sec.	\$13,500/Yr.	Eff: 11/12/84
Nancy A. Schmitt	5122 Snyder (New.)	Para. Sec.	\$11,500/Yr.	Eff: 12/3/84

Voters Registration

Gloria Evans	1369 E. Chandler	Deputy	\$90.00	Eff: 11/6/84
Lucille Musgrave	4304 Pennington	Deputy	90.00	11/6/84
Pamela Bailey	1159 S. Linwood	Deputy	90.00	11/6/84
Jeffery Evans	1369 E. Chandler	Deputy	90.00	11/6/84

RE: TRAVEL REQUEST

Commissioner Borries read the following Travel Request from Alice McBride, Auditor:

TO: Board of County Commissioners

The Welfare Department is appealing their 1985 Tax Levy Limitation, and the hearing is scheduled at 11:00 a.m. on November 30th in the State Office Building in Indianapolis. It will be necessary for me to attend, and the attached memo is self-explanatory.

In view of the above, this is to request permission to travel to Indianapolis for the subject hearing.

Very truly yours,

Alice McBride, Auditor
Vanderburgh County

Motion to approve the foregoing request for travel was made by Commissioner Willner, with a second from Commissioner Cox. So ordered.

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COUNTY COMMISSIONERS
November 19, 1984

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There being no further business to be brought before the Board at this time,
President Borries declared the meeting adjourned at 9:15 p.m.

PRESENT:

COMMISSIONERS

Richard J. Borries
Robert L. Willner
Shirley Jean Cox

AUDITOR

Pat Tuley, Chief
Deputy

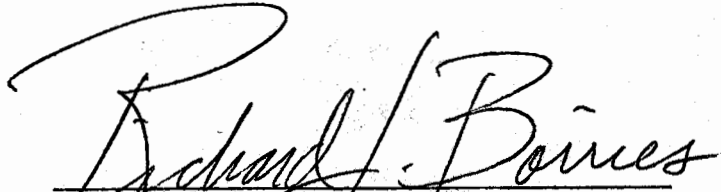
COUNTY ATTORNEY


David L. Jones

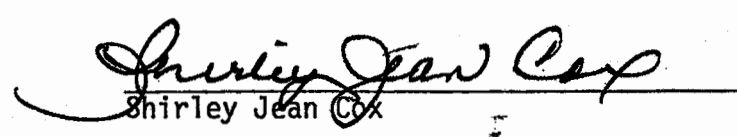
OTHERS

Dan Fonner
Melvin Tenbarge
John Bassemier
Charles Lueke
Jesse Fleegeer
News Media

SECRETARY: Joanne A. Matthews


Richard J. Borries


Robert L. Willner


Shirley Jean Cox

MINUTES
COUNTY COMMISSIONERS' MEETING
NOVEMBER 26, 1984

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MINUTES
COUNTY COMMISSIONERS' MEETING
NOVEMBER 26, 1984

The meeting of the Board of County Commissioners was held on November 26, 1984, at 7:30 p.m., in the Commissioners' Hearing Room, with President Borries presiding.

The Chair entertained a motion concerning approval of the minutes of the previous meeting. Commissioner Cox said she had a question concerning the second paragraph from the bottom of the page on Page 5, wherein it states that comment was made that check received from the Indiana Department of Highways on St. Joe Avenue project should be put into the General Fund when it is received. She believes this check should be put back into the R&S account. Another minor correction should be made on Page 9, under Employment Changes - Releases, wherein it reads "Voters Regulation". This should be changed to read, "Voters Registration". With these two changes, she moves that the minutes of November 19th be approved as engrossed by the County Auditor. A second to the motion was provided by Commissioner Willner. So ordered.

RE: POOR RELIEF/PIGEON TOWNSHIP

Delaino Underhill - 113 E. Eichel Avenue: The Chair requested that Mr. Underhill approach the podium, state his name, address and the nature of his request. He complied with the request and said he had requested assistance with school books. He met all the qualifications for eligibility with the exception of the matter of Cable T.V. When the Trustee discovered he had Cable Television, his request was denied.

President Borries asked Jim Lindenschmidt to retrieve a copy of the Pigeon Township Eligibility Guidelines. In the interim, he asked Mr. Underhill if he is aware that each township trustee has a set of guidelines adopted by a Township Advisory Board? Mr. Underhill said he was not aware of this until now. President Borries said each trustee must have guidelines validly adopted, and these would be subject to public input and publication. The Commissioners have copies of these guidelines, so they can make the correct decision on appeals, etc.

Mr. Lindenschmidt returned to the meeting with a copy of the Pigeon Township Trustee's Guidelines. President Borries said Item #24 on the last page covers Cable Television, and he asked Mr. Underhill if he would like to read this information, and he replied in the affirmative. Having read subject information, Mr. Underhill said he thought it would be a good idea if the form sent to the homes by the school included this information, as it is not included at the present time. He said he had checked around and talked with the individual at the School Board who handles book rentals and he was advised that Pigeon Township is the only township who does this...and all the rest of the townships pay it. He also told Mr. Underhill that it is illegal. The Chair entertained questions from members of the Board.

Commissioner Cox asked Mr. Underhill how many children he has who need books, and he said, "one". She then asked the total amount of the books? He said he thought it was around \$28.00 or \$29.00. Becky Hittner of the Pigeon Trustee's office said it was \$29.40. Commissioner Cox asked Mr. Underhill if he would be willing to forego his Cable Television to become eligible under the Pigeon Township Trustee's Guidelines? Mr. Underhill said he would not. Had he been aware of this rule, he could have planned ahead. President Borries said he cannot comment on the legality of the matter, not being an attorney. He would have to refer that matter to one of the County Attorneys. However, he can also show Mr. Underhill the Guidelines of Knight Township. If Mr. Underhill would like to read same, the same provision is included on Page 4..... and Mr. Underhill read the provision. President Borries said he would assume that if the Trustee's Advisory Board adopts those rules that they would be valid. Their problem (and Mr. Underhill is absolutely right in going to the Trustee's office if he is unable to make his textbook rental payments) is that if an individual has a service which they consider an "extra" service, they feel that they would not be able to offer assistance.

Commissioner Cox asked Mr. Underhill what the notice from the School Corporation said? He said he did not receive a notice, he just talked with an individual at the School Corporation and completed the form sent to him by the School. And they said he was eligible under the income guidelines. He said he then received a letter from the Pigeon Township Trustee asking him to come in and talk with that office. Everything went fine until they asked if he had Cable Television. When he said that he did, then his request was denied. He said this is just something which has come up in the last year. Commissioner Cox suggested to President Borries that copies of the guidelines for each of the Township Trustees be forwarded to the School Corporation to avoid

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misunderstandings in the future. She said that she knows that for at least two or three years there has been provision in the Trustee's Guidelines for Pigeon Township concerning Cable Television and Extension telephones, etc. Mr. Underhill said that they took his application for assistance last year and never even asked him about the Cable Television...and they paid for the book rental. President Borries said that, again, he cannot comment on the legality and he does apologize for any misunderstanding. But the Commissioners' role is to listen to what the applicants say and to consider if their rights have been violated. Further, the Board will contact the School Corporation to see if they do have copies of the Guidelines from all the Township Trustees; if not, copies will be forwarded to them by Mr. Lindenschmidt.

Mr. Underhill concluded his comments with the remark that he was now aware of the guidelines and he hopes his appearance here today helps others who are not aware of this -- so they won't have to come before the Board. President Borries said that he understood.

Janet Elaine Scisney - 539 S. Denby: The Chair requested that Ms. Scisney approach the podium, state her name, address and nature of her request. She complied with the request and said she had requested assistance with school book rental. She had been approved by the Trustee's office for school book rental assistance -- and they did have on the paper that she should be in the office within twenty-one (21) days. She has been back and forth between Evansville and Kentucky, taking care of her father who is ill. The mail had arrived at her house and the sitter with her children did not tell her. When she did find it and read it, it was right at the time of the expiration of the 21-day period. She called the Trustee's office and an individual there told her to come in. But they then advised her that it was over the 21-day period, so her request was denied. The Chair then entertained questions from the members of the Board.

Commissioner Cox asked how many children Ms. Scisney needs textbook rentals for? Ms. Scisney said there were two children. Mrs. Cox asked when the 21-day period was supposedly up? Ms. Scisney said it was up the 19th of November. Commissioner Cox asked Ms. Scisney if she knows the total amount of the textbook rentals? Ms. Scisney said it was \$58.80. Commissioner Cox asked Ms. Scisney if she has Cable T.V.? She replied that she did not.

President Borries recognized Becky Hittner, investigator from the Trustee's office, and asked that she approach the podium. Ms. Hittner explained that part of the problem is that after the deadline, the Trustee's office returns the forms to the School Corporation and she assumes they are in the process of doing that at this time. The reason they have a deadline in the first place is because if they did not, they would have people coming in all year long wanting school books. They do pay for school books for the second semester for high school students; but after a certain point they have to cut off school book applications just out of necessity. They feel that 21 days is long enough for someone to apply. Ms. Scisney is eligible in every other way -- with the exception that she did not meet the required deadline.

Commissioner Willner asked Ms. Hittner if she can verify whether or not Ms. Scisney was in Kentucky during this period of time? Ms. Hittner said they have not tried to verify this; but she supposes they could get something in writing from whomever she was supposed to have been caring for in Kentucky. Commissioner Willner said he would think that if Ms. Scisney has a legitimate excuse that the Trustee's office should allow the request....but he would certainly think verification should be obtained as to her being out of the city. Therefore, the Board would ask the Trustee's office to verify whether what Ms. Scisney says is correct. If so, make an exception. If not correct, then the request should be denied.

Commissioner Cox asked President Borries if he needs a motion that the Board send a copy of the Trustees' Guidelines to the School Corporation? He indicated he would entertain a motion to this effect. Motion was made by Commissioner Cox that copies of the Guidelines for all the Township Trustees be sent to the School Corporation by Mr. Lindenschmidt. A second to the motion was provided by Commissioner Willner. So ordered.

(continued)

The meeting continued with President Borries stating there is another individual in the audience who wishes to request a poor relief action. The Commissioners had received some communication indicating the Trustee's office was unable to give the individual a denial at the time, due to the fact that there were affidavit discrepancies. The Chair recognized Mr. Charles Watson and asked that he approach the podium, state his name, address and the nature of his request.

Charles M. Watson - Evansville, Indiana: Mr. Watson indicated that his previous address was 916 Washington Avenue, where he resided for approximately one (1) year. President Borries queried Mr. Watson concerning his current address. He said he really does not have one; he slept on a couch at a friend's house last night. Commissioner Willner asked Mr. Watson if he was renting when he resided at the Washington Avenue address? Mr. Watson said he was not directly renting himself; he was paying rent to his brother, who was paying rent to the landlord.

Commissioner Willner asked Mr. Watson what assistance he is seeking? Mr. Watson replied that he was asking the Trustee for rent assistance. Commissioner Willner asked if he has a place he is now trying to rent? Mr. Watson said he does not. He is presently unemployed -- and not being able to obtain either approval or a denial at the Trustee's office, he has -- more or less -- been evicted for lack of funds.

Commissioner Willner asked Mr. Watson where he last worked? Mr. Watson said he works for A&E Roofing -- but it has been 8-10 weeks since he worked. Commissioner Willner asked when he will receive a first check? Mr. Watson said he would get a check when they complete another job. Commissioner Willner said this is not permanent employment then? Mr. Watson said that it is; he has been with A&E Roofing since 1982.

Commissioner Cox said that Mr. Watson's pay does not come in on a weekly basis -- he is paid by the job? Mr. Watson said that is correct. Commissioner Cox asked Mr. Watson if there is a specific reason he had to move from the 916 Washington Avenue address? He said there is. Commissioner Cox said she would think that would be the logical place for him to stay. Mr. Watson said he was paying rent to his brother; he was paying a large portion -- almost half -- of his monthly rent. Since he has not worked for a few weeks, he was behind on his share of the rent. It got to the point where he either wanted to take on another renter -- or he wanted Mr. Watson to come up with some immediate cash for rent monies. At present, he has taken on another renter. In other words, he and his brother have had a "falling out" over this.

Commissioner Cox asked Mr. Watson if he has ever requested help from the Township Trustee before? He said he had never requested help with the exception of food stamps. He then corrected himself and said that in 1974 or 1975 he made application for assistance and was denied. He had forgotten about this, but the Trustee's office pointed it out to him.

President Borries called upon Mr. Bill Goff of the Trustee's office for his comments. Mr. Goff said that Mr. Watson came into the Trustee's office and indicated that he lived at 916 Washington Avenue. He told the caseworker that his brother lived in the house and he was paying rent to his brother. Since he was not the head of the household, he could not legally sign an affidavit. He was told that his brother would have to come in and sign the affidavit -- and the income in the household would have to be figured on the head of the household. At that time, he indicated that he did not think his brother would come in. In fact, his brother did have a job. He was advised that all income in the household would have to be figured to determine if he were eligible. At that point in time, he left. On Tuesday afternoon, he told Mr. Watson that if he would stay in the Rescue Mission until Monday morning, he said he assured him he would rent him a room at the Civic Place Hotel. He indicated to Mr. Goff that he did not want to sleep in that particular hotel. He advised him that that was the best he could do for him. Mr. Watson was not given an official denial. He then asked Mr. Goff for a written denial and Mr. Goff gave it to him. The Chair then entertained questions from the Board.

Commissioner Cox asked if her understanding is correct -- in that Mr. Watson did not want to stay at the Civic Plaza Hotel? Mr. Watson said that is correct.

President Borries addressed Mr. Watson and said he does not know if Mr. Watson was listening to everything Mr. Goff said. Is he aware now of his guidelines? Mr. Watson said he was listening -- and he does understand that Mr. Goff's hands are tied.

However, in order for him to be able to proceed with this on a legal basis, he does need that official denial.

President Borries said that he does think that Mr. Watson's rights have been considered. Mr. Goff brought out the fact that he cannot determine at this time what Mr. Watson's address is; therefore, he would not be able to tell Mr. Watson if he is eligible for aid. On an emergency basis, however, he did offer Mr. Watson housing. At this time, he would be following his guidelines. Did Mr. Watson refuse the housing offered by Mr. Goff? Mr. Watson said that Mr. Goff did not specify any length of time, but he did offer housing assistance at a place -- he is not saying he is better than the next person -- but he feels he has showed society that he is somewhat better than the people they run thru hotels like that. At the time he made application, he did not show proof but he did tell Mr. Goff (and he has no hard feelings against him) that he was living at the 916 Washington Avenue address when the application was made. Further, he did come upstairs at the Civic Center on that same afternoon to the Commissioners' office and spoke to Mr. Jim Lindenschmidt. Mr. Lindenschmidt told him that he should be allowed the denial form in order to appear before this Board. And, whatever the reasons were for denying the assistance -- he was due that denial form.

Continuing, Mr. Watson said that a booklet on the bulletin board in the Trustee's office states that the Trustee does not find places to live nor do they pay rent deposits to people in need of aid.

President Borries said he thinks the other point mentioned by Mr. Goff was the fact that denials -- if this is correct -- are issued to heads of households. And these are the only individuals to whom denials are issued.

Mr. Watson asked "who is the head of a household"? President Borries said the head of the household is basically a rent payer? Mr. Watson said that in other words, an apartment building with 84 apartment complexes -- then none of those people are considered heads of households, because all the rent goes to one? Mr. Goff said that theoretically, Mr. Watson's brother is the head of the household; he is the one who pays the rent to the landlord. Mr. Watson has been paying rent to his brother. The Trustee does not pay rent to relatives. He is not the head of that particular household. The income within the household has to be considered to determine whether or not they are within the guidelines stipulated.

Commissioner Cox asked if his brother's home is a house or an apartment building? Mr. Watson said it is a 2-bedroom house. Commissioner Cox said that is the problem. Had it been an apartment building and Mr. Watson had rented a portion of that, then he would have been the head of the household in that apartment. She can see the problem. Does he have a place to stay now? Mr. Watson said he does not. He has been sleeping on a friend's couch for almost a week now. Commissioner Cox said that anyplace that Mr. Watson would be able to rent on his own would have to be with the understanding that the Trustee could give them a voucher but they could not get paid for thirty (30) days. Mr. Watson said he did not understand that until he read the guidelines this morning.

Mr. Watson said that in all fairness, he would probably have stood a much better chance of obtaining assistance had he been dishonest concerning his application. He said that honesty does not go as far as it should in our society. He could have come to the Trustee's office and told things that were not true. He could have claimed to have ten (10) children by two (2) wives. But his being honest about the whole situation has left him out in the cold. There are so many people going thru these aid programs who are possibly not being honest. He has an abscessed tooth which he has been carrying around in his mouth for weeks now and he has been denied aid by the Public Health office, the Welfare office and just recently, Mr. Goff told him last Wednesday that he could do something for me on that. But when he first went in there they told him they could do nothing because he is not the head of his household. As far as he is concerned, he is the head of his household; he is just paying rent to someone who pays the rent to the owner of the property. He shaves himself, bathes himself, dresses himself, and he takes care of his own food allowances any way he can. So if that doesn't make him the head of his own household, then the people who live in these apartment buildings are in violation. Commissioner Cox said the problem is that Mr. Watson does not have a house to be the head of, because the lease agreement is in his brother's name.

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President Borries said he wants to commend Mr. Watson on his honesty. Again, however, he wants to say that the Trustee's office has shown a way -- first of all, that they would provide housing. If Mr. Borries understanding is correct, if Mr. Watson had housing at the Civic Plaza Hotel, that does make him a resident of the township. And, if his understanding is correct, then probably Mr. Watson's case would be reviewed and perhaps at that time he would be considered the head of a household. He asked Mr. Goff if this is correct? President Borries said there is a way to proceed from that angle. Commissioner Willner said that Mr. Watson would also be eligible for food stamps. Mr. Watson says he receives food stamps -- but they have run out. He said he would like to say that he thinks the only way he could possibly proceed with this matter -- he thinks he is being discriminated against because he does not have enough money to acquire a roof over his head. It is more or less a case of his being under-qualified rather than being over-qualified. He said he thinks that is discrimination because he needs the assistance.

Commissioner Cox asked Mr. Goff that if Mr. Watson would go out and find an apartment to rent as of now, and then make application to the Trustee's office, could they help him with the rent? Mr. Goff said that he could not help him with the deposit or the first month's rent. But if he found an apartment in Pigeon Township, he could file an application for assistance and would be eligible since he has no employment. He would also be eligible for food stamps -- which he has been getting. The problem now is that he is not basically the head of the household at the 916 Washington Avenue address and he cannot take an application from him. Since he cannot take his application he cannot give him an official denial.

Mr. Watson said that information on the bulletin board in the Trustee's office does not say anything about filling out an application. It does say that if an individual is dissatisfied with the outcome of your case -- to what he is entitled to right now -- but legally he has not been able to file any kind of application for assistance because he is not what the Trustee's guidelines consider the head of a household. He thinks that needs to be reworded.

Commissioner Cox read the following from Page 3 of the Pigeon Township Trustee's guidelines under "Shelter Assistance":

Part 5, Item B, #1: The Trustee does not find shelter for applicants. Shelter must be located by the applicants and the landlord must agree to accept payment by vouchers, which means he will receive his check a minimum of 30 days after rent is due.

Mrs. Cox said this does not say anything about a balance or a downpayment, or being 30 days behind. It does state that the Trustee does not pay deposits or rent in advance. So, anyplace that Mr. Watson finds will have to be with the agreement of the landlord from whom he is going to rent.

Mr. Watson said that Commissioner Cox is more or less saying that he is going to be left out on the streets this winter. Commissioner Willner said, "Either that or take the shelter which Mr. Goff has offered to provide." Mr. Watson said he does not wish to be rude, but would Commissioner Willner stay there? He said he has spoken to people in the past couple of days who are taxpayers in Vanderburgh County -- and they would just as soon give him the money that they pay in property taxes to let him do as he sees fit to better himself than to give it to someone they don't even know. To him, that makes good sense. He knows it is a vicious circle. Commissioner Cox said that the law does not provide for that to happen. Mr. Watson said that is like the Federal Welfare Program; it is not covering him at all. He said he has talked to these people about assistance. Commissioner Willner pointed out that he is receiving food stamps. Mr. Watson said that \$76.00 in food stamps will last a single person about two weeks and four days -- and that is if you eat very moderately.

President Borries expressed the Board's thanks to Mr. Watson for coming before them to give his opinion. However, he said the Commissioners act as a hearing group for those people who are denied. In this case, Mr. Watson had his right to a hearing even though, again, the Trustee is following the guidelines from the standpoint of Mr. Watson's rights as well as what the Trustee may do under the guidelines. Mr. Watson would certainly have the right to seek legal assistance in this situation. There are

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groups (Legal Aid, etc.) who would help Mr. Watson, should he have other questions concerning the action of the Trustees to this point in time. Mr. Borries said that Mr. Watson's comments have been considered at this time and the Trustees have offered a place which he could use as a residence; therefore, Mr. Borries said he could not comment on Mr. Watson's opinion from that standpoint -- he has a right to his opinion.

Mr. Watson asked if he is not going to be able to receive an official denial form from the Trustee's office? If he takes any type of legal action without that, he might as well jump into water without arms. President Borries said there would be a legal record of the Board's action. The only thing they can do is listen to Mr. Watson's side, listen to the Trustee's side, and study the Trustee's Guidelines and make a decision at this time based on those three things. Copies of the minutes from the Commissioners' Meeting are usually available at the end of the week; and Mr. Watson would certainly be entitled to receive a copy of these minutes. Mr. Watson indicated that he understood this and said he appreciated the Board of Commissioners' listening to his comments. He said his well-being, however, is important to him.

Motion was made by Commissioner Willner that this case be referred back to the Trustee for a denial, on the grounds that Mr. Watson will not accept the housing offered. Mr. Goff said he could not issue a denial because Mr. Watson did not sign an application. Commissioner Willner said that Mr. Goff offered Mr. Watson housing and he refused it, did he not? Mr. Goff said that is correct. Mr. Goff said how can he accept it if he cannot sign the application or receive a denial? Commissioner Willner said that as far as he is concerned, today he is the head of a household and can make an application. The address at 916 Washington was yesterday or previously -- it is not today. President Borries said that if the Board does not know the place of Mr. Watson's residence or where he slept last night he does not see how they can make a determination. Commissioner Willner said that is up to the Trustee's office to determine. Here is a man who is out on the street now, has no permanent address; when he lands in Mr. Goff's township, the Pigeon Trustee is then responsible for him. That's the law. Wherever that individual is today -- that is his residence. It does become Pigeon Township's responsibility. They offered him housing; he refused it -- and Mr. Goff may issue denial.

County Attorney Miller said he believes the Commissioners have two alternatives: One is to do what Commissioner Willner suggested; send it back to the Trustee for denial. The other is to make a record confirming the action of the Trustee and saying the Commissioners think the action taken by the Trustee is proper. Commissioner Willner said he is not upholding the Trustee because he did not take the application. Attorney Miller asked if Mr. Watson went into the Trustee's office today and asked to sign an application then the Trustee would have to take it? Commissioner Willner said, "Absolutely." Attorney Miller said that Mr. Watson did not go into the Trustee's office today, however. Commissioner Cox asked just what is Mr. Watson's address today? Commissioner Willner said it was in Pigeon Township. Commissioner Cox said, "Where in Pigeon Township?" Commissioner Willner said it does not matter. Commissioner Cox said, "It does matter. If he is sleeping on a couch in someone else's home, he still isn't going to qualify as head of a household according to their guidelines. Mr. Goff said where would he mail the denial? Commissioner Cox said that is the problem Mr. Goff has. Attorney Miller said that Mr. Watson can become a resident of Pigeon Township by being in Pigeon Township and saying, "I live here". That's all it takes to be a resident. Commissioner Cox said, "But you have to provide proof of residence." Attorney Miller said that anybody's proof of residence in Indiana is where they say they live. Commissioner Cox said it's just as Mr. Goff said -- and the same way with the food stamps; they have to mail that thru the mail to them -- that's one of their ways of checking to verify that address for that individual. So, where are they going to mail it? Attorney Miller said he understands what Commissioner Willner is saying. His concern is that if Mr. Watson went to the Trustee's office today and said he lived in Pigeon Township and that last night he slept on a bench at Sunset Park -- that's where he lived last night -- they'd have to take the application. But Mr. Watson did not do that. And he did not do that when he attempted to make application. At the time he attempted to make application he was not the head of a household in Pigeon Township. So, he understands what the Trustee is saying about not issuing a denial when there isn't even an application that the denial relates to. From a legal standpoint, we'd be better off to concur in the action of the Trustee. And if he comes back to the Trustee and files an application and the Trustee then offers him housing in the Civic Plaza Hotel and he then refuses it; the Trustee can then issue him a denial. Commissioner Cox asked how they're going to issue him a denial? Attorney Miller said "because he wouldn't accept the offered aid." Commissioner Cox said that is not what

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the denial affidavit says. "The denial affidavit is a denial of assistance; is that not correct, Mr. Goff?" Mr. Goff said that if he offered assistance and Mr. Watson didn't want it, then theoretically he would not be denying him anything. President Borries said the other thing is that when Mr. Watson came to the podium, as requested, to state his name and address - he did not give an address. Commissioner Willner said he does not need an address. The State of Indiana says that when you enter a Township Trustee's office, you are his problem -- or he is your problem. No matter whether the individual lived in Kentucky, California, or Oregon last year or last night. If he is in your township he is your problem -- that's what the law says. So Mr. Watson is eligible to make application now because he does not have an address. Attorney Miller said he has not made application on this basis, so that is why he suggests the Commissioners confirm and uphold the Trustee's actions up to this point in time.

Motion was made by Commissioner Willner that the action of the Pigeon Township Trustee be deemed proper to this point and that if Mr. Watson intends to pursue the matter further that he make application. The motion was seconded by Commissioner Cox. So ordered.

RE: PETITION TO VACATE PORTION OF ENSLE PLACE & GREEN RIVER ESTATES

Mr. Don Fuchs of the law firm of Merrill, Johnson & Kimpel was present to represent Attorney Jack Schroeder. Mr. Schroeder had been asked by Judge Lensing to be a Special Judge in a matter for a couple of days (today and tomorrow) and that is why he is not present.

As per Petition previously filed with the Vanderburgh County Commissioners' office, they are requesting to vacate a portion of the street known as Eastwood Drive. Attached to the petition is a drawing of the portion to be vacated. The petition has been made on behalf of Mr. & Mrs. Richard Johnson and on behalf of James McCarty, Sr. and James McCarty, Jr. The two McCartys own what is known as Lot 24, and the Johnsons own what is known as Lots 25, 26, 28 and 29. The Johnsons wish to consolidate all the property they own into one tract. They have discussed this with the two McCartys and they have no problems with this. There are no access problems. The McCartys will have access to their property by way of Colonial Drive. The only other adjacent landowner is a Mr. Commissioner Willner interrupted by saying he was having difficulty keeping up with Mr. Fuchs. Was this petition filed with the Commission previously? Mr. Fuchs said that it was. Commissioner Willner asked Mr. Fuchs if he has a copy of the maps or the filing? He indicated he did and approached Commissioner Willner to hand a copy to him. Commissioner Willner asked what date the petition was filed? Mr. Fuchs said it has a file mark date of November 1st (Commissioners' Office). Commissioner Cox asked if this has been heard by "our" Commission? Mr. Fuchs said that it has not. Commissioner Willner asked if Mr. Fuchs had additional copies of the map which he could give to the Commissioners for perusal. Mr. Fuchs said he did not. They were asked to prepare 25 copies and the one he has is the last one. Attorney Miller asked where it was filed? The Auditor's office? Messrs. Willner, Borries and Lindenschmidt noted that the file mark indicated it was stamped "Commissioners' Office". Mr. Fuchs said he could not answer further questions, because he just recently became involved in this. Attorney Miller said this should have been filed and sent to Area Plan, then come back to the Commissioners. President Borries asked if this is also the case on the Petition on Green River Estates? Commissioner Cox said she thinks these should go to Area Plan. Anytime you change an area plan it should go to Subdivision Review (which met November 13th); she missed that meeting and doesn't know if they reviewed this or not. Commissioner Willner requested that Mr. Fuchs bear with the Board for a few minutes and they will endeavor to straighten out the matter. President Borries said these two matters would be deferred a few minutes until someone from the Commissioners' office can check with Area Plan Commission.

With regard to Green River States petition, Mr. Fuchs said this is off Green River and an entirely different matter; but it is the same procedure whereby they are requesting the vacation of a certain easement and utility easement vacation for a portion of two roads...on Millersburg Road between Green River Road and Oak Hill Road. Christian Fellowship Church faces Millersburg Road and there are three entrances into the church and parking lot. They are building an addition. Mr. Heston (who was speaking and showing a map to the Board) said he was in the process of giving the church some land so they can have additional parking, since the church has been growing so rapidly. He continued by pointing to various areas on the map and said

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this is a recorded subdivision. Ms. Behme of Area Plan entered the meeting and Commissioner Borries asked Messrs. Fuchs and Heston to accompany her to another area where they could discuss the matter prior to returning to the Commissioners' meeting for further action.

RE: COUNTY ATTORNEY - DAVID MILLER

Strip of Land in Burkhardt Road Improvement Area: Attorney Miller said that he should have received a letter from Citizen's National Bank (as Trustee for the Hirsch Trust) regarding a 5-ft. strip of ground out in the Burkhardt Road improvement area. He does not yet have an answer from either Mr. Morley or Citizen's. Therefore, this matter will have to be deferred. In essence, however, Citizen's National Bank is alerting us that there is a 5-ft. strip of ground that runs along the eastern length of Burkhardt Road between Division and Boonville Highway that has never been acquired by the county and will be involved in the improvement. They are right about that, Attorney Miller thinks. However, Citizen's says it is 15-ft. and the county says it is 5-ft. Thus, we have a problem with their dimensions -- but they may be right. In any event, there is a strip of ground and we attempted to deal with this in the Hirsch settlement when we settled the lawsuit regarding the ditch -- which is farther to the east -- and, succinctly, they didn't bite. So now we have to work on that. Attorney Miller said he just wanted to be sure the Commissioners are aware that this matter has raised its head and needs to be resolved before the improvement work begins. We will need to commence condemnation proceedings shortly. But he has no word from Jim Morley yet and he will try to get with him on this.

Commissioner Willner interrupted by stating that while Burkhardt Road is being discussed, the second letting of the improvement of Burkhardt Road was turned down today for the second time -- because it was over the engineer's estimate and they will try for another letting in December. The lowest bid was put in by Rudolph Construction and it was over 5% of the engineer's estimate for the second time.

Revised Draft of the Inter-Local Governmental Agreement re Evansville-Vanderburgh Co. Ambulance & Paramedic Department: Attorney Miller said that Attorney David Jones has sent an original and two copies of a revised draft of the Inter-Local Governmental Agreement re Evansville-Vanderburgh County Ambulance & Paramedic Department. Mr. Jones' cover letter indicates that if the Commissioners approve the agreement that it should be distributed for signatures to the Auditor, City Council, County Clerk, Jerry Linzy and Sue Hartig. Attorney Miller said he takes it that the Commissioners have not yet had an opportunity to review this version. Commissioner Willner said this is the Board of Commissioners' version. Attorney Miller said it indicates it has been approved by the County Council. So if this is the same version as approved by the Commissioners, then that is it.

Commissioner Cox said she thought that, according to newspaper reports, the County Council made two (2) changes in this. Commissioner Borries was present at that meeting, did they? President Borries said the changes brought about by the Council were to set in some amounts of payment for the Trustees and those were set in at zero. They would not receive any compensation. There was a formula for funding that reviewed the county's portion of the budget and set it in at 22% and that the City of Evansville's portion would be 78%. He believes those would be the only changes. Commissioner Cox asked if they didn't want this based on population? President Borries said there are some differences between the City's version and the version passed by the County Council on November 21st. Those differences will have to be resolved during negotiations with the City officials. As he understands it, there are some differences regarding the way in which the agreement could be terminated. The Board of Trustees shall consist of seven (7) members who will serve without compensation. According to this version of the agreement, that would be one (1) member from the County Council and one (1) member from the Common Council of the City. The termination procedure is different in the ordinances and President Borries said he wants to see if he can find that particular point. The City of Darmstadt was mentioned and he believes it said that would be for a fee -- and he believes that has to be approved jointly. On Page 2 concerning the duration of the agreement, it says that written notice of termination shall be given and received by the other party no later than one (1) calendar year prior to the expiration or termination of this agreement. There is a difference between the City and the County versions on that. President Borries noted that Councilman Lutz is present at today's meeting. Are there other questions?

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Continuing, President Borries said he would suspect that if the Commissioners approve this agreement that it would have to be sent onto the City and there would, of course, be a conference committee and negotiations set up in order to resolve the parts where the two agreements differ. At that time, the appointments could move forward. At this time, this agreement approved by the County Council would be different -- again, it is basically the same that the Commissioners had approved and forwarded to them -- but it would be different from the City's version forwarded to us.

Commissioner Cox asked if the copies of the revised version had been signed by the County Council? President Borries said the ones sent over by Attorney Jones today have not been signed. However, there is a signed copy. Commissioner Willner said he sees nothing to prevent the Commissioners' signing this revised Agreement today. He does feel that we will probably have to work out some minor things with City Council and thinks we should do that. With that thought in mind, he recommends approval of the agreement at this time.

Commissioner Cox said she could not second Commissioner Willner's motion, as there is nothing in the agreement to indicate how much this is going to cost the citizens of Vanderburgh County to participate in this. It says our share is 22%. It's guaranteed for three (3) years not to go above a five (5) percent increase. After that time we do not know what it will be. The other thing that concerns her is that paramedic services is one of the appeale services above the tax freeze; you can go above a tax freeze to provide these services for the citizens of Vanderburgh County. She said she thinks we have to look long and hard and she cannot support any piece of legislation or ordinance or whatever that she signs her name to unless we have dollars and cents figures on what this is going to cost the taxpayers.

Commissioner Willner said, "Mrs. Cox, if you will tell me how many runs there are going to be in Vanderburgh County next year -- we'll give you a price."

Commissioner Cox said, "Well, Mr. Willner, there are some people who feel that they don't even need a subsidy to operate this kind of a service. So, when you deal with budgets you've got to deal with facts and figures. How can you propose a budget for 22% when we don't know what 22% of it is going to be?"

Commissioner Willner asked Mrs. Cox if she knows what the Change of Venue is going to be next year? She said she did not. But there's no comparison...can you appeal Change of Venue cost above the tax freeze? No, you have to find money somewhere else to pay that change of venue cost. We went thru that. But you can appeal paramedic cost above the tax freeze and she thinks that is where we're opening the door...

Commissioner Willner interrupted by stating there are stopgap measures in the agreement. Before anything is agreed to insofar as a contract is concerned -- it must come back to this body.

President Borries asked County Auditor Alice McBride whether she is aware of any changes in the laws as to whether or not this can continue to be appealed? Or, was that a one-time appeal?

Mrs. McBride said she thinks the new law that was attached to the local option took away that right. She isn't certain and would have to check that. But she does know that they took away some rights to appeal.

Commissioner Willner cited Item #10 on Page 4, as follows:

- "10. To obtain prior approval from the Mayor, the County Commissioners, the City Council, and the County Council before any contract or plan goes into effect or any expenditures are made."

He said what we are trying to obtain here is an Agreement between the City and the County for a paramedic-ambulance service. We have not gotten to the price yet. We haven't even gotten a contract. What we are trying to do is obtain one to see what it is going to cost. But it must come back to this Board and they can discuss it at that time. He sees no reason not to approve this agreement for that reason.

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Commissioner Cox said she does see a reason -- which is as stated.

President Borries said the current provider has provided that service under a one (1) year contract and has done so. He believes this is the third year that that has been in effect. He believes the message the residents of the county gave us -- unless he had earmuffs on during that hearing -- it was very loud and clear that they did want paramedic service. There are ways and, again, as pointed out by Commissioner Willner -- financial control by an elected body, such as this Commission and the County Council, is assured under this agreement. He said he did neglect to mention one other specific item and that is that there would be a bid process and bid procedure set up under this particular agreement. The City of Evansville's version had that perhaps some negotiations could have taken place. But the County's version specifically talks about a bid process that would be included. Our goal has been to save dollars. The figures that were at best guesstimates under Councilman Linzy's earlier figures indicated that the County's portion of a joint department would go down. He said he believes that Mr. Lindenschmidt has looked at statistics -- and it provided some statistics on ambulance runs that would indicate that at the highest point over recent years the county's percentage has been somewhere around 18% at its highest point. The 22% would be an accurate reflection of population and the 22% would be a reasonable figure to go with as we are going to be dealing with specific dollars. The agreement does contain ways in which we can look at a three (3) year figure in order to budget. Again, because of changes in the adoption of the local option law, he does not know if paramedic ALS services are an appealable item continually year after year. So he does think the Board would have to refer that to Auditor Alice McBride for research in that area. Our goal has been to provide the service and save dollars and he believes that the Commissioners' document would insure that not only to save dollars but to have the wisest use of the budgeted amounts available -- having a 3-year agreement insures that whoever would provide this service, as well as the City and the County, would have at least an extended length of time where they could look at the proper budget.

Commissioner Willner said he agrees. What this agreement is, is what the County Council and the Board of Commissioners expect from a contract. This is not saying we are going to give a contract; this just explores the possibility of having a City-County Paramedic Service -- and it is just a starting point -- not the final thing.

Commissioner Borries said we also have the aspect of communication here. We're going to have to talk about this thing. We could just take a giant step backwards and say that Vanderburgh County will have no ALS service. But, again, he doesn't believe the residents want that and he doesn't think at this time that without a lot of study -- also, a tremendous amount of public opinion has been generated that says that they would want this service. How we can provide it in the most efficient manner is what this particular agreement is all about. It does not bind us in terms of dollars. It is a way in which we can talk with the City to see if this is the best way to go. Commissioner Willner said that this is exactly how he sees it.

President Borries said he would second Commissioner Willner's motion to approve the subject agreement. He subsequently requested a roll call vote:

Commissioner Cox	- No
Commissioner Willner	- Yes
Commissioner Borries	- Yes

The motion carried with two (2) affirmative votes and one (1) negative vote. So ordered.

RE: PETITION TO VACATE PORTION OF ENSLE PLACE & GREEN RIVER ESTATES

Messrs. Fuchs and Henson re-entered the meeting, together with Ms. Behme of the Area Plan Commission. Mr. Fuchs said they had reached an agreement with the APC to submit a copy of the Petition to APC so they can conduct their necessary study and it is his understanding that he could again be put on the agenda for the Commissioners' meeting on Monday, December 3rd. At that time he would have an opportunity to present the petitions to the Board of Commissioners so they can peruse same. Commissioner Willner asked Ms. Behme if she would have a recommendation at that time? She said that she would. Commissioner Cox asked if this will have to go to the Subdivision Review Committee? She said that he would not....Ensle Place is a real old subdivision. However, Mr. Fuchs will have to file the petition with the Auditor's office. They, in turn, will give copies to the Area Plan Commission.

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RE: LOCAL OPTION INCOME TAX LAW

President Borries said that he wishes to return to the matter of the local option income tax. The legality of this tax has not yet been determined. He understands that there is a suit that will be a friendly suit or test case that has not yet been decided in Lafayette (Tippecanoe County). Under Part V of a communication that Mrs. McBride had concerning appeals, it does say that Emergency Medical Service is no longer an appealable item. This was dated 3/8/84.

RE: VANDERBURGH AUDITORIUM - Kim Bitz

Mr. Bitz said the Auditorium Advisory Board met to discuss several different topics on Tuesday of last week, none of which they are ready to report on at this time.

Parking Lot Equipment: The Board is, however, ready to make a recommendation to replace the electronic parking lot equipment. The existing equipment has been out of order for about eight (8) months and consequently there have been no parking revenues from that system hence. Mr. Bitz distributed the following information concerning potential Parking Lot Revenues:

FEE X SPACES		= PER DAY	X 5 DAYS	= PER WEEK	X 50 WEEKS	= PER YEAR
\$.50	150	\$ 75.00		\$375.00		\$ 18,750.00
.75		112.50		562.50		28,125.00
1.00		150.00		750.00		37,500.00

The above figures represent potential revenue with lot at capacity.

Below is the Potential Revenue for NIGHTIME event use with lot at capacity:

NIGHTIME FEE - \$1.00

\$150.00 X 170 Days = \$25,500

Average yearly income from parking lot before malfunctions, with the fee set at 50¢ per car was \$21,000.

At the time the existing equipment was functioning, Mr. Bitz estimates the lot averaged 100 cars per day.

The Advisory Board recommends that we do purchase new electronic equipment for the parking lot and that the fee be set at \$1.00 for both the daytime hours and evening events.

Commissioner Cox asked if this recommendation is contained in the minutes from the Advisory Board meeting? Mr. Bitz said that it is -- the minutes of the meeting held this past Tuesday. Commissioner Cox said that Mr. Bitz informed her this morning that it was not discussed. Mr. Bitz said he told her that it was discussed at the meeting held prior to this past Tuesday. Mrs. Cox said, "No, you sat in my office and told me how it appeared on the agenda for the Council -- which is certainly not what you're telling me here in front of the microphone." Mr. Bitz said he told Mrs. Cox that it was not discussed at a Commissioners' meeting; but it was discussed at last Tuesday's Auditorium Advisory Board meeting.

President Borries said he talked with Councilmen Owen and Elliott, who had also talked with him concerning whether there would be any funds. He thinks it is primarily thru the Council Secretary that that had been advertised. No decision had been made re the actual cost or any kind of implementation. The Advisory Board has been studying that particular problem and it has been on their agenda. He did not attend the last Board meeting, but he does understand that it was discussed at that time. If nothing is done -- and it may not be by the December Council Meeting -- then any monies that we could repeal to put into new machine or parking lot mechanism would have to come from the General Fund in January.

Commissioner Cox asked how old the existing equipment is? President Borries said that it is so old that it simply cannot be repaired. It came off the old City parking lot. Commissioner Cox said we installed it three (3) years ago. We bought it from

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the Building Authority. It was supposed to be workable and usable. The City simply changed their way of getting people into and out of the parking lot and did away with the arm and no longer had a use for the equipment.

President Borries said there are still other options to be considered by the Advisory Board. He understands there can even be some discussion of parking meters which can be used during the daytime hours. If there are nighttime events at the Auditorium or any nearby facility -- since this would be a county-owned lot -- the county could gain some revenue from a machine. If we're talking of the kind of set-up that they've had at Roberts Stadium in the evening, you'd have to have a portable shed, electricity and everything else that would be out there -- and that could be expensive, not to mention employees who would have to be out there. So, some of the discussion had centered on what kind of a form or device could be used at nighttime so as not to have to have an employee there. This is why Mr. Bitz had run some figures to see if that kind of thing is feasible. Again, we're not saying that the lot, itself, is going to be at capacity every night or every day. But there certainly would be some revenue that could be realized from that.

Commissioner Cox said we have several problems to be addressed. Sometimes the Gold Room is rented out and so is the Auditorium. When the people who rent pay for the rental of the parking lot, then that leaves the other one holding the bag. Mr. Bitz said they never rent the parking lot to anyone if there is another event. Commissioner Cox said then that that answers that. We're not getting any revenue in on it anyway insofar as the rental is concerned.

President Borries said he feels they would have to look at a mechanism -- whether it is an arm or whatever -- that could be raised at the end of events so people could leave more easily or leave via the Walnut Street exit; maybe that particular side could be used there if we did not want them to exit where the arm is. The revenue is certainly something the Advisory Board is looking into. And this is of concern to Mr. Bitz since the existing arm cannot be repaired.

Commissioner Cox said we do not have any assurance that this will not happen to the new arm. The existing equipment has gotten some pretty rough treatment. The Stadium still uses the little box sheds to collect their parking fees, so the system must have some merit. President Borries said that if the average yearly income before the malfunction was \$21,000, a machine would pay for itself in less than half a year. Thus, he would think that an employee being out there -- he doesn't think we can work with employees out there full time all day and then have other persons there at night. We could conceivably be talking about having someone there from about 8:00 a.m. until after the events are pretty well started in the evening -- and that would 8:00 p.m. to 9:00 p.m. This would constitute some 12-13 hours. That would be pretty labor-intensive; that is why a machine was considered. Hopefully, there have been some state-of-the-art improvements over what we had out there; we would have to get bids and see what types of equipment are available. The Council's concern was to get that set in on the Auditorium's budget so there could be some monies looked at if a decision is made before year's end. They have been very concerned -- as they always are -- about revenue and what we could do to correct that situation. If they do not reach a decision after they have looked at various bids, then we'll just have to seek an appropriation in 1985 after a decision is reached.

Mr. Bitz asked the Board if they would like for Betty Lou Jarboe to look at some type of parking meter system? The Board replied in the affirmative. Mr. Bitz said he will talk with her. He said he feels the only alternatives are parking meters or new electronic equipment. If we put employees out there, we wouldn't make back enough to make it worthwhile.

President Borries said we have to look at the cost of the employees plus part-time help. Then there would be the matter of electricity. He would hesitate putting someone out there all day in zero degree weather or 98° weather, whichever season it happens to be. So he thinks a machine would be more feasible.

RE: COUNTY HIGHWAY - Bill Bethel

Absentee Report for Employees at the County Garage: Mr. Bethel submitted the Weekly Absentee Report for employees at the County Garage for period November 19, 1984 thru November 23, 1984.....report received and filed.

684.

COUNTY COMMISSIONERS
NOVEMBER 26, 1984

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Work Report: Mr. Bethel also submitted the Weekly Report for employees at the County Garage for the same period.....report received and filed. Attached to the Work Report was the following Work Schedule:

Gradall: Middle Mt. Vernon Rd., Adler, St. Joe, Owensville Rd., and Syls Drive

Paved: Martin Station, Volkman in sections

Patch: Voight, Green River (over levee), Red Bank, Bayou Creek, Pollack Ave.

Grader: Martin Station, Volkman, Lyle Rd., Hillside Rd., Green River and Old Green River Rd., Bromm Rd., Baseline, Edgewater and Lynn Rd.

Rock: Lyle Rd., Hillside Rd., Green River and Old Green River Rd., Bromm Rd., Baseline Rd., Edgewater and Schmuck

Tree Crew: Bromm Rd., Schmuck, and Smith Diamond

President Borries said that he noticed while traveling the area yesterday that a stop sign is nearly down at Green River and Millersburg Roads (the stopsign on Millersburg, just as you turn onto Green River Rd.). It is leaning at a pretty low angle and he would appreciate it if Mr. Bethel could take care of this.

Patching on Green River Road: On the west lane of Green River Road, right where the city-county limits are at Theater Drive, a chuck hole has developed and he would appreciate Mr. Bethel's handling this. They might also check the westbound lane between there and Hirsch Road, as there are other holes in that particular area. Mr. Bethel assured Commissioner Borries that he'd take care of these.

RE: COUNTY SURVEYOR - Bill Jeffers, Chief Deputy

Bridge & Guardrail Repair Report: Mr. Jeffers said that as indicated on subject report, the entire crew spent the entire week under First Avenue Bridge placing rip-rap under the bridge. He believes they finished today and tomorrow morning they will begin to set up to repair guardrail along Green River Road between Hirsch and Millersburg--to replace damaged guardrail in that 2-mile portion of the road.

Reply to Indiana Department of Highways re Problems on Three Structures: Mr. Jeffers submitted a reply to the Indiana Department of Highways in response to the inspection made by Mr. Lee Gallivan, F.H.A. Area Engineer, concerning certain deficiencies which currently exist on various structures. The following letter is being submitted to the Commissioners for their information and it will accompany Mr. Andy Easley's response to Mr. Stephen Dilk on the other road projects mentioned in the same letter by Mr. Dilk. The letter was as follows:

Division of Local Assistance
Indiana Department of Highways
100 North Senate Avenue
Indianapolis, Indiana

Attn: Stephen M. Dilk

Dear Sir:

On or about October 15, 1984, the Vanderburgh County Surveyor's office received a copy of your letter of October 2, 1984, to Andy Easley, Vanderburgh County Highway Engineer. Paragraph 3 of your letter requested that our county respond by listing steps we are planning to take to correct certain deficiencies which currently exist on various structures recently inspected by V. L. Gallivan, F.H.A. Area Engineer.

At this time we are prepared to address the problems that exist on three of the structures inspected by Mr. Gallivan, and propose corrective measure for those structures. Specifically, we will deal here with S-398-1, two bridges on Green River Road, one across Pigeon Creek, and one over Firlick Creek, one-half mile north of Heckel Road; and a twin corrugated metal pipe structure on North St. Joe Avenue one mile north of Boonville-New Harmony Rd.

(continued)

On S-398-1, Green River Road over Pigeon Creek, Str. #91 in the Vanderburgh County Bridge Inventory, Mr. Gallivan's inspection noted four areas of needed improvement:

- 1) Substandard approach railing
- 2) Severely rusted structural steel
- 3) Deteriorated driving surface
- 4) Silted-in waterway opening

RE: (1) Substandard approach railing:

Our department, using the bridge maintenance crew, will install new guardrail sections to replace any damaged rails on both approaches to the bridge. We will reset any posts necessary to effect proper installation of the new rails. In addition we will install curved sections of rail on the southeast corner of the structure to accommodate the existing private lane entrance at that location. Also, all rails terminating at the bridge will be connected to the concrete rails by acceptable end piece assemblies.

RE: (2) Severly rusted structural steel:

Our most recent inspection of the Pigeon Creek structure conducted during November 1984, indicates that of the thirty (30) steel beams which support the concrete deck, twenty-six (26) are in excellent condition with only very minor pocking of the grey paint coat. Of the remaining four beams, three have sustained light rust on their flanges and webs only on the portions of those beams that rest directly under the expansion joints on piers #2 and #7. The rust is caused by roadway drainage leaving the structure via the expansion joint. One beam in the southeast corner of span "B" has sustained rust becoming moderate. Again the damage is caused by roadway drainage from the expansion joint, in this case over pier #2, augmented in this instance by soil lodged behind a 4-inch diameter telephone installation on the east walk retaining moisture and causing a more constant water source.

Our recommendation is to clean by sandblasting the rusted portions of the four beams mentioned, and to repaint them.

Of the sixty (60) rocker bearing assemblies, forty-eight (48) are in excellent condition with no repairs necessary. Of the remaining twelve (12) rocker bearing assemblies, six (6) are directly under the expansion joint on pier #7, and six (6) are under the steel-toothed expansion joint on #2. Both of the noted joints are deteriorated to the point that they allow roadway drainage directly onto the bearing surfaces of the named piers. The presence of water on the bearing surface of piers #2 and #7 has caused rust on the rocker bearing assemblies on pier #7 which may be described as light becoming moderate; and on the rocker assemblies on pier #2, which may be described as moderate becoming severe on the rocker shoe at the outside corner of the southeast end of pier #2.

Our office will begin immediately to initiate the bidding process to correct the condition on pier #2 by completely cleaning the entire rocker bent and repair or replace all of the damaged parts. On pier #7, we recommend the same action within the next six (6) months, or as part of the same contract. Along with or subsequent to the repair of the rocker bearing assemblies, we intend to repair the two (2) expansion joints at the two named piers to prevent a reoccurrence of the noted condition, and to reapply the epoxy coat on the concrete bearing platform.

RE: (3) Deteriorated driving surface:

The driving surface of S-398-1 over Pigeon Creek is a twenty-eight (28) foot clear roadway four hundred eight (408) feet long. The concrete surface especially within spans "A", "B", "C" on the south end, and "F", "G" on the north end contain a moderate number of transverse cracks apparantly over the re-rods in the top mat. There is no evidence that the cracks penetrate the coping or the deck as no efflorescence or incrustation exists on the outside copings or under the deck.

(continued)

In addition to the transverse cracking, there are several circular and elongated spalls which have exposed one or more re-rods each. The roads have not yet been damaged and we intend to repair by sawing and patching each defected area in a manner in accordance with state standards. Such methods have been employed by the State on Pennsylvania Street Bridge, and by the County on Fifth Avenue Bridge within the last two years.

If the repairs to the driving surface cannot be effected prior to winter, we may take temporary steps to protect the deck from further erosion by temporarily patching the cracks and spalls.

Also existing in isolated areas mostly on the southeast end of the bridge on the top surface of the handrail is some light scale exposing the aggregate. Our bridge maintenance crew will clean the affected areas and apply an epoxy/mortar patch to all areas of scale.

RE: (4) Silted-in waterway opening:

The original set of plans for S-398-1 indicates that certain requirements were made to construct a waterway of a greater size than that which existed prior to 1957 or to that which exists now. Our November inspection reveals that the existing waterway in 1984 matches closely the existing waterway prior to 1957 as shown by the survey line provided with the 1957 state highway plans for S-398-1.

Our inspection notes also that the waterway under Str. #91 now matches almost exactly the creek channel upstream and downstream of the structure. The removal of about one hundred (100) cubic yards of silt from behind pier stem #6 would cause an exact matching of the channel.

While we realize that a general opening of the waterway under Str. #91 would reduce the velocity of the water passing under the bridge, and thereby reduce the chances of scour on piers #5 and #6; we are assigning a lower priority to such a project than the priority we are assigning to the other repairs.

On S-398-1 over Firlick Creek one-half mile north of Heckel Road, Str. #82 in our country bridge inventory, Mr. Gallivan's inspection reports that there are two deficiencies:

- 1) Unsatisfactory bridge railing
- 2) Unsatisfactory driving surface

As with the Pigeon Creek Bridge, the railing that exists at this time is the same rail that existed at the time of construction with the exception of components which have been replaced over the years due to damage by vehicles. Evidently, the existing railing is no longer standard and will be replaced by this department using the labor of the bridge maintenance crew and new railing of a type meeting current highway standards. In addition we are recommending to the Traffic Engineer's sign department that they repair or replace all reflectors approaching the structure from both sides; and we will upgrade all approach railings.

The driving surface of Str. #82 is unsatisfactory in that the original concrete deck was paved over with asphalt during the early 1970's. Under the existing condition the driving surface is unsatisfactory because salt, moisture and other corrosives become trapped under the asphalt and against the concrete deck, and work against the mortar in the deck concrete. Our county bridge engineer has repeatedly warned against paving over concrete decks with asphalt for just this reason, and the practice has been generally discontinued.

If I.D.O.H. requires a remedy for the condition of the driving surface of Str. #82 within the near future, we are prepared to seek bids to remove the asphalt from the bridge deck, scarify the concrete deck to a sufficient depth, remove any other damaged concrete, and pour a new course of concrete not to exceed in weight the designed load of that structure. If we effect this repair we would like to repair the approaching asphalt roadway so that there is a uniform vertical curve approaching and crossing the bridge as part of the same contract.

(continued)

Re: The twin corrugated steel pipe culvert (incorrectly) identified S-41-5:

The twin pipe culvert referred to in Mr. Gallivan's report has been identified by our department as a structure lying in Maidlow Ditch on North St. Joe Avenue one (1) mile north of Boonville-New Harmony Road. Maidlow Ditch is a legal drain in Vanderburgh County serving approximately 2084 acres above the named structure. The longest lateral of the said ditch above the structure is about 12,000 ft. long; and the highest point in the watershed is 500 feet above sea level, with the flowline of the named structure being about 435 ft. elevation. We calculate that the Maidlow watershed above the structure could generate as much as 1660 cu. ft. of the water per second during a "100 year rain". The existing pipes are 12 ft. by 8 ft. elliptical each, which by our calculations can carry as much as 1340 cu. ft. per sec., on a flat grade that now exists, or as much as 1620 cfs., if the grade were increased.

As we do not experience an "100 year rain" more than about every ten (10) years at this location, the existing structure should carry all the water most of the time.

Mr. Gallivan's report, however, notes strong evidence that over-the-road flow has occurred, and that there is a danger of complete failure of the pipe installation and the roadway.

Our inspection of the structure this year and in past years confirms Mr. Gallivan's finding, and we offer the following observations and remedies:

1) The Maidlow Ditch upstream of the structure has been widened and otherwise improved by private land owners significantly in 1981. The ditch also was partially straightened and otherwise improved by the county in 1983. While the ditch downstream of the structure has been improved piecemeal by private owners and by the county, the portion of the ditch immediately downstream for a distance of 800 feet is in need of improvement.

The highway side ditch on the southwest corner of the structure has created a peninsula which acts as a restriction; and as the ditch bends to the northwest just west of the structure an eddy is created which silts the north pipe partially shut most of the time. The silting action is a common characteristic of every twin pipe in this county, and is the reason we are opposed to such a design.

Additionally, the over-the-road flow has undermined the concrete aprons which act as headwalls to the structure, and the roadway and guardrail post are being slowly undermined.

Our most recent inspection reveals that the steel floor of both pipes is very sound and that neither pipe is otherwise rusted other than superficially.

Our recommendation at this time is to use the approximately one thousand (\$1,000) dollars remaining in the Maidlow Ditch account to improve the 800 feet of ditch immediately northwest of the structure; and to remove the two concrete apron headwalls, using the resulting concrete rubble as rip-rap along the south bank of the improved ditch. The roadway embankments should then be laid back at a one and a one-half to one slope for thirty feet either side of the centerline of the Maidlow Ditch on both sides of the structure, and rip-rap should be applied to a depth of at least 18 in. to effect a two to one (2-1) slope.

We should then replace the existing wooden guardrail post with metal post, and reset both fifty (50) ft. assemblies of rail with new metal sections.

The roadway shoulders should be filled with rock, and the driving surface should be repaved to wedge up the existing dip.

All of these improvements can be completed inhouse with the cooperation of the Vanderburgh County Drainage Board, the county highway department, and the bridge maintenance crew without a road closing.

Our alternatives are to replace the structure with a thirty (30) ft. concrete span for which we have a design used on Heddon Road in 1982, and for which we received a low bid of \$45,770 at that time; or to replace the structure with an aluminum

(continued)

COUNTY COMMISSIONERS
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unit at the approximated cost of \$38,000 to \$40,000. While either of these alternatives would provide a structure which would carry in excess of 1900 cfs., the concrete bridge would require a road closing of at least sixty (60) days, and the aluminum unit a closing of at least thirty (30) days-

If we find that the improvements to the existing structure are not sufficient, we will re-examine the noted alternatives.

It is our hope that this response will serve to address those concerns you may have as a result of Mr. Gallivan's inspection report in regard to the structures which require immediate attention. We look forward to working with you and your department in correcting any further deficiencies inherent to the structures under our care.

Sincerely yours,

William R. Jeffers
Deputy Surveyor, Vanderburgh County

cc: V. L. Gallivan
Andy Easley
etal

Mr. Jeffers said a copy of the foregoing letter should accompany Mr. Easley's reply and be in Mr. Dilk's hands no later than December 2nd. Commissioner Cox asked Mr. Jeffers if he has already sent the above letter? He said it is his intention to forward the letter tomorrow morning (November 27th). It was composed today.

President Borries asked Mr. Jeffers if the structure where we're talking about significant expense then is the twin corrugated steel pipe culvert on Maidlow Ditch and North St. Joe Avenue one mile north of Boonville-New Harmony? Mr. Jeffers said that is correct; or rather he should say that is where they anticipate significant expense -- until the Commissioners direct the surveyor to examine a possible in-house correction of the problem, which they do in this letter -- using the existing twin culverts and simply improving the ditch westward of the twin culverts. Commissioner Borries stated that Mr. Jeffers is saying that to replace the structure would cost less money than to repair the existing one? Mr. Jeffers said, "No sir." To replace the structure with a concrete bridge would be at least \$45,000 and no greater than \$50,000. If they replace it with an aluminum unit, the cost estimate is \$38,000 -- mostly in-house and \$40,000 if they have a contractor install it. He did not give a cost estimate on repairing the existing structure, because it could be done with the \$1,000 remaining in the Maidlow account for ditch cleaning. They anticipate \$1,000 remaining after the portion on Thiel's ground was approved this fall. That would take care of 800 ft. of the ditch west of the culvert, which represents a restriction to waterflow. Then the remainder could be done by the highway department and the bridge department at a minimum cost of manhours and rip-rap, rock and some guardrail. President Borries said he feels the 5-page report submitted by Mr. Jeffers is a complete report and he is merely looking at the alternatives here and the Board does not need to make any decision in regards to what expense and which direction to go at this time? Mr. Jeffers said he would say that we probably should wait until we hear from Mr. Dilk on whether or not the suggestions would be appropriate for those structures. Commissioner Willner asked if we have to have their approval before we prepare these budgets? Mr. Jeffers said that Mr. Gallivan indicated that he would like to see us cooperate with the Indiana Department of Highways on methods of repairing these structures. His main concern seemed to be protecting the Federal government's interest in these three (3) structures which were built around 1957 or 1958. He does not have a firm ruling at this time as to whether we have to have their approval on what we do -- other than to say anything we will do will be according to Indiana specs, the way we build or repair any other bridge. But he would like to give them the opportunity to look over our proposal and make their comments and then we could proceed with writing of specs and seeking of bidders.

(continued)

Commissioner Cox said that in the report covering the three (3) problem bridges, they also recommended that we develop a maintenance schedule plan and also have a plan of orderly proceeding for work -- that was in that same report -- and this is what Mr. Jeffers has done that in his response. Mr. Jeffers said the subject report only covered the three (3) specific structures. On any other structures within the county that evidently received Federal money during that period of time, there were no specific.....Commissioner Cox interjected that they did point out in the body of that report that one of the things we should do here in Vanderburgh County is to set up a written plan for orderly maintenance -- we've been doing it along -- but a written plan instructions on how we're going to do this. Commissioner Cox said her other question is, "Has Mr. Brenner approved this?" Mr. Jeffers said that Mr. Brenner approved the letter in question. The reason his signature does not appear at the bottom is because Mr. Jeffers finished it during the lunch hour and signed it himself. Mr. Brenner did read it after lunch, however, and approved the content.

In response to Commissioner Cox's first question, the way he read Mr. Dilk's suggestion was ---he suggested we maintain a log on structures which had federal participation in them. Mr. Jeffers interpreted this to mean an independent log from the rest of our bridge inventory -- specifically directed toward those projects listed in the report. And we have begun a field book which will contain every inspection they make on those main structures in his letter to us. Commissioner Cox said we will also include any maintenance to those structures? Mr. Jeffers said they would probably initiate a log which would be kept in the surveyor's office of anything they planned to do and carried out. The field log would be a supplement to that.... the field log would be the inspection report and the office log would contain what they plan to do and the action carried out.

Commissioner Willner asked if Mr. Dilk is aware that we have a semi-annual bridge report and we are doing one and in the process of doing another. Mr. Jeffers said he is not certain Mr. Dilk is aware of that, but he would say that the surveyor's office is anticipating that the Commissioners will this year -- or in 1985 -- contract out a completely new bridge inspection, the same as we did in 1979 -- and that the priorities of all the bridges in Vanderburgh County, whether they contain state, federal or all local dollars -- the priorities will be set up on how those bridgesCommissioner Willner interrupted by saying that we have.....we carry on with that bridge report. Mr. Jeffers said he is certain that if Mr. Dilk receives a copy of the minutes of this meeting that he will be aware of that and, of course, the 1972 and 1979 bridge inventories, along with the priority list, is a public document. If he'd like a copy we can forward one to him.

Commissioner Cox said she knows we have advertised for invitations from people who want to bid on the bridge inspection to furnish their credentials. Is that the stage we're in now -- have we received them? President Borries said we have received them. He does not know whether the surveyor's office has looked at them, but he knows that David Gerard and Andy Easley have. President Borries said that, based on the recommendations of Messrs. Gerard and Easley, we will be inviting some of those individuals to come in and present their proposals to us.

Continuing, Mr. Jeffers said he is certain the Commissioners are aware that we have repaired and replaced many, many bridges over the last 8-12 years. All of the surveyors back thru the history of Vanderburgh County have participated in that. It so happens that these three (3) bridges happen to be in better shape than some of the ones we felt needed changing out quicker. President Borries said that these bridge inspections have come about every 5-7 years, is that correct? Commissioner Willner said he believes we have an update every two (2) years, where we send someone out to look at them, but the official inspection is done every five (5) years.

Motion was made by Commissioner Willner that Mr. Jeffers' letter to Mr. Dilk continue on its course and that the Commissioners await his reply. A second to the motion was made by Commissioner Cox. So ordered. Mr. Jeffers asked if that includes permission from the Board of Commissioners to provide Mr. Dilk with a copy of the minutes from this meeting, and the Board replied in the affirmative.

RE: INVESTMENTS

While he does not yet have a set date, President Borries said he will be contacting Mr. Wilgis regarding a meeting with the State Board of Accounts, County Auditor Alice McBride, Pat Tuley (the new Treasurer) -- concerning the investments, so they

(continued)

can all start 1985 with a clear understanding of what needs to be done. He will do this and his office will make an announcement concerning the exact time that meeting is to be set up.

RE: SCHEDULED MEETINGS

Tuesday, November 27th/2:00 p.m. - Election Board: A meeting is scheduled between the Commissioners, the Election Board, Party Chairmen and other interested officials regarding the election and voting procedures in Vanderburgh County.

Friday, November 30th/3:00 - 5:00 p.m.: President Borries said he had received a communication concerning a reception to be held for Mrs. Jan Thierbach, who is leaving the Convention & Visitor's Bureau. This is scheduled at the Vanderburgh Auditorium.

RE: APPOINTMENT TO BOARD OF VOTERS REGISTRATION

The following letter was read by Commissioner Borries:

November 20, 1984

Vanderburgh County Commissioners
Civic Center Complex
Seventh Street
Evansville, IN 47708

Attention: Richard Borries

Dear Rick,

This letter is to inform you that I would like to appoint Susan Tilford Kirk to the Registration Office. I know with Susan's experience in the Election Office that she will lend a great deal of credibility to the office.

I would like the appointment to begin November 26, 1984.

Thank you in advance for your cooperation.

Sincerely,

Tom Shetler, Jr., Chairman
Republican Central Committee

RE: EMPLOYMENT CHANGES - RELEASES

Sheriff's Department

Rodney Buchanan	Pro. Patrol	\$16,243/Yr.	Eff: 11/21/84
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Pigeon Township Trustee

Imogene Evans	1808 S. New York	Clerk	\$11,500/Yr.	Eff: 11/17/84
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Election Office

Susan T. Kirk	8302 Spry Rd.	Supv.	\$ 5.05/Hr.	Eff: 11/23/84
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Voter's Registration

Travis Rayburn	1916 N. Fifth Ave.	ABM	\$636.43/Pay	Eff: 11/26/84
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Convention & Visitor's Bureau

Janis L. Thuerbach	8212 Hogue Rd.	Exec. Dir.	\$28,100	Eff: 11/30/84
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RE: EMPLOYMENT CHANGES - APPOINTMENTS

County Surveyor's Office

Earl A. Brown 1313 Roosevelt Party Chief \$18,341/Yr. Eff: 11/19/84

Sheriff's Department

Rodney Buchanan Patrolman \$17,243/Yr. Eff: 11/21/84

Pigeon Township Trustee

Lula Cova Morris 1419 Adams Clerk \$11,500 Eff: 11/17/84

Voter's Registration

Travis Rayburn 1916 N. Fifth Ave. Deputy \$412.26/Pay Eff: 11/26/84
Susan T. Kirk 8302 Spry Rd. Bd. Membr. \$636.43/Pay Eff: 11/26/84

RE: ACCEPTANCE OF CHECK FROM WELLS CABLE T.V.

President Borries submitted a check from Wells Cable T.V. in the amount of \$194.46 as franchise fee/Town & Country Estates Cable. The check has already been signed by the Treasurer, since he was shown as the Payee. Motion to accept check was made by Commissioner Willner, with instructions that it be placed in the General Fund. A second to the motion was provided by Commissioner Cox. So ordered.

RE: CLAIMS

Engineer Associates, Inc.: Claim for track and bed layout on Creasey Company. Claim has been reviewed by Gloria Evans of the Auditor's office. There were questions on this claim and it was the decision of the Board that this claim should be held and submitted to County Engineer Andy Easley for his perusal and recommendation concerning approval prior to any action be taken by the Board.

Engineer Associates, Inc.: Claim in the amount of \$10,910.57, final audit claim on the Lynch Road Project M-E185 (2) Contract R-12628. Motion to approve claim for payment was made by Commissioner Willner, with a second from Commissioner Cox. So ordered.

Engineer Associates, Inc.: A claim in the amount of \$2,039.98 (credit) on St. Joe Avenue Project TOM-E 560 (1) Contract R-12200 was submitted. Motion to approve said claim was made by Commissioner Willner, with a second from Commissioner Cox. So ordered.

James L. Angermeier: Claim in the amount of \$186.82 for attendance at 2-day County Assessors' Association Meeting on November 18 and 19, covering room accommodations and mileage roundtrip Evansville/Indianapolis. Motion to approve claim was made by Commissioner Willner, with a second from Commissioner Cox. So ordered. In response to queries from Commissioner Cox, it was noted that no per diem charges were included on the claim.

Carl Wallace/Veteran's Administration: Claim in the amount of \$156.58 for attending a Veteran's Administration Seminar in Marion, Indiana on October 26th. Claim covered mileage and one-half hotel expenses (Posey County Service Officer paid the other half of hotel expenses). Motion to approve claim was made by Commissioner Willner, with a second from Commissioner Cox. So ordered.

Insurance Claims/Helfrich: Five (5) claims to Helfrich Insurance Agency for coverage on Sheriff's vehicles, Police vehicles and Dog Pound Truck were submitted in the following amounts: \$4,489.00, \$346.00, \$152.00, \$651.00, and \$239.00. However, it was determined that said claims should be returned to Gloria Evans in the Auditor's office for thorough checking and approval, prior to being resubmitted to the Commissioners for approval. Motion to this effect was made by Commissioner Willner, with a second from Commissioner Cox. So ordered.

(continued)

There being no further business to come before the Board of Commissioners at this time, President Borries declared the meeting adjourned at 4:45 p.m.

PRESENT:COMMISSIONERS

Richard J. Borries
Robert L. Willner
Shirley Jean Cox

COUNTY AUDITOR

Alice McBride

COUNTY ATTORNEY

David V. Miller

SURVEYOR'S OFFICE

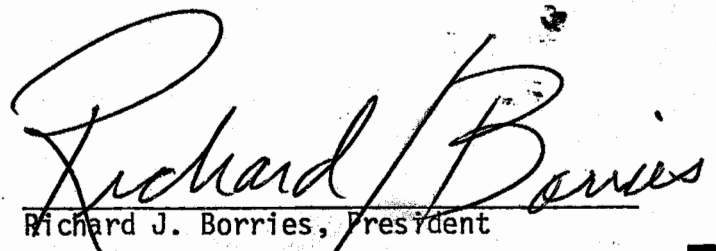
Bill Jeffers

COUNTY HIGHWAY

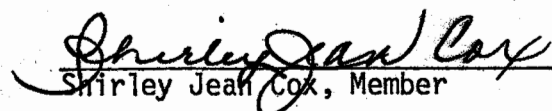
Bill Bethel

SECRETARY:

Joanne A. Matthews


Richard J. Borries, President


Robert L. Willner, Vice President


Shirley Jean Cox, Member

MINUTES
COUNTY COMMISSIONERS' MEETING
DECEMBER 3, 1984

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MINUTES
COUNTY COMMISSIONERS' MEETING
DECEMBER 3, 1984

The meeting of the Board of County Commissioners was held on December 3, 1984, in the Commissioners' Hearing Room at 2:30 p.m., with President Borries presiding.

Since this was the first meeting of the month, the meeting was called to order by Sheriff Shepard and declared in session, pursuant to adjournment.

It was noted by President Borries that there are a couple of minor changes in today's meeting agenda. First of all, since Sheriff Shepard was already close to the podium, the Chair requested that he approach the microphone to present an item concerning the SZABO Food Service Contract for 1985.

RE: AMENDMENT NO. 4 TO MANAGEMENT OPERATING AGREEMENT/SZABO FOOD SERVICE CO.

Sheriff Shepard said the Vanderburgh County Jail caters their food via SZABO Food Service Co. They have utilized this service for a number of years, with no problems being encountered. It is now time for renewal of the contract. Last year the food cost \$1.18 per meal; they serve over 600 meals per day. Consequently, the food bill runs around \$800.00 per day. Sheriff Shepard met with SZABO representatives and the menu has been changed a bit, with several different ethnic foods being added. SZABO has indicated they will be able to provide the same amount of nutriment, vitamins, etc., constituting 2800 calories per day -- at 2¢ per meal cheaper this year. This will save the county approximately \$5,000 on the 1985 food bill. He does, however, need to have the contract executed today so they can order the food, since the contract becomes effective January 1, 1985. The menu provides a different meal every meal for four (4) weeks and then it recycles. Sheriff Shepard distributed copies of the menu, indicating that the Board can tell what will be served for breakfast, lunch or dinner on any given day. The contract to be signed lists the cost of meals at the reduced price of \$1.16 per meal, as opposed to the \$1.18 per meal previously paid. A copy of the contract was passed to County Attorney David Miller for his perusal. Motion was made by Commissioner Willner that the contract be approved if it meets with the attorney's approval. A second to the motion was provided by Commissioner Cox. So ordered. The contract was as follows:

AMENDMENT NO. 4

TO

MANAGEMENT OPERATING AGREEMENT

THIS AMENDMENT, made and entered into this 1st day of January, 1985 by and between SZABO FOODS SERVICE COMPANY, a Division of Oakbrook Consolidated, Incorporated, having its principal place of business at 2000 Spring Road, Suite 300, Oak Brook, Illinois 60521 (hereinafter "SZABO"), and Vanderburgh County Board of Commissioners, having its principal place of business at City/County Building, Evansville, Indiana 47708 (hereinafter "VANDERBURGH COUNTY JAIL");

WHEREAS, the parties did on January 1, 1977, enter into a Management Operating Agreement for the management by SZABO of the food service facilities of VANDERBURGH COUNTY JAIL; and

WHEREAS, the parties desire to amend said agreement as hereinafter set forth, effective from January 1, 1985;

NOW, THEREFORE, in consideration of the foregoing and of the mutual promises in said Management Operating Agreement contained, it is mutually covenanted and agreed as follows:

1. The Amendment to the contract of January 1, 1977, and the supplemental of July 1, 1979, which is by reference made a part hereof, and all the terms, conditions, and provisions thereof, unless specifically modified herein, are to apply to this Amendment and are made a part of this Amendment as though they were expressly rewritten,

(continued)

incorporated, and included herein.

2. Sub-paragraph three A (3A) of the January 1, 1977, contract and supplemental agreement dated July 1, 1979, are amended to read as follows:

A. VANDERBURGH COUNTY JAIL shall pay SZABO a sum of ONE DOLLAR AND 16/100 (\$1.16) per meal for each meal served to inmates, visitors, and staff.

SZABO shall submit to the VANDERBURGH COUNTY JAIL, within a reasonable time, following the fifteenth (15th) day of each month and the close of each month, an invoice for the meals served inmates requested by and prepared for by the VANDERBURGH COUNTY JAIL.

The invoice shall be determined by totaling all meals served inmates per each bi-monthly period, times ONE DOLLAR AND 16/100 (\$1.16) per meal. Payment to SZABO will be within thirty (30) days of the date of invoice.

3. Except as hereinabove provided, said Management Operating Agreement, dated January 1, 1977, is hereby in all other respects ratified and confirmed.

IN WITNESS WHEREOF, the parties hereto have caused this Amendment No. 4 to be executed, each by its respective officer thereunto duly authorized, this 1st day of January, 1985.

SZABO FOOD SERVICE COMPANY,
a Division of Oakbrook
Consolidated, Incorporated

VANDERBURGH COUNTY BOARD
OF COMMISSIONERS

By: Howard E. Breedon
Vice President & General Manager,
Corrections Division

By: Richard J. Borries, President
Robert L. Willner, Member
Shirley Jean Cox, Member

Attest:

Attest:

RE: APPROVAL OF MINUTES

President Borries entertained a motion concerning approval of the minutes of the previous meeting. Motion was made by Commissioner Willner that the minutes of the meeting held on November 26, 1984, be approved as engrossed by the County Auditor and the reading of same be waived. A second to the motion was provided by Commissioner Cox. So ordered.

RE: ADDITIONS OF ITEMS TO THE AGENDA

Mr. Borries said two items to be added to the agenda concern Tax Certificates which have been submitted and are to be held by the Auditor for one (1) year and a letter from Mark Tuley, Manager/Burdette Park.

RE: VACATION FOR PORTION OF ENSLE PLACE SUBDIVISION & GREEN RIVER ESTATES

Attorney Jack Schroeder was present and apologized for his absence last week when there was confusion over the vacation for portion of Ensle Place and Green River Estates Subdivisions. Judge Lensing had appointed him to a special hearing and he had no alternative.

Green River Estates: This property is located next to the Christian Fellowship Church on Millersburg Road. The church is located on a large tract given to the church by Mr. & Mrs. Heston. They have expanded substantially in recent years and they are now

(continued)

adding an additional facility and need additional parking. Mr. & Mrs. Heston have agreed to give them an additional 190 ft. When that is done, then some of the streets that serve that 190-ft. should be vacated and Mr. & Mrs. Heston would simply like to replat, which they will then submit to the Area Plan Commission -- several lots remaining after the 190-ft. is donated to the church. Mr. Schroeder continued by showing the Board a map detailing the area remaining. In conjunction with the vacation of the streets (in blue) the yellow area shows the existing right-of-way easement that they would like to vacate. Mr. Schroeder has given notice to SIGECO and they have no objections. Notice has also been given to the Evansville Water & Sewer Department and they have no objections.

Continuing, Mr. Schroeder said the only individuals who had to receive notice were those adjoining this property. Notice has been given to those individuals, who have even called Mr. Heston and they have no objections. Therefore, no one has any questions about the matter. Actually, this represents a formality in order to complete the transaction with the church. Mr. Schroeder said the statute concerning the filing of this procedure was a little confusing to him...and the Area Plan Commission did not initially receive a copy. A copy was subsequently given to them, however, and Mrs. Cunningham very expeditiously looked same over so the hearing could be held today. He offered his apologies for not providing them a copy in advance.

Commissioner Cox said she had a question. Lots 17, 22, 23 and 28 that face on Norwich; are those all undeveloped? Mr. Schroeder said they are all undeveloped. Commissioner Cox said she notes he is requesting to move 15-ft. drainage easement? Mr. Schroeder said they would vacate that easement and after Mr. Heston replats, he will dedicate another easement in conjunction with the replat, so there would be utility and drainage easements across the lots as they are now reshaped to include that portion of the street outlined in blue on the map he had shown the Board.

Attorney Jones interrupted by querying Mr. Schroeder concerning the letter to Helen Kuebler/ County Clerk from SIGECO? Can Mr. Schroeder verify that the east 5-ft. is not included in the area to be vacated? Mr. Schroeder said that he has changed his ordinance on that. This is confusing because he had two vacations which are really labeled as one separate proceeding, although they are separate proceedings. The matter under discussion now is Green River Estates. He did, however, simultaneously file a petition for vacation for portion of Ensle Place -- and it gives the appearance of one (1) proceeding while in actuality it is really two (2) proceedings.

Commissioner Willner asked Attorney Jones what the statute says that we now have to do with regard to vacation of an easement? Attorney Jones said that the petition has been filed and he has given notice, which has been published as required and notice was given via certified mail. There was a period of 30 days to act on it. Mr. Schroeder has complied with everything. Commissioner Willner asked how much notice the mailing has given, just one (1) week? Mr. Schroeder said he mailed this out the first of November, so they have had thirty (30) days' notice. Attorney Jones said there is a thirty (30) day period after the adoption for any objection. Mr. Schroeder said that if someone wants to come in after this, they can. Attorney Jones said he also gave a copy of the statute to Joanne Matthews for reference purposes. The only confusion was that the County has kind of drafted their own procedure on top of the statute by requiring that it be filed with the Auditor. Mr. Schroeder did what the statute said, however, and filed it with the legislative body (the Commissioners) whereas the Auditor is geared to using their own file mark. But when it was filed with the Board of Commissioners, that was enough. Statutorily, that is alright. Mr. Schroeder said it was confusing to him; and he can see how the statute could be read the other way, since the Auditor serves as secretary to the Board of Commissioners.

There being no further discussion concerning the matter, motion was made by Commissioner Willner that the vacation for portion of Green River Estates be approved as per Ordinance submitted. A second to the motion was provided by Commissioner Cox. So ordered.

Ensle Place Subdivision: Concerning the second petition for vacation, Mr. Schroeder said that Ensle Place is a plat off Oak Hill Road and it was platted about thirty (30) years ago. When they platted it, they must have intended to continue on -- but they never purchased that land. SIGECO did not want him to vacate the east 5-ft., and this is no problem. He has amended the Ordinance to indicate that they do not vacate the east 5-ft. But the street in question will no longer serve anyone and it is going to be just one large parcel. Again, the same procedure has been followed; they have given

(continued)

notice, he has certified return receipts. Again, this is really a technicality and there is no controversy. He has letters from SIGECO and the Sewer Department which he will file and they have no objections. Again, this is an old subdivision. It was platted in the 50's and there were only four (4) houses. The subdivision was purchased by the McCartys and Phil Garrison and they are now selling housing developments and have probably sold fifteen (15) houses out there, but this particular eastern edge was bought by one person....and he has a paved street on the west. Commissioner Cox asked who is petitioning? Mr. Schroeder said the petition is being filed by the McCartys (who own that lot) and the Johnsons (who own lots pointed out on map by Mr. Schroeder). He said that, again, this is a technical procedure -- there is no controversy involved.

President Borries stated that Attorney Jones has some additional information to share with the Board. Attorney Jones said that one of the amendments to the statute that he noted for Vacation of a Public Way, says there are now only four (4) statutory bases for an objection. For the value that it serves the Commissioners in determining these things, he would think that it is the same standard that any objections or remonstrances are valid. These are as follows:

- 1) If the vacation hinders growth or orderly development in the unit or neighborhood in which it is located or to which it is contiguous.
- 2) If it would make access to the lands of an aggrieved person by means of public way difficult or inconvenient.
- 3) The vacation would hinder the public's access to a church, school, or other building or place.
- 4) The vacation would hinder the use of a public way by the neighborhood in which it is located or to which it is contiguous.

If an objection doesn't meet one of those things then, by statute, it is not valid. So this was always the problem.....no one could object just because they didn't like the looks of the thing or because a kid had been playing baseball out there for ten (10) years, etc., etc.

Motion was made by Commissioner Willner that the petition to vacate a portion of Ensle Place Subdivision be approved as per Ordinance submitted. A second to the motion was provided by Commissioner Cox. So ordered.

RE: COUNTY ATTORNEY - DAVID JONES

Settlement on Lynch Road & St. Joe Avenue: Attorney Jones said that with regard to the settlement on Lynch Road & St. Joe Avenue he has an Agreement that reduces all of this to writing. First of all, the Board will recall that Engineer Associates gave a promissory note for any amount which may be due and owing as a result of the audits done by the State. We now have the audit resolutions confirmed; we have the claims filed and approved and there is a net of about \$8,000 between the two. We own them \$10,000 on one and they owe us \$2,000 on another. With that in mind, we have some property of the company tied up unnecessarily by virtue of a note mortgage, an escrow and a security agreement. We need to release all of those things. The first document he has prepared is an Agreement of Release to be executed by the Board of Commissioners which, in effect, cites all that has happened in this matter and then releases the note and the security agreement, the escrow agreement and then there was an addendum to that. That is the first document (in triplicate) which he has for the Board's consideration.

Secondly, he has a Release of the Real Estate Mortgage, which was prepared by the attorney for Engineer Associates. This is for the real estate mortgage the County took to secure its position which, again, is not necessary.

The third document is a UCC Termination Statement, which acts to release the security agreement which is to be filed in the Secretary of State's office. This is a U-form commercial code filing. The real estate mortgage ties up real estate. A financing statement is filed to show that you have security interest in personal property as opposed to real estate. We had tied up some of their accounts and that will release them.

(continued)

Motion was made by Commissioner Willner that the Agreement of Release, Release of Real Estate Mortgage and UCC Termination Statement be executed. A second to the motion was provided by Commissioner Cox. So ordered.

Court Decision:

Attorney Miller said the other thing he has to say to the Commissioners is that there is a decision that he has discovered that was handed down this past year by the United States Court of Appeals for the Second Circuit in New York. Basically, it affects situations where there is multiple representation of both the unit of government and its employees. This particular decision affects a number of cases wherein he is personally defending the County and its employees. Not only this county but in other counties it is going to affect anybody who represents units of government. The essence of the decision was this:

In that case, the County Attorney for Suffolk County, N.Y. was required (as is he) by ordinance and state law, to provide defense to the unit of government and the employees and officers of the unit of government. In those cases where their interest may be adversely required to put on notice the party and if there is any excess claim, that may have to be borne by the employee or his or herself. That case went on thru trial and the Court of Appeals said that it was a conflict of interest for the attorney to have proceeded, notwithstanding the fact he was following his own ordinance and state law and by virtue of the reason that the unit of government can raise a defense -- this was United States Code 1983 Civil Rights Action, which are many times filed -- particularly in law enforcement situations. The unit of government can raise a defense that the employee acted outside the scope of his authority. If that is true -- if an employee's actions over which the lawsuit was filed was not authorized, it was outside the scope of his duties or his authority, then the unit of government may not be liable. The employee may have to pay for it out of his or her own pocket. On the other hand, the employee can raise a defense, in effect, against his own unit of government that says, "I was acting in good faith within the scope of my authority and my duties and therefore I am not liable" and the unit of government may be liable even though the employee is not. In every one of these cases you've got that potential situation that could arise. On the face of it, it could require double the defense cost in every single one of these cases. In some cases where it is insured, it may be triple the defense cost because the unit of government may be entitled to an attorney, the employees that are acting within the scope of authority may be entitled to an attorney, and if any employee is found to have been acting outside the scope of his or her duties or authority, they would have to get separate and distinct counsel. The case is known as Dutton vs. Suffolk County, N.Y., and it is not clear as to whether or not that is an automatic conflict in all cases. They cite the professional ethics for attorneys, one of which says (and he has advised the Board in prior cases when this has happened) in a multiple representation case, an attorney can continue to represent multiple parties when a full disclosure of the facts has been made to all persons and all parties or persons have consented to that multiple representation -- after full disclosure. Because he does not believe the court has intended to double or triple all the defense costs of units of governments -- but that is what the case, in effect, says -- he thinks the only procedure now that can be followed is that in each and every case where an officer of the government or an employee has been sued, as well as a unit of government, that a full disclosure of the facts has to be made, a determination made by the Board of Commissioners (which is the body that provides defense counsel) whether or not the employee acted within or without the scope of his/her authority. If you cannot make that finding, then the individual employee is going to have to hire his/her own attorney.separate and distinct from whatever legal counsel represents the county. Again, unless there is a waiver and consent by the unit of government. Attorney Jones said we will also have to contact the various carriers for the County and determine whether or not that procedure meets with how they want to handle those particular cases. He presently has three (3) cases in which he is defending in a multiple defendant situation involving Vanderburgh County and/or its employees. One of those three is not insured. Two of those three has an insurance carrier for whom he is also actually handling that case. In those cases, what he proposes to do is ask for an Executive Session with the Board of Commissioners and bring all three files of those cases to however many sessions the Commissioners deem necessary and present the file to the Board and let them review same. A final decision should then be made at an open meeting, whether or not there is a consent to the continued multiple representation in each of those cases. In any case where there is not, then a separate attorney should be brought in by the unit of government or by the employees. Attorney Jones said it took him a while to keep all this together, because that case was not an easy one to digest. He read it three or four times; he composed some letters to that effect and he has re-written and revised them because it is difficult. He just about fell out of the chair he was sitting in

(continued)

when he read the case because of the impact that it would have.

Commissioner Willner asked if Attorney Jones is saying that the county would be liable for the individuals defense if the Board decided there was a conflict of interest?

Attorney Jones said he did not even get to that question. There are a number of questions which arise. To make any sense out of this, he thinks you have to determine some of these questions in a certain sequence. You can't make certain determinations ahead of time. The first thing that has to be determined, as in in any case -- is it insured/uninsured? If it's insured, the insurance company picks it up from there. The next thing that happens, are the employees acting within or without the scope of their authority? In some cases, you may not be able to tell right away. There may be an allegation in a law enforcement situation that there is police brutality...that the officer beat me up. The instinct of units of government is that you take the word of your employees. It's just like any other business or company; there is some good, bad and indifferent in all; you may get some good ones and you may get some bad ones -- and until the unit of government makes that determination, you don't know. So there is a potential conflict lying there. This problem came up when they went ahead and went to trial, because the attorney defending both the unit of government and the employees got to raise defenses, one of which would defeat the other. It has the effect of shifting the liability for the case from the employee to the unit of government. If the unit of government is satisfied that its employees were acting within their authority in the case there is no problem. Again, you can have full disclosure, review the facts of the case and make a determination and agree to go forward with the same attorney representing both the employee and the unit of government, whether or not it is insured or uninsured. In both situations you still have the same conflict for an attorney who is trying to represent both the unit of government and its employees. If it's a questionable call, he doesn't think the Board has any other choice.... you have to have two sets of attorneys. Even in the close call situations it may come out at the end that there wasn't any conflict -- that the employee was acting within the scope of authority. He thinks this is one of the things that has to be decided on a case-by-case basis. Unfortunately, there isn't any easy answer; he doesn't think the Board can make a hard and fast rule to say, "we'll always do it this way or we'll always do it that way." The facts of the case will have to be taken up front -- and some determination made on that basis. That is not one of the things the Board can ask the attorney to do. The attorney is the one who has the potential conflict and it can only be relieved by the clients after full disclosure.

Commissioner Cox asked if the Suffolk County case been to the highest court? Or, is this just a county court ruling? Attorney Jones said this came out of the U.S. District Federal Court in New York; and then it went up to the Second Circuit Court of Appeals. Commissioner Cox asked if it has been thru the appeal process yet? Attorney Jones said that it has; it was sent back down and they went thru trial and there was a \$10 million judgment awarded against the county and an officer and it was sent back for a new trial because they said one of the findings was against the officer, individually, and he did not get a fair trial. The facts of the case were that both the husband and wife were police officers. The female police officer was caught in the clutches of another officer in a parking garage, where upon her husband and another police officer came in and shot the other fellow. The other fellow said she was receiving his advances of her own free will. She said, "No, he imposed himself upon me." The jury had to decide which one was telling the truth. Commissioner Cox asked if this occurred while they were on duty? Attorney Jones said, "Yes, while they were on duty."said inside or outside scope of authority; but, again, any facts that we have on any given day involving an officer of government is a question of whether or not the employee was doing what they were supposed to be doing during working hours. If they are doing something on their own account or something improper and it is outside the scope of authority, then the county has no obligation to reimburse it. Neither do most of their liability insurance policies. The insurance companies would not. But that is where the problem lies. When these complaints are filed, the Board gets a tort claim notice and somebody walks in and drops a lawsuit in front of them, they don't know up front whether or not there is a conflict there. The Board doesn't know up front whether the employees acted within or without. But by the time that case gets to trial it can have a tremendous difference on the county treasury; particularly if it is an uninsured case. It's got to come out of county tax monies. And that goes for any other unit of government -- whether it's the city or whatever it is. They remanded that back down for a new trial; it did not go up to the U.S. Supreme Court. Attorney Jones has attempted to research other cases since that case and anything else on this question to try to decide what to do. He immediately said to himself, "Do I have to get out of all of these cases? Do we have to go bring in new sets of lawyers for all the parties?"

(continued)

In what circumstances can you stay in there?" The only thing he is guided by is the canons of professional ethics which that court cited and the one procedure used in the past. Again, if a full disclosure is made to all of the parties and they consent, representation can continue. If they don't consent, then you have to get new counsel for each of the parties in the case. So, if the Board is amenable to it, Attorney Jones is proposing that an Executive Session be scheduled so he can review the litigation. He does not want to sit here and review the facts of the cases that are in litigation for everybody's benefit. There is a lot of trial strategy and things that need to be disclosed to the Board -- that he would not want to say to the general public or give the other side in the case an opportunity of which they might take advantage -- no more than he would want to discuss certain parts of other litigation. As to any official decision staying within the open door law that the Board would then come back into a public meeting at some point and either consent or not consent and then that action would take care of whether or not new counsel was needed or whether they would stay with what they have. Attorney Jones is advising the insurance company of that; he is advising several other counties for whom he is doing some litigation work about this same procedure. He knows of no other procedure at this point in time. He has researched it for now as far as he can take it.

Commissioner Willner said that, basically, he agrees. Did the Board not sign a document saying that they would give legal counsel to employees of Vanderburgh County regardless? He thinks they did. Attorney Jones said they have a definite ordinance but, again, they are not required to indemnify any wrongdoing of any employee. Commissioner Willner said he believes that is true and he thinks they should review that document. Attorney Jones said he will pull a copy of the Ordinance and get with John Hodge so the insurance policies of the county can be reviewed -- to see which ones will touch upon this. Then, he thinks we will have to advise the insurance carriers of the same situation. Commissioner Willner asked if Attorney Jones is requesting that an Executive Session be scheduled at this time? Attorney Jones said it should be set whenever it is convenient. He said he will get copies from the three cases and be as concise as he can -- and then the Commissioners can take whatever time is necessary to make their decision. But, again, the decision couldn't be made at the Executive Session anyway. But, at the Executive Session the case would be discussed and he would present the Board with full disclosure. Commissioner Willner asked if the Board needs to do this before the end of the year? Attorney Jones said he would like to do it as soon as possible, though he knows of no arbitrary deadline. There are no trial dates set in any of the three subject cases. Discussion of said cases will probably require about forty-five (45) minutes; cases to be discussed include Michael Lee vs. County/Sheriff, Henry Lewis vs. County/Sheriff -- and the third one escapes him. After brief discussion, the Board scheduled an Executive Session for 1:30 p.m. on December 10th for purposes of discussing pending litigation matters. President Borries asked Mrs. Meeks to notify the media concerning the Executive Session.

RE: COUNTY HIGHWAY -- BILL BETHEL

Weekly Absentee Report: Mr. Bethel submitted copies of the Weekly Absentee Report for employees at the County Garage for period of November 26, 1984 thru November 28, 1984..... report received and filed.

Weekly Work Report & Schedule: The Weekly Work Report for Employees at the County Garage for the same period was submitted.....report received and filed. Attached to the Work Report was the following Work Schedule:

Gradall: Orchard Rd., Lynn Rd. and Angel Mounds

Snow Plow: Four (4) Snow Plows are ready to go and three (3) Graders

Paved: Section of Caranza and Kembell

Patch: Orchard, Schilinger, Old Princeton, Green River at Millersburg, Green River at Theater Drive, Scott Rd., Frontage Rd., and Bromm Rd.

Grader: Caranza and Kembell, Kissel Rd., Folz Rd., Mimosa, Bexley, Wallenmeyer, Armstrong, Maasberg, Outer Darmstadt and Mann Rds.

Tree Crew: Broadway Ave., Baseline, Volkman, Allen Lane and Old 460

(continued)

RE: COUNTY SURVEYOR - BILL JEFFERS/CHIEF DEPUTY

Bridge & Guardrail Repair Report: Mr. Jeffers submitted copies of the Bridge & Guardrail Repair Report for period November 26 - November 30, 1984. He said they finished rip-rapping under the First Avenue Bridge on Monday. On Tuesday thru Friday they worked on Structure #91, which is North Green River Road over Pigeon Creek, specifically setting new guardrails on each side of the road north of the structure for approximately 200 ft., resetting existing guardrails on the east side of the road south of the structure south for approximately 500 ft., and they attached all guardrail ends to the structure in accordance with the request from the State Highway Department.

The Survey Crew finished a survey on the east side from Oak Grove Road near Complete Lumber Co. up along the east line of Bell Telephone and the East Side Industrial Park relative to a County-Railroad right-of-way project on which they're working and they continued to survey along a portion of Oak Mill Road north of new 460 or whatever the designation is at this time -- pursue it to a proposed vacation of a bridge and approximately 1,000 ft. of Old Mill Road no longer uses the public thoroughfare. The survey crew also worked with the highway department on a ditch and two roadway pipes at Pollack Avenue and Indian Mounds, which he assumes they finished today.

The Chief Draftsman in the Surveyor's office is continuing the preliminary design analysis on the proposed North Kentucky Avenue over Pigeon Creek and the Bridge Engineer is making final revisions on the proposed Fifth Avenue structure over Pigeon Creek. He is working with the city's engineering department on that. The Bridge Inspector and Deputy Surveyor, among their other duties, continued inspection of structure #91 (North Green River Road over Pigeon Creek) and inspected several ditch claims which were submitted by individual contractors, which will be submitted for approval at the Drainage Board meeting, which immediately follows the Commissioners' meeting.

Commissioner Cox commended Mr. Jeffers on his report.

Burdette Park: Commissioner Willner advised that he met with Messrs. Mark Tuley and Dave Austill this morning at Burdette Park. They especially looked over the two (2) new baseball diamonds constructed by the county at the south entrance off Nurrenbern Rd. The County Council has given Mr. Tuley the money in 1985 to fence those two diamonds and make them official Class A Softball diamonds. The problem that arises is that a farmer (Mr. Dave Austill) has approximately two (2) acres that we have to go thru our ballfield to have access to -- so we are in the process of trading some land of his for some land of ours and each of the three Commissioners have agreed in principle, but we do need it surveyed. He asked if Mr. Jeffers' office would take that job on? That needs to be done before ball-playing time in 1985. Mr. Willner said he has a small map (they didn't know the number of acres in each plot, etc.). Mr. Jeffers said he would take the map and give it to the new party chief and see what he can come up with. The surveyor's office will be happy to survey this for the county. Mr. Willner said that Mr. Tuley will explain it to the party chief.

Widening of SR-62 (Morgan Avenue)

Mr. Jeffers brought to the attention of the Board a letter dated September 28, 1982, from Mr. John E. Jordan, Engineer of Consulting Services/IDOH for Mr. Gene K Hallock, Director of Highways/IDOH concerning the widening of State Road 62 over Harper Ditch, which is Morgan Avenue over Wabash-Erire Canal. Attached to the letter, along with other information, was the Agreement signed by the Board of Commissioners on October 11, 1982. The following was cited by Mr. Jeffers:

Page 2 of 4 Item 4/Para. "d": "The COUNTY shall bear the cost to widen or replace the structure on S.R. 62 over Harper Ditch. All remaining costs of construction shall be borne by the STATE at no additional cost to the COUNTY."

Subsequent to signing this Agreement, on January 23, 1984, in Commissioners' minutes of that date (pp. 59 and 60) Mr. David Guillaum (who was the Chief Deputy at that time) reported on the Morgan Avenue structure and two of the Commissioners expressed some concern -- or had some questions -- on how much this particular structure would cost. Mr. Jeffers said he believes that Mr. Guillaum said that he was talking about \$1/4 million if it were a 73-ft. span. Following expression of said concern, the Commissioners indicated they wanted to hold the cost to \$40,000 to \$50,000 rather than \$1/4 million,

(continued)

the surveyor's people went back out and measured, etc., and recommended that the existing concrete box culvert just be extended so many feet in each direction and then the State would fill over that with their elevated roadway, which would accommodate a four-lane highway. However, at the bottom of the minutes on Page 59, one of the Commissioners recommended that the County Engineer should get involved at this point. The plans sent by the Highway indicated a 3-span structure at that point, which the surveyor's office feels is not necessary -- because anytime that roadway has gone under water it is because Pigeon Creek was in backwater. It was not due to the headwater coming down from Harper Ditch (which passes under Eastland Mall). Most of it is piped in at this point; and the surveyors feel that the concrete structure which is there at this time will handle all headwater and if the creek ever went to backwater, the elevated roadway should act to keep the road out of the water.

Mr. Jeffers also cited correspondence from the City Engineer's office (to whom the surveyor had turned over the information from the field) dated November 30, 1984, containing their recommendation, as follows:

November 30, 1984

To: Robert Brenner

From: Fred Bleumenauer

Re: Morgan Ave. & Hirsch Ditch

Dear Brenner,

Per your request our office has calculated the square feet opening of the existing structure; and also the amount of flow into said structure.

The existing structure at Morgan Ave. is a 20'-0" x 10'-0" box culvert with an end opening of 200 sq. ft.

Computing the sq. ft. of the various pipes that will be flowing into the creek on the south side of the culvert at Morgan Avenue, the following are the square feet of opening of the various pipes:

24" concrete	3.1 sq. ft.
48" concrete	12.6 sq. ft.
14'-1" x 9'8"	<u>105.1 sq. ft.</u>
Total Sq. Ft.	120.8 sq. ft.

As you can see, there is excess capacity of 79.2 sq. ft. in the existing structure. Dan's idea of adding onto the existing structure seems to be the best solution.

Mr. Jeffers said the reason this is being presented to the Board at this time is that the surveyors feel that a 3-span bridge costing \$1½ million is not necessary and the county has other projects which are more important to spend money on. Commissioner Cox asked if the Board agreed to a new bridge? President Borries said they agreed to a new structure -- but not a 3-span bridge.

Mr. Jim Morley, who was present, said he had something to add. The Commissioners engaged his firm to do a study of Harper Ditch back at a time before Eastland Mall was done and copies were presented to the Board of Commissioners and the City Engineer's office. This study shows that the flow area of that bridge was more than adequate; in fact it was oversized for a 100 year flow. Dr. Spooner did all the computations for that. Therefore, he confirms that what Mr. Jeffers has said is correct. This structure is not at all undersized. Pigeon Creek backwater comes thru it, but there is no reason to expand that structure because of any headwater flow. Therefore, he doesn't know where they get off with this 3-span bridge stuff. Dr. Spooner's report had a complete analysis and it did not call for any increase in size of the flow area of that structure.

(continued)

Commissioner Cox asked Mr. Morley for what reason did they look at this structure on Morgan Avenue? Mr. Morley said it was for a Harper Ditch Study (before Eastland Mall) -- and they did that analysis which included Hirsch, sized all the pipes, etc. It was the Harper Ditch Drainage Study.

Commissioner Willner said he believed the State and the news media have said that is going to go in 1985, is that correct? President Borries said he believes that is the last communication they've heard. Mr. Jeffers has done some homework here and he believes it is self-explanatory. Back in 1982, Mr. Borries did meet with State Highway officials in Indianapolis to encourage them -- at that time -- to see if there was in which S.R. 62 (Morgan Avenue) could be completed quicker than 1985 (their schedule)? We indicated that at that time if we had available funds, that one of the few funds that we would see as anywhere we could assist would be the cumulative bridge fund. There have been some changes since we made that particular statement. At any rate, there were some original plans and hearing held, and rumors that this structure might move along in 1983; apparently that did not come about. It has apparently been pushed back and we're now back to 1985, where the original time line was. At the time that we said we would help to move this thing along, he does not recall ever discussing a 3-span bridge. So, he thinks that is something the surveyor's office should move along for clarification. He requested that Mr. Morley submit some documentation, along with that sent by Mr. Jeffers (or that he will send to the State Highway Department) we can ask for some clarification from them as to exactly what they are planning -- whether or not they still have the 3-span bridge? And, to express our concern in this matter, since that is not really what we intended to do. We did not really think it was going to be that massive an undertaking. We want to help -- and we'd do anything, because that is a major area of concern out there; the traffic is just getting impossible during the Holiday Season on that road. So it does need to be widened. Again, we'd do anything to help. President Borries asked about First Avenue Bridge? Mr. Jeffers said it is a 3-span bridge. Mr. Borries said he did not think we ever envisioned anything of that size on Morgan. Mr. Jeffers said that Maryland Street is a 3-span bridge. However, as the Board knows, they built it on the existing piers, which is why it was only \$441,000. First Avenue Bridge was closer to \$1½ million -- it was an all new bridge. When the Commissioners indicate \$40,000 to \$50,000, they are talking about a concrete bridge the size of the bridge on Heddon Road (which has been mentioned the last couple of weeks). And when you're talking about spending \$1/2 million, then you're certainly not approaching a 3-span bridge of the size we anticipate, although we have not completely analyzed their plans.

Commissioner Cox said that it is the State's bridge, however. Mr. Jeffers said that it is state-designed, as part of the Morgan Avenue plan. Commissioner Cox said it is their bridge right now -- and Mr. Jeffers said he believes it is, just as is the Pennsylvania Street bridge. Commissioner Willner said he really believes that this is too important a project to handle via correspondence. He feels the Board should ask the Surveyor and the County Engineer to make a trip to the State Highway Department in Indianapolis and talk this thing through. Commissioner Cox said she thinks surely they probably would not approve just expanding out those areas on that bridge. What are the elevations? Mr. Jeffers said he does not recall without referring to his surveyor notes, but it seems to him that that dip might be 9 ft. - 10-ft. lower than it is up around Huck's or the gas station to the west. Commissioner Willner said what Mr. Jeffers is saying is that we could build the structure the same size and then cover it with dirt. That would be much cheaper than a 3-span bridge. Commissioner Cox said she understood him to say, first of all, that we could expand out what we have there now. Mr. Jeffers said he did not mean to mislead her by that explanation. What he meant was to extend it out on either side of the shoulders to accommodate -- Commissioner Cox interrupted by saying that "we've done that to some of our bridges." He said he did not mean to enlarge it in any way -- just elongate it. Commissioner Willner said there's nothing wrong with that. Mr. Jeffers said he thinks that if Commissioner Cox will look in her particular district at S.R. 66 (out by I.S.U.E.) she would find a lot of concrete boxes that have been covered by 20-ft. of fill, which if it is good enough there -- it should be good enough on Morgan Avenue. Commissioner Willner said he thinks we need to know what the State's intentions are; and we need to relate to them what our intentions are. He thinks the only way this can be done is via eyeball-to-eyeball. Mr. Jeffers said this is what it came down to on the First Avenue Bridge and he believes this is what it is going to come down to in this instance. Motion was made by Commissioner Willner that the Surveyor and Engineer should travel to Indianapolis and get this matter taken care of forthwith. A second to the motion was provided by Commissioner Cox. So ordered.

(continued)

Commissioner Cox asked Mr. Jeffers if the bridge on Morgan Avenue has been inspected recently? Does he have an up-to-date report on it? If not, it probably would be well to have all the updated information insofar as maintenance on the bridge, etc. Mr. Jeffers responded that he was under the bridge last Friday, along with the City survey crew. It looks as though it is a substantial structure in good shape. At the Board's request, however, he will make another complete inspection. Commissioner Cox said she certainly thinks that this makes good sense because.....Mr. Jeffers interjected that he will make the inspection this week and get back to the Commissioners next Monday.

RE: COUNTY ENGINEER - ANDY EASLEY

Acceptance of Streets: Eastland Estates Subdivision - Section C. Mr. Easley said that Greenfield Road has been completed. Both he and Mr. Bethel have looked at it and recommend that the County accept it. He submitted the following letter:

December 3, 1984

Mr. Richard J. Borries, President
Vanderburgh County Board of Commissioners
305 Administration Building
Civic Center Complex
Evansville, IN 47708

Re: Street Acceptance in Eastland Estates Subdivision-Section C

Dear Mr. Borries:

Mr. Bill Bethel and the undersigned have made an inspection of the following streets in subject subdivision:

<u>Name of Street</u>	<u>Length</u>
Greenfield Road	1010 ft.

All streets are paved with six (6) inches of concrete and have been constructed in accordance with the approved plans. All joints in the pavement have been sealed and the curbs have been properly backfilled. All storm drainage inlets and storm sewers have been constructed in accordance with the approved plans.

The inspection team was in agreement that the street and storm drainage improvements were in excellent condition and we could find no repairs to be made or discrepancies to be corrected.

It is recommended that the street and storm drainage improvements in this subdivision be accepted for maintenance.

If you have any questions, please contact the undersigned.

Sincerely,

R. Andrew Easley
County Highway Engineer

cc: Bill Bethel
Sam Biggerstaff, Engineer
Bud Bussing Developer

Commissioner Cox asked Mr. Easley that when he refers to backfill and filling in and eliminating ditches -- were these washout areas, or areas that have never...? Mr. Easley said they had never been backfilled properly. It was subsequently determined that Commissioner Cox was addressing streets in Old State Subdivision, Section 1 (since Mr. Easley had distributed two separate memos to the Board members). Mr. Easley responded that they simply excavated it and left it. (He was speaking of Old Lantern Way. Actually, a U-shaped court is involved here -- so there would be three (3) streets involved -- Heather Lane, Lantern Way and a third street. The letter concerning acceptance of these streets reads as follows:

(continued)

December 3, 1984

Mr. Sam Biggerstaff
Associated Land Surveyors
and Civil Engineers, Inc.
1270 Maxwell Avenue
Evansville, IN 47711

Re: Acceptance of Streets in Old State Subdivision - Section I

Dear Sam,

Mr. Bill Bethel and the undersigned have made an inspection of subject street and storm drainage improvements.

The street pavement is acceptable, but the following items of work must be performed before we can recommend that the streets and storm drainage improvements be accepted for maintenance:

1. Clean Storm Drainage Inlets and seal the area between the casting and the concrete barrel on the inlets with concrete and bituminous mastic.
2. Backfill the curb behind the storm inlets.
3. Backfill behind the concrete curb on the south side of Heather Lane.
4. Backfill and compact earth behind the concrete curb on the west side of Old Lantern Way, to eliminate the ditch behind the curb.

Please advise this office when the above has been performed.

Very sincerely,

R. Andrew Easley, Jr.
County Highway Engineer

cc: Bill Bethel
Vanderburgh County Board of Commissioners

Eastland Estates Subdivision - Section C: Motion was made by Commissioner Willner that the Board accept 1010 ft. of Greenfield Road extension be approved as per Engineer's recommendation. A second to the motion was provided by Commissioner Cox. So ordered.

Old State Subdivision - Section I: Motion was made by Commissioner Willner that Mr. Easley advise Mr. Biggerstaff that acceptance of streets in Old State Subdivision, Section I will be approved if the four (4) specified items of work are performed, as outlined in Mr. Easley's letter to Mr. Biggerstaff. A second to the motion was provided by Commissioner Cox. So ordered.

Claims: The following claims were submitted by Mr. Easley:

Indiana Department of Highways: Claim in the amount of \$3,363.00 covering 90% of the County's portion of the estimated cost of the railroad crossing on Burkhardt Road across the Southern Railroad tracks. Mr. Easley said he believes this is eligible to be reimbursed by the Public Service Commission, even though it is part of this special project. Motion to approve claim was made by Commissioner Willner, with a second from Commissioner Cox. So ordered. (President Borries asked if this is 100% fundable? On the railroad crossings that Mr. Easley has done since he has been here, we've gotten reimbursed by the Public Service Commission...but we do have to file for that. Total estimated cost is \$40,700.00 less Federal Participation \$36,630.00. The County's portion of estimated cost is \$4,070.00. 90% of that total cost is \$3,663.00. We will have another 10% to pay when they are finished, but even that 10% is refundable.

Burkhardt Road Project: Commissioner Willner stated that as long as Burkhardt is being discussed, does Mr. Easley know what the schedule is on rebidding Burkhardt? Mr. Easley, in turn, asked Mr. Morley? Mr. Morley said he assumed this is automatic? Commissioner Willner asked him how long they can keep bidding bids over? Mr. Morley said he doesn't know. They were appraising the situation down here and he expected the

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second bidding to go. He doesn't know what we can do other than to be patient. Mr. Easley said he supposes he could call Mr. Stephen Dilk and ask him. Commissioner Willner said there must be something badly wrong here, because you don't misfigure that many times. Commissioner Cox said the third bidding is in the process? Mr. Morley said it was bid once and there was only one bidder. It was immediately scheduled for the next month and it was bid the next month -- and the bids received were too high. The low bid was lower than the first time bid, but only by some \$50,000 to \$60,000 (not a huge amount). One local contractor bid it both times, and the second time a company from Indianapolis bid it. There is some turmoil among the local contractors, with Midwest going out of business -- and this puts a lot of work on the remaining local contractors. He thinks the bids received reflect that increased workload. The guys doing the estimating need to think about that. When some contractor gets his schedule filled, it's pretty hard to bid the same thing you would bid if there was no work. So, that's the bottom line.

Mr. Easley said he would call Mr. Dilk to determine the IDOH official position on this matter. Commissioner Willner said he would hate to see 1985 slip away on Burkhardt, too, and that might happen if we don't pursue this.

Sebree, Craig & McKnight, Inc.: Claim in the amount of \$1,243.31 for work done this past fall on the Lynch Road Planning Study. Actually, there are three (3) project numbers. Mr. Easley recommends approval of this claim. Motion to approve claim was made by Commissioner Willner, with a second from Commissioner Cox. So ordered.

Engineer Associates, Inc.: Claim in the amount of \$1,560.00 covering Track and Bed Layout for Creasey Co. in connection with the Lynch Road project. By way of explanation, Mr. Easley cited the following memorandum:

December 3, 1984

Mr. A. Easley, County Engineer
Vanderburgh County
Civic Center Complex
Evansville, Indiana 47708

Re: Track Bed & Curve Layout Study for Creasey Co./Lynch Road

Dear Mr. Easley:

Since closing out the Lynch & St. Joseph Avenue Road projects, we have billed in the amount of \$1,560.00 for the referenced study.

I believe Mr. Robert Willner (who was then a member of the County Commissioners) will remember that a conversation ensued between himself and Mr. Leo Weiss at which time he requested a study be made to ascertain if a curve could be run from the railroad switch on Lynch Road to the entrance to the Creasey Company warehouse.

This study was made and was outside the contract provisions between Engineer Associates, Inc. and Vanderburgh County. The cost of the study made by Mr. Weiss was not a part of the final audit resolutions which have recently been resolved between the Federal Highway Department of Transportation, Indiana Department of Transportation, Engineer Associates, Inc. and Vanderburgh County pertaining to the construction costs on the Lynch and St. Joseph Avenue projects.

I recall that when the study was made, Mr. Weiss advised me at the time that Mr. Willner wanted the problem resolved and that our study would be the foundation or basis of hopefully getting some positive action taken by and between the Railroad Company and other affected agencies.

Very truly yours,

Darrell A. Veach, President
ENGINEER ASSOCIATES, INC.

Mr. Easley said he has discussed the matter with Commissioner Willner and he does recall the work being authorized. And, as a result of Mr. Easley's investigation, he would have to recommend approval (although he was not here when the work was authorized). Commissioner Willner said he would reiterate that in no way is this

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a part of the Lynch Road contract.

Commissioner Cox asked Mr. Easley if he has a copy of the track layout on file? Mr. Easley said he has not looked that up. We are currently using --we had a choice of three (3) different ways to do it -- and we're using one worked out with Seaboard and it has been sent to Mr. Dilk and he told Mr. Easley on Friday that he had sent that to Mr. Lee Gallivan. We should have the work authorization agreements any week on the work necessary to get that switch moved. Mr. Easley has advised Seaboard to please schedule it, so we won't have to wait for them to schedule it..that we have been advised that the authorization is forthcoming.

(Note: On Page 14, in the letter from Engineer Associates, Mr. Willner had requested that first sentence in second paragraph be corrected to show him as a member of the Board, rather than president...and he had asked that the minutes reflect this change.) Mr. Willner said that Mr. Leo Weiss was the project engineer on the Lynch Road project and when the project was nearing completion, he contacted Mr. Willner and advised that he would like to see Mr. Willner out at the project site. Mr. Willner went out and he and Mr. Weiss met with the railroad officials and State officials -- all prior to other commissioners joining the Board of Commissioners. He said he cannot speak for the other two commissioners, but he can say that it was not acceptable to him for the switch to be in the driving surface. Mr. Weiss said he believed he could engineer the switch to fit and Mr. Willner said he told him to go ahead and see what he could do. He did engineer a solution but the Feds turned it down, because it conflicted with their overall curvature radii and they said that if they made an exception in this one case -- that they would have to make an exception all over the United States insofar as their radii curvature. So they would not approve it. The railroad approved it, this Commission approved it -- but since the Feds did not approve it, it could not be built. Really, the work that was done was somewhat to naught; but in the process of trying to get this whole Lynch Road thing agreeable -- sometime later these two Commissioners came on the Board and the matter was again discussed and it was turned down again. However, the gentleman did the work and Commissioner Willner is saying that he should be paid for same.

Commissioner Cox asked if he did this study before the current switch was installed? Mr. Easley said that the study was after it was discovered that the switch was in the travel way. Commissioner Willner said the roadway wasn't yet done. Commissioner Cox said she did not think it was, because she didn't come on the Commission until 1981. Commissioner Cox said they always knew the switch was going to be in the roadway; what they didn't know was that there was going to be this 8", 10" or whatever is actually there. There being no further discussion, Commissioner Cox said she would second Commissioner Willner's motion to approve subject claim for payment. So ordered.

Extension of Vogel Road (East of Green River Road/Harp Property): Mr. Easley said he has one more matter for the Board to consider and that is the approval of the plans for the extension of Vogel Road east of Green River Road on the Harp property. When Mr. Harp had his property rezoned two (2) years ago, he had agreed to do certain things. Mrs. Cunningham and Mr. Easley had requested that Mr. Harp provide the Board with a letter. The letter, as follows, was read by President Borries:

December 3, 1984

Vanderburgh County Commissioners
Room 307 - City/County Bldg.
Evansville, IN 47708

Re: Extension of Vogel Road

Dear Board Members:

The enclosed plan sheets for the extension of Vogel Road and drainage of my property on Green River Road are hereby submitted for your approval. I will also forward a signed copy of the right-of-way easement dedication as soon as it is completed.

(continued)

Please review and approve these plans so that building permits can be issued for the development of this property.

I understand that the storm sewer will remain my responsibility. I have sized this storm sewer to accommodate drainage from adjoining property to the east and will work out my own recoupment arrangement before allowing anyone else to tap into the line.

Yours truly,

William E. Harp, Jr.

Mr. Easley queried if this is correct -- that the county probably would not accept and maintain the storm sewer? Commissioner Willner said that is correct. Mrs. Cunningham said that she and Mr. Easley talked with Mr. Morley today and it was their understanding that Vogel Road was to be privately maintained, as planned, but the right-of-way should be county right-of-way and it should be built to county specifications as a major street. So, they requested that in the letter. They also requested a time frame. They are waiting now for permits to be issued on some of that property and she cannot issue permits until the Commissioners accept the road (and she doesn't think there is any problem with simultaneous construction or with them saying the road will be completed to the eastern boundary of their property to the Board's specs before a commercial activity begins....and there is no problem with having them start that as long as it is specifically set down that this road will be built and it will be built to County standards and the right-of-way will be the county's).

Commissioner Cox asked if Mr. Harp wants to keep this as a private road? Mrs. Cunningham said he had talked about that at one time.

Mr. Dwight Rounder (with the firm Masters in Craft) was present in the audience and asked to be recognized. He stated his firm is doing the developing for Mr. Harp. They have one major problem right now -- and talked with Mrs. Cunningham, as well as with Messrs. Easley and Morley. Bob Evans' Farm Restaurant has committed up to the point of signing the lease (with a substantial amount of income involved) -- and Mr. Harp and the developers need the Commissioners' blessing/approval to grant them a building permit immediately. Mr. Rounder's firm is building at least one office building on the back of the property and they will be more than happy to hold off until the road is thru; but they need permission for Bob Evans to go ahead and obtain building permit, which is very crucial insofar as the whole development is concerned.

Mrs. Cunningham interjected that the commitment made to the Commissioners 6/21/82 was that the extension of Vogel Rd. to the eastern boundaries within a two (2) year period. She contacted Mr. Harp in June advising that the two (2) years are up -- so she sees no problem in issuing the zone use permit with the condition that the commercial activity can't start until that road is completed.

Commissioner Willner said he has a question. Mr. Rounder has indicated that Mr. Harp would like to keep it as a private road. Mr. Morley said that is what Mr. Harp originally wanted to do....actually he didn't want to dedicate the right-of-way. So Mr. Morley would assume that when he thinks about this situation he will naturally want to turn it over to the County. Commissioner Willner said there is just one thing he does want to advise Mr. Harp of. If that road deteriorates, he is going to have to replace it before the County will accept it in the future. Mr. Rounder said that he is aware of that. He said he thinks the bottom line on this is that he is going to spend in excess of \$300,000 (in fact, they started delivering storm sewer pipe this morning) and he feels that he would just as soon own and maintain the road himself. Commissioner Willner said that is fine, as long as Mr. Harp understands that if in the future the road deteriorates that he will have to bring it up to standards before the county would accept it at any future date.

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Mr. Rounder asked that if Bob Evans gets a building permit and does build and we experience inclement weather and they cannot complete the road, but say just partially construct it -- does this mean they would not be allowed to open until that road is completed? He feels he needs clarification on that. Mrs. Cunningham said that if this happens, she thinks they could come back for a judgment on this. If they demonstrate good faithCommissioner Willner interjected that he is just a little confused. He does not know why Mr. Harp would want to keep that road private.... he doesn't want anyone back there? Mr. Easley said he feels it would be in the best interest of the County to accept and maintain the road; Commissioners Cox and Willner concurred. Mr. Rounder said he thinks he understands Mr. Harp's feelings to put out this much money and then turn around and say "you can have it". He thinks this is what bothers him. Again, however, Mr. Harp would be happy to do it, if necessary -- but, he would like to own and maintain the road himself.

Commissioner Cox said she thinks the request for rezoning was granted -- she served on the Area Plan Commission at that time -- and there were other developers also back behind there that would also have to put in a section of Vogel Road, that the understanding that she had was that Mr. Harp would build the road. The County or the City would not build it; but he would build it and then it would be the county's to maintain and to have a clear cut thru there. If we gave him private, then some developer onto the east of him would build and then Virginia would not go thru; and that was not the overall plan. Mr. Rounder responded that he is just advising as to Mr. Harp's "druthers" -- but he is more than willing for the county to maintain the road. Commissioner Cox commented that Mr. Harp is a good citizen; he is a good businessman; and he is good for the community. When does Bob Evans plan to be open? Mr. Rounder said they plan to begin construction in two weeks and he would assume that if permission for the building permit is granted today, they will probably apply for the building permit tomorrow. But no least has been signed pending the permit. Mrs. Cunningham said they already have the application for the permit on file.

Mr. Morley said that he did not include in the letter that the road was concrete, etc., in the letter, because all of this information (width, etc.) is included in the plans, a copy of which has been submitted.

President Borries said he personally would be committed to the development and sees some clear-cut advantages here. As long as Mr. Harp is fully aware that at some point in time.....in other words, the county and all of the east side is going to appreciate it when Vogel Road goes thru....and Mr. Harp's commitment to do this is sincerely appreciated. If he wishes at that point to maintain that -- then certainly the Board would honor that wish. But the problem is going to be that if at some point in time the road would deteriorate, it would also have to be at Mr. Harp's expense that all the necessary work would have to be done by Mr. Harp. Does Mr. Rounder feel that this is what he wants to do? Mr. Rounder said all he knows is that Mr. Harp wants to maintain the road. However, again, he wants to get this thing underway and behind him. If the Board of Commissioners approves his owning and maintaining that road, he'll do it. If they expect dedication, he'll do that, too. Commissioner Borries said the County will need the right-of-way. Mr. Rounder said their main concern right now is getting approval for Bob Evans. Commissioner Cox asked if they will be located on the Vogel Road extension? Mr. Rounder said they will be located right on the corner of Green River and Vogel Roads. Masters in Craft plan on building an office facility right on the back (they already have 80% of that leased and he has to have tenants in by April or May -- so they're in a hurry to get the road in, as well).

Commissioner Cox pointed out that the Board has two things here: First, they have an agreement with Area Plan where they could not develop anymore commercial along there until this improvement was put in. Does the Board need to relax that agreement so that Bob Evans can go? Mrs. Cunningham said that if he dedicates the right-of-way -- and if the Board wants to set a time for the commercial permit to be issued.... Commissioner Cox interjected, "What does it actually say, Barbara?" Mrs. Cunningham said the motion approved "Extension of Vogel Road to the eastern boundaries within a 2-year period or prior to the opening of a retail store"....so they missed the 2-year period. President Borries said, "But it is prior to the opening of a retail store." Mrs. Cunningham said what we need to do is get the right-of-way. Commissioner Willner said he would move that the street plans be accepted as presented and built to county standards, and that this may be kept a private road until the next development. At that time it must be county-accepted. (Mr. Rounder interrupted by saying the only thing he can emphasize that the road is going thru -- they started delivering this morning the sewer line to run back across SIGECO's easement all the way down to the

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front -- and that is assurance that they are going to build the road. Because they are not going to purchase at \$50 to \$60 per lineal foot this much pipe unless they did intend to go thru with that road.)

Returning to his motion, Commissioner Willner said he would move that the extension of Vogel Road be approved, subject to the street being built according to County specifications. Upon completion, said street to be inspected prior to acceptance by the County. Commissioner Cox provided a second to the motion. So ordered. Mr. Easley asked that the record show that Mr. Morley said he would have a dedication deed within two weeks.

Mr. Easley requested that the Commissioners sign two copies of the plans, as well as the original.....which was done.

Commissioner Cox asked if there was anything to preclude their building the road in sections and having the various sections inspected upon completion? However, Commissioner Willner and Mr. Easley indicated that entire road would have to be built to the east line.

RE: LETTER RE HOLIDAY SEASON IN THE CIVIC CENTER/C.G. RUSTON, GENERAL MGR.

The following letter was read by President Borries:

November 27, 1984

MEMO TO: ALL ELECTED AND APPOINTED OFFICIALS

SUBJECT: HOLIDAY SEASON IN THE CIVIC CENTER

As we approach the Holiday Season, your attention is called to the following:

Decorations:

The Evansville Fire Department has again emphasized that all Christmas trees and decorations must be artificial or flame proofed, if live.

The use of candles, straw, hay, and other flammable materials is prohibited.

Turn off all electrical displays at closing time.

Use masking tape in lieu of scotch or pressure sensitive tape for hanging various decorations, signs, etc.

Do not hang decorations, etc., from ceiling panels.

Do not place decorations, etc., on the outside of hallway glass doors.

Do not use snow spray on inside/outside hallway doors or windows.

Liquor:

We request that no alcoholic beverages be served in the Civic Center during the Holiday Season.

We solicit your cooperation.

C.G. Ruston
General Manager

RE: ACCEPTANCE OF CHECK

President Borries submitted a check from American Family Insurance Group in the amount of \$404.10 for damage to County truck, which occurred on 11/7/84. Motion to approve acceptance of check was made by Commissioner Willner, with a second from Commissioner Cox. So ordered.

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RE: AREA PLAN COMMISSION/SURPLUS OFFICE SUPPLIES

President Borries said he had a memo from Mrs. Barbara Cunningham of the Area Plan Commission indicating they had surplus supplies to donate to any office that could use same, as follows:

- 1 IBM Selectric Typewriter (needs repair)
- 8 Pendaflex hanging folder holders (legal size)

Mr. Jeffers asked if the typewriter had the correct-tape feature? However, Mr. Borries responded that the typewriter had already been taken by another office.

RE: COUNTY TREASURER/MONTHLY REPORT

The following monthly report from Lew Volpe, County Treasurer, had been submitted..... report received and filed:

TO: COUNTY COUNCIL
COUNTY COMMISSIONERS

Collections to date are:

COUNTY REVENUE	\$486,509.91
FEDERAL REVENUE SHARING	6,669.44
POOR RELIEF	6,254.17
	<u>\$499,433.52</u>

Outstanding investments are:

- 1) Investments \$3,000,000, dated December 28, 1983, due December 27, 1984. Estimated income \$273,700.00 of which \$22,812.00 will go to the Reassessment Fund. Rate 9.125%.
- 2) Investments \$500,000, dated December 29, 1983, due December 27, 1984. Estimated income \$46,200.00. Rate 9.25%.
- 3) Investments \$2,000,000, dated January 4, 1984, due December 27, 1984. Estimated income \$188,000.00. Rate 9.50%.
- 4) Investments \$2,000,000, dated July 5, 1984, due December 26, 1984. Estimated income \$111,000.00. Rate 11.50%.
- 5) Investments \$2,000,000, dated September 21, 1984, due December 27, 1984. Estimated income \$57,000.00, of which \$42,800.00 will go to the Roads and Streets Fund.
- 6) Investments \$3,000,000, dated October 14, 1984, due December 27, 1984. Estimated income \$73,570.00, of which \$49,000.00 will go to the Roads and Streets Fund.
- 7) Investments \$2,000,000, dated October 26, 1984, due December 27, 1984. Estimated income \$31,800.00, of which \$7,900.00 will go to the Roads and Streets Fund. Rate 9.25%.
- 8) Repo, \$500,000, dated November 7, 1984, due December 20, 1984. Estimated income \$4,942.44. Various rates.
- 9) Investments \$6,000,000, dated November 13, 1984, due December 27, 1984. Estimated income \$63,250.00. Rate 8.625%.
- 10) Investments \$4,000,000, dated November 15, 1984, due December 27, 1984. Estimated income \$40,250.00. Rate 8.625%.
- 11) Repo \$900,000, dated November 16, 1984, due December 10, 1984. Estimated income \$4,025.00. Rate 8.375%.
- 12) Investments \$4,000,000, dated November 21, 1984, due December 27, 1984. Estimated income \$34,400.00. Rate 8.50%.

(continued)

When all outstanding investments are collected, income will appear as follows:

COUNTY REVENUE	\$1,293,135.35
FEDERAL REVENUE SHARING	6,669.44
POOR RELIEF	6,254.17
REASSESSMENT	22,812.00
ROADS & STREETS	99,700.00
	<u>\$1,428,570.96</u>

Yours truly,

Lewis F. Volpe
Treasurer, Vanderburgh County

RE: BURDETTE PARK/NEW YEAR'S EVE ALL-NIGHT SKATE PARTY

Commissioner Borries read the following letter:

"Dear Commissioners,

We recently purchased a pair of skates to be given away as a promotion at our New Year's Eve All-Night Skate Party. We checked with the State Board of Accounts and they approved the money to be taken out of our advertising account. They requested that you have this recorded in your minutes for inventory purposes.

Respectfully,

Mark Tuley, Manager
Burdette Park"

RE: TAX CERTIFICATES

The following Tax Certificates were submitted by President Borries, who indicated these will be held by the Vanderburgh County Auditor for a period of one (1) year:

Benjamin & Beatrice Martin	1319 E. Sycamore	9-29-13-42-12
John W. & Minnie Clay	703 S. Governor	11-7-21-57-17
John & Ella Taylor	775-777 S. Elliott	11-8-21-60-14
Richard & Dorothy Shores	809 Line Street	11-9-21-73-20
Lawrence Jarvis	913 Elliott St.	11-9-21-76-8
Ruth Cox	1219 S. Grand	11-21-23-52-7

RE: CERTIFICATES OF INSURANCE

Jesus People, U.S.A.: Certificate for event held at Vanderburgh Auditorium on 11/28/84.

Board of Trustees of Welborn Clinic: Certificate for Christmas Party to be held at Vanderburgh Auditorium on December 8, 1984.

RE: SCHEDULED MEETINGS

County Council: Meeting to be held on December 5th at 2:30 p.m.

RE: CLAIMS

The following claims from Helfrich Insurance Agency were submitted for approval:

\$651.00	Police Vehicles	\$239.00	Police Units
\$152.00	Dog Pound Truck	4,489.00	Police Vehicles
\$346.00	Police Vehicles		

It was noted that all of the foregoing had been checked by the Auditor's office. Motion was made by Commissioner Willner that the claims be approved for payment and the secretary be instructed to stamp said claims with Commissioners' signature stamps. A second to the motion was provided by Commissioner Cox. So ordered.

(continued)

COUNTY COMMISSIONERS
December 3, 1984

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RE: EMPLOYMENT CHANGES - RELEASES

Cooperative Extension Service

Robert C. Kimbrough, Jr.	429 Adams Ave.	P.T.	\$20.00/Day	Eff: 11-30-84
Betty J. Kompst	1116 S. Villa	Sec'y.	\$10,760/Yr.	Eff: 12-7-84

Clerk of Circuit & Superior Courts

Linda Webster	1814 S. Warner	D. Clk.	\$6.00/Hr.	Eff: 12/5/84
Tina Cardin	1907 W. Michigan	Clerk	\$432.87/Pay	Eff: 12/3/84
Suzanne Demsey	648 Crestwood	Clerk	\$412.26	Eff: 12/3/84
Angela Delgman	3000 W. Franklin	Clerk	\$412.26	Eff: 12/3/84

RE: EMPLOYMENT CHANGES - APPOINTMENTS

Knight Township Assessor

Sheryl A. Weiss	3120 Edgewood Dr.	\$30.00/Day	Eff: 12/6/84
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Clerk of Circuit & Superior Courts

Suzanne Demsey	648 Crestwood	Clerk	\$432.87/Pay	Eff: 12/3/84
Linda Webster	1814 S. Warner	Clerk	\$432.26/Pay	Eff: 12/3/84
Darlene Maveety	904 Olmstead	Clerk	\$412.26/Pay	Eff: 12/3/84

RE: OLD BUSINESS

Greengate Court Subdivision/Sidewalks: Mrs. Barbara Cunningham of Area Plan Commission said subject subdivision is behind the Colonial Garden Center out Lincoln Avenue. It is in the county, about a mile from the city. The Subdivision Review Committee suggested that perhaps instead of sidewalks on both sides (since it is a small development on a large cul-de-sac) they thought perhaps sidewalks on one side of the street might be sufficient. Mrs. Cunningham said this comes up at Area Plan Commission on this coming Wednesday night. Mrs. Cunningham presented a map for perusal by the Commissioners. She said they are going to put in a retention basin, which will be discussed at the Drainage Board meeting. Mr. Easley said this subdivision is in the county and some people are raising their eyebrows about sidewalks out in the county anyway. Rather than having sidewalks on both sides -- Commissioner Borries said the only thing is that for future changes in this area, which is rapidly developing, that is the only reason they decided to keep their decision in regards to waive it within the one (1) mile -- he thinks that anywhere else in the county they did not feel it would be necessary to make these kinds of decisions, because they would not be needed. He asked if Colonial Garden Center is going to keep the front part? Mrs. Cunningham said they are at this time -- they have the business/nursery there. Commissioner Borries asked how the sidewalks would be constructed -- would each person be assessed? Or, would the developer put them in? Mrs. Cunningham said the developer would put them in. The Board spent considerable time perusing the map. Mr. Easley said Commissioner Borries is suggesting sidewalks on both side of Greengate Court up to the North line of Lots 1 and 31 and then Mr. Easley said he would then suggest across the northerly line of Lot 31 and the Westerly side of....Commissioner Cox interrupted with questions concerning map directions. Continuing, Mr. Easley said he would put the sidewalk on the side away from the retention basin. He would put the sidewalk on both side of Greengate Court (the frontage of each lot would have a sidewalk) and then along the North side of Lot 31 and the West side of Greengate Court to Lincoln Avenue. Commissioner Cox said this sounds right..... and she repeated the determination for the record as follows:

Sidewalks to be on both sides of Greengate Court up to Lot 1 and 31, and then the sidewalk would continue on the North side of Lot 31 and on the West side of the remainder of Greengate Court to Lincoln Avenue.

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

(continued)

RE: COUNTY SURVEYOR - BILL JEFFERS

Mr. Bill Jeffers, Chief Deputy Surveyor, asked to be recognized by the Chair. He apologized for prolonging the meeting, but indicated that subsequent to making earlier comments he had spoken with Surveyor Robert Brenner. Therefore, he wishes to make a couple of amendments to his earlier comments.....concerning Morgan Avenue. He said the bridge presently proposed, which they understand to be a 73-ft. structure, four-lane wide, 3-span -- which they still maintain would cost approximately \$1¼ million. He said he believes he indicated they might be talking about something like on First Avenue, but that was incorrect.

Secondly, he asked that the memo from the City Engineer be made a part of the minutes -- since the copy submitted was their only copy. (This was included on Page 9 of these minutes.)

Commissioner Willner asked Mr. Jeffers if he has plans for this 73-ft. bridge? He said he did not. Commissioner Willner asked how he knows it is 73-ft.? Mr. Jeffers said the State informed the surveyor's office that that was what was in the current plans. He said he believed he earlier indicated something that might cost \$1½ million; that is not the case. The surveyor's office still maintains they could probably make the needed improvement for \$50,000, if they use the existing structure.

President Borries advised that a Drainage Board will be held immediately subsequent to the adjournment of the Commissioners' meeting. There being no further business to be brought before the Board at this time, he declared the meeting adjourned at 4:40 p.m.

PRESENT:

COMMISSIONERS

Richard J. Borries
Robert L. Willner
Shirley Jean Cox

COUNTY AUDITOR

Patrick Tuley,
Chief Deputy

COUNTY ATTORNEY

David L. Jones

SURVEYOR

Bill Jeffers, Chief
Deputy

COUNTY HIGHWAY

Bill Bethel

COUNTY ENGINEER

Andy Easley

AREA PLAN


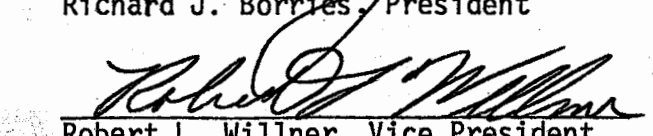
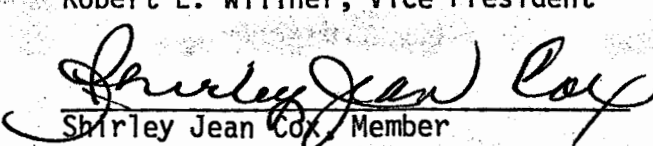
Barbara Cunningham

OTHER

Sheriff Shepard
Jim Morley
Jack Schroeder, Atty.
News Media

SECRETARY:

Joanne A. Matthews


Richard J. Borries, President

Robert L. Willner, Vice President

Shirley Jean Cox, Member

715.

MINUTES
COUNTY COMMISSIONERS' MEETING
DECEMBER 10, 1984

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MINUTES
COUNTY COMMISSIONERS' MEETING
DECEMBER 10, 1984

The meeting of the Board of County Commissioners was held on December 10, 1984, in the Commissioners' Hearing Room at 2:50 p.m., with President Borries presiding.

The meeting was called to order by President Borries, who announced that the Commissioners had met in an Executive Session at 1:30 p.m., as announced at last week's Board meeting. Subsequently, the news media was notified that the Executive Session would be held on December 10th to discuss pending litigation in several different cases. Said cases were discussed, but no decision was made. However, this does explain the reason for the delay in beginning today's Board meeting.

RE: INTRODUCTION OF JANET LINDHOLM/EVANSVILLE CHAMBER OF COMMERCE

Commissioner Borries introduced Miss Janet Lindholm, the newly appointed Manager of Governmental Affairs for the Evansville Chamber of Commerce. She will be working with the units of local government. Mr. Borries said he also believes she will be spending time with the Indiana Legislature when it goes in session in January. On behalf of the Board, Commissioner Borries extended a warm welcome to Ms. Lindholm and said her help is appreciated.

RE: APPROVAL OF MINUTES (December 3, 1984)

The Chair entertained a motion concerning approval of minutes of December 3rd meeting. Motion was made by Commissioner Willner that the minutes of the meeting held on December 3, 1984, be approved as engrossed by the County Auditor and the reading of same be waived. A second to the motion was provided by Commissioner Cox. So ordered.

President Borries said he also wanted to extend best wishes to Commissioner Willner, who has spent a little time in Deaconess Hospital this past week...and the Board is glad to have him back.

A warm welcome was also extended to Jim Lindenschmidt, who has just returned to Evansville from a Florida vacation.

RE: SPECIFICATIONS FOR XEROGRAPHIC PAPER, CALCIUM CHLORIDE & LIQUID ASPHALT

Commissioner Willner said specifications for Xerographic paper, calcium chloride and liquid asphalt had been submitted for the Board's approval prior to advertising for bids which are scheduled for opening on January 7, 1985. Commissioner Cox asked Mr. Bethel of the County Highway Department if he had any input on these specs? He said he had none, whatsoever. Commissioner Willner said he also wondered why the chemical for the Burdette Pool is not included. It was noted that this goes thru the City -- so the County gets the chemical for the same price that is in effect for the City pools. Estimated quantity for calcium chloride is shown as 40,000 gallons. Commissioner Willner asked Mr. Bethel how much calcium chloride the County has on hand?

Mr. Bethel said he would like to check and see where he stands and would like for the Board to defer this matter for one week. President Borries stated that the Board will defer action on subject specs for one week.

RE: COUNTY ATTORNEY - DAVID V. MILLER

Hirsch Settlement/Burkhardt Road Property: Attorney Miller said the only matter he had to present to the Board today concerns the Hirsch Settlement re property along east side Burkhardt Road between Division and Boonville Highway (which was discussed at the last meeting). Thru the Citizen's National Bank Trust Department, they have submitted to Attorney Miller a proposal that the 15-ft. strip of ground that they believe they retain ownership to (on the east side of Burkhardt Road that will be covered by the improvement of Burkhardt Road if, and when, it occurs -- which is almost exactly one (1) mile in length -- or one (1) mile and 15-ft., according to the Hirsches -- to be sold to the County for \$18,200.00. Their proposal is the same per acre price that the County was offering to the folks who lived across the road when that work was being done. Mr. Miller said he would suggest to the Board that this property we're talking about may not be as valuable to the Hirsches as the property across the road was to those particular folks for a couple of reasons. First of all, based upon some preliminary work, Attorney Miller is not certain that the Hirsches own the total 15-ft., and this is something

(continued)

that can be cleared up just by a search of the title (which he recommends we do). Secondly, this land we're talking about lies between the eastern edge of Burkhardt Road and the ditch that runs along Burkhardt Road that the county already has easement rights to. Attorney Miller said he is not certain that an appraiser would tell us that this land is as valuable as the farmland on the other side of that ditch -- because it is simply not as usable for the same purposes in a practical manner. Therefore, he suggested that it is time for the Board to authorize the buyers involved with the other side of Burkhardt Road to begin negotiations with the Hirsches and to take a look at that property and determine what the county ought to offer. If negotiations fail, then Attorney Miller thinks we should institute condemnation reasonably soon in order that it not stand in the way of Burkhardt improvement when -- and if -- the bid is let by the State.

Commissioner Willner asked if we have to have an appraiser before we appoint a right-of-way buyer? He understands they cannot be the same person.

Attorney Miller said he believes that we do.

Motion was made by Commissioner Willner that a title search be instigated to see how much property they actually own, and that an appraiser be appointed for that portion. A second to the motion was provided by Commissioner Cox. So ordered.

Attorney Miller asked if the Board wants to name a specific appraiser? Commissioner said he thinks the Board should retain the same appraiser previously used -- Mr. Victor Funky. Motion to this effect was made by Commissioner Willner, with a second being provided by Commissioner Cox. So ordered. Attorney Miller stated he would contact Mr. Funky.

RE: EXECUTIVE SESSION RE PENDING LITIGATION

The meeting continued with President Borries again noting that the Board met in an Executive Session just prior to today's regular Board meeting to discuss pending litigation matters. County Attorney David Jones is present to identify those cases. Subsequently, a motion will be entertained as to whether to proceed or not proceed.

Henry Mark Lewis-vs.-DeGroot (and other Deputies named in official and individual capacities):

Motion was made by Commissioner Willner that the Board continue counsel presently furnished by the Board of County Commissioner. A second to the motion was provided by Commissioner Cox. So ordered.

Attorney Jones pointed out that this is actually an insured case; but the Board can have single counsel represent all defendants in that case.

Michael Edward Lee-vs.-James DeGroot, Melanie Hughes, James Moers, Lee West, Jackie Trail, Thomas Wedding, James Truitt and Brian Klaser. This not an insured case and it is also before the U.S. District Court of Southern Indiana.

Motion was made by Commissioner Willner that the Board retain present counsel as is provided by the County. A second to the motion was provided by Commissioner Cox. So ordered.

Elizabeth F. May-vs.-Vanderburgh County-Kenneth Colling & Paul Bickel: This case is also pending before the U.S. District Court of Southern Indiana. This is insured case.

Motion was made by Commissioner Willner that the Board retain present counsel as is provided by the County. A second to the motion was provided by Commissioner Cox. So ordered.

Joann Reed & Mary Evans-vs.-Vanderburgh County Sheriff's Department: Attorney Jones said this matter had to do with one that had already been undertaken as an administrative action before the Equal Employment Commission, filed by Joann Reed & Mary Evans. The county has since received a Notice of Intent to File Suit (otherwise known as a tort claim) from Joann Reed. At this point in time, it is anticipated that if action was filed what the Commissioners' pleasure would be. Attorney Jones said he is also uncertain whether or not this is insured. It will have to be submitted to the applicable insurance carriers in order for them to make a determination. Then the county would have to come back to make a determination; first of all, whether or not they agree with

(continued)

the insurance company. Secondly, whether to defend anybody who wasn't insured.

Commissioner Willner asked if motion would be in order if the Board said that at this time there is insufficient information to make a call of judgment on this case and the Board should wait for a response from the insurance carriers and the suit in order to obtain the names of person/persons known/unknown at this time. Until that time, the Board would keep Attorney Jones on the case to enter an appearance, if necessary.

Attorney Jones said he would enter an appearance for the county and withhold on anybody else until the Board of Commissioners has made a determination.

Commissioner Cox provided a second to Mr. Willner's motion. So ordered.

RE: COUNTY HIGHWAY DEPARTMENT - BILL BETHEL

Weekly Absentee Report: Mr. Bethel submitted the Weekly Absentee Report for employees at the County Garage for period December 3rd thru December 7th.....report received and filed.

Weekly Work Report: Also submitted was the Weekly Work Report for employees at the County Garage for the same period.....report received and filed. Attached to the Work Report was the following Work Schedule:

Gradall: Angel Mounds Blvd.

Grader: Oak Grove Rd., Nuebling Rd., Hill Top Rd., Outer Darmstadt Rd., and Old 460

Patched: La Donna Ct., Marx Rd., St. Joseph Ave., Koressel Rd., West Haven Dr., Meadow View Rd., Old Henderson Rd., Caranza Dr., Tree Top Lane, Petersburg Rd., Green River Rd., Red Bank Rd., Upper Mt. Vernon Rd., Old State Rd., Greenbriar Rd., Boonville-New Harmony Rd., County Line Rd., and Baseline Rd.

Snow Removal: Wednesday and Thursday (12/5 and 12/6) there were six (6) snow plows, four (4) trucks with hand shovel and three (3) graders clearing the county roads.

Commissioner Willner said he heard some mighty fine comments on the excellent job of snow removal accomplished by the County Garage.

RE: COUNTY SURVEYOR - BILL JEFFERS, CHIEF DEPUTY

Bridge & Guardrail Repair Report: On Monday, guardrail was installed on the south approach of structure #91 on Green River Road over Pigeon Creek....and Tuesday, likewise. On Wednesday, they repaired a collapsed culvert (under the road) and some washed-out pavement on Allen's Lane near the Skyline Airport entrance. This work was accomplished as a result of a Sheriff's report re danger to drivers. On Thursday, the crew stayed in the garage and serviced vehicles. On Friday, both vehicles and equipment were serviced and supplies re-ordered. The Chief Draftsman worked on the preliminary design of a proposed bridge over Pigeon Creek on North Kentucky Avenue. The Bridge Engineer spent the week working with the City Engineer's office on the North 5th Avenue Bridge over Pigeon Creek. The Survey Crews finished the Old Mill Road survey; they are preparing a legal description of the roadway and bridge no longer used for public thoroughfare and anticipate a vacation of same. The rest of their time was spent on working on preliminary for North Kentucky Avenue Bridge over Pigeon Creek, working with the Chief Draftsman.

State & Three Bridge Projects: Commissioner Willner asked if Mr. Jeffers has heard from the State in response to his letter concerning the three (3) Bridge Projects. Mr. Jeffers said he had received no response to his letter to date.

(continued)

COUNTY COMMISSIONERS
December 10, 1984

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Morgan Avenue Bridge: In response to Commissioner Willner's query on this structure, Mr. Jeffers said he believes that Andy Easley has spoken with the engineers in Indianapolis today concerning their opinion of the structure versus our opinion of same.... and he may have more information than does Mr. Jeffers. Mr. Jeffers said his impression of it is that their opinion of the quality of the existing structure and the need for a new one is different from our opinion.

Baseball Diamond Project/Burdette Park: With regard to the survey of land in connection with the baseball diamonds at Burdette Park, Mr. Jeffers said he plans to send the survey crew out on this as soon as they finish the North Kentucky Avenue traverse..... probably around the end of this week or early next week.

Mr. Jeffers said they did have a request from the public to relocate one of the section corners that happens to be within that area, so they can just get all of that done sometime next week.

Maryland Street Bridge/Change Order: Mr. Jeffers said he has a Change Order on the Maryland Street Bridge. Basically, it is the same bill presented to the surveyor last week by Rig-Mar Contracting, Inc., concerning charges to date on the bridge. The Change Order is from the inspector, which shows a slight overage resulting from our addition of the sidewalks and various other things discussed over the past several weeks. Rig-Mar put in for 274 cu. yds. of Class "C" concrete and this is in the deck (we don't pay overages in the deck). This is rather detailed and technical -- but the bid item on the deck was altered and the contractor is aware of this. Commissioner Cox asked if Mr. Jeffers would again explain the change order. He said the Change Order (per engineer, to increase depth of concrete over and above the plans on the two approaches - the approach to the bridge itself from the railroad tracks and the bridge east to the wall; they increased the concrete necessary to affect a smooth approach. Extra sidewalk was added; deleted guardrail because sidewalks were put in place on each side of the bridge; and some dirtfill not needed was deleted. The amount of the change order was \$13,481.75. Mr. Jeffers said he should point out that that is over the bid.... but under the engineer's estimate. A simple explanation is that they could not really design those approaches until such time as the bridge was built and they could get out in the field and measure those approaches. For pedestrian reasons, sidewalk was added from the levee wall up to the bridge.

Subsequent to reviewing the change order, President Borries said that it has been approved and the claim to be entered into the record as amended by the Surveyor's office after examining the claim....claim for estimate of work completed on the Maryland Street Bridge thru December 6, 1984, has been amended down to \$43,888.90. Again, the estimates have been examined and approved by the surveyor's office. Motion to approve claim was made by Commissioner Willner, with a second from Commissioner Cox. So ordered.

RE: COUNTY HIGHWAY ENGINEER - ANDY EASLEY

Morgan Avenue Bridge: Mr. Easley said he talked today to Fred Mohide, State Engineer who is working on the plans, and he set up a conference call with Greg Henneckies, Hydraulic Engineer, and they concurred that there was adequate bridge opening on the existing structure to take the water under the road. They are going to go back and verify some estimates and suggested that Mr. Easley wait until week after next before traveling to Indianapolis. President Borries asked if Messrs. Easley and Jeffers can make some arrangements on that? Mr. Easley said that Mr. Jeffers has suggested that Mr. Easley only go to Indianapolis. Mr. Mohide said that the Department of Natural Resources has gotten involved and given the opinion that it should have a lot more opening than is there. Therefore, there are some technical things to be resolved. However, Mr. Easley said that if he has the State Hydraulic Engineer concurring that there is adequate opening there, he is hopeful that they can widen the existing structure. But in order to get a permit, they are trying to satisfy the State Department of Natural Resources. Mr. Easley would guess that if they can get everything checked and think they are prepared for a meeting, perhaps he would go to Indianapolis on Wednesday, December 19th. He said he guesses he can handle it himself; that it necessarily takes two (2) people to sit there and tell state personnel that you only want to spend the amount of money that would be equal to extending the structure that is presently there.

President Borries said he believes that Mr. Easley can provide the documentation necessary via the surveyor or Mr. Jim Morley, who was present at last week's meeting. Again, Mr. Easley said the fact that the hydraulic engineer agrees with him is quite a

a bit of the battle right there. Of course, the State Department of Natural Resources is becoming involved in it; and he understands that their approach is that what if the upstream structures were removed and all of this water came down there? They like to see anything downstream constructed have an adequate bridge opening that could handle all the water that could theoretically reach the structure. But we all know that there are smaller pipes upstream -- so how do you argue? We'll simply have to try to find a way to get it done our way.

IDOH Claim/R.R. Crossing/Boonville-New Harmony Rd: A claim in the amount of \$5,118.76 for the county's share for a railroad crossing on the Boonville-New Harmony Road out in Armstrong Township. This goes back to an agreement signed in 1980; he believes that Commissioner Willner is the only one present who would have signed said agreement. This is 10% of the cost; we do have \$7,500.00 in the R&S account and Mr. Easley will file to get this money back from the Public Service Commission. Motion to approve claim was made by Commissioner Willner, with a second from Commissioner Cox. So ordered.

Lynch Road: Commissioner Willner asked if there is any further word re progress on Lynch Rd.? Mr. Easley said he has not seen the agreements which are supposed to be forthcoming from the State. We should receive them this week, however. It was noted that this concerns the railroad spur on Lynch Road.

RE: VANDERBURGH AUDITORIUM - KIM BITZ

President Borries announced that Mr. Bitz, Manager/Vanderburgh Auditorium, will not be presenting a report today.

RE: PETITION TO VACATE A PORTION OF BOEHNE CAMP ROAD

The Chair recognized Attorney Ed Johnson and asked if he was ready to proceed with comments concerning the Petition to Vacate a Portion of Boehne Camp Road? Mr. Johnson expressed his appreciation to the Board for the additional time granted him for discussion with potential purchaser of some property adjacent to that which they were going to vacate -- during the early part of the Commissioners' meeting. He said they took this additional time to discuss the matter, in order that he might make as full a disclosure as possible concerning said vacation. He does not know whether the problem has been solved, however.

Continuing, Mr. Johnson said he first wanted to point out that he represents one (1) of the two (2) owners -- Mr. Albert Umbach, who is also present at today's meeting. Mr. Gene Hahn is the other owner, and Mr. Umbach is authorized to speak on his behalf. The property in question is being listed by Helfrich Realty Co., and Mr. George Helfrich is present at today's meeting. Mr. Johnson also represents Mr. Helfrich.

The purchaser is Mr. Marion Marx. Mr. Johnson said he wanted to tell the Board "up front" that the purchase is contingent upon whether or not the road can be vacated. Mr. Marx is also present. Mr. Johnson does not represent Mr. Marx; but since he is the party who would be purchasing the property, Mr. Johnson did ask him to attend the meeting to field any questions he might have.

Mr. Johnson said they are going to withdraw a portion of the requested vacation -- and he will indicate why in a few minutes. Boehne Camp Road "t's" at Middle Mt. Vernon Road and does not go thru to Felstead. He proceeded to visualize his remarks by sharing a map with members of the Board. He said Messrs. Umbach and Hahn own the property shown in blue. There is a 40-ft. county easement; 20-ft. of it is on the property marked in blue. That is what they seek to have vacated. Their position is that Boehne Camp Road will never be put thru to Felstead Road...at least reasonably speaking. There is no way with the topography of the property that you could ever extend a 40-ft. roadway between Felstead and Middle Mt. Vernon Road. There wouldn't be any need for it; because of the topography, there's never going to be a high incident area here. Mr. Marx wants to purchase the property for purposes of constructing a single-family residence and he needs this, because he needs the additional 20-ft. over to the property line in order to have enough decent sites to choose a location. That is why he is asking that it be vacated.

The portion that is being withdrawn and which no vacation will be requested is the portion off Felstead Road -- the first two hundred (200) feet back. Originally, they requested that the portion (as indicated on the map) be withdrawn. They are going to withdraw the first 200 ft., the reason being that whoever develops this property that

is owned by Mr. Robert Reid (he and Mr. Reid met on Saturday, along with Messrs. Marx and Helfrich and they agreed that they would withdraw that 200 ft. so that if there would be a county access up 200 feet ---and he pointed to the map -- because if they didn't do this, they might be excluded from Felstead Rd. If the Board will grant the road vacation today (which they hope the Board will do) they would ask that it be granted beginning at a point 200-ft. north of the interesection with Felstead Rd., so that that will remain the county easement.

Again, he said that if the Commissioners had been out to look at this area -- he believes they would agree with him, that Boehne Camp is never going to extended to connect and there would be no reason to extend it. By vacating it, they feel they can put the lot to use. If it is not vacated, Messrs. Hahn and Umbach do not have a binding contract -- but they could use property that is never going to be used for the intended purpose for a building site. They believe that by withdrawing the first 200-ft. off Felstead Road and not asking that that portion be vacated, that the Reids and whoever they sell it to would have ample access to Felstead Road. If the Board has any questions, Mr. Marx is here and would be glad to answer any questions.

The Chair entertained questions from the Board or persons who might be present with regard to this particular vacation.

Commissioner Cox asked if this will have to be readvertised? Mr. Johnson said it would not. Attorney Miller verified this and said that if they were going to increase the amount in some way, it would be different. However, they are now requesting less. He asked Mr. Umbach if there any public utilities of any kind within this area to be vacated? Mr. Umbach said there was not. President Borries interjected that he had a statement from SIGECO to that effect and it will be entered for the record:

November 21, 1984

Ms. Alice McBride
Auditor/Vanderburgh County
City-County Building
Evansville, IN 47737

Re: Ordinance to Vacate A Portion of Boehne Camp Road

Dear Ms. McBride:

Southern Indiana Gas & Electric Company has investigated the area proposed for vacation by the subject ordinance.

We find we have no gas or electric facilities within the area to be vacated, nor do we need the area for access to other of our facilities. Therefore, pursuant to IC-36-7-3-16, Southern Indiana Gas & Electric Company hereby files its written consent in the vacation proceedings and waives its rights to use all or part of the public right-of-way vacated by the proposed ordinance now before the Board of Commissioners of Vanderburgh County, State of Indiana.

Sincerely,

Jean Ashby, Buyer
Right-of-Way Department

The Chair recognized Mr. Robert Reid, who was in the audience and indicated he wished to speak. Mr. Reid said he owns property east of the proposed right-of-way vacation. His potential buyer, Mr. Ray Funky, is also present and would like to speak. In the interim, Mr. Reid said in looking at the property -- it is a 25-acre parcel. He proceeded to show a map to the Commissioners and point out specific areas. He said their property is divided into two (2) halves; a lower half and ridge line and an upper half. The contention of Mr. Johnson was that said property only had potential development for a few sites. Mr. Reid and Mr. Funky contend that at no time in the foreseeable future that a road would extend thru there. However, to develop this property -- they contend that they need an extension to specific area-----and again Mr. Reid pointed to the map. They are opposed to the proposed vacation; at least they are opposed to the southerly 800 ft., but not to the northerly 200 ft.

(continued)

Commissioner Cox requested that Mr. Reid again approach the Commissioners' table and point out on the map exactly where his property lies. He readily complied. Commissioner Cox said that if her understanding is correct, Mr. Reid has a problem with access to Felstead Road. He said he does not have a buyer per se; however, Mr. Funky has expressed interest. He said they are looking at not handicapping his property by taking away access to it. Mr. Reid said that if he loses that 60-ft. -- he has to take a 60-ft. out of his property. Commissioner Cox corrected him and said, "40 ft.". He said that if he loses that and has to take 40 ft. out of his property, he would lose his potential to develop.

Mr. George Helfrich of Helfrich Realty indicated he wished to speak, and was subsequently recognized by the Chair. Mr. Helfrich said the purchaser and seller have both agreed to grant the Reids or their purchaser an easement on that 200 ft. to get into and out of their property. Thus, insofar as access off Felstead Road -- there is no problem. Mr. Helfrich said he would like to again point out that there is 1,400 ft. on Middle Mt. Vernon Road as far as ingress and egress off the property; and with the ability to come in on the 200 ft. with an easement, it is not a problem insofar as assessability to their ground.

The Commissioners again viewed the map and conducted considerable conversation among themselves. The Chair then recognized Mr. Andy Easley, County Engineer.

Mr. Easley said he wants to be impartial here. But the Reids had come to him and asked if it was feasible to design a road from Middle Mt. Vernon going south from a 385' contour line to a 485' contour line. As he scales it, this would be 600 ft., and they would be rising 100 ft. This is a 17% grade. Only the Volkswagen -- so they tell him -- will go up a 17% grade in the old days. An American car will not do it very well. If you come from the south and go from a 450 ft. to the 485 ft., in 200 ft. you go up 35 ft.; that is a 17% grade. That is not a good place to want to build a road. You would have to cut it down greatly -- such as they cut down hills and mountains in Kentucky and West Virginia to get a road thru. The offer to eliminate 200 ft. from the vacation is a valid concession; and then really the road should then start paralleling contour line and not try to cross contour lines at right angles. He said he doesn't believe the Reids will find an engineer in Evansville who will tell them that that is a good place to build a road....and, thus, it is not a valuable right-of-way to them. And, that is an honest statement. They are not giving up very much. Mr. Easley said they have concurred in eliminating 200 ft. from the vacation. It seems to him that if the Reids want to build a road, they would want to build it in a place where they could utilize both sides of the road. Wouldn't they want to get the road away from the property line on the west? There was considerable conversation between Messrs. Reid, Funky and Easley.

Commissioner Cox remarked that the county would never find it economically feasible to extend Boehne Camp Road.....and Mr. Easley verified this. He said that Mr. Gerard of EUTS has concurred that they would never put that thru. Therefore, it would fall on the back of the developer to put that in. Mr. Easley said such a road would be a major earth-moving project and it would take a tremendous right-of-way for a cut to get the grade down to a 10% slope. Mr. Easley said he is not totally familiar with traffic movements on the west side; however, if Mr. Gerard says he doesn't think the origin/destination would ever demand it -- then he would respect Mr. Gerard's opinion. Mr. Easley said he was merely suggesting a compromise and trying to point out that he doesn't think Mr. Reid could ever build a road parallel to his west property line and go very far without a major earth moving job to get up over the camel-back.

Attorney Johnson indicated that he had one comment to add; further, Mr. Marx (the potential purchaser) wants to address the Board briefly to advise them of what he has in mind. Mr. Johnson said his only point is that it seems from a public standpoint this easement will never be used, but it could facilitate development. Once they get in on that 200 ft., they could put the roadway anywhere. They could put it up to the property line or anywhere else. They will have to do it at their expense anyway. They can put the roadway wherever. He has already advised that they would try to go in with them over the first 200 ft. privately, just because it makes more sense dollar and cents wise to get together on that. Therefore, for that expense, he does not feel that the objection of Messrs. Reid and Funky is a valid objection to the vacation itself. Secondly, he would appreciate the Commissioners letting Mr. Marx tell them why he wants to use it.

Mr. Marx approached the podium and said the land is only 198 ft. wide and the hill slopes down from the east to the west and probably drops some 50-60 feet. So the only

(continued)

COUNTY COMMISSIONERS
December 10, 1984

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real good usable piece of space is to the east and 20-ft. is that much extra good property that would be usable. With that in there, he couldn't build a house or anything else. The way it is now, he'd have to stay 20-ft. off the property line because of this easement and then another 25-ft. before he could build. He said no one is using it now; but if he wanted to use it he couldn't build anything within that restricted footage. As far as the Reids or Funkys getting to their property, they can get to it right now the way it is without the 200 ft. Because their property comes right on the corner of the road just like the property he is wanting to purchase. Mr. Marx said that's all he has to say; he just wanted the 20 ft. extra, knowing that he could build that much closer to the better part of the ground -- if he decides to build a house. He isn't building it right now; he is just buying the property as an investment -- just like anybody else would. His son intends to build on the front of the property down on Upper Mt. Vernon Road. But this would have no bearing on the back part, which is currently under discussion.

President Borries asked if Mr. Marx would clearly state his name and address for record purposes. He complied by stating his name is Marion Marx and he lives at 602 S. Werner Avenue.

Commissioner Cox asked Mr. Reid that without this easement, does his property abut Felstead Road? She said she was under the impression that if the Board granted the requested vacation that he would be landlocked -- that he would have no way into his property. Mr. Reid said they would have a 20-ft. driveway and then by maintaining 200 ft., they could put a 2-car drive into the property. Mr. Reid said they are relying on the dedicated right-of-way to have access onto Felstead Rd.

Mr. Easley said that since the petitioner has amended to withdraw the southerly most 200 ft., Mr. Reid will have access off Felstead Road to his property. He just doesn't like it that if he wants to extend that road further to the north he is going to have to use a little more of his property to do it. But he will have access because of the amendment to the petition. They will, however, lose access to that 20-ft. strip beyond the 200 ft. to the north.

Commissioner Willner indicated that he has considerable difficulty with this one. Again, the Commissioners had considerable discussion among themselves. He said he had always said he would never do away with an easement if even one (1) person complained. However, we come to a point where we see some activity here -- which he would like to see. Therefore, he sees no reason that we should continue to keep this easement. Motion was made by Commissioner Willner that we vacate the easement -- all but 200 ft. on the south end of the property along Felstead Road. Commissioner Cox said she wishes there was full agreement by the parties involved, as it is always easier to vote on something where you have full agreement by all parties concerned. Nonetheless, she provides a second to Commissioner Willner's motion. So ordered. President Borries said the motion has been made and seconded to vacate the portion of Boehne Camp Road -- except for 200 ft. south near the entrance of Felstead Road, therefore, he requests a roll call vote:

Commissioner Cox	-	Yes
Commissioner Willner	-	Yes
Commissioner Borries	-	Yes

Again, Commissioner Willner said one of the reasons he voted for the vacation was to see some activity out in that area, and he hopes this action by the Board will do it.

RE: REQUEST FOR PERMIT TO MOVE HOUSE

The Chair recognized Mr. Jesse Crooks of the Building Commission. He read the following letter, which had initially been sent to the Indiana Dept. of Highways:

November 20, 1984

Indiana Dept. of Highways
2117 E. Division Street
Evansville, IN 47714

Dear Sir:

(continued)

Elmer Buchta, Inc. requests a permit to move a house 39' x 78', at the corner of 2 St. James and Division to 520 Kimber Lane.

We will be traveling from the corner of 2 St. James and Division, going east on Division to Kimber Lane, then north on Kimber Lane to 520 Kimber Lane.

Comair Escort Service will control the traffic on this move. We would like to move this house as soon as possible.

The house is owned by Elmer Buchta.

Sincerely,

Jim Brace

In response to queries, Attorney Miller said that Kimber Lane is a private street and has never been dedicated to the county. It runs alongside the Executive Manor Apartments. Mr. Crooks said he had checked with the Safety Board insofar as the City part of the move is concerned. However, most of this move involves the State Highway. When he checked with the County Surveyor's office, he was advised that Kimber Lane was a private road -- and he did want to verify that information.

Motion was made by Commissioner Willner that the subject request be approved, with a second being provided by Commissioner Cox. So ordered.

RE: CLERK OF THE CIRCUIT COURT - MONTHLY REPORT/PERIOD ENDING 10/31/84

President Borries submitted the Monthly Report for period ending October 31, 1984, from the Clerk of the Circuit Court.....report received and viled.

RE: TRAVEL REQUEST/PIGEON TOWNSHIP ASSESSOR

The following letter from Robert T. Dorsey, Pigeon Township Assessor, re travel request was submitted by President Borries:

December 5, 1984

Board of County Commissioners
City-County Building
Evansville, IN 47703

Gentlemen:

I, Robert T. Dorsey, Pigeon Township Assessor, request permission and approval for myself and two (2) deputies to attend the Annual Assessors' Conference on January 23, 24 and 25, 1985, and to be reimbursed for expenses for same as set out by the State Board of Tax Commissioners. (See enclosed copy.)

Sincerely yours,

Robert T. Dorsey
Pigeon Township Assessor

Motion to approve Mr. Dorsey's request was made by Commissioner Willner, with a second from Commissioner Cox. So ordered.

RE: CERTIFICATES OF INSURANCE

Atlas Van Lines, Inc. Employment Club: Christmas Party in Gold Room at Vanderburgh Auditorium on December 14th.

General Foods Corporation & Subsidiary, et al: Christmas Party in Good Room at Vanderburgh Auditorium on December 22nd.

Southwestern Indiana Regional Council on Aging, Inc.: Activity in Gold Room at Vanderburgh Auditorium on December 12th.

(continued)

Vanderburgh County Medical Society, et al: Limited Products Endorsement - Limited to Advertising Material distributed by the insured.

RE: CLAIMS

The following claims were submitted for approval:

Evansville-Vanderburgh County Building Authority: Claim in the amount of \$557,782.50 for County of Vanderburgh Additional Rental (due December 31, 1984) for first six (6) months of 1985. Claim in the amount of \$337,306.50 for County of Vanderburgh Fixed Rental (due December 31, 1984) for first six (6) months of 1985 (check for this claim to be made payable to The National City Bank of Evansville, Trustee). County Auditor Alice McBride advised that these claims cannot be paid in 1984; but these are the first claims they pay in any given New Year. The claims can be approved, but not paid until 1985. Commissioner Willner asked Mrs. McBride if the figures are correct as shown? Mrs. McBride said that the figures will be checked by Gloria Evans in the Claims Department prior to paying said claim.

David L. Jones/County Attorney: Claim in the amount of \$2,220.00 for legal services rendered re various matters during the month of November, 1984. Commissioner Borries said the various litigation matters are itemizedhe does not know whether there are available funds to pay said claim. Motion was made by Commissioner Willner that claim be paid, subject to available funds. A second to the motion was provided by Commissioner Cox.

General Sheet Metal: Claim in the amount of \$20.50 for refund on Building Permit #9126V (cost was incorrectly figured). Said claim has been approved by Jesse Crooks of the Building Commission. Motion to approve claim was made by Commissioner Willner, with a second from Commissioner Cox. So ordered.

RE: SCHEDULED MEETINGS

2:30 p.m. Tuesday, December 11th - Chamber of Commerce meeting re highway presentation (Indiana Highway Association) - Press Conference

Wednesday, December 12th - Hillcrest Home Advisory Board Meeting

Thursday, December 13th - Metropolitan Evansville Progress Committee

RE: TAX TITLE DEEDS

President Borries presented the following Tax Title Deeds, which had been submitted to the Board of Commissioners. He requested that the record reflect receipt of same, with notification that said deeds had been referred to the County Assessor for appraisals:

11-25-24-8-16	660 E. Illinois
11-9-21-77-9	907 S. Garvin
11-9-21-74-30	806 S. Governor
11-9-21-72-23	201 Judson
11-9-21-70-13	26 Powell
11-6-21-43-5	1123 Chestnut
11-6-21-42-8	1015 Cherry
11-5-21-28-17	502 Olive
10-5-18-56-11	3105 Claremont
9-72-17-124-14	Covert Avenue
5-2-7-75-27	Melody Lane
* 12-3-34-96-11	Improvement Only in Sec. 4-6-10

*A payment of \$2,787.91 was made on 9-7-84, which was the amount of Spring Taxes 1984.

Motion was made to ask the County Assessor to appraise County properties now ready for tax sale by Commissioner Willner, with a second from Commissioner Cox. So ordered.

RE: EMPLOYMENT CHANGES - RELEASES

County Recorder

Sharon Oates

517 Monroe

Misc. Dep.

\$10,760/Yr. Eff: 12/3/84

(continued)

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COUNTY COMMISSIONERS
December 10, 1984

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Clerk of Circuit & Superior Courts

Marilyn Hess 7500 E. Chandler Dep. Clk. \$412.26/Pay Eff: 12/10/84

RE: EMPLOYMENT CHANGES - APPOINTMENTS

County Recorder

Suzanne Wagner 3208 Folz Lane Mis. Dep. \$10,760/Pay Eff: 12/3/84

Clerk of Circuit & Superior Courts

Marie Pickens 4406 Bernice Dr. Dep. Clk. \$412.26/Pay Eff: 12/10/84

Superior Court

Marilyn Hess 7500 E. Chandler Clk. Asst. \$10,972/Yr. Eff: 12/10/84

There being no further business to come before the Board of Commissioners at this time, President Borries declared the meeting adjourned at 4:20 p.m.

PRESENT:

COMMISSIONERS

COUNTY AUDITOR

COUNTY ATTORNEY

Richard J. Borries
Robert L. Willner
Shirley Jean Cox

Alice McBride

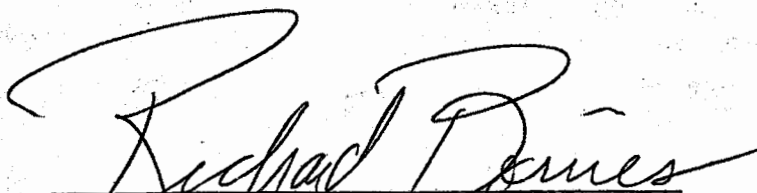
David V. Miller
David L. Jones

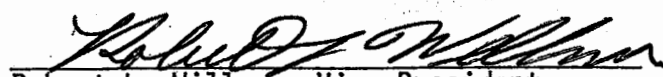
OTHER

Janet Lindholm, Chamber of Commerce
Bill Jeffers, Chief Deputy Surveyor
Andy Easley, County Engineer
Bill Bethel, County Highway Supt.
Ed Johnson, Attorney
Albert Umbach
George Helfrich
Marion Marx
Robert Reid
Mr. Funky
Jesse Crooks
News Media

SECRETARY:

Joanne A. Matthews


Richard J. Borries, President


Robert L. Willner, Vice President

Shirley Jean Cox, Member

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MINUTES
COUNTY COMMISSIONERS' MEETING
DECEMBER 17, 1984

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MINUTES
COUNTY COMMISSIONERS' MEETING
DECEMBER 17, 1984

The Board of County Commissioners met in session on December 17, 1984 at 7:30 p.m. in the Commissioners' Hearing Room, with President Borries presiding.

The Chair entertained a motion concerning approval of the minutes of the meeting held on Monday, December 10th. Motion was made by Commissioner Willner that the minutes of subject meeting be approved as engrossed by the County Auditor and the reading of same be waived. Motion was seconded by Commissioner Borries. So ordered.

It was noted by President Borries that Commissioner Shirley Jean Cox is on vacation until after Christmas.

RE: REZONINGS

VC-16-84; Petitioner, Arthur E. Happe: Property is located at 4619 New Harmony Rd. and is presently zoned R-1 (non-conforming). Requested change is to R-3. Owner currently has 10-unit apartment building on the property and wishes to convert this to a 12-unit apartment. Under the current zoning, apartment complex cannot be expanded. It was noted the conversion to 12-units would involve interior renovation only. There being no further discussion, motion was made by Commissioner Willner that VC-16-84 be approved on First Reading and forwarded to the Area Plan Commission. A second to the motion was provided by Commissioner Borries. So ordered.

VC-15-84; Petitioner, C.A. Frank: This rezoning petition had been scheduled for Third Reading at tonight's meeting. However, President Borries said this matter has been postponed and will possibly be heard in January, 1985.

RE: AREA PLAN COMMISSION/RECOMMENDATION RE SIDEWALKS, CURBS & GUTTERS IN KEMPf ROW AND SCHAPKER'S SUBDIVISIONS

President Borries said that the County Commissioners have voted to ask the Area Plan Commission to consider on a case-by-case basis whether or not sidewalks would be used in certain areas where now a change in the Subdivision Ordinance might require sidewalks. However, the Commission can vote to waive that requirement.

Kempf Row: Motion was made by Commissioner Willner that the requirement for sidewalks, curbs and gutters be waived on Kempf Row Subdivision. A second to the motion was provided by Commissioner Borries. So ordered.

Schapker's Subdivision: Motion was made by Commissioner Willner that the requirement for sidewalks, curbs and gutters be waived for Schapker's Subdivision. A second to the motion was provided by Commissioner Borries. So ordered.

RE: SEWER PROJECT IN BROWNING ROAD ESTATES

President Borries said he understands that Mr. Bill Wittekindt will not be present at tonight's meeting and asked if Commissioner Willner has a report on this matter? Commissioner Willner said that three to four years ago Mr. Bill Wittekindt came before the Commissioners, asking to put a sewer down Browning Road from Oak Meadow Subdivision to Browning Road Subdivision. The Commissioners granted him permission at that time and he wanted to know if that still held? Commissioner Willner advised him that it did. Therefore, he will not be present for tonight's meeting.

RE: COUNTY ATTORNEY - DAVID JONES

Attorney Jones said he had received some information regarding potential claims against Johns-Manville Co. and its various subsidiaries. Johns-Manville is a primary producer of asbestos and asbestos products. Because of the number of suits brought against them -- these so-called asbestos claims -- they have taken a form of bankruptcy to discharge or bring together all potential claims that are out there. We have received information (as have other units of government around the state) where any city or county buildings that have friable asbestos in them (which is an adjudicated health hazard), the claims can be filed in this proceeding in order to recoup a part of the cost of removing the asbestos or what they call incapsulation of the asbestos. The

(continued)

problem is that we have to determine whether or not you have that type of asbestos, have it tested, and have a rather detailed claim filed on or before January 31st of this coming year. Attorney Jones said he doesn't know anybody that can say off the top of their head whether or not we have that sort of asbestos. He doesn't know whether we can even find that out between now and then. But he is sharing this information with the Board for whatever it is worth.

President Borries said that "friable asbestos" sounds pretty serious to him. Commissioner Willner suggested turning the matter over to the Building Superintendent, Jim Lindenschmidt, and ask that he check the Washington Children's Home, the Vanderburgh Auditorium, the Old Coliseum, the Old Courthouse insofar as this (Civic Center) building is concerned, a copy could be provided to Mr. Gil Ruston so he could investigate this facility. Attorney Jones said there is a test which can be done -- how long it takes to get all of that information together is the problem. He would think that among the people to be contacted would be Jesse Crooks, Gil Ruston, any former County Building Superintendent, etc.

Motion made by Commissioner Willner that Mr. Jim Lindenschmidt be responsible for checking the aforementioned buildings to determine whether there is any of that particular type of asbestos in said buildings and report back to the Commissioners. A second to the motion was provided by Commissioner Borries. So ordered.

Transient Merchants' County License: Attorney Jones said he also wanted to call the Commissioners' attention to a very excellent, outstanding job done by the Auditor's office (Joanne Matthews and Alice McBride, in particular) in designing a new Transient Merchants' License Form and Application to meet the changes in the law. For non-lawyers, they did a pretty fair job of it -- he thinks it's excellent. It's outstanding and he doesn't think you'd find a better setup anywhere; he doesn't see how you could. It's very thorough. He has reviewed and approved the form. Attorney Jones said he thinks we will see a bunch running in to obtain a license. The Prosecutor's indicated that he intends to enforce that law. President Borries said this law might apply to the fellow he saw out on Green River Road this past Sunday who looked like he was selling Cabbage Patch dolls from his van! Attorney Jones said it would apply, unless the fellow "grew" the dolls.

RE: BURDETTE PARK

The following Financial Report was presented by Mark Tuley, Manager/Burdette Park:

1984 STARTING BUDGET

1984 Budgeted	\$ 396,037.00
1983 Encumbered	6,301.54
1983 Encumbered by Contract	70,547.44
1984 Additional Appropriation	<u>12,000.00</u>
Total 1984 Budget	\$ 484,885.98

EXPENDITURES & BALANCE 1/1/84 to 11/30/84

Total Expenditures	\$ 436,593.06
Total Balance	\$ 48,292.92

INCOME 1/1/84 to 11/30/84

Pool	\$ 70,209.00
Rink	34,122.06
Rentals	61,281.02
Misc.	<u>9,715.47</u>
Total	\$ 175,327.55

11/30/84

Total Expenditures	\$ 436,593.06
Total Income	<u>175,327.55</u>

Total Deficit	\$ 261,265.51
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(continued)

All-Night Skate/New Year's Eve: On New Year's Eve, an All-Night Skate is planned beginning at 7:00 p.m. and ending at 7:00 a.m. on New Year's Day. Cost is \$3.00 per skater; this will be great for parents and children. Mr. Tuley said it looks as though they will have a full house -- and they're looking forward to this event.

Fencing for Ball Diamonds & New Dump Truck: Mr. Tuley said he will be back before the Board in a couple of weeks with some specs for approval for fencing for the Ball Diamonds and a new Dump Truck.

RE: COUNTY HIGHWAY - BILL BETHEL

Weekly Absentee Report: Mr. Bethel submitted the Weekly Absentee Report for Employees at the County Garage for period December 10th thru December 14th.....report received and filed.

Weekly Work Report & Work Schedule: Also submitted was the Weekly Work Report for employees at the County Garage for the same period.....report received and filed. Attached to the Work Report was the following Work Schedule:

Gradall: St. Joe Ave., Henze, Graff Rd., Golden Rule

Paved: Kembell Rd.

Patch: Green River Rd., Kuebler, Booker, St. Joe., St. Wendel Rd., Hillview, Newburgh Rd., W. Chapel Hill, Schutte Rd., McDowell Rd., Campbell and Walnut.

Grader: Motz Rd., Hilltop Rd., Victoria Lane, Ridgewood, Old Henderson Rd., Mann Rd., Bixler, Wallenmeyer, Golden Rule, Wright and Kneer.

Tree Crew: Upper Mt. Vernon, Nuebling, Huebner, Booker Rd.
Wash Trucks, Paver, Roller and Pug Mill...and put them up for the winter

In response to Commissioner's query, Mr. Bethel said that all the snow plows are on and the trucks are waxed and ready to go. Commissioner Willner said he doesn't know how Mr. Bethel and his crew do what they do.

Speed Limit Signs on Kuebler Rd.: Commissioner Willner said that Mr. Lindenschmidt had advised him that Commissioner Cox asked him to bring up the speed limit signs on Kuebler Rd., and asked him to report that they were in place as of last week. Mr. Bethel said they were put in place last Wednesday and torn down over the weekend and put back up again today. It was noted that we will need an Ordinance regarding these 35 MPH speed limit signs (as do we for other traffic signs posted) so it can be included in the upcoming Supplement to the Code of Ordinances. Mr. Lindenschmidt said the Code of Ordinances notes the speed limit on Kuebler Road currently as 45 MPH. At a previous Commissioners' meeting, it was recommended that it be changed to 35 MPH and the new speed limit signs posted. Attorney Jones noted that the new speed cannot be enforced until there is an ordinance and same is posted. Commissioner Willner asked that Mr. Lindenschmidt make a note to give to Andy Easley re Ordinance on speed limit on Kuebler Rd., so that can be done.

RE: COUNTY ENGINEER

President Borries said that County Engineer Andy Easley had another meeting tonight, so he doesn't know whether he will be back in time for tonight's Commissioners' meeting. He did, however, leave two items: One for the Commissioners' information and one which required the Commissioners' signatures. The first item was the following letter:

December 10, 1984

Mr. Richard J. Borries, President
Vanderburgh County Board of Commissioners
305 Civic Center Complex
Evansville, Indiana 47708

Re: Selection of Consulting Engineer for Reinspection of County
Bridges in Vanderburgh County

(continued)

COUNTY COMMISSIONERS
December 17, 1984

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Dear Mr. Borries:

This is to advise the County Commissioners that Mr. David Gerard and the undersigned have carefully reviewed the brochures and/or letters received from the consulting engineers who responded to the County's request for brochures from engineers who were interested in being considered to be retained to make a reinspection of bridges in Vanderburgh County.

It is recommended that the County Commissioners request the following engineering firms to submit a proposal to perform the bridge reinspection work:

Howard, Needles, Tammen and Bergendoff
Floyd E. Burroughs and Associates
United Consulting Engineers
Fink, Roberts and Petrie, Incorporated

The above firms were selected after a careful review of the qualifications and experience reflected in the material submitted to the County Commissioners.

If you have any questions, please contact the undersigned.

Very sincerely,

R. Andrew Easley, Jr.
Vanderburgh County Highway Engineer

cc: EUTS, Attn: Mr. David Gerard

President Borries said what we would be seeking in these proposals -- as has been our standard practice for several years now -- would be in terms of price for this inspection work. In accordance with the Ordinance passed, all minority firms were notified that were on State Lists (as we are required to do). Motion was made by Commissioner Willner that the four (4) companies recommended by Messrs. Easley and Gerard be asked to submit proposals for the bridge reinspection work. A second to the motion was provided by Commissioner Borries. So ordered.

The second item was a letter from Stephen M. Dilk, Area Engineer for the Indiana Department of Highways regarding the Lynch Road project (Creasey Company Warehouse Rail Car Door Modifications). Mr. Easley has reviewed this and is going to act as the Project Engineer for that modification. The letter included three (3) copies of the Lump Sum Agreement between the State and Vanderburgh County. All three copies are to be executed by the Commissioners, attested to by the County Auditor and notarized, before returning to the IDOH for execution. A copy of the completely executed agreement is to be returned to the County at a later date. It was also noted by President Borries that in order to finalize this project, R/W or an easement must be provided to allow the regulatory signs to remain in their present location....and documentation to this effect should be provided at our earliest convenience. The letter also states that the Marathon Service Station sign will have to be relocated. The County will have to bear the cost of moving the sign.

President Borries said that as he understands it, the lump sum fee would be \$12,500; with the County being responsible for 10% of that. President Borries passed the Agreement to Attorney Jones for his perusal and approval prior to the Commissioners' signing said Agreement. Having obtained Attorney Jones approval, Commissioner Willner moved that the Commissioners execute the Agreement. A second to the motion was provided by Commissioner Borries. So ordered.

RE: COUNTY SURVEYOR

There was no one present to represent the Surveyor's office. However, President Borries submitted copies of the Weekly Bridge & Guardrail Repair Report for period December 10th thru December 14th.

(continued)

COUNTY COMMISSIONERS
December 17, 1984

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RE: SPECIFICATIONS FOR ADVERTISING ON XEROGRAPHIC PAPER, CALCIUM CHLORIDE,
LIQUID ASPHALT AE-150 AND GUARD RAIL, ETC.

Motion was made that specifications be approved, as submitted, for advertising for bids on the subject matter. A second to the motion was provided by Commissioner Borries. So ordered.

It was noted by Commissioner Borries that these specs will be published and the bid opening will take place on January 7, 1985.

RE: SURPLUS COUNTY-OWNED LAW BOOKS

President Borries read the following correspondence concerning surplus county-owned law books:

December 3, 1984

Vanderburgh County Commissioners
Administration Bldg.
Civic Center Complex
Evansville, Indiana

Gentlemen:

I have as surplus property in my office a complete up-to-date set of Burns Indiana Statutes together with bound volumes of Indiana Attorney General's Opinions from 1969 thru 1978.

I would appreciate your directing me as to the disposition of the above law books. In my opinion the books have little, if any, market value.

Very truly yours,

William D. Stephens, Judge
Vanderburgh Superior Court

* * * * *

December 13, 1984

William D. Stephens, Judge
Vanderburgh Superior Court
Room #116 - Courts Bldg.
Civic Center Complex
Evansville, IN 47708

Re: Surplus Property

Dear Judge Stephens:

This acknowledges, with sincere thanks, your letter of December 3rd wherein you advised that you have (as surplus property) in your office a complete up-to-date set of Burns Indiana Statutes, together with bound volumes of the Indiana Attorney General's Opinions from 1969 thru 1978.

Please be advised that we would very much like to have these surplus materials for use by the Vanderburgh County Jail. If you will advise this office (426-5241) when you are ready, we will make arrangements to have said materials picked up and taken to the Vanderburgh County Jail.

Very truly yours,

Richard J. Borries, President
Vanderburgh County Board of Commissioners

(continued)

COUNTY COMMISSIONERS
December 17, 1984

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President Borries said these law books would be placed in the Library & Recreation area that has recently been completed and will be used by the inmates at the Jail. (Mr. Lindenschmidt noted that the books have already been picked up and delivered.)

RE: COMPUTER VOTING SYSTEMS

President Borries said that several weeks ago a meeting was set up by the County Commissioners to discuss with the Election Board the problems incurred with the voting system in Vanderburgh County during the recent election. At that time, the Department of Metropolitan Development offered its assistance to contact various people and to coordinate with the County Commissioners (who would have the final say) regarding selection or review of any equipment regarding the election. At this time, President Borries wants to enter into the record the first letter received from the DMD, as follows:

December 13, 1984

Mr. Rick Borries, President
Vanderburgh County Board of Commissioners
305 Civic Center Complex
Evansville, Indiana 47708

Dear Rick:

This is to appraise you of the status of the technical assistance requested of Metropolitan Development regarding computer voting systems.

To date, I have spoken with, or written to, the following individuals and organizations seeking information on computer voting, in general, and specific computer voting systems:

Helen Kuebler
Mr. Robert Whitehouse
The Secretaries of State for Indiana, Illinois,
Kentucky, Ohio, California and New York
The National Association of Counties
The League of Cities
The U.S. Conference of Mayors
Indiana Association of County Commissioners
Indiana Association of Counties
Mr. James Ries, President, MicroVote Corp.
(certified by State of Indiana)

In addition, I have requested a national data base research scan of periodicals, utilizing the facilities of Indiana State University, Terre Haute. This information arrived yesterday at ISUE. The specific contents are unknown to me, at this time. However, I am hopeful that the scan will provide a plethora of useful information.

I intend to contact representatives of IBM to pick their minds as to what systems are currently operative in other communities. Also, I will contact the Indiana Election Board and the heads of the U of E and ISUE computer centers for their expertise in this area.

At the moment, I am waiting for responses from my several requests. As the requested data is received, I will provide the Commissioners up-dated status reports. Of course, the Commissioners will receive a final report, with accompanying data, of my research.

With warm regards, I remain

Sincerely,

Larry M. Lazart
Administrative Assistant

President Borries said that as we receive communications from the DMD, we will enter

(continued)

those into the record. Personally speaking, President Borries said we definitely want to pursue this. The concerns voiced by the public on this particular issue and whether or not their votes count and will be counted in races -- is enough concern to us that we have to carefully review what is out there in regards to selection of a new system. Therefore, we will proceed with this.

RE: ACCEPTANCE OF STREETS IN OLD STATE SUB. SECTION I AND VALLEY DOWNS II

President Borries read correspondence from Mr. Sam Biggerstaff of Associated Land Surveyors and Civil Engineers, Inc., concerning acceptance of streets for maintenance in Valley Downs Sec. II and Old State Subdivision, Section I. It was determined that Messrs. Andy Easley and Bill Bethel should inspect said streets during the coming week and report back to the Commissioners, advising whether they recommend acceptance of said streets.

RE: HOLIDAY CLOSINGS - COUNTY OFFICES

The following schedule of county office closings for the Holiday Season was announced by President Borries:

Monday & Tuesday, December 24 and 25 (Christmas Eve & Christmas Day)
Monday & Tuesday, December 31 and January 1 (New Year's Eve & New Year's Day)

The next Commissioners' Meeting will be held on Wednesday, December 26th.

The first Commissioners' Meeting for 1985 will be held on Wednesday, January 2nd at 2:30 p.m.

RE: CERTIFICATES OF INSURANCE

Coronado Stone of Indiana, Inc.: Christmas Party to be held on December 21st in the Gold Room at the Vanderburgh Auditorium.

RE: OLD BUSINESS

President Borries said that he attended a meeting of the Hillcrest Advisory Board last week. He wants to personally respond to several different groups who have extended themselves to help the children at Hillcrest enjoy the Christmas Season and certainly commends their efforts. The children at Hillcrest will have a Christmas Party this coming Friday (December 21st).

Mr. Easley has contacted the IDOH regarding the S.R. 62 (Morgan Avenue) PROJECT and he will be in Indianapolis this coming Wednesday (December 19th) to meet with State Highway Officials re any kind of county participation concerning a bridge structure over Harper Ditch on that particular road. We can expect a report from him on that meeting.

RE: SCHEDULED MEETINGS

President Borries said the dates of the Commissioners' meetings for the last week of December and the first week in January, 1985 were announced along with the Holiday Closings for the county offices.

RE: CLAIMS

Kahn, Dees, Donovan & Kahn: Claim in the amount of \$560.00 for litigation work done by Mr. Patrick Shoulders for the county. Motion to approve claim for payment was made by Commissioner Willner, with a second from Commissioner Borries. So ordered.

Kahn, Dees, Donovan & Kahn: Claim in the amount of \$64.00 for litigation work done by Mr. Patrick Shoulders for the County. Motion to approve claim for payment was made by Commissioner Willner, with a second from Commissioner Borries. So ordered.

(continued)

Evansville-Vanderburgh County Building Authority: Claim in the amount of \$102,428.93. President Borries said this particular claim will provide the final portion of the county's share of the revised phone contract for the installation of our phones. Executive Assistant Jim Lindenschmidt has done an excellent job in coordinating the conversion. As in any large group when you're talking about phone bills that oftentimes from the county's portion alone run \$144,000 per year -- it has been a considerable task. These phones are indeed a state-of-the-art. Some of the main problems encountered at this point have been because employees simply have to educate themselves as to all that these phones can do -- and they can do a lot. Our portion of the phones is approximately 51% of the total phone useage of the entire complex -- and this \$102,428.93 will finish our obligations. The Building Authority (who has coordinated this) is still going to withhold 10% of any payment so that if there are any problems that do occur -- this retainage will be held until everything is satisfactory. Again, everything considered, the changeover has gone very smoothly. President Borries said that we are hopeful that the new system will reduce the county's portion of the bill by some \$4,000 per month. We are still going to have in-line charges from the Bell System or whoever handles the lines into the buildings. But insofar as the actual cost of the phones themselves, this will finish off the county's payment. Motion to approve claim was made by Commissioner Willner, with a second being provided by Commissioner Borries. So ordered. (It was noted that the county's total cost for phones was \$212,037.00.)

Helfrich Insurance Agency: Claim in the amount of \$500.00 (Work Release Program) for premium on accident policy. Motion to approve claim was made by Commissioner Willner, with a second from Commissioner Borries. So ordered.

Alice McBride/County Auditor: A Claim in the amount of \$76.82 for mileage to/from Indianapolis on November 30, 1984 in connection with Welfare Appeal. Motion to approve claim was made by Commissioner Willner, with a second from Commissioner Borries. So ordered.

RE: EMPLOYMENT CHANGES - RELEASES

Convention & Visitor's Bureau

Thomas S. Heaton 900 N. Fairlawn S&M Mgr. \$20,000/Yr. Eff: 12/17/84

RE: EMPLOYMENT CHANGES - APPOINTMENTS

Convention & Visitor's Bureau

Thomas E. Heaton 900 N. Fairlawn Exec. Dir. \$27,000/Yr. Eff: 12/17/84

Center Township

Janet R. Stucki 6640 Stucki Dr. P.T. \$ 30.00/Day Eff: 12/11/84

Burdette Park

Gary Weiler 4513 Buddy Rink Guard \$4.00/Hr. Eff: 12/8/84

There being no further business to come before the Board of Commissioners at this time, President Borries declared the meeting adjourned at 8:15 p.m.

<u>PRESENT:</u>	<u>COMMISSIONERS</u>	<u>AUDITOR</u>	<u>COUNTY ATTORNEY</u>
	Richard J. Borries Robert L. Willner	Pat Tuley, Chief Deputy	David L. Jones
	<u>AREA PLAN COMMISSION</u>	<u>COUNTY HIGHWAY</u>	<u>BURDETTE PARK</u>
	Beverly Behme	Bill Bethel	Mark Tuley

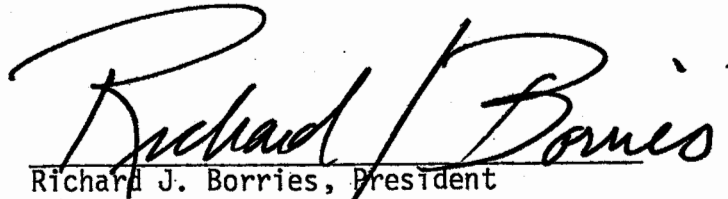
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COUNTY COMMISSIONERS
December 17, 1984

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SECRETARY: Joanne A. Matthews


Richard J. Borries, President


Robert L. Willner, Vice President

Shirley Jean Cox, Member

MINUTES
COUNTY COMMISSIONERS' MEETING
DECEMBER 26, 1984

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MINUTES
COUNTY COMMISSIONERS' MEETING
DECEMBER 26, 1984

The Board of County Commissioners met in session on December 26, 1984 at 2:30 p.m. in the Commissioners' Hearing Room, with President Borries presiding.

The Chair entertained a motion concerning approval of the minutes of the meeting held on Monday, December 17th. Motion was made by Commissioner Willner that the minutes of the previous meeting be approved as engrossed by the County Auditor and the reading of same be waived. Motion was seconded by Commissioner Borries. So ordered.

President Borries announced that there were a couple of changes in today's agenda. With regard to Item #4 (ISUE Student Government - Proposal on separation of ISUE from Terre Haute Campus) a representative from ISUE will not be present today. For the record, the Commission voted last year to support that particular resolution and he is certain they will do so again should the matter arise. Secondly, the Drainage Board meeting which was scheduled immediately following adjournment of the Commissioners' Meeting has been cancelled.

RE: POOR RELIEF/PIGEON TOWNSHIP

Annette Mabrey/915 Baker - Evansville, IN: The Chair requested the poor relief applicant to approach the podium, state her name, address and nature of her request. Applicant identified herself as Annette Mabrey of 915 Baker, Evansville, Indiana, and said she is seeking school book rental assistance. The Commissioners reviewed the appeal, which indicated that Mrs. Mabrey had been denied assistance because she had failed to go to the Trustee's office prior to the 21-day time limit. She said she received no notification to come in, based on a 21-day limit., so she felt she had been treated unfairly. She said she received an approval sheet, which she thought came from the Trustee's office but subsequently found out that it came from the school. A couple of weeks later, she received a denial from the Trustee's office because she did not come in within the specified 21-day period. However, she reiterated again that she had received no notification to come in within a 21-day period. She called the Trustee's office and was advised by Mr. Goff that there was nothing she could do. She subsequently found out via a friend and neighbor that she could appeal her decision. The Trustee's office had not told her she had the right to appeal. She said the Trustee's office has no copies of sending her anything, not even the denial.

The Commissioners reviewed the Pigeon Township Trustee's Guidelines, and noted a discrepancy in that the Guidelines show a 15-day limit, while the form utilized for school book rental assistance specifies a 21-day limit. Commissioner Borries asked Mrs. Mabrey if she made application for assistance via the principal's office where her children attend school? She said she did and was given approval by the school. She did not keep that letter, because she saw no reason to keep it since she had been approved. Mrs. Mabrey said the approval she received said nothing about appearing in person at the Trustee's office and never at any time was she told to go to the Trustee's office within a specified period of time. President Borries noted that the information in the Guidelines needs to be changed, because it states 15-day limit, whereas the form states a 21-day time specification. Mrs. Mabrey said her children attend Delaware School. When she applied for school book rental assistance, no one was present at the time. They merely had a table set up, with the papers available to be filled out and left at said table. She subsequently received the approval letter.

Mr. Bill Goff was present to represent the Pigeon Trustee's office. He said that Mrs. Mabrey came into the Trustee's office on December 17th and was disallowed school book rental assistance because notice had been sent to her on the 16th that assistance had been disallowed. Mrs. Mabrey told the investigator that she had not received the notice to come into the office within the 21-days, although she did receive the denial letter. Since she did not receive the earlier communication, he does not know how she received the denial letter. He denied the assistance because of the 21-day limitation. Commissioner Willner reviewed documents provided by Mr. Goff and asked Mrs. Mabrey to approach the table to see if she could recall receiving a similar document. She said she had not. Commissioner Willner noted the address was 207 E. Iowa Street. Mrs. Mabrey said she had not lived on Iowa Street since last year. Commissioner Willner said that herein lies the problem. It was his recommendation that the case be referred back to the Trustee's office for further clarification. Mrs. Mabrey said that when completed the papers at the school, she showed the 915 Baker Street address. Mr. Goff said the Iowa Street address was what they were given by the School Corporation. Mrs. Mabrey said she lived at the Iowa Street address last year when she applied for school book rental assistance. Mr. Goff asked that Mrs. Mabrey come to the Trustee's office again on January 3rd, and he will talk with the school on January 2nd.

(continued)

COUNTY COMMISSIONERS
December 26, 1984

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Commissioner Willner told Mrs. Mabrey to let the Board know if she had further difficulties.

RE: COUNTY HIGHWAY DEPARTMENT - BILL BETHEL

Weekly Absentee Report: The Absentee Report for the employees at the County Garage for period December 17th thru December 21st was submitted.....report received and filed.

Weekly Work Report & Schedule: The Weekly Work Report for employees at the County Garage for the same period was submitted.....report received and filed. Attached to the Work Report was the following Work Schedule:

Gradall: Golden Rule Rd. All week.

Patched: Campbell Rd., McDowell Rd., Schutte Rd., Oak Hill Rd., St. Joseph Ave., St. Wendel Rd., Dusseldorf Rd., Twickingham Rd., Nurrenbern Rd., Still Meadow Est., River Rd.

Tree Crew: St. Wendel Rd., and Nuebling Rd.

Grader: Baehl Rd., Schmott Rd., Sensmeier Rd., Eisterhold Rd., Seminary Rd., Shore Rd., Bixler Rd., Happe Rd., Long Rd., King Rd., Lynn Rd., and Green River Rd.

Haul Fill: Golden Rule Rd., Two (2) trucks all week.

Trash Crew: Mill Rd., St. Joseph Ave., Mesker Park Dr., Lynn Rd., Darmstadt Rd., Old State Rd., and Hirsch-Peters Rd.

Rocked: Kneer Rd., Baehl Rd., Bixler Rd., and Sensmeier Rd.

Oil Roads: Lynn Rd., River Rd., and Old Green River Rd.

Commissioner Willner asked Mr. Bethel if he has any barricades out at this point? He responded that he did, as the river is coming up unbelievably fast. It is supposed to crest today, he believes. River Road and South Weinbach are covered, as are the bottoms.

RE: COUNTY SURVEYOR - ROBERT BRENNER

Bridge & Guardrail Repair Report: The Bridge & Guardrail Repair Report for period December 17th thru December 21st was submitted.....report received and filed.

Mr. Brenner said the main reason he attended the meeting today was to respond to the report given by Mr. Andy Easley, County Highway Engineer, concerning the bridge over Harper Ditch on S.R. 62 (Morgan Avenue). Mr. Brenner said that what Mr. Easley is going to be telling the Commissioners is that the State is insisting that there be the 3-span bridge over Harper Ditch, saying that it is a requirement of the Dept. of Natural Resources. Mr. Brenner violently disagrees and says this will be a major expenditure of monies, that shouldn't have to be. He would recommend the Board of Commissioners take it to the Governor (for whom the Dept. of Natural Resources works)-- he'd just as soon start at the top and work down -- because the bridge fund is not that solvent. He said they estimate \$150,000. But by the time it is in, Mr. Brenner estimates it will be \$2 million to \$2½ million.....as opposed to the \$50,000 estimated to expand the culvert that is already there.

Capella Ave. & Polaris Avenue/Culverts: Commissioner Borries had asked him to check out these two areas. They do have a culvert problem. They drain into a swamp in Warrick County. The culverts are the same height as the swamp -- it is backed in there. He said the first the surveyor's office does when they get a request for culverts is to check to see if it is a county-accepted road. These were subdivided in 1957, but nowhere do they find that they have been accepted. Commissioner Borries said we're going to have to do some research here on finding if there are any records. From what Mr. Brenner has been able to determine, there are none. The gentleman who called Mr. Borries said there had been some drainage complaints in that area and Warrick County has done some work on Williams Ditch and added a culvert at Outer

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Pollack Avenue and Staser Rd., in Warrick County. Mr. Brenner said the swamp is still standing.....the trees are all standing in about two (2) feet of water and this is what is surrounding the gentleman's house. The ditch is full of water and it will be full of water because it is exactly the same height as the swamp - whether or not he cleans the culverts, it will remain. Mr. Borries asked if the ditch is a legal drain? Mr. Brenner said it is not. Mr. Brenner said he believes the gentleman is going to do something about that ditch at his expense. Commissioner Borries said he appreciated Mr. Brenner's going out to check out the problem and we're going to have to do some research to determine whether or not these are county-accepted roads. Commissioner Willner said that about 5-6 years ago, the County did some research from all the minutes and brought them up to date -- it was when Judge Swain was County Attorney. The copy that the Commissioners have, the copy in Mr. Brenner's possession and the copy the County Highway has should be the same -- and it is as up to date as you can get it. Commissioner Willner asked Mr. Bethel if he knows about Capella? Mr. Bethel said it is a road; and it does not say when it was accepted or anything like that. Commissioner Willner stated that it is a public easement that has never been accepted. Mr. Brenner said there are a unbelievable number of those roads that you would normally assume to be county roads which are not.....and it would be to the Commissioners' benefit to redo the study. Commissioner Willner said we don't even know of them. If someone subdivides a piece of ground it can go thru the process and never reach the Board -- if they are going to take the roads under their private maintenance, etc. Mr. Brenner said they can go thru and tell the Board what each one is.....whether it has been state-accepted, county-accepted or whatever. They really should bring this thru the minutes of a Commissioners' meeting. They made a list for the Sheriff's Department --so they do have a name for each road.

RE: COUNTY HIGHWAY ENGINEER - ANDY EASLEY

Mr. Easley said that he made a report to each of the Commissioners about his trip last week to Indianapolis. He brought back a set of the plans given to him on the road improvement. The State is going to do some verification of their design, but it would appear that according to their calculations that this 3-span bridge is required to satisfy the criteria that they have to live with -- meaning the Department of Natural Resources. They questioned the condition of the bridge because of the salt damage it has suffered...or rather, the bridge culvert. They think that if you take away the riprapping and the demolition, that our obligation could be \$150,000. But they are supposed to contact Mr. Easley and let him know whether or not it could be done with a multiple-span box culvert. But they had several reasons they thought it would be more concrete and more expensive. Commissioner Willner asked if this were Mr. Easley's suggestion? He said he suggested they try to see if this would be less expensive. His past experience has been that for such a small flow (and he believes there is a multiple-box culvert under Burkhardt at Morgan, built several years ago) that when you get into two or three 10' x 10' openings there are some problems with maintaining the flow in that creek. You have to dam up a creek to build a box culvert -- it does have problems. In some streams you can construct a box culvert cheaper than you can construct a bridge. But the flow into the subject creek is limited by pipes. They said that their permit from the Dept. of Natural Resources was granted on a 1300 cfs that was computed....and they have to get along with the Dept. of Natural Resources. And they insist that the existing structure has been damaged by the salt. Commissioner Willner asked Mr. Easley if they gave indication of when that study would be made and when they would let Mr. Easley know? Mr. Easley said he would hope to hear from them within the next ten (10) days. He doesn't think it will take them very long. And they hope to have this project on letting in February. Commissioner Willner asked Mr. Brenner if it is his opinion that he would like for the Department of Natural Resources to come down and inspect that bridge with him? Mr. Brenner said they won't come down. The current culvert has never flooded. It floods from backwater from the creek, but it has never backed up. History tells you that it is not going to flood; the water can't even get to it. Commissioner Willner queried Mr. Brenner about his recommendation? Mr. Brenner said he doesn't think we should just roll over that easily. He believes discussions should continue. With regard to the salt damage the structure may have incurred, Mr. Brenner said they have inspected the structure and cannot see any salt damage. Commissioner Willner asked if Mr. Brenner would recommend that it be replaced with another structure like that? Mr. Brenner said that if it were damaged, he'd put another layer of concrete on top of it and extend the box. Commissioner Willner asked if Mr. Brenner understands why the State isn't using Federal money on Morgan Avenue? Because they do not want to adhere to Federal specs? Mr. Brenner said this is correct....probably on driveways, etc. They are using all State money; yet they want to build a Cadillac bridge. Commissioner Willner said he

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thinks it's time we need to tell them how much money we will give and let them put the bridge they want there. Therefore, he recommends that the Commissioners, the County Engineer and the County Surveyor meet on site on Wednesday, January 2nd at 12:30 p.m. to inspect the bridge.....just prior to the Commissioners' meeting scheduled at 2:30 p.m. Commissioner Willner asked who is a good salt expert in the county -- one of the concrete companies? He suggested that Mr. Brenner invite one. Mr. Brenner agreed to invite the salt expert from M&W Concrete Pipe & Supply, Inc. to meet on site with the aforementioned.

RE: COUNTY PROPERTY & LIABILITY INSURANCE COVERAGE FOR 1985

President Borries said that the Board of Commissioners has met with Mr. John Hodge, our agent of record concerning the county's property and liability insurance coverages for 1985. They have examined same and Mr. Hodge's comments indicate that we are going to -- we had a decision regarding our umbrella liability coverage -- and the purpose of that particular coverage is to protect the county from exposures not contemplated by underlying policies. Based on what Mr. Hodge has recommended and what the Board has discussed, it has been agreed that that coverage would be \$1 million for 1985 rather than \$5 million. President Borries said there are bond claims, insurance binders for the various policies, business auto policies, institutional policies, bonds in various areas, etc. Commissioner Willner suggested that Commissioner Borries explain on the bond issue that the reason the bond is so much higher this year is because the State has updated the bonding capacities of the Treasurer, the Auditor, etc. President Borries read the following letter from Mr. Hodge:

December 26, 1984

The Board of Commissioners
of the County of Vanderburgh
305 Civic Center Complex
Evansville, Indiana 47708

Gentlemen:

Enclosed are invoices for Public Official Bonds for the Treasurer, and Chief Deputy Treasurer for 1985.

You will note that the bond amount, \$300,000, is higher than in the past. This new bond amount is required according to the requirements of House Bill 2005 which passed the State Legislature effective September 1, 1981. This law becomes effective with the term of office beginning January 1, 1985, and specifies the high bond limits for Treasurers, Trustees, and various other office holders.

I am available to discuss any bond or insurance matter with any appropriate county office holders. Call any time.

Very truly yours,

HELFRICH INSURANCE AGENCY

John D. Hodge

Claim in the amount of \$1,678.00 covering public official bonds, as follows, was submitted:

Roy Patrick Tuley - Treasurer - \$300,000	\$938.00
Wayne Pasco - Chief Dep. Treas. 300,000	620.00
Bob Steele - County Recorder 8,500	30.00
Charles R. Althaus, County Coroner 8,500	30.00
Richard R. Woods, Deputy Coroner 8,500	30.00
Widdie J. Hall, Deputy Coroner 8,500	30.00

Motion to approve claim for payment was made by Commissioner Willner, with a second from Commissioner Borries. So ordered.

Other claims approved upon motion from Commissioner Willner, with a second from Commissioner Borries --with instructions that secretary stamp said claims approved -- covered the following:

(continued)

Property Boiler
Watercraft
Workers' Compensation
General Liability (which covers crime, inland marine activities, business auto policies, non-owned aircraft, public officials liability --which has been discussed -- law enforcement professional liability and the umbrella liability)

Commissioner Willner noted that there is discussion on the auto and aircraft liability insurance and they would be subject to change.....but the Board does want them in place for January 1, 1985. Commissioner Borries said he wants to commend John Hodge for his research. He does an excellent job of examining all the alternatives and looking at ways in which all our coverage is up to date. (All of the foregoing were handed to Mr. Jim Lindenschmidt for handling and resubmission next week.)

RE: CERTIFICATES OF INSURANCE

J. H. Rudolph & Co., Inc.: Insurance Binderreceived and filed.

RE: CLAIMS

Ashby-Rauscher Agency, Inc.: Claim in the amount of \$88.00 for bond for Helen Kuebler. Motion to approve claim was made by Commissioner Willner with a second from Commissioner Borries. So ordered.

Ashby-Rauscher Agency, Inc.: Claim in the amount of \$30.00 for bond for Alvin E. Stucki, Center Township Assessor. Motion to approve claim was made by Commissioner Willner, with a second from Commissioner Borries. So ordered.

Evansville-Vanderburgh County Bldg. Authority: Claim in the amount of \$672.00 for labor to install six (6) computer cables to Court Bldg. (1 each to Judge Swain, Judge Brune, Judge Dietsch, Judge Stephens, and Judge O'Connor and Judge Shepard). Motion to approve claim was made by Commissioner Willner, with a second from Commissioner Borries. So ordered.

Pitney Bowes: Claim in the amount of \$417.00 for meter rental on County Postage Machine for period 1/16/85 thru 1/16/86. Motion to approve claim was made by Commissioner Willner, with a second from Commissioner Borries. So ordered.

Claims given to Jim Lindenschmidt for "hold" until Commissioners' meeting on January 2, 1985 included multiplexers for the Prosecutor's office (which insure confidentiality on computer system, etc.) and other public official bonds.

RE: EMPLOYMENT CHANGES - RELEASES

Center Township Assessor

Anna Mae Wolf	3124 W. Maryland St.	Off. Dep.	\$412.26/Pay	Eff: 12/31/84
Janet R. Stucki	6640 Stucki Drive	Off. Dep. P/T	\$30.00/Day	Eff: 12/31/84

Burdette Park

Dorothy Lindsey	1625 Delmar	Rink Cashier	\$4.50/Hr.	Eff: 12/5/84
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Circuit Court

Julie Wittman	7377 Acorn Drive	Intern	\$3.35/Hr.	Eff: 12/5/84
Kevin Gibson	809 E. Hunter/Blmgton.	Intern	\$3.35/Hr.	Eff: 12/28/84
Christopher Carl	10140 S.E. Browning	P/T Bailiff	\$3.35/Hr.	Eff: 12/28/84

Clerk of Circuit & Superior Courts

Grace Wohlhueter	1806 Conlin	Dep. Clk.	\$452.30/Pay	Eff: 1/1/85
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(continued)

COUNTY COMMISSIONERS
December 26, 1984

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RE: EMPLOYMENT CHANGES - APPOINTMENTS

Clerk of Circuit & Superior Courts

Tina Preske 2202 Evanston Dr. Dep. Clk. \$452.30/Pay Eff: 1/1/85

Center Township Assessor

Janet R. Stucki 6640 Stucki Dr. Off. Dep. \$452.31/Pay Eff: 1/1/85
Anna Mae Wolf Off. Dep. P/T \$ 30.00/Day Eff: 1/1/85

Burdette Park

Dorothy Lindsey 1625 Delmar Rink Cashier \$5.00/Hr. Eff: 12/5/84

Circuit Court

Michael Lee Seger 1530 Brentwood Intern \$ 3.35/Hr. Eff: 12/3/84

Circuit Court

Debra Kaye Hayden 505 Court Street Intern \$ 3.35/Hr. Eff: 12/17/84
Kevin Gibson 809 E. Hunter/Blmgtn. Intern \$3.35/Hr. Eff: 12/17/84
Christopher Karl 10140 S.E. Browning P/T Bailiff \$3.35/Hr. Eff: 12/20/84

RE: HOLIDAY CLOSINGS - COUNTY OFFICES

President Borries announced that all County offices will be closed on Monday and Tuesday, December 31st and January 1st, respectively for the New Year Holiday.

RE: SCHEDULED MEETINGS

12:30 p.m. - Wednesday, January 2nd - Commissioners, County Highway Engineer, County Surveyor and representative from M&W Concrete Pipe & Supplies to meet at Morgan Avenue Bridge site.

2:30 p.m. - Wednesday, January 2nd - Board of Commissioners will hold its weekly meeting - the first of the New Year.

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

PRESENT:

COMMISSIONERS

Richard J. Borries
Robert L. Willner

COUNTY HIGHWAY

Bill Bethel

AUDITOR

Pat Tuley
Chief Deputy

COUNTY
ENGINEER

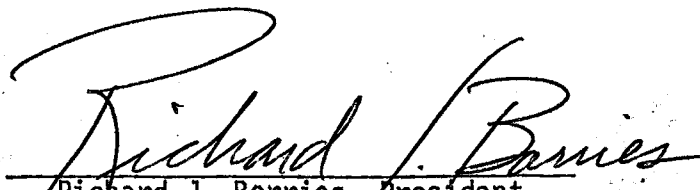
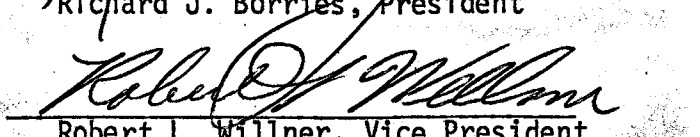
Andy Easley

COUNTY
SURVEYOR

Andy Easley

SECRETARY:

Joanne A. Matthews


Richard J. Borries, President

Robert L. Willner, Vice President