

**Vanderburgh County  
Board of Commissioners Meeting  
October 28, 1996**

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**Vanderburgh County  
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The Vanderburgh County Board of Commissioners met in session this 28th day of October, 1996 in the Commissioners' Hearing Room of the Civic Center Complex at 5:38 p.m. with President Patrick Tuley presiding.

**Introductions and Pledge of Allegiance**

President Tuley: Okay, we'll call the Vanderburgh County Commissioners meeting to order for Monday, October 28. As a point of introductions if you would, to my far right is Cindy Mayo, who is the Superintendent of County Buildings and our office manager; to her immediate left is Alan Kissinger, the County Attorney; to my immediate right is Rick Borries, County Commissioner; to my immediate left is Richard Mourdock, County Commissioner; to Richard's immediate left is Bill Fluty, who is the Chief Deputy County Auditor; and then to his immediate left is Charlene Timmons, who is the Recording Secretary, who will be taking the minutes of this meeting and providing us the written minutes for future verification. If you would, please stand with us and say along as we say our Pledge of Allegiance.

**Approval of minutes**

President Tuley: Okay, we have several items on the agenda tonight. The agendas are along the wall for anybody that would like to pick one up and follow along. The first item on the agenda is the request for approval of the minutes from last Monday's meeting of October 21, 1996.

Commissioner Mourdock: I'll move approval of the Vanderburgh County Board of Commissioners meeting minutes from October 21, 1996.

Commissioner Borries: Second.

President Tuley: So ordered.

**Certification of Executive Session**

President Tuley: Item 4B is the certification of the Executive Session. For the record there was an Executive Session held prior to this meeting. Items discussed were pending litigation, personnel matters and contractual negotiations. No official action was taken. That covers it, Alan, right?

Alan Kissinger: Yeah.

President Tuley: That covers it, okay.

**Eric Schwenker - Oak Hill/Bexley Court Area**

President Tuley: Mr. Schwenker, in reference to the Oak Hill/Bexley Court sewer project.

Eric Schwenker: Good evening, ladies and gentlemen. I am back with you again. I just brought that for reference in case anybody would like to be reminded of what we are talking about. I did receive a copy of the Barrett Law funding procedures. As I called and told Mr. Tuley, I wanted to come tonight to get clarification or an interpretation or whatever it is that is necessary insofar as the

information that must be furnished to the County Commission in order for them to initiate the project of installing a sewer. The Barrett Law funding procedures in Preliminary Resolution, Number One, Subparagraph B, bravo, contents of Preliminary Resolution it says:

"In addition to preliminary resolution, certain other documents must be on file with the Board of Commissioners at the time that the preliminary resolution is adopted. These other documents consist of cross sections, general plans and specifications for the work."

That was in quotes. This means that the general engineering plans for the proposed improvement must have already been prepared and must be submitted no later than the date on which the preliminary resolution is considered for adoption. I am assuming that it must be prepared by someone other than the people whom the County Commission would contract for in order to accomplish said sewer project?

Alan Kissinger: You are assuming correctly, however, you do not have to have a completed engineering plan. It will be general and there will be estimates with the understanding that until you have the resolution you are not going to go out and spend the kind of money that is going to be necessary for a final engineering plan.

Eric Schwenker: Splendid, sir, that is the answer that I was hoping that I would get. We have already submitted a formal estimate of costs for this sewer project made by Morley & Associates dated last February, so it is over six months old. We have submitted a copy of this to you good folks which I hope you have in your file along with a copy of the print of the proposed sewer layout prepared by Morley & Associates. If that is sufficient to initiate the procedures, then I would like to find out what I must do next or what we must do next out on Oak Hill Road in order to have this project proceed?

Alan Kissinger: We have an...how shall I say this? We have a designated expert in this area. He is one of the Assistant County Attorneys. His name is Keith Rounder and if you wish to contact him he is the one actually that prepared the document that you are working from there. I think Keith can tell you if there is anything additional that needs to be done and if there is not I would assume then it is time for the county to go ahead and consider a resolution.

Commissioner Mourdock: Would it be appropriate, and I don't recall how we did this before, did Keith actually draft that resolution?

Alan Kissinger: I think he may have drafted a sample resolution for us, yes.

Commissioner Mourdock: I think he did, too.

President Tuley: That's attached.

Commissioner Mourdock: That would be available.

Commissioner Borries: It may be attached back here.

President Tuley: It is, Exhibit A.

Commissioner Mourdock: I was thinking that I had seen one.

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Eric Schwenker: Yes, there is one, Exhibit A, the very last page.

President Tuley: Alan, could we not have Cindy just give Keith a call?

Alan Kissinger: Sure.

President Tuley: And just explain that Mr. Schwenker has presented that and what is the next step? Is it up to us? If it is not up to us if there is something else that he needs to do then Cindy could get in contact with Mr. Schwenker.

Alan Kissinger: Okay. Yeah, that would certainly be fine and then, Mr. Schwenker, you could talk with Ms. Mayo here in our office after she has talked to Mr. Rounder.

Eric Schwenker: Okay, splendid. If anyone needs anymore copies of either the engineering estimate or the print I would be glad to furnish them.

President Tuley: I was going to say, in the essence of time would you mind going ahead and letting us make a copy tonight while you are here and then we have it? It's there, but I want to make sure that we don't have to spend a lot of time looking for it. You're here tonight because you are ready to move on with this.

Commissioner Mourdock: I think he already has his copies made.

Eric Schwenker: No, no, I didn't make any more tonight.

Commissioner Borries: We have to have a hearing. Is there a...there should be a church or some public place that we could maybe use out in that area when we get a little closer.

Eric Schwenker: There is, sir--

President Tuley: Bethlehem Church.

Eric Schwenker: --Bethlehem Church is out there and we have used it for our local meetings before on this subject.

Commissioner Borries: That might ensure participation from everybody because once we get to a hearing--

Eric Schwenker: Yes, sir. .

Commissioner Borries: --obviously, everybody is going to want to have their say.

Eric Schwenker: Oh, sure, sure, by all means. The green dots are all going to say yea! The red dots are going to say boo!

Commissioner Borries: Okay, looks like you've got your votes lined up then.

Eric Schwenker: Yes, sir, we tried to take a page out of the book!

Commissioner Borries: Well, you did pretty well, Mr. Schwenker. Better than we do most of the time.

Eric Schwenker: Thank you, gentlemen.

Commissioner Borries: Good job.

Commissioner Mourdock: Your timing is exquisite.

Commissioner Borries: Yeah, yeah.

**Mikki Heck - Hillsdale Housing Association**

President Tuley: Well, while Cindy is making those copies we will continue on with Mikki Heck, I'm going to get it right tonight, Hillsdale Housing Association.

Mikki Heck: Good evening Commissioners and everyone else sitting on the Board up here, my name is Mikki Heck and I am here for the Hillsdale Housing Association representing the community. Last Monday, on October 21st, we was here to address the Commissioners on what Mr. Brenner had find out from the surveyors about the bridges. At that time you referred us back to this meeting on October 28th to see if Mr. Stoll and the Engineer's Office had came up with the figures on these bridges.

John Stoll: Last week the costs that were thrown out at the meeting were \$50 to \$60,000 for structures on Radio and on Campbell. Those were box culverts according to what Mr. Brenner had told me. Based on the flow calculations that we've come up with in my office it appears that a bridge would probably be more appropriate at Radio and we can take a look at Campbell on further down the line since Radio seems to be the one that needs to be done first. On the basis of putting a bridge in on Radio it, hopefully, would cost a maximum of \$120,000. When Valerie did the cost estimates I told her to estimate high to hopefully catch any odds and ends that may be missed in a preliminary estimate. That does not include any right-of-way costs. That was just for the structure itself.

Commissioner Borries: Do you envision there might be some right-of-way costs?

John Stoll: Yes.

President Tuley: Campbell Road then...we just kind of get the first one done first and then come back and look at it, is that what your intentions are?

John Stoll: Yes. A box culvert probably.

President Tuley: Box culvert, that is what I was going to say. I talked to you and talked with Mr. Brenner as well and thought maybe a box culvert would be more appropriate.

John Stoll: Up on Campbell, right. If you want us to proceed with the bridge on Radio we can do that.

Commissioner Mourdock: What would be the first step if we want to proceed? Is that acquiring right-of-way or...?

John Stoll: Just say the word and we will start working on a design and then we will see how much right-of-way we would need. I think there is only 30 feet of right-of-way. It's not very much right-of-way, I don't believe, out there on Radio so that is why I think there may be some right-of-way acquisition involved, but until we have a set of plans we really won't know what that might entail.

Commissioner Borries: Were you going to try to do that in-house?

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John Stoll: Yes.

Commissioner Borries: The plans?

John Stoll: Yes.

Commissioner Borries: Okay, I'll move that we authorize the County Engineer to begin design and verify right-of-way needs on Radio Avenue regarding a bridge structure over...what's the creek?

John Stoll: It's a tributary of Little Pigeon.

Commissioner Borries: Okay, over a tributary of Little Pigeon Creek.

Commissioner Mourdock: I will second and ask...well, go ahead and do your thing. I'll second. Do you want to so order?

President Tuley: Well, okay, I'll so order it. I just didn't know if you had comments to go along with your second, but apparently not, okay. You have comments though?

Commissioner Mourdock: Yeah, my comments were if you do the bridge that still obviously is not alleviating the need for the box culvert on Campbell?

Commissioner Borries: Campbell?

Commissioner Mourdock: Yeah, so is there anything that you need to be doing in the meantime on Campbell?

John Stoll: I'm not sure right now. That culvert on Campbell is not in the greatest of shape and there may be some repairs that need to be done in the meantime until that structure is replaced. That is something to take a look at and take a closer look at it to see if there is anything that needs to be done immediately short of replacement.

Commissioner Mourdock: In your initial look at the two structures, John, I presume that the recommendation that we pursue with Radio is not based on a safety issue and the capability of those existing culverts, correct? It is simply the water and the drainage problem that we are trying to resolve?

John Stoll: Right, the pipe is undersized and I don't know what design storm that culvert was based on, but the bridge would handle a 100 year.

Commissioner Mourdock: I just wanted to make sure that we were not prioritizing based on one thing when we should be looking at something else.

President Tuley: Basically, if I understand it, Mr. Brenner's recommendation is get the Radio one done first and kind of hope that the Campbell one still holds up water a little bit until after the other one is replaced. We don't need more water on them until after Radio Road gets done.

Commissioner Mourdock: Okay. When do you think you will be able to report back? Ms. Heck was about to ask you that question.

Mikki Heck: You guys are getting to know me real well.

President Tuley: Because you are getting to be here quite often!

Unidentified from audience: We've got cops outside.

President Tuley: Do what?

John Stoll: We're still trying to finalize a couple of other smaller projects, so right off the top of my head I don't know. You mean as far as having a preliminary design? I would say it would be a couple of months.

President Tuley: Okay, two months. Can you give us an update in about four weeks to see if we're...

John Stoll: To see where we stand?

President Tuley: See where we stand just so we can notify them because as she says we are getting to know her pretty well. She'll be here if we don't notify her.

John Stoll: I wouldn't think we could have anything ready for bid until early next year.

President Tuley: Right.

John Stoll: At the earliest.

President Tuley: But a month from now you can say okay, we're on schedule so maybe a month from then we'll be ready with the design?

John Stoll: Sure.

President Tuley: Or we've been delayed on these other projects, whatever the case is just so that they know.

John Stoll: Sure.

Mikki Heck: By the way, I would like to thank you gentlemen again and everyone else up here and all the other department heads for helping us in this project. We still have a long way to go, but since June of 1996 you've help us tremendously and we do thank you in our community.

President Tuley: Okay.

Commissioner Borries: Thank you.

President Tuley: Thank you.

<b>Michael Shoulders - Vanderburgh Auditorium Project</b>
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President Tuley: The next item is Michael Shoulders, time schedule and schematics on the Vanderburgh Auditorium. I don't think we really have anything that we are going to discuss.

Commissioner Mourdock: All I can think of is that last week during the discussion we talked about finalizing or adding the chart that he gave us as a formal part of the addendum or as an addendum to the formal contract during the discussion that came up that there was something that was incorrect on that which was showing the bonding to be done into next year and Alan said it was going to be moved ahead. I think that was all that he is revising, but I am

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not sure beyond that.

President Tuley: Okay, but...

Commissioner Mourdock: Oops, what?

Charlene Timmons: He asked for approval of this, I believe.

President Tuley: That is what he presented us last week.

Commissioner Mourdock: This was from last week, right?

Charlene Timmons: Yeah.

Commissioner Mourdock: Oh, I thought you were saying there were some new numbers here. Yeah, that was from last week, okay.

President Tuley: Now, we've mentioned the auditorium and Mr. Moser is here, so while we are talking auditorium here is your opportunity.

Edward Moser: Why thank you, sir. Good evening folks. Just a personal note aside and I won't take very long. In January 25, 1954...`55, I beg your pardon, the Breakfast Optimist Club was formed, so that sets the motion here that I am an optimist. I was the club's first president and I now have along with Ray Billingsly over 41 years of perfect attendance, so you've got a tiger by the tail! It is pretty well established what I am here for and will continue to pursue it. I was kind enough to receive from Ms. Mayo a schematic of the time element of the program presented about the auditorium. Folks, we're projecting the completion of the last phase, the ballroom and the meeting room, a little bit less than three years from now. I don't know if you want me up here for each meeting that you'll have in the next three years or not, but I want to take this step further, this program further. I've started to make some contacts this afternoon and the party was out. I am trying to nail down the fact that predominantly throughout the country or the United States of America there are programs, ballrooms, etc., and the predominant floor that is in there is a wooden floor. I am quite sure that can be proven. Now you haven't even gotten the money yet, you know, and I imagine the results of that will be bearing on what is done with the buildings and etc. So I just wanted to let you know that I will be with you all the way. Maybe not every Tuesday, or Monday night, but I hope to bring back some pretty definitive information for you as to how to construct this wood floor. You just don't put a wood floor down. I understand up at the Rupp in Indianapolis underneath that dance floor up there are cinders, believe it or not, that's what I understood to be. I hope to be able to get factual information on that. Cinders doesn't seem to be very cheap, does it? I mean, very expensive. It could be a very cheap item, you know. Thank you very much for inviting me to come up again and I will be with you. If there is anything that...incidentally, the letters went out this past weekend announcing our next dance which is Jack Morgan with the Old Russ Morgan Orchestra coming November 16th at the Gold Room. That is one of the finest bands that we have and we pay dearly for it, but we've got it in the budget and we'll have it. So thank you very much and Godspeed with you on this project.

President Tuley: Thank you, Mr. Moser.

Commissioner Borries: Thank you, Mr. Moser.

**Agreement H.J. Umbaugh - Burkhardt Road Project**

President Tuley: Okay, item 4F is the Burkhardt Road project. This is the agreement that we started to talk about last month. Quite honestly, it is for work that a lot of it has already been performed in regard to financing and putting those plans together. I think each of you in your packet have from H.J. Umbaugh and Associates now a standard fee schedule.

Commissioner Mourdock: I don't think I do, Pat. Maybe you do.

President Tuley: Actually it comes under a memorandum notice from Mike Robling. That looks like it.

Commissioner Mourdock: Okay, this was last minute, okay.

President Tuley: I called Mike and explained to him that we didn't sign this because it didn't spell anything out. He then contacted Gary Malone, I am going to assume, and this is what we have now. I guess it depends on who is working on what particular aspect of the project as to how much per hour we are paying it looks like.

Commissioner Mourdock: With this addition which I would request be attached to the agreement for financial planning services I will move approval of the agreement for financial planning services with H.J. Umbaugh for the Burkhardt Road project.

Commissioner Borries: Second.

President Tuley: So ordered.

Charlene Timmons: Can I add something to that?

Commissioner Mourdock: Sure.

Charlene Timmons: I spoke with Gary Malone on that and he told me, you don't know it, but they've submitted a claim that Mike Robling is still holding for \$69,200 and that is 70 to 75% completed and that is a guess of Gary Malone's. Just to let you know.

President Tuley: Okay, thank you for that information.

**Approval of violation book - Loretta Townsend/Weights & Measures**

President Tuley: The next item is the approval of a violation book. The request is from Loretta Townsend of Weights and Measures. As I understand Alan has that in front of him.

Alan Kissinger: I have reviewed the proposed violation book. Basically, it's a uniform violation citation. As far as the form is concern, if I am correct in assuming that is what Ms. Townsend is asking to be approved, then the form is fine with the understanding that the form and the actual content of the form needs to be structured specifically for Vanderburgh County ordinance violations or Weights and Measure violations and I think she has some of that penned in. As far as the form is concerned, it is certainly acceptable and it has been the subject of litigation and appeals in the courts and has stood up under that litigation and those appeals. If the Commissioners chose to approve this form I think legally it is certainly acceptable.

Commissioner Borries: Based on the County Attorney's recommendation I'll move that this form be approved and used by the Vanderburgh County Weights and Measures Department.

Commissioner Mourdock: I'll second.

President Tuley: So ordered.

**Erosion Control Ordinance**

President Tuley: Okay, item 4H is the Erosion Control Ordinance. Alan, again.

Alan Kissinger: Before I get to the Erosion Control Ordinance it was pointed out to me...I'm not sure exactly when it was, but we have a nice, shiny new Vanderburgh County Code of Ordinances and I am assuming that some people have been using it or at least referencing it. We have never adopted it. We ought to adopt it and I have prepared an ordinance for that purpose and there is already a section reserved in the new code entitled Chapter 1.01 and it is entitled Code Adoption and I have filled in the necessary blank there. I would ask the Commissioners to authorize the advertising of this ordinance and this is kind of a lead in to the Erosion Control Ordinance. Until we have actually adopted the County Code Ordinance, the Erosion Control Ordinance cannot go into our new county code.

Commissioner Mourdock: So the new code that we need to adopt is the one that you referred to as Chapter 1.01, is that right?

Alan Kissinger: The new code that we need to adopt is the entire book of ordinances. This ordinance that I have proposed and asked that it be advertised is the ordinance to adopt the Vanderburgh County Code and it will be the first chapter in the Vanderburgh County Code. This needs to be advertised only once, but at least ten days before the meeting at which it is considered.

Charlene Timmons: Okay, we had some problems with the code books. Area Plan had pointed out where something had been moved out of Title 17 to Title 12 and it was something that apparently they could change before, but now that it is under 12 they are not allowed to, so we had sent a memo out to all office holders and department heads asking them to review the code books so that they could have some input on them before we actually did adopt them.

Alan Kissinger: Well, that's fine, but we still should adopt the code. What I have put in this and what this says is:

"Pursuant to the authority granted by Indiana Code 36-1-4-11, the Board of Commissioners of Vanderburgh County adopts the following compilation of ordinances as the official Code of Vanderburgh County. All ordinances contained herein are declared to be in force or continued in force from the date of this adoption and this compilation of ordinances supersedes any previous compilation or codification. Ordinances contained herein maybe repealed, modified and this code may be supplemented by adding new ordinances. This code is intended to include all ordinances contained herein and any other ordinance previously adopted pursuant to applicable statutory procedures which may have been inadvertently omitted herefrom."

We have the authority to do whatever we wish with this code, but we need to deal with this code. We have another laying out there, we've got other ordinances laying around that haven't been included in here, but this is where we start putting this thing together and making it the definitive document for the county.

Charlene Timmons: Alright, thank you.

Alan Kissinger: So, I would like permission for the Auditor to advertise the ordinance to adopt the Vanderburgh County Code, I guess, is the first order of business here.

Commissioner Mourdock: I'll move the advertisement of the ordinance to adopt the Vanderburgh County Code as suggested and recommended by the Vanderburgh County Attorney.

Commissioner Borries: Second.

President Tuley: So ordered.

Alan Kissinger: The next matter is entitled an Ordinance to supplement the Vanderburgh County Code by adding chapter 16.16 and I suggest that we adopt the county code before we add this. This particular ordinance must be advertised twice, two consecutive weeks. The first ad no less than ten days before, the second ad no less than three days before the meeting at which the public hearing is held when the Commissioners will vote as to whether or not to adopt this ordinance. This is entitled the Erosion and Sediment Control. There is in the present county code a little short blurb in our subdivision section approximately three sentences which deals with erosion and sediment control. As the Commissioners have advised me and as anyone who attends these meetings knows, we have a much greater problem with erosion and sediment control than that little paragraph deals with. This ordinance basically was prepared by Mike Wathen from the Soil and Water Conservation District and a committee which was organized specifically for the purpose of putting this ordinance together. Basically, what I did was to put it into ordinance form, in our code of ordinances form, and also I made some changes in that I added a definition and I changed the enforcement procedure. I believe that I discussed that with the County Commissioners at the time the original hearings were held on this matter. My understanding is that Mike Wathen has circulated this proposed document to the members of his committee and, basically, the members of the committee are in agreement with this form of ordinance and I think are prepared to support it. I would request permission for the Auditor to advertise the ordinance to supplement the Vanderburgh County Code by adding Chapter 16.16 for a future hearing.

Commissioner Mourdock: I'll move the advertisement of the new Chapter 16.16 for the Vanderburgh County Code to deal with erosion and sedimentation.

Commissioner Borries: I will second.

President Tuley: So ordered.

Alan Kissinger: Mike, did you want to have any input on that?

President Tuley: There is Mr. Bauer here.

Al Bauer, Jr.: Thanks a lot. My name is Al Bauer, Jr. and a couple...I guess I would like to do two things. One of the

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gentleman that served with me on the committee was a Mr. Ron McGillem and he could not be here this evening, but prepared something that I would like to read into the record basically:

"Dear Commissioners,

As President of the Evansville Home Builders Association, I want to begin by thanking you for allowing me to be a part of a task force you commissioned to review erosion and sediment control and prepare an ordinance to help with that control. It is wonderful that the Commissioners sought the input from the Home Builders Association on an issue that is very much a concern for all builders and developers. We strive to achieve a good working relationship with all county offices and have worked closely with the Soil and Water Conservation District office on many occasions in the past. This task force was comprised of many people with an expertise in the area of drainage and erosion control. I would like to commend Mr. Wathen, Area Resource Conservationist, for the fine job he did in organizing and directing this task force to what I feel is a successful completion. The outcome of many hours of work of these members of this task force is being presented to you this evening.

I am unable to attend the Commissioners meeting in public this evening, but did want to make you aware that I believe that this ordinance as presented to you is a well thought-out document and deserves your review and approval. With this ordinance, we feel that the real offenders will be recognized and will be able to be dealt with accordingly.

Thank you again for asking the Home Builders Association's input and we look forward to future involvement with the Commissioners on other important issues.

Very truly yours,

Mr. Ron McGillem  
President, Metro Evansville Home Builders Association"

President Tuley: Thank you, Mr. Bauer.

Al Bauer, Jr.: Finally, as another member of the task force, basically, from the Area Plan Commission, I just wanted to bring three items to your attention. The Area Plan would be very much interested in this ordinance because they deal with subdivisions and this obviously is not restricted solely to subdivisions, but would have a...it does impact developers. I guess number one, we are already working with Mr. Wathen as well as the County Surveyor's Office, its Sub-review, which is a committee that meets once a month prior to every Plan Commission meeting, I guess, and scrutinizes all subdivisions before they come before the Planning Commission. We are currently already working with these individuals and they have input at sub-review and so this just seems like it would be a very natural relationship and it's just going to be extended. Secondly, I think maybe my own personal viewpoint is that it is always in the community's best interest for an ordinance to be educational as well as enforceable and I look to the ordinance as being a mechanism by which all of those parties that are disturbing soil which includes developers in Vanderburgh

County can receive up-to-date education or whatever or however you would say it. The latest technics in soil and erosion control and I think that is a plus. Finally, this would just appear to be just an extension to the drainage ordinance itself and maybe putting some design standards in place for erosion control as well as determining the size and type of drainage facilities that are necessary in these subdivision. Therefore, I think it is only appropriate that this would fit in very naturally to that. So if there are no other questions I just would say from the Planning Commission standpoint we find no problem with it and I think it will be very helpful in spelling out to developers the standards that the county expects with regard to soil and erosion control. I just wanted to lend my support to it this evening.

President Tuley: Appreciate it, Bud.

Commissioner Borries: Thank you, Bud.

President Tuley: What I would like to do is submit the letter. There is a letter here from Roger Lehman as well, so we'll submit that for the record. Also, and I don't have it in front of me, but I would like to suggest, and Cindy if you would find a copy of it, but we did receive a letter from Mr. Morley that I would like to have submitted as part of the record, too. It came up here last week. I know I saw a copy of it and I think, Alan...?

Alan Kissinger: I have a copy of it.

President Tuley: Okay. In all fairness, I think it should be added to it as well. Mike did you want to address at least one component of that? The idea that Mr. Morley suggested that a packet be made available of information.

Mike Wathen: Mike Wathen, Soil and Water Conservation District. I spoke with Mr. Morley last week and he felt that there needs to be a packet or some way of communicating the information to the people before they start disturbing the ground and I think the task force and myself all agree with that. I spoke with Roger Lehman this afternoon. I think the vehicle that probably makes the most sense to use is to include that packet at the Building Commissioners Office which makes it a real nice one stop. People can come in and get the packet and they will be right there. I got a hold of all of the members and we are in 100% agreement on...the task force is in 100% agreement on where we stand on this thing. Everybody did a super job and I certainly appreciate their support. I think probably the thing that made it work as effectively as what it did is that we got all the players that had a role in the...you know, we got everybody involved that had a role in it and that seemed to make it go real smooth.

President Tuley: Okay, thanks, Mike, for all your work. Okay, item 4--

Alan Kissinger: Uh...

President Tuley: --I'm sorry.

Alan Kissinger: I'm sorry, I am not quite finished on that. There is one more ordinance that I request permission for the Auditor to advertise. It is the ordinance to repeal Chapter 16.12.090 of the Vanderburgh County Code and that is the ordinance that is presently contained in the Subdivision Code for erosion and sediment control. That is a repeal so it needs to be advertised but once no less than

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ten days before the meeting at which it is heard. So I request permission for the Auditor to advertise that ordinance as well.

Commissioner Mourdock: I'll move the repeal of existing ordinance 16.12.090 regarding erosion and sediment control.

Commissioner Borries: Second.

President Tuley: So ordered.

Alan Kissinger: I suppose what we should do is go back through these and actually get dates. Charlene, can you give me some idea as to...as soon as I turn my mike on here, as to when in consideration of advertising time and so forth would be the first available date for them to consider these?

Charlene Timmons: Okay, do you have language for me? I just have to place the ad or do I have to...do you have the wording for me?

Alan Kissinger: I do not have the wording for you.

Charlene Timmons: Okay. If I get them in tomorrow I can have them in the paper by Friday, so if I do ten and three...

Alan Kissinger: Why don't you give yourself a week's leeway there.

Charlene Timmons: Okay. How about the 18th? Will that work?

Alan Kissinger: The 18th...it is fine with me regardless of when you do it. It is just a matter of you having time to get them over to the newspaper and actually getting them advertised.

Charlene Timmons: Okay, the 18th. We'll plan on the hearing for the 18th?

Alan Kissinger: The 18th of October? That will give us...I'm sorry. The 18th of November.

Charlene Timmons: There is a hearing for the repeal, is that correct?

Alan Kissinger: Uh...

Charlene Timmons: Or is that just stating that is what we are doing?

Alan Kissinger: Advertise that as well.

Charlene Timmons: Okay, as a hearing?

Alan Kissinger: As a hearing, yes.

Charlene Timmons: Okay.

Alan Kissinger: The same as the other two.

Charlene Timmons: Okay.

Alan Kissinger: Okay, the 18th then. I guess that is the last matter that I have in reference to that topic.

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

President Tuley: Okay, under item 4G, any group or individual wishing to address the Commission and I know we have at least two people here. Mr. Roger Frick is here from United Way if you would like to...I have a sneaking suspicion that you are going to give us good news and bad news, as you will.

Roger Frick: I have some work gloves! As you will recall the Commissioners kicked off the United Way campaign at Garvin Park and there was a challenge issued between the Republican member and the Democrat members that whichever group of offices had the greatest percent increase the other Commissioner would spend a half day with a weedeater for the county. I am here with the good news that county employees increased their United Way by some 40% this year at \$10,000 and that is great news. That is the fund that we were trying to engender and my appreciation for your leadership engendering that fund. However, in the process of that the Republican offices increased by 26% and the Democrat offices increased by 17%, so we need two pairs of gloves.

Commissioner Borries: Oooh!

President Tuley: You're very tricky. I am sitting there counting one pair of gloves and thought I know who is winning those!

Commissioner Mourdock: I was worried there. Ah, this is great! I knew it wasn't so much a bet as it was an investment!

Commissioner Borries: I don't know, these are not exactly the right size! I'm having a heck of a time making these fit!

Unidentified from audience: Like O.J. Simpson.

Commissioner Borries: Oh, that's right, that's right.

Commissioner Mourdock: Any particular sections of roads?

President Tuley: Bill, do you have any ideas of where our services are most needed?

Commissioner Mourdock: We'll talk later about that!

Bill Morpew: I bet I find someplace!

Royce Sutton: Do they get orange suits to go with that, too?

Bill Morpew: I could probably arrange that.

Commissioner Mourdock: And that was from a member of your own party!

President Tuley: I see him hiding behind the podium there, but I recognized the voice. Well, Roger, it's been fun. I wish we could have raised a little more money for more reasons than one, but nonetheless it will go to a good cause and I am sure that you will put it to good use. I guess, Bill, we'll have to figure out a time and a place here that our services...we will honor, won't we, our bet?

Commissioner Borries: Yeah, we will. I've just got to find some gloves that fit, you know how that is.

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President Tuley: If you would like to come out and watch us we will gladly contact you and let you know when and where we are going to do this so that you can have...I don't think we'll let you go. You'll be laughing too much!

Roger Frick: I'll bring the lemonade.

President Tuley: You'll bring the lemonade, okay.

Commissioner Mourdock: My only regret is that the height of the mosquito and chigger season has passed!

Commissioner Borries: That's right. We can now cut dead weeds, can't we? They won't grow back.

Commissioner Mourdock: It's too bad that Ms. Heck has left. She could probably use your services out there in some of those drainage ways.

President Tuley: It was weedwacking, not ditch work.

Commissioner Borries: I want to check the weather forecast, too, before we...we need to do this very carefully. Do a little scientific background on it. Well, congratulations to Richard since he doesn't have to do this, but, Roger, we are pleased that overall our participation was up and we hope next year it will be up even more.

President Tuley: Okay, Dennis Buickel, I knew you were wanting to address the Commissioners.

Commissioner Borries: How do your hands fit, Dennis?

Dennis Buickel: No, won't fit me! I tell you what though, Annie's would.

President Tuley: Wait, have you got that list with you, Roger? He's going to ask us for money and he's from the Coroner's Office.

Dennis Buickel: I'll tell you what...hey, we'll get Annie. Annie's hands will fit those gloves. For the record, my name is Dennis Buickel and I am the County Coroner. Well, I guess off the record too I am, but we'll stay on the record. Gentlemen and ladies, I am here tonight because the Coroner's Office needs a maximum of about \$1,200. We have a rear garage door or receiving area door that is about 16 to 17 feet wide and it is probably 16 feet tall. The automatic door opener went out on it. I've got cost estimates everywhere from \$300 and change if they can get the parts to replace it up to \$1,000 plus installation if they have to replace the entire garage door opener. Right now I don't know what it is going to cost. I would rather go with the parts replacement. We don't have...I don't have money in our budget to foot the expense for a repair that expensive. I don't even have enough accounts where I can get \$50 or \$60 to transfer into an equipment repair account to take care of the costs.

Commissioner Borries: Well, I think its got to be fixed.

Cindy Mayo: I did not speak with Mr. Buickel, but my understanding is that when Sunny spoke with him that there was CCD funding requested for this. It would be a capital item, so I believe that is why he has come before you this evening is to request CCD funding for it.

Commissioner Mourdock: You're going through Lynn Buickel...or Lynn Ellis, I presume, to bid the work?

Dennis Buickel: I'm sorry?

Commissioner Mourdock: How are you going to have the work actually done, Dennis? Are you going to bid it?

Dennis Buickel: Go with the lowest bid of whoever we can get the lowest bid from.

Commissioner Mourdock: I'll move approval of funding for this request through CCD funds.

Commissioner Borries: Second.

President Tuley: So ordered.

Dennis Buickel: Thank you gentlemen and ladies.

President Tuley: Those were the only two that I knew that here. Are there any other individuals wishing to address the Commission who does not find their name or topic for discussion listed on the agenda?

Dan Todd: Good evening, my name is Dan Todd and I am a concerned citizen and a member of the defunct ACORN organization and Chairman of the City of Evansville's Environmental Protection Board. Actually, I just wanted to come before you to ask what progress if any or what the status is of the ozone situation here in Vanderburgh County. I don't want to go through the whole litany of things that have happened, but people have met, progress has been made, recommendations have been made and some of those recommendations came to this body and just kind of...this is a follow-up request to see where we are. Thank you.

President Tuley: Timely.

Commissioner Mourdock: Timely, yes. I was going to bring this up under either the new or old business, but I mentioned last week very briefly that I had met with the mayor regarding ozone and the possibility of working together with the city and the county to do the funding necessary to create a position that would allow for the enforcement of the ordinances that are being drafted. I know Alan and the city attorney have met, and I presume continue to meet, on getting the final ordinance together, but I have included in your packet and sent to the Mayor this morning a letter to him suggesting the methodology that we would use. The county would pay 60% and the city would pay 40% and a new position that I have designated here with a draft position or job description. I have designated this position as the Ozone Elimination Officer realizing that ozone is something that we will never totally eliminate, but at least this gives us a goal. I have forwarded that to him and basically in that I have described what I see the primary task of the Ozone Officer to be and that is to monitor omissions within the county, both the industrial commercial sources and biogenic sources, VOC's, to work with published research data to determine the affect of extra county sources of VOC's, those that come in across the county lines and thirdly, to develop and present data to IDEM, U.S. EPA and whomever else may apply which accurately reflects the state of Vanderburgh County's ozone problems and progress. I have not...understandably, I have not heard back from the Mayor. As I said, this was just delivered to him this morning.

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You've got copies of it as draft and I am certainly willing to take another look at it this week and incorporate whatever comments we need to. I don't know just procedurally, and perhaps Cindy can help here with rough language for position description, is more required through the County Personnel Department or how would that work?

Cindy Mayo: I can show that to Sandie Deig and she'll maybe have an answer for us for next week and any changes that might need to be made.

Commissioner Mourdock: Okay, alright. One of the other elements of this is that ACORN's primary thrust as far as where they saw the largest elimination of VOC's is through the Pollution Prevention Task Force. What this document calls for is for the Ozone Elimination Officer, who will report to the County Commission, to work with the city's EPA Director as well to try to pull funding together so that a local institution be it USI or U of E can work as that task force or as ACORN had originally requested...let me start over. The ACORN group envisioned the Pollution Prevention Task Force to work through one of the local universities. That would require funding and so I have designed this position to work with the city EPA Director to try and come up with funding to work in that direction. If we do not succeed with the Pollution Prevention Task Force somewhat of a user friendly method to reduce VOC's it will be hard pressed for us to meet the necessary reductions through the other three steps that were proposed, so it is a fundamental part but it was hard to imagine the person who would be doing the enforcement would also be the guy out there putting his arms around people and leading them along to a voluntary method, so that is why the two are separate. I don't know, Dan, if you have any comments to what you have just heard here or not, but at least that's the steps we're making. We are trying to continue to progress.

Dan Todd: Well, without reviewing it in depth my initial thoughts are that I am very pleased to hear where we are now. That it has not died on the vine and that we are progressing along. Even though we are just coming into fall here it is not that far along before ozone is back again and we can't wait until next spring to kick this off. I appreciate it, thank you.

Commissioner Mourdock: Have you heard anything from IDEM regarding the report that was being circulated at one point that we were not going to be redesignated or at least that they had put the whole process on hold?

Dan Todd: I have heard unofficially that it has been confirmed, but nobody will step up to that.

Commissioner Mourdock: Okay, because I have not heard...I know nothing more than I have read in the papers.

Dan Todd: Okay. Thank you very much, I appreciate that.

President Tuley: Do you want to give him a copy of this?

Commissioner Mourdock: Yeah, we can get you a copy of this.

Dan Todd: Okay, thank you.

Commissioner Mourdock: If you like, Dan, we can mail you a copy when we get done here because I will need to have Cindy make a copy

too.

President Tuley: Okay, still under item 4G, any other group or individual wishing to address the Commission? Are you folks going to be here for Drainage Board?

Commissioner Borries: There is a young lady in the back row.

**John Stoll - County Engineer**

President Tuley: Alright, assuming there is no other body that wants to address the Board that is not on the printed agenda we will move on to department head reports starting with John Stoll, the County Engineer.

John Stoll: The only item that I've got is that I will be getting some price quotes for the replacement of that pipe out on Pine Creek. We're planning on receiving those from contractors on Friday and I will bring those price quotes to next Monday's meeting and given the cost of the project we can do it through a purchase order rather than putting it out for bid, so that will speed that process up a little bit. I'll have those costs next week. That's all I have.

President Tuley: Okay.

Commissioner Mourdock: John, have you had any discussions with either Bill or Bill Jeffers regarding some work that is going on over in the Knob Hill area? I know Mr. Garrett and Mr. Bell and I the three of us keep playing phone tag. The only thing I got off one of my voice mail messages was a few hasty verbs about the need to coordinate things out there and I don't know what it means other than that.

John Stoll: The only thing that I know of that is new that has just been started recently is the detention basin for Knob Hill. The replat of Knob Hill has been started.

Commissioner Mourdock: Okay.

John Stoll: That is something that the inspectors in my office have been monitoring and they're just building it according to plan, so I don't know what Mr. Garrett may have concerns about.

Commissioner Mourdock: Okay, nor do I.

Commissioner Borries: Thank you, John.

President Tuley: Thanks, John.

**Bill Morphew - County Garage**

President Tuley: Bill Morphew, County Highway. I'm sorry, go ahead, Bill.

Bill Morphew: Good evening. I have nothing to say other than I presented you my report.

President Tuley: Let me enter it into the record then. Bill has submitted a Vanderburgh County Highway Department Progress Report as well as a Vanderburgh County Bridge Crew Report for the period

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covering Friday, October 18, 1996 through Thursday, October 24, 1996 and again it goes without saying it looks like you guys are working throughout the county in different areas.

Commissioner Borries: Still paving?

Bill Morphey: Yes, sir. Yes, sir, we finished up Schmitt Lane off of Oak Hill. We did the cul-de-sac up on Campbell, at the end of Campbell Road.

President Tuley: Still cutting weeds I see!

Commissioner Mourdock: Where were you cutting weeds?

Bill Morphey: On that note, weeds and grass is (inaudible).

President Tuley: Adler, Darmstadt, Old Princeton Road.

Commissioner Mourdock: Very good.

President Tuley: So it is not one of those cases where our work has ran out? We still have some work to do?

Bill Morphey: Oh, it's there, yes, sir! It's there!

Commissioner Borries: I was hoping you were going to say that we had just gotten weeds controlled in all parts of the county, but doggone, I didn't hear that.

Commissioner Mourdock: And the stems are tough this time of year!

Bill Morphey: Unless it is raining or snowing so hard that we have to have the plows out we ditch and cut weeds everyday. It's a never ending process.

President Tuley: He says that with such a grin!

Commissioner Mourdock: He does. Imagine if I would have lost! Bill, last week when you were not here a word came into the discussion that we hadn't had in a while, the word "snow".

Bill Morphey: Yes, sir.

Commissioner Mourdock: Last spring when we had that very late, very heavy snow you will recall more vividly than we, I am sure, that we ended up contracting out some services.

Bill Morphey: Yes, sir.

Commissioner Mourdock: We had a discussion last year after that that perhaps we would be wise this fall to put something out for bid to get in advance hourly rates and have some people scattered around the county who would be ready to come in if we have another event like that. Can you pursue that and maybe talk with Lynn Ellis?

Bill Morphey: Yes, yes, sir, I can. The only problem that I have with that, with snow removal, it is a little difficult to get the contractors to do it. There are some farmers that would work on their roads only and really they don't want anymore of it other than what is in front of their house. I have a list of contractors and equipment that they use and unfortunately it is a high cost. It is a high hourly cost and I think we had 11 contractors on that

particular snow that you are talking about. The prices range anywhere from...well, from low to high, naturally. Very high. Some of the contractors have problems freeing equipment up to do that.

Commissioner Mourdock: Well, I guess what I envision would simply be requesting rates today for those people for a designated section of roads. If we have an event that we had last year where the County Commission has to declare a snow emergency then the rates they've given us would go into effect. If it doesn't happen, obviously, it is a moot point. If we do get that snow, then we have in advance who can work what roads and what rates they are going to be. Realizing that some of them may fall flat on their face and may not deliver, in which case they are not going to get paid, but at least we've moved forward to try to--

Bill Morpew: For those big drifts, yes, it would certainly be worth our while to have on hand that information.

Commissioner Mourdock: Okay, well maybe you can begin compiling that and see what we need to do.

Bill Morpew: Yes, sir, I can. I think I took a picture of Mr. Borries standing by what must have been a 12 foot drift because he is approximately six foot tall and the snow was twice as tall as he was, so I took a picture of the snow that day. Someone had said they couldn't imagine a 12 foot drift and we had several of those. They were all over the place.

Commissioner Borries: I'm trying to think of what road that was, too.

President Tuley: Old State?

Bill Morpew: That was Old State Road.

Commissioner Borries: One item, too, related to that a bit. I don't know how...we discussed this last year, but I don't know how to have Alan address it. The frustrating part and it becomes very upsetting to some motorists, we had some residents that complained about our highway crews not getting out and cleaning certain portions of the road. What happened, as we found out because I got a lot of calls. I'm sure as the other Commissioners did, motorists did not obey the directions to stay off the roads. Some panicked when they just simply lost themselves in a sea of white, so to speak, abandoned their cars and then the way that procedure works the Sheriff's Department has to come out and ticket the car because our County Highway forces cannot move it. There it sits. Once a Sheriff gets out there then we have to get the towing company to come out and of course they begin to opt to do some more lucrative private towing in relation to the contract that we had and so I remember being on the phone several times just reminding them and insisting to get these abandoned cars off the road so that we can get our forces to begin plowing that snow. Is there some way that we can shorten this process? I mean, it is really time consuming when you think of our guys coming to a dead stop, calling back to the Sheriff's Department, the Sheriff's Department, I'm sure, has plenty to do too, but they have to come out and ticket the car and then we have another wait because we can't, you know, move, in effect, someone's private property here, but man it just seems like that's a pretty cumbersome procedure when you are in the middle of an emergency here.

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Commissioner Mourdock: To me it would seem that is the key word there. Once a snow emergency is designated do the rules change?

Alan Kissinger: Well, the rules can change, yes, but we are never going to be able to avoid the liability for any damages that we may cause in the process of moving those vehicles. We certainly become accountable to those people as to where they can claim their vehicles, where we've towed them to, etc. If you have a true emergency and you have the ability to move a vehicle without damaging it then no one is going to...even an attorney wouldn't take a case like that!

Commissioner Mourdock: Well, we've gone to the level of the incredulous.

Alan Kissinger: You would be incredulous, that would be incredible!

Commissioner Borries: If there is some way that the car...I mean, I understand the legal ramifications of what the Sheriff has to do, but even the Sheriff is not going to have the equipment to tow the car. It appears to be somewhat of a formality to what...? Ticket it, I guess, is what they have to do or cite it?

President Tuley: Tag it.

Alan Kissinger: It is required before a vehicle can be towed. There is a legal procedure that must be followed.

Commissioner Borries: What is that legal procedure, though? Let's say a person abandons their car, do they pay a fine?

Alan Kissinger: Yes.

Commissioner Borries: They do?

Alan Kissinger: They can pay...if you abandon a vehicle on a public roadway, yes, you can certainly be caused to pay a fine and you can be issued a citation and you are also responsible for the towing cost.

Commissioner Borries: Is there some way that we can...do we have to call a Sheriff's car out there all the time to tag the car? Is there a sticker or a legal way that our guys could do that then directly call the towing company to come out and get it?

Alan Kissinger: We don't really have law enforcement authority under those circumstances. On a county parking lot or something such as that we certainly have more authority, but we do not have police powers on public roads.

Commissioner Borries: I just would like some thought. We're not going to solve it tonight. We have other business, but that was a real concern--

Bill Morpew: You know also--

Commissioner Borries: --that I had in relation to the steps here that we have to go through because our forces take some hits here and obviously people get frustrated, but we can't do anything when there is a car sitting there in the middle of a road and you know we've got to go through these steps.

President Tuley: What you are talking, Alan, is state statute

governed?

Alan Kissinger: Yes. You know, it is private property. We are getting very close to constitutional issues, etc.

President Tuley: Bill, do this. Call the Highway Superintendent maybe up in Lake and some of those northern counties that get a whole lot more snow than we do and see--

Commissioner Borries: St Joe.

President Tuley: --what kind of procedures...

Commissioner Borries: St Joe really gets it in that snow belt.

Alan Kissinger: One of the things that they are going to tell you is that they have probably 100 times the equipment that we have and they probably have Sheriff's Deputies and City Police Officers who are on the streets immediately at the request of their Highway Department to start moving vehicles.

Bill Morpew: The problem that we have is that when you have snows like that with the drifts that we've had when a wrecker does or is heading on location we have to have a plow in front of the wrecker so that he can get there. We have to have a plow for the Sheriff's Deputy so they can get there and then usually some sort of a loader or something just to get the drifts out of the way so they can get to the vehicle. It is a long drawn out process just to move a car in heavy snow.

Commissioner Borries: Maybe we'll have a dry winter this year.

Bill Morpew: That would be nice.

Commissioner Mourdock: Like our dry spring!

President Tuley: Right. Well, the election will be over with by then, so maybe they'll be good to us again!

Commissioner Borries: Well, I think Pat's idea is a good one if we could maybe get some information. Maybe there are some, obviously, St. Joe County, Porter, Lake in that snowbelt area there.

Commissioner Mourdock: This problem isn't unique to us, it is just finding a way to deal with it and many contractors--

Commissioner Borries: If we could just speed it up. It may not be possible to do that, but I know your guys are out there working as hard as they can. We got a lot of complaints and we just couldn't get the roads cleaned fast enough, but, again, when you've got these cars and you have to go through those steps it is not an easy thing to do.

Commissioner Borries: Thanks, Bill.

Bill Morpew: Yes, sir.

Alan Kissinger - County Attorney

President Tuley: Alan, after all those ordinances do you have other stuff to report?

Alan Kissinger: I sure do. One thing or the first thing that I have is we have a proposed contract from Christopher B. Burke Engineering Ltd. for engineering services for the inspection of the Laubscher Meadows Landfill stream diversion. This is a contract proposed for five years at \$5,000 per year. The actual proposal indicates that the inspector will monitor the project by conducting semiannual hydrologic investigations for a period of five years. The report provided by the inspector will include a professional opinion and then it goes on to say what the professional opinion is. There is a bit of a conflict in the wording here because the contract indicates that they will perform the inspection services for an annual cost of \$5,000 for five years for a total contract cost of \$25,000 and then they indicate that they will bill on a time and material basis for services performed. Now, that indicates...the time and materials phrase indicates that perhaps they could bill us for something in excess of the \$5,000. Mr. Joe Ballard has indicated that there will be an addendum to this proposal, to this contract, that Burke will conduct these inspections for a maximum of \$5,000 per year and they will still bill on a time and material basis, but the maximum that the county will pay each year will be \$5,000. With that proviso with the understanding that the addendum is forthcoming I would recommend that the Commissioners give favorable consideration to approving this proposal with the understanding that the addendum will include the maximum annual amount of the contract.

Commissioner Mourdock: Let me add one other understanding to it, having reviewed the contract. All of this, it is my understanding, is basically originating from the 1994 or 1992, yeah, it has been some time ago. The BZA meeting that always comes up during the Solid Waste Board hearings. I certainly would agree to all those things that you just said, Alan, that we approve this contingent upon receiving the addendum that clarifies that this is a \$5,000 not to exceed per year for five year contract. However, I just also want to make a point for the record here that the billings will not be paid by the county, but, in fact, the Drainage Board will be paid or reimbursed by Browning Ferris Industries for all those fees.

Alan Kissinger: That is correct and as Mr. Borries has pointed out to me, I think most appropriately during the Drainage Board meeting I should refer back to these comments for the record and ask the Drainage Board to approve the proposal.

Commissioner Borries: One final item on this, the Burke Engineering firm, as also per that agreement, has stated that they have never done work for BFI nor have they done work for Vanderburgh County.

Commissioner Mourdock: Right, which was a stipulation of the BZA. Alan's last point being a very good one, do we need to act on this or do we need to only act on this during the Drainage Board meeting?

Alan Kissinger: I think most appropriately the Drainage Board meeting.

Commissioner Mourdock: Yeah, okay.

Alan Kissinger: The next matter that I have is, I don't remember exactly when we did it, but there was a point at which in the past the Commissioners agreed to extend the Community Corrections lease on a month-to-month basis. It is my understanding now, I believe, that Mr. Tuley, Ms. Jerrel and Judge Young are going to meet as

agreed sometime...is it this week?

President Tuley: Tomorrow.

Alan Kissinger: Tomorrow to basically discuss the lease, its continuation and any amendments, etc. I recommend this evening, in consideration of that planned meeting, that the Commissioners give favorable consideration to another one month approval of the lease for the Community Corrections complex until what...November 30th?

Commissioner Borries: So moved.

Commissioner Mourdock: Second.

President Tuley: So ordered.

Alan Kissinger: I have here a Memorandum of Lease. As the Commissioners will recall the county and the Vanderburgh County Purdue Extension Service entered into a lease with Steven W. Kahre for a facility to house the Vanderburgh County Purdue Extension Service operation. I am going to recommend that this memorandum of lease be signed by Mr. Tuley as President of the Board of Commissioners so that the Memorandum can be recorded. There is a statutory requirement that the lease be recorded, but there is also a statute that indicates a Memorandum of the Lease can be recorded and it is simply for the purpose of noting for anyone who does a title search on this real estate that there is a lease outstanding on the real estate and it keeps us from having to record the entire document which is rather bulky. I recommend that President Tuley sign this Memorandum of Lease so that I can submit it to the Vanderburgh County Recorder's Office for recording.

Commissioner Mourdock: I'll move the acceptance and recording of a short form memorandum of the lease for the Purdue Extension Service facility.

Commissioner Borries: Second.

President Tuley: So ordered.

Alan Kissinger: One thing that I did not mention in reference to the Erosion and Sediment Control Ordinance. Mr. Toby Shaw, who is the attorney for the city of Evansville, has requested that I provide him with a copy of our proposed ordinance. It is my understanding that the city is going to use our ordinance, basically, to prepare an ordinance which will be very, very similar to this one for use within the corporate limits within the city of Evansville. I am going to provide Mr. Shaw with a copy of this proposed ordinance tonight. The last matter that I have is just that I am not absolutely certain at this point, but I do not believe that I will be present at the November 4th meeting, but I will have another Assistant County Attorney fill in for me on that date. That is all that I have to report.

**Cindy Mayo - Superintendent of County Buildings**

President Tuley: Thank you. Cindy.

Cindy Mayo: The only item that I have is we did receive the paperwork and checks from Wolfe's Auto Auction for the sale of county surplus vehicles and I will quietus in \$10,710 into the County General Fund. That's all.

President Tuley: Okay, thank you. There is nothing on there for Lynn tonight is there?

Cindy Mayo: No.

#### Consent items

President Tuley: Under consent items we have employment changes, travel requests and some claims. I thought I saw a claim somewhere. Yes, a couple of claims.

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

Commissioner Borries: Second.

President Tuley: So ordered.

#### Scheduled meetings

President Tuley: Scheduled meetings. For the remainder of this week on Wednesday the 30th at 3:30 there is a Personnel and Finance Committee meeting. Halloween is Thursday. Next Monday night at 4:00 p.m. there will be an Executive Session. At 5:30 p.m. there is the regular Commissioners meeting and then the general election on Tuesday and County Council will meet at 3:30 Wednesday the 6th.

#### Old business

President Tuley: Old business.

Commissioner Borries: One item. Alan has just left, but if he is within earshot maybe we can get him back, but John Stoll is here. Reverend Steve Perry, as you know, had asked again about the cross that is on some property where the ownership is very confused near Highway 41. I think John Stoll's office has researched this and found that it probably does belong to the county or at least is owned by the county. John, you correct me if I am off on this, but that the state back in the days when 41 was Old 41, Old State Road 41, apparently didn't produce any kind of a deed. It looks as if that is going to be the first thing that we are going to need to do, I guess, survey it and prepare a deed. If we can get that far I think we can eventually reach some kind of conclusion to this process. They simply want to maintain or put a new cross on there and we don't have any plans at this point, if it is our property, to do anything with it.

John Stoll: The best documentation that I've got at this point is what the state sent which they showed that as part of the relinquishment back when Old State Road was turned over to the county. The only problem with that is there is no deed that exists that we can find at this point and in dealing with the state in front of the Lloyd Crossing Shopping Center I have found out that the state relinquishes the right to maintain a road, but they don't relinquish property back to the county. On that basis, if they did it the same way back then, the relinquishments the same way back then, the deed would still be the states if we could find one. Like I said we haven't found one as of yet, so to clear it up we would probably have to have a title search like you said.

Commissioner Mourdock: To clarify the issue, I move that we use the county contracted agent, which I believe is Evansville Titles, to do a title search to begin to resolve that.

Commissioner Borries: I will second.

President Tuley: So ordered.

Commissioner Borries: Alan, I'm sorry, I think we have resolved what we were doing. I was talking about the piece of property that Reverend Perry had spoken about, so we are now at a point where we are going to have a title search.

Alan Kissinger: Right, John and I had discussed that. This is not an uncommon thing, it is just a matter that we don't have a reliable record of that property being transferred to the county.

Commissioner Borries: But you now think that if it is based on what you said you saw at the new shopping center that the state may still...?

John Stoll: If relinquishment procedures were the same back when Old State Road was transferred over as what they are now they didn't provide a deed that deeded the right-of-way over to the county, so if it is the same thing that exists now it can be a county road on a state right-of-way.

Commissioner Borries: Good lord, that would be weird.

John Stoll: We have not found any deed that backs that up whether it is county or whether it is state or federal, who knows.

Alan Kissinger: One way to find out the next time it needs paving tell the state to pave it!

Commissioner Borries: Thank you, John.

Commissioner Mourdock: Another old business item, just a very quick update. Welfare to Work Task Force continues to meet. We last week met with Lynn Ellis who is putting together an RFP request for the gatekeeper position and I have some very crude, rough language that I will pass on to Alan which begins to deal with the ordinance issue and, Alan, instead of being an ordinance you told me before it is basically...?

Alan Kissinger: Home Rule.

Commissioner Mourdock: Home Rule.

Alan Kissinger: Is it so crude that it will offend my tender sensibilities?

Commissioner Mourdock: I knew as soon as I said that it didn't sound nearly as good. Well, we'll polish the language then. Our schedule within that group, by the way, is to have it before this group on November 15th, hopefully as one complete package so we can begin after the first of the year to implement the program.

President Tuley: The only old business that I have is related to the Daylight-Earle Sanitation Sewer Project. I have been presented with several forms from Mike Robling that need my signature on it.

"Please sign the attached IDEM construction permit

applications and related forms for the Daylight-Earle Sanitary Sewer project."

Permission to sign?

Commissioner Borries: So moved.

Commissioner Mourdock: Second.

President Tuley: So ordered. That is the only new business I have...old business, I'm sorry.

**New business**

President Tuley: Any new business? The only thing listed on here is that the County Assessor has requested to advertise for a position that she has open in her office. She is looking for permission to advertise is all.

Commissioner Mourdock: I'll--

Cindy Mayo: We did state some concerns. The Assessor does advertise in box form in the Sunday paper which is considerably more than just advertising in the classified in the Sunday. When Steve Folz, her Chief Deputy, was up I know that was something that Sunny Titzer did mention to him that there is a considerable difference in advertising box or just advertising in the classifieds and I did want to bring that to your attention. I think it is like \$100 to \$400. It goes up considerably.

President Tuley: Well...?

Commissioner Borries: I move that this request be advertised in the most cost effective way.

Commissioner Mourdock: I'll second that.

President Tuley: So ordered. If they're looking for a job very bad they will find it. Any other new business? Motion to adjourn?

Commissioner Mourdock: So moved.

Commissioner Borries: Second.

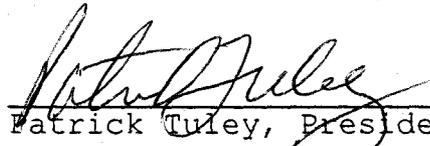
President Tuley: So ordered.

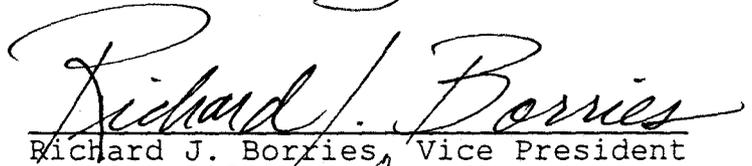
The meeting was adjourned at 7:00 p.m.

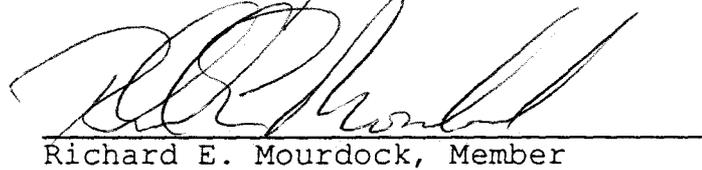
THOSE IN ATTENDANCE:

Patrick Tuley  
Richard Borries  
Richard Mourdock  
Alan Kissinger  
Cindy Mayo  
Bill Fluty  
Charlene M. Timmons  
John Stoll  
Bill Morphew  
Edward Moser  
Eric Schwenker  
Mikki Heck  
Al Bauer, Jr.  
Mike Wathen  
Roger Frick  
Royce Sutton  
Dennis Buickel  
Dan Todd

VANDERBURGH COUNTY  
BOARD OF COMMISSIONERS

  
Patrick Tuley, President

  
Richard J. Borries, Vice President

  
Richard E. Mourdock, Member

**Vanderburgh County  
Board of Commissioners Meeting  
November 4, 1996**

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**Vanderburgh County  
Board of Commissioners Meeting  
November 4, 1996**

The Vanderburgh County Commissioners met in session this 4th day of November, 1996 in the Commissioners' Hearing Room of the Civic Center Complex at 5:38 p.m. with President Patrick Tuley presiding.

**Introduction and Pledge of Allegiance**

President Tuley: Okay, we will try to make this short and sweet, I think, as a word somebody used earlier tonight. Welcome to the Vanderburgh County Commissioners meeting for November the 4th. Good luck to all candidates running tomorrow. As a point of introductions, we have Cindy Mayo to my far right; in the empty seat when he comes back in here will be Keith Rounder, one of the Assistant County Attorneys; to my immediate right is Commissioner Rick Borries; to my immediate left is Commissioner Richard Mourdock; to his immediate left is County Auditor, Suzanne Crouch; to her left is Charlene Timmons, the Recording Secretary for this meeting. If you would, please join us and stand and say along as we say our Pledge of Allegiance, please.

**Approval of minutes**

President Tuley: Under action items we have a request for approval of the minutes. I've misplaced mine for Monday, October 28.

Commissioner Mourdock: I'll move approval of the October 28, 1996 Board of Commissioners meeting minutes.

Commissioner Borries: Second.

**Certification of Executive Session**

President Tuley: With regard to the certification of Executive Session, let the record reflect that an Executive Session was held prior to this meeting in which pending litigation and personnel matters were discussed. No formal action was taken. That's it.

**Bid opening APA044-97 Tier 3 Micro Computer Equipment**

President Tuley: Under item 4C, we have the request for the opening of bid APA044-97, Tier 3 Micro Computer equipment.

Commissioner Borries: Mr. President, I'll move that the bids for APA044-97 be opened.

Commissioner Mourdock: I will second.

President Tuley: So ordered.

**Joe Profaizer - Approval of User License Agreement/Symantec Corporation**

President Tuley: Item 4D...I'm sorry.

Suzanne Crouch: Rick needs to turn his mike on.

President Tuley: You need to turn your mike on. Come on, Joe, I'm sorry. We have--

Commissioner Borries: Do you want me to repeat that, Charlene?

Charlene Timmons: No.

Commissioner Borries: Okay.

Joe Profaizer: What I have just handed you...to Patrick was a user insurance agreement and multi license agreement to Symantec Corporation for what is called a Norton Administrator Suite. With the addition of PCS coming on everyday to the network and more and more using PCS we have to protect the network from viruses and that is one key element in this Norton Administrator Suite. It helps us manage the PCS remotely also. Tim and Mark have done research in the last year and a half and we've come to the conclusion that this is the best service software for this purpose. Data Board approved this on October 23, 1996 and I am recommending signatures on both agreements for that for the city and county.

Commissioner Mourdock: I'll move that we approve the user license agreement with Symantec Corporation for the package recommended by Mr. Profaizer.

Commissioner Borries: I will second.

President Tuley: So ordered.

Joe Profaizer: Thank you.

Commissioner Mourdock: Is Act a part of that?

Joe Profaizer: Excuse me?

Commissioner Mourdock: Is Act a part of that software?

Joe Profaizer: I don't think, is Act from Norton or Symantec?

Commissioner Mourdock: Yeah, it's from Symantec.

Tim VanCleave: It's a part of Symantec, but not part of this software.

Joe Profaizer: No, it's not.

Commissioner Mourdock: It's good software. My favorite database.

Commissioner Borries: Why do they call it a Suite?

Joe Profaizer: There is really more than one program included in the software package.

Commissioner Borries: Oh, okay.

Joe Profaizer: There are four or five programs.

Commissioner Borries: Okay.

President Tuley: Joe, how many copies of this do you want?

Joe Profaizer: I need all four of those copies back. I need to get them signed by the Board of Public Works Wednesday.

President Tuley: Okay. I'm busier than a card dealer on the boat with these things going back and forth.

Commissioner Mourdock: Do you need these back, Joe? Do you need a

copy?

Joe Profaizer: Do you need to make copies first?

Charlene Timmons: Yes.

Joe Profaizer: Okay.

Charlene Timmons: I'll give them to you first thing Wednesday.

Commissioner Mourdock: Okay.

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

President Tuley: Okay, item 4E, any group or individual wishing to address the Commission who does not find their name or topic for discussion listed on the agenda now is the time to come forward. I recognize that Mr. Moser is here.

Edward Moser: I'll pass tonight. You've got more important things to think about, so praise the Lord and good luck to you all.

President Tuley: Thank you very much, sir. Anybody else? Nope.

**John Stoll - County Engineer**

President Tuley: John Stoll, department head reports, County Engineer.

John Stoll: The street plans that you have in front of you are for Fretina Acres. This is a commercial subdivision at the southeast corner of Hillside and 41. This is the subdivision that involves the construction of a bridge over Little Pigeon Creek. The plans have been reviewed in my office and we recommend that the street plans be approved. They will be curb and gutter streets with relatively flat grades. The bridge has its permits through DNR so the opening area for the bridge is okay, so I would recommend that they be approved.

President Tuley: Do we have a motion or questions?

Commissioner Borries: So moved.

Commissioner Mourdock: Second.

President Tuley: So ordered.

Commissioner Mourdock: You just need the mylar signed, John?

John Stoll: Yes. The next set of street plans is for Section D of Willow Creek. These will also be curb and gutter streets. They will be asphalt. I have reviewed the plans and would recommend that these plans be approved. They were holding off on it making sure that the drainage plan was all approved and once it got final approval last week everything was okay, so I recommend that it be signed off on.

Commissioner Mourdock: Pursuant to the recommendation of the County Engineer, I'll move acceptance of the street and drainage plans for Willow Creek Subdivision D, as in delta.

Commissioner Borries: Second.

President Tuley: So ordered.

John Stoll: The final item that I've got is that we received the pipe installation quotes for Pine Creek Drive. We received price quotes from:

Phoenix Construction	\$16,757.00
Deig Bros.	\$18,958.50
J.H. Rudolph	\$20,955.00
Southwest Engineering	\$27,025.00

On the basis of these quotes, I would like to recommend that we go ahead and get a purchase order and have Phoenix Construction install that pipe on Pine Creek.

Commissioner Mourdock: Pine...?

John Stoll: Pine Creek.

Commissioner Mourdock: Okay. I'll move acceptance of the bid as recommended by the County Engineer for Pine Creek Subdivision.

Commissioner Borries: Second.

John Stoll: It's Pine Creek Drive.

Commissioner Mourdock: Pine Creek Drive.

President Tuley: So ordered.

John Stoll: That's all I have.

Commissioner Mourdock: A couple of very quick items. I spoke with you earlier in the week or late last week about the intersection of U.S. 41 and Boonville-New Harmony Road. I promised the folks that called me about it that I would bring it up. Do you have any other thoughts or any other contact?

John Stoll: I spoke with Rose about that this morning and she gave me some copies of some correspondence that she had sent to INDOT several years ago. I haven't had a chance to look through it all as of yet.

Commissioner Mourdock: Okay.

John Stoll: If Rose's memory served her correctly she said that the reason they hadn't installed something that says prepare to stop when flashing or something along those lines was that the sign is not a standard legend in accordance with the Indiana Manual on Uniform Traffic Control Devices. That is why they didn't pursue it at that time.

Commissioner Mourdock: So the fact that it might save somebody's life just the fact that it didn't fit the code, uh?

John Stoll: Right. I'll look into what Rose has submitted and what she gave me copies of. We had talked about it and she said that it may carry more weight if the Commissioners sent a letter to the state rather than me or rather than her sending a letter. Let me take a look at what we've got and then I might be able to draft a letter that the Commissioners could sign requesting some additional

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signage up there.

Commissioner Mourdock: If you could, please bring that back to our attention. It was at 41 and Boonville-New Harmony Road where there have been several fatal accidents. I had someone call in the office and simply suggest that maybe from the north before you get to the hill or start down the hill that there simply be a sign there with a light flashing saying the light was about to change down below because anytime you go through there you will see a lot of skid marks on the southbound lane. Heavy trucks especially. I thought it was a very good suggestion.

Commissioner Borries: Now, there is a flashing light there.

Commissioner Mourdock: There is a flashing light at Inglefield Road and there is just kind of a general caution light before you get to the stoplight.

Commissioner Borries: Okay.

Commissioner Mourdock: What they were suggestion is that it is in sequence with the light so that before you get there you see it start flashing so then you know to start slowing down because it is about to change.

President Tuley: That's a good idea.

Commissioner Mourdock: I thought it was a very good idea. The second thing, John, I continue to get calls regarding the Ward Road/Anthony Drive situation. Have you stayed in contact with the folks over there regarding the work that has been going on? We've got some people who are still less than pleased and at least one of them has been contacted by their insurance company that their Homeowner's Insurance is being canceled because of the flooding and they cannot get it renewed. Have you...?

John Stoll: I haven't spoke to anybody about that.

Commissioner Mourdock: That's okay, I can give you call this week. I was just curious if you were staying in touch. I know Milton and Bill's group have been doing some work over there and I know Bill Jeffers has been in there as well.

John Stoll: Valerie has been sizing the pipes that have been going in out there, so my knowledge of what she sized...I mean, my knowledge of what is going on between the property owners has been through her and she hasn't told me of any new developments as of late. Like I said last week, the most recent thing that I knew of was the retention basin was being put in up at Knob Hill.

Commissioner Mourdock: Right. You're familiar with the house that is actually on Ward Road that put in the concrete wall that rerouted the water?

John Stoll: Yes.

Commissioner Mourdock: This is coming to me secondhand, so I am not certain this is accurate, but I have been told that the person who owns that would be willing to have that dug up, all the way across their front lawn dug up, if a pipe would be put in there. The person who reported this to me I told them that, obviously, even if the person would allow that to happen we can't enter their property unless they would give us a temporary easement to do it and we

certainly don't have funds available to put the pipe in at which point he suggested that all of us that are getting the flooding may be willing to pay to put the pipe in.

John Stoll: I've heard some discussion like that from the people down at Oak Ridge. We've told them that is not something that we could pay for and it has gone back and forth on whether or not any of the residents would be willing to cover that cost.

Commissioner Mourdock: Okay.

John Stoll: When you get on further down from that wall there is... I think it is a 12 inch plastic pipe that somebody put in the ditch. I was told secondhand, also, that the ditch used to be substantially larger, so that was causing part of the problem as well and everybody along Anthony has piped ditches rather than open ditches out in front of their houses, so it is just a series of problems. I know the County Highway Department hasn't gone down Anthony to do any ditching as of yet.

Commissioner Mourdock: But there has been ditching along Ward Road, is that right?

John Stoll: Yes. It is just that I am not sure what their schedules are in regard to finishing along Ward, but I don't know if now is the time to start on Anthony Drive yet this year given the fact that it will probably just erode all winter long since we couldn't get anything to grow.

Commissioner Mourdock: I guarantee you that the people who live down there would much rather have some erosion than have a reoccurrence of the situation they've had. I mean, it's a no-win situation let's face it. One hundred year rains aggravate a no-win situation considerably.

John Stoll: That's another problem. Even the pipes that are being put in wouldn't handle the rainstorms that we've had. These have been sized for 25 and 50 year storms, so even the new stuff won't handle the rains that have caused most of the problems out there to this point.

Commissioner Mourdock: Do you agree that the fundamental problem, and Milton you can address this, too, if you like, that the fundamental problem is basically that the concrete wall that redirects that water east when it used to run south and if that problem were fixed much of the flooding back on Anthony Drive would not occur?

John Stoll: I think that would have to be combined with a lot of work down Anthony Drive as well.

Commissioner Borries: Yeah, that is what I would say.

Commissioner Mourdock: Okay.

John Stoll: Because all those pipes would have to be increased in size or open ditches put in along there as well.

Commissioner Mourdock: Along Anthony?

Commissioner Borries: It could worsen in a real sudden event because by ditching upstream now on Ward Road--

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President Tuley: They get water faster.

Commissioner Borries: --it's going to move water faster down on them.

Commissioner Mourdock: Yeah, the question though--

Commissioner Borries: The ultimate problem is still going to be down there on Anthony Drive because those people need to listen and work together with each other because it is private property and that is going to be a major problem down there. They're going to have to really work together down there.

John Stoll: That is one of the problems that I know Bill Morpew has said in the past that he didn't want to ditch Anthony Drive until the residents who lived down there in Oak Ridge were willing to address their problem with their ditch because if they open up all the drainage along Anthony it is just going to inundate that ditch that is down there in Oak Ridge.

President Tuley: The people in Oak Ridge have, apparently, got in contact with some engineering firm and they are headed in that direction now according to Bill.

John Stoll: To fix their ditch?

President Tuley: That is what he told me today.

John Stoll: Okay.

President Tuley: He has been working with that guy that has been up here quite a bit, Dave...?

Commissioner Mourdock: Garrett.

President Tuley: He said that he is starting to see Bill's point of view and that the Homeowners' Association is going to have to clean up that ditch down there, so I think he is leaning and working in that direction.

Commissioner Mourdock: Well, I suspect that we could talk about this one another two hours because it has taken many hours already, so I'll stop for now, gladly!

President Tuley: Thanks, John.

Commissioner Borries: Thanks.

**Milton Hayden - County Garage**

President Tuley: Bill is not here, but Milton Hayden is. He's the Assistant Highway Superintendent. Let the record show that Milton turned in the Vanderburgh County Highway Department and Vanderburgh County Bridge Crew progress report for the period covering Friday, October 25 through Thursday, October 31, 1996. I looks like we are cutting trees, cutting grass--

Commissioner Borries: Still doing some paving, too.

President Tuley: --and doing some paving and everything else.

Commissioner Mourdock: Milton, I got another call that came into

me today on Red Bank Road, the first curve south of New Harmony Road, Old New Harmony Road. They said there was quite a bit of erosion and there is about an 18 inch drop-off immediately off the pavement. You may of had that one on the list already, but it was called to me as a "emergency" situation and we need to get that fixed.

Milton Hayden: Well, I've already looked at that and that is already taken care of in my way because we've got a little problem there, too. The bank being so high on that curve and like I said it is on private property.

Commissioner Mourdock: Here we go again.

Milton Hayden: You can't go back on private property to do anything. The part that we have to control I can do that.

Commissioner Mourdock: Okay, when did you deal with it last?

Milton Hayden: This morning. It was this morning that we went out there. I was out there late Friday.

Commissioner Mourdock: Okay, because the phone call that I got was about 9:00 this morning.

Milton Hayden: I was out there this morning and they must have seen me.

Commissioner Mourdock: Okay.

Milton Hayden: Is there anything else?

Commissioner Borries: You might want to tell Mr. Morphew to get the gloves ready. I think next Monday I will be mentally prepared here in honor of the Veterans. I wasn't happy that we lost this United Way, but it's for a worthy cause, so I will probably do my deal next Monday if you will tell Mr. Morphew he can expect me. He can get a nice yard, but no weeds on the yard. Very low!

Milton Hayden: We have one picked just for that.

Commissioner Borries: Do you? I think next Monday looks pretty good for me, Milton.

President Tuley: Make it two pairs of gloves because we are out of school Monday, so I might as well do it!

Commissioner Mourdock: As the guy who made the bet to begin with I would be willing to change or have you guys change the work gloves to snow gloves if you would rather shovel snow.

Commissioner Borries: Nooooooooo!

President Tuley: No, no, no, no!

Commissioner Borries: No.

President Tuley: A weedeater is a lot less work than that snow shovel.

Milton Hayden: Is that all?

President Tuley: That's it.

Commissioner Borries: Thank you, sir.

**Keith Rounder - Assistant County Attorney**

President Tuley: Sitting in for Alan, Keith, do you have anything for the Commissioners?

Keith Rounder: Yes, I do (inaudible).

Commissioner Mourdock: Turn your mike on, Keith.

Keith Rounder: Pardon me. I've got a series of bids on the Tier 3 computer equipment bid. I guess I'll read those at this time.

President Tuley: Read the recap and then we will defer it to Data Processing and Purchasing for review and recommendation next week, I guess.

Keith Rounder: Okay. I made a list of them here which I will make available in just a second.

CGES	\$46,171.70	
Dartek	- no bid -	
Automated Office Solutions, Inc.	\$99,820.00	
Computer, Parts & Upgrades	\$90,390.00	
Advanced Micro Electronics, Inc.	\$ 1,646.67	per unit
MIS Business Solutions of Indiana	\$ 1,753.92	per unit

Neither of those last two had a total bid price for the entire project, apparently. We have a faxed copy of a bid bond from CGES, but CGES did not include their bid bond in their...we don't have an original bid bond from them. I don't believe...from my understanding of the process, I don't believe that we can accept their bid without the original bid bond, but I would like to defer on that and maybe get a formal answer on that before a decision is made.

President Tuley: That's fine.

Commissioner Borries: Usually what you do is after we have read those into the official record we will refer them to the technical advisor who will review. You are our technical advisor on the legal end, so we'll have enough time, I think, to do that. At this time I would move that the bids read into the record for APA044-97, Tier 3 Micro Computer Equipment, be referred to the county's computer consultants and taken under advisement for a period of not less than one week. SCT.

Commissioner Mourdock: I'll second.

President Tuley: So ordered. Is that all you have, Keith, anything else?

Keith Rounder: That's all I have.

President Tuley: Okay, thank you.

**Cindy Mayo - Superintendent of County Buildings**

President Tuley: Cindy.

Cindy Mayo: I have a travel request that needs to be added to the consent agenda from the Auditor's Office for Suzanne Crouch to attend the Auditor's Fall Conference, so I'll pass that down. I also have page 2, a new page 2, of the agreement that you did vote on last week, I believe, during Drainage Board meeting, but you did approve it based on some changes on that and I do have that if you would like to sign that. Joe Ballard was hoping to get that signed and sent as soon as possible. He needs a copy of the whole thing.

Commissioner Borries: That's on the Christopher Burke...?

Commissioner Mourdock: Yeah, I've seen it and I have reviewed it and that is certainly pursuant to what we talked about.

Commissioner Borries: Yeah, I agree. It has basically one copy for signature. It is probably a Drainage Board item, but we did formally approve that last week, so if you direct me to sign it I will do so.

Commissioner Mourdock: I'll move that we sign the contract with Christopher Burke Engineering pursuant to our last Drainage Board discussions.

President Tuley: Second.

Commissioner Borries: Thank you.

Cindy Mayo: The last item that I have is just for your information. There is a statement of agreement that has been sent up by the County Assessor's Office that we will put in your packet for next week's meeting. I didn't have time to get it for you before the weekend, but she is wishing to...David Hurst who used to work for the State Board of Tax Commissioners and was the person who handled all of the exemptions for the State Tax Board has left the State Tax Board. There are some issues coming up with Deaconess Hospital and some of their non-profit status that she wishes to enter into an agreement with him. The funding would not come out of our account, but it is something that you would need to sign on, so I just wanted to let you know that will be in your packet for next week.

President Tuley: Okay.

Cindy Mayo: That's all I have.

President Tuley: Lynn's business has been taken care of.

<b>Consent items</b>
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President Tuley: Consent items include employment changes, travel requests including the one submitted by the County Auditor. Do we have motion for approval?

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

Commissioner Borries: Second.

President Tuley: So ordered.

**Scheduled meetings**

President Tuley: Scheduled meetings. The election has been put off for one more week so that we can enjoy another week of all those wonderful commercials! General election day tomorrow. County Council does meeting at 3:30 on Wednesday and there is an Area Plan meeting scheduled Wednesday evening.

Commissioner Mourdock: It will be a long one.

President Tuley: Yes, it will. Next Wednesday, the 11th, there is a 4:30 Solid Waste meeting with a 5:30 Commissioners meeting.

**Old business**

President Tuley: Old business?

Commissioner Mourdock: I have one item that I will refer to Charlene as an update. I received, and I know you also did since our last meeting, a note from the Auditor's Office in which the request was made that they were seeking some direction regarding the Auditor's...or the advertising of the Vanderburgh County Code Books, so I'll let Charlene or Suzanne explain that.

Charlene Timmons: Okay, I was just hoping for some direction on that. You wanted it advertised for adoption for the 18th of November. I think since then you have also received something from Barbara Cunningham. Did you guys get a copy of that? You've seen where she had quite a bit that needed corrected and I just wanted to make sure that we did want to go ahead and adopt them before those corrections were made or if we wanted to adopt them and then make the corrections as amendments?

President Tuley: She had quite a few. I don't really know if we want to go ahead and adopt it and then go back in and amend it. It seems like it would make more sense to clean it up before we actually adopt it and then if we have missed anything go back and make some minor modifications. She had so many comments I am not sure that we need to go ahead and adopt it right now.

Cindy Mayo: I have a large package to give Alan on that.

Charlene Timmons: I've had some good feedback on my memo that I sent out to all the office holders. John Stoll took the time to look through it. I listed several people in my memo and they had some suggestions. I think it would be worth looking into before we adopt it.

Commissioner Mourdock: I would certainly agree with what Charlene just said which I think is the same that you said, Pat. I am certainly willing to withhold action at this point.

President Tuley: There is just too many changes to go ahead and adopt it and then make all those changes. That doesn't make a whole lot of sense. Have we already advertised it?

Charlene Timmons: We have not advertised it. You made a motion to have me advertise it and had you of wanted to go ahead I would have faxed it this evening.

Commissioner Mourdock: Since we formalized that last time then, I

would make a motion that we defer the advertising until we have the complete package from Ms. Cunningham to include with the ordinance.

Commissioner Borries: Second.

President Tuley: So ordered.

Commissioner Mourdock: Thank you, Charlene.

President Tuley: That was under old business?

Commissioner Mourdock: Right.

President Tuley: Is that it?

Cindy Mayo: I have one item that I did mean to mention and I am sorry I had forgotten. Wednesday is the Council meeting and I believe I told you last week that we did advertise the Pigeon Creek money under CCD and the set aside monies. I don't know which fund they intend to take that out of and I need your permission or I need your advice on how you want me to proceed with that Wednesday or do one of you want to come to the meeting and speak on that? I just know that you had some concerns to start with about \$177,000 coming out of CCD monies. You were a little concerned about it.

President Tuley: There were two issues there. The one issue was that based on past practice of the Council that we wouldn't...they wouldn't receive warmly if taken out of CCD and the next concern was the fact that we only have \$600,000 set aside to carry us through next year. Do you have any feel for...? I know there was concern.

Suzanne Crouch: How about splitting it?

President Tuley: That's not a bad idea.

Cindy Mayo: I wondered about that, too. If we could ask if maybe half...

President Tuley: Maybe they will consider splitting it. Yeah, that's a great idea.

Commissioner Mourdock: I'm sure Pigeon Creek could care less.

President Tuley: They don't care where it comes from, that's for sure.

Commissioner Mourdock: What time is the meeting on Wednesday?

Cindy Mayo: It's 3:30 on Wednesday.

Commissioner Mourdock: I will not be able to be there. I need to be in Spencer County.

Cindy Mayo: Well, perhaps I can speak with Ms. Jerrel Wednesday morning and see if she has a feel on how Council might feel about taking half out of each fund.

Commissioner Borries: I think that is an acceptable compromise. It certainly takes on added importance now that the Governor was in with a check for one million dollars. So they certainly need to be attentive to the fact that the project can go forward at this point. At least some phases of it.

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Commissioner Mourdock: Do you want a motion?

President Tuley: I guess just to clean it up it would be good idea.

Commissioner Mourdock: I'll move that Ms. Mayo attend the meeting on our behalf and discuss with the President of the County Council the idea that the money be half from CCD and half from the...?

President Tuley: Windfall money.

Commissioner Mourdock: Yeah, COIT Windfall.

Commissioner Borries: Second.

President Tuley: So ordered. Any other old business? New business? Motion to adjourn?

Commissioner Mourdock: So moved.

Commissioner Borries: Second.

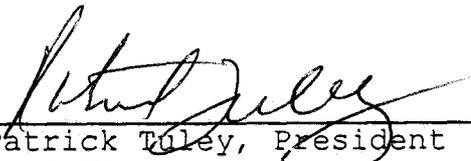
President Tuley: We are adjourned.

Commissioner Mourdock: We ought to have an election every week!

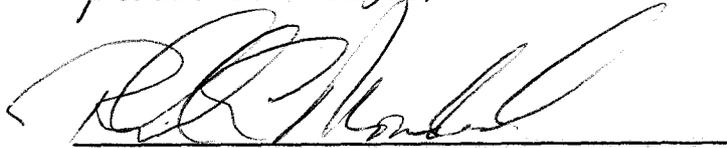
The meeting was adjourned at 6:12 p.m.

THOSE IN ATTENDANCE:  
Patrick Tuley  
Richard Borries  
Richard Mourdock  
Keith Rounder  
Cindy Mayo  
Suzanne M. Crouch  
Charlene M. Timmons  
Milton Hayden  
John Stoll  
Joe Profaizer  
Tim VanCleave  
Edward Moser  
Other unidentified  
Members of the media

VANDERBURGH COUNTY  
BOARD OF COMMISSIONERS

  
Patrick Tuley, President

  
Richard J. Borries, Vice President

  
Richard E. Mourdock, Member

**Vanderburgh County  
Board of Commissioners Meeting  
November 11, 1996**

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**Vanderburgh County  
Board of Commissioners Meeting  
November 11, 1996**

The Vanderburgh County Board of Commissioners met in session this 11th day of November, 1996 in the Commissioners' Hearing Room of the Civic Center Complex at 5:50 p.m.- with President Patrick Tuley presiding.

**Introductions and Pledge of Allegiance**

President Tuley: Good evening. I apologize for being late. We will call to order the meeting for the Vanderburgh County Commissioners for Monday, November 4, 1996. As a point of introductions, to my far right is Cindy Mayo, the Superintendent of County Buildings; in the empty seat that will be filled here in a little while will be Alan Kissinger, the County Attorney. To my immediate right...I'm sorry, it's Keith Rounder sitting in tonight. Thanks. To my immediate right is Commissioner Rick Borries; to my immediate left is Commission Richard Mourdock; to Richard's immediate left is Bill Fluty, who is the Chief Deputy in the County Auditor's Office; and to his left is Charlene Timmons, Recording Secretary; and I am Commissioner Pat Tuley. If you would, please stand with us and say along as we say our Pledge of Allegiance, please.

**Approval of minutes**

President Tuley: Okay. No wonder I am so messed up here. I am reading this agenda and it says for November the 4th. I think tonight is the 11th, is it not?

Commissioner Mourdock: Yep.

President Tuley: We would like to approve the minutes of the November 4th meeting.

Commissioner Mourdock: I'll move approval of the meetings of the Board of Commissioners, November 4, 1996.

Commissioner Borries: Second.

President Tuley: So ordered.

**Certification of Executive Session**

President Tuley: Okay, under the action items, item 4B is the certification of Executive Session. We will just let the record reflect that there was not an Executive Session held prior to this meeting as this is the second Monday of the month and we did hold a Solid Waste meeting.

**Dennis Feldhaus - Helfrich Insurance**

President Tuley: Item 4C, Dennis Feldhaus, Helfrich Insurance.

Dennis Feldhaus: Good evening, Commissioners. I come before you this evening as a conclusion meeting, I am hopeful, with regards to the Vanderburgh County medical benefits. We have discussed at several meetings in the past regarding the level of contribution both by the employee and the employer the rates for 1997 by all three providers for all three tiers that are provided. I distributed to you a medical benefits analysis for your review that

shows, basically, the . For the record, that is \$16 for an individual employee is their level of contribution. It's \$30 per month for employee plus one and \$40 per month for a family. That table includes an analysis as opposed to flat dollar what the benefit level contribution would be if changed to a percentage of the total premium per provider per tier. That comparison shows eight, nine and ten percent for your review. In trying to compare that to the flat dollar our current plans for all employees range basically between on a percentage basis between 6% and 8.5% presently on a flat dollar basis. Of the 698 employees they range their level of contribution range between 6 and 8.5 currently. If you go to a percentage as opposed to a flat dollar which is my recommendation for your vote what that does is that will enable the county to begin as an employer to somewhat see a steerage among the three providers that would behoove the county. It would also entice the employees to become more in tune with what is going on with the plan. The cost, the total cost, as opposed to just what do I pay. As we go on into future years it would be an issue that would enable the county, as an employer, as rates go up or down then proportionally that would automatically be shared by the employee group. With that I would entertain any questions that you might have.

President Tuley: Dennis, I want to make sure I heard the words up or down?

Dennis Feldhaus: I'm sorry?

President Tuley: You did say up or down?

Dennis Feldhaus: Yes.

President Tuley: In terms of future rates?

Dennis Feldhaus: Yes.

Commissioner Mourdock: Dennis, do you have...excuse me, go ahead.

Dennis Feldhaus: For the record, because a lot of times we discuss all these items, again, serving as your consultant and liaison between the Commissioners and the employee committee that serves the county employee group for insurance we do have 698 employees. Again, they are divided among three providers: PHN, HMO and Blue Cross. A total premium dollar projected for 1997 based on known 1997 rates you are looking at a total price of \$3,590,863 which will fluctuate depending on the number of employees by department and within those employees which plan they choose because our rates are different. Mr. Mourdock, Commissioner Mourdock, did you have a question, please?

Commissioner Mourdock: Yeah, you are headed right down the path with the question.

Dennis Feldhaus: Okay.

Commissioner Mourdock: I have a hunch you've been around me enough to know in advance the questions. What do you project in actual savings to the county given your \$3.59 million? Have you run some numbers and can give us a better idea?

Dennis Feldhaus: The projected savings to the county would be for each percentage. The nice thing about going to a flat percentage as opposed to a flat dollar is that it is very easy then to

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calculate the projections. On a \$3,590,863 total annual premium a 1% change would be \$35,908. As the level of contribution from employer to employee would shift by each 1% then the difference or the savings, if you will, or the transfer of costs, if you will, would be \$35,908 for each percentage point based on the current rates.

Commissioner Mourdock: Okay, given the history of similar sized enterprises and what you call steerage can you...obviously, you can't control it, we can't control it, but do you have even a guesstimate of what steerage may result in the savings? Would it be a half a percent, two percent?

Dennis Feldhaus: Given the individual rate differences that would be if you went, for example, at 10% if you look at the rates there compared to what they are now paying I think steerage would be much greater than any change in flat dollar and obviously as each steerage occurs from your highest priced provider in addition to the thirty five automatic you are going to save because the steerage is going to save you. I would say if we had a steerage away from Blue Cross and PHN into HMO you could easily realize an additional \$40 to \$50,000 per year.

Commissioner Mourdock: So you are talking 1 or 2%?

Dennis Feldhaus: Un-huh.

Commissioner Mourdock: Well, 1%.

President Tuley: I want to make sure I was following that, Dennis, because you and I talked today the forty or fifty could be additional or...today we talked in figures of like \$35,000 for each 1% increase.

Dennis Feldhaus: That is correct.

President Tuley: That is if no one moved?

Dennis Feldhaus: That is correct. That is if nobody moves and everybody kept the same plan we just went from flat to a percentage basis.

President Tuley: Then because the cost goes down if people start moving you're saying...did I understand you to say there may be an additional somewhere between forty or fifty over and above that?

Dennis Feldhaus: The cost would go down to the county given the steerage out of the higher--

President Tuley: Higher premium.

Dennis Feldhaus: Correct. For example a family plan now ranges...bear with me one minute. Our family plan ranges from a high of \$683 per month to a low of \$525. Obviously...and that is a per month, so as you move those people based on steerage if those people with the higher price went to the lower price times twelve that is going to be in addition to the thirty five.

Commissioner Mourdock: So we are starting out with a \$35,000 savings and every percentage point that moves we'll pick up another --

Dennis Feldhaus: If you go from a flat dollar to a percentage basis

and you choose 8% as the level then it is basically break even and as each percentage point above 8% that you ask the employee to contribute your savings is roughly \$36,000.

Commissioner Mourdock: Okay.

Dennis Feldhaus: Your best case scenario is some of your single employees are actually going to see a decrease in what they currently pay, pay, excuse me. The most affected pricing will be in your family plan and the difference between HMO and currently Blue Cross. I hope my chart wasn't too confusing because you've got, basically, 27 figures there for three different providers, three different tiers, at three different percentage points.

Commissioner Mourdock: Okay, one point of confusion that I have, and I see Pat on his sheet made a note, and I made one differently, but did you say from 6 to 6.85 or from 6 to 8.5 as the current range?

Dennis Feldhaus: It's 6 to 8.5.

Commissioner Mourdock: Oh, okay.

President Tuley: It's not his that are confusing. It's my notes that are confusing.

Commissioner Mourdock: No, I had heard it differently. I thought he was saying 6.85.

President Tuley: Oh, no, 6.85 is the range now.

Dennis Feldhaus: Currently the flat dollar amount relates to approximately a minimum of 6% to 8.5% for the current flat dollar figures.

Commissioner Mourdock: Okay.

Dennis Feldhaus: Depending on where you are at and who you are with.

Commissioner Mourdock: Okay.

Dennis Feldhaus: From the standpoint of open enrollment to get it all back into the Auditor's Office, the computer system, the payroll by year end, in fact, I received a phone call from Mr. Fluty's right hand today and she is anxiously awaiting what she wanted to hear a week ago. I would ask the Commissioners for some conclusion and to vote as to A, moving away from flat dollar and B, if so, at what percentage level to start?

President Tuley: Dennis, again, you always...you're a good numbers cruncher. You always manage to get these numbers together. Now we get to make a tough decision here.

Dennis Feldhaus: It's a tough one.

President Tuley: I think it is something that we have to do. I think we have to move off that flat rate. The county is offering up the opportunity...I know the one thing that we have been told in past discussions are that people don't want to change their providers. They want to stay with who they are with, but based on that total outlay by the county based on the rates being contributed by the employees I think it is prudent that we move to

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a percentage. I think now, and that is my opinion, but in my point of view the next discussion would be at what rate we start at?

Commissioner Mourdock: I would agree. I think while the flat rate is nice and simple the fact is the steerage idea is one that does a couple of things. It obviously saves the county money, but more than that it still gives the people a little bit more freedom to move from...I mean, they get to make the choice.

Dennis Feldhaus: That's correct.

Commissioner Mourdock: We are not shoving something at people; they still get to make that choice.

Dennis Feldhaus: The private sector a lot of times they don't even get the choice.

Commissioner Mourdock: Right.

Dennis Feldhaus: As a Commissioner, as an employer of 700 people, you are still allowing choice of physician, choice of facility.

President Tuley: The other thing, too, and that is the reason I asked you to clarify that I heard the right thing, is that with it being strictly on a percentage basis, then as you pointed out they become more acutely aware of the total cost to the county and cut back those loses or those trips and as a result the county gets the benefit of reduction in our costs and with them being on a percentage basis they get the benefit of that as well.

Dennis Feldhaus: That's correct.

President Tuley: As opposed in the past if the rates come down and we were charging a flat \$40 they still paid the \$40 no matter what it costs us. They not only get to choose still where they would like to go, but they also have, quite honestly, a little more input into how much it is going to cost us.

Dennis Feldhaus: Managed health care is a two way street. Employer and employee is involved. Up to this point the county employee has benefitted in that he/she has received very good benefits at a very good price and that will continue to be. When you still compare the 8, 9 and 10% levels here to what is out in the real world it is still very good benefits and very good price.

Commissioner Mourdock: Upon acting on this, this would take effect 1/1/97?

Dennis Feldhaus: That is correct.

President Tuley: Basically, we're kind of put between a rock and a hard spot in terms of making a decision because you have to notify the people of the open period.

Dennis Feldhaus: The open enrollment for steerage purposes if a person wanted to move from one plan to the other it is going to be November the 15th, which is this Friday, to December the 15th. That enables our Auditor's department to get all the changes in the system--

President Tuley: Because January's insurance is paid out of that last--

Dennis Feldhaus: --and also to change the payroll deduction from a flat to a percentage. That all has to be worked out. So we need the time frame there to get the job done and between now and Friday to communicate it to all employees. -

Commissioner Mourdock: One more time just so that I am sure that I understand it. At the 8% figure we are basically staying even where we are at?

Dennis Feldhaus: That is correct.

Commissioner Mourdock: The savings from that point on will be steerage?

Dennis Feldhaus: The 8%, if you'll look in the analysis that I have distributed under the 8% column an example would be a single employee for HMO would pay \$14.97 as opposed to his current \$16, so he is actually going to be paying less. Unfortunately, under that same bracket under the Blue Cross/Blue Shield plan the family who is now paying \$40 will be pay \$54.65, so even though it is basically across the entire board the shifting within single to family will be more targeted. The family plan would be paying more based on the total premium. In reality as a flat dollar the single employee has been paying more of the load than the family. With the percentage basis you are going to target in and actually shift it to where it belongs.

Commissioner Mourdock: Where it belongs because the families tend to be the greater users getting the greater benefits.

Dennis Feldhaus: That is correct. Also, not only the better benefits, but the more claims which drives your price up.

Commissioner Mourdock: Right.

President Tuley: That family could be anyone with one child to ten?

Dennis Feldhaus: That is correct. A family would at least be three.

President Tuley: Minimum.

Dennis Feldhaus: Employee plus two.

President Tuley: Right.

Commissioner Mourdock: I'll move that...well, I'll put this in two motions pursuant to the way Dennis said it. I will move that we shift our insurance from the flat dollar coverage rate to the variable rate as proposed by Mr. Feldhaus in his medical benefits analysis.

Commissioner Borries: Second.

President Tuley: So ordered.

Commissioner Mourdock: As a rate I would move that we use the lowest of the rates that he has provided to us which would be the 8% figure.

Commissioner Borries: I will second that. I want to say a couple of things. I certainly want to say that Dennis Feldhaus has done an absolutely marvelous job in a very difficult situation. You

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have so many different employee groups and agenda that it is remarkable that you, I think, have been able to communicate all of this, the sense of urgency and the sense of change to employees in a very professional way, so I certainly want to commend you for that.

Dennis Feldhaus: Thank you.

Commissioner Borries: During my experience in working with you as the county's agent of record the most pleasant of all aspects of this has been your outstanding job in the health insurance because this was literally something that you had to get in and learn and master and you have just done a fantastic job. I also feel that you are exactly right that the percentage is something that we are going to have to look at and have done so, I think, with the motions this evening. Where I had hesitance to Commissioner Mourdock's percentage is I am not sure that we are going to be able to realize the savings or the county will in the long run with that. It is a start and whether or not there will be some steerage or changing of some plans in with this particular configuration, I don't know, but it should really be obvious that there could be some movement. When you look at, I guess, the private sector, you described maybe as the real world, but certainly in the private sector 80/20 plans are generally the rule so you still would see...we would see a significant lessening of any obligation that employees would have to pay here by that percentage. I guess I would just have to say to this Board that if we do that I am not sure how much savings or movement we are going to see there and that probably at some future point if this 8% is going to be the rule of thumb for tonight that figure might have to be adjusted in some future years to reflect, again, I think some growing expense in accounting. You are absolutely right, it has always been, I think, a precept in this age of managed care to allow employees to have some freedom as to who they choose insofar as physicians and we have been able to do that. That is not the rule of thumb in most areas and certainly in the private sector. This will ensure that they can still do that, but if you want to keep your certain hospital and your particular physician then you are going to have to pay more depending on where that particular area is.

Commissioner Mourdock: I'll just add quickly to that I realize the county could save more going to the larger percentage, but I guess my concern at least starting out 8% agrees with what you said there in the latter part of your remarks, Rick, that it is something that we will probably have to look at again next year and the following year and the following year. I guess the shock that would hit a lot of our employees coming in at the higher numbers on day one, while it might gain some benefits to the county, that there is still going to be some sticker shock to some of our folks. I guess I see this as a little bit of a free market test, if you will, to see what kind of steerage we really do get from it and that is why I am leaning towards the 8%.

Dennis Feldhaus: The one thing I believe it will do is it will put the carriers, the providers, on notice that the county is finally going to make a stand on the negotiation end of their rates because, basically, they come and they bring their rates. They know the rates of their competitors and they know there is no enticement to the employee to change things, so if there is no disgruntlement everything will stay the same. I think just the change to a flat percentage will encourage the providers to negotiate in better faith.

Commissioner Borries: Well, the percentage just basically reflects that not all health plans are equal.

Dennis Feldhaus: That is correct.

Commissioner Borries: Certainly in price. They may be in terms of some services and they're excellent physicians and hospitals out there, but they are not all equal in price and the percentage certainly will start the county in a movement in the direction that no longer will you have to be talking number-to-number here, penny-to-penny, but you may have to change that percentage.

President Tuley: I think as long as we keep that in mind I can live with the 8% as well. I mean, it is a step in that direction, but I think it is something that we, as Commissioners, working with the insurance agent we'll have to monitor and stay on top of, but at least it is a step in that direction. Having said that, we have a motion and a second and I will so order.

Dennis Feldhaus: Thank you.

Commissioner Mourdock: As we conclude, I compliment you, Dennis. As Pat said, you are very good at crunching numbers here and I think the county employees have been well served by the research and the work you have done on this.

Dennis Feldhaus: Thank you. I appreciate it.

President Tuley: Okay, Dennis, thanks.

Dennis Feldhaus: I'll work with the Auditor's Office and get that implemented and in your payroll Friday. Let Karen know that I will be in first thing in the morning. Thank you.

**Michael Robling - Permission to advertise**

President Tuley: I have listed as item D, Michael Robling, permission to advertise Petersburg Road/Daylight Sewer, yet I don't have anything in my packet or at least if I did I skipped over it.

Commissioner Mourdock: I don't have it either.

President Tuley: No one has had any contact with Mike then? I guess we better hold this off until next week then.

**Cheryl Musgrave - Agreement with David Hurst**

President Tuley: Item 4E is Cheryl Musgrave, Statement of Agreement with a David Hurst. Do you guys have that in your packet as well? I'm going on the assumption that this is paid out of reassessment funds.

Cindy Mayo: I do know that she went before Council and transferred some money Wednesday to cover this.

President Tuley: Okay. Basically, she wants to hire someone to review the application for exempt property with regard to Deaconess Hospital, Deaconess Development Corporation and related Deaconess properties not owned in these corporate names. It spells out that the assistance will include review of documents, telephone

discussion, on-site meetings and other duties as reasonably determined by the County Assessor. The County Assessor will supervise the completion of his duties. No legal advice will be included in this agreement. It is a flat \$500 fee including all out of pocket expenses. She requests that we approve this agreement.

Commissioner Mourdock: I'll move the approval of the request of the Vanderburgh County Assessor.

Commissioner Borries: I will second. However, I must say that if this has to do with a review of exemption for Deaconess Hospital, it is mentioned for Deaconess Hospital, if it is in the framework of a not-for-profit the Assessor and this Board we may have opened up a Pandora's Box here that may take more than one review and one person here, so you better be mindful of that, I would think. I don't know why Deaconess Hospital would be singled out in this particular situation unless it had some review of their not-for-profit status and if it is a not-for-profit status you have some organizations out there that probably would be a good deal...bear a good deal as much or more scrutiny than Deaconess Hospital ever would. I don't know exactly where she...is that what that is about?

President Tuley: Well, if I can remember what I read. I don't know that it involves "the hospital" itself as much as it is, I think, they call it the Doctor's Plaza and some of these things that they rent office space to their staff doctors and what have you. Just speaking from memory, I think that is what she is questioning is that they are in competition with other real estate developers in providing reduced rates maybe or something.

Cindy Mayo: It is with their non-profit and they are aware that there has been some questions on it, "they" being Deaconess Hospital. David Hurst was with the State Tax Commissioners and was the person that was called statewide with questions about non-profit exemptions and agencies. He is no longer with the State Tax Board and I do understand that there have been several other counties that have had Mr. Hurst in to speak on different exemptions hoping that this will save maybe some legal pursuits in the future.

President Tuley: Okay, we've had a motion and a second and I will so order. All these look like originals, don't they? I'll sign this and they can make copies.

**Marco DeLucio - McCutchan Estates, Section IV**

Cindy Mayo: Mr. DeLucio was in the office this afternoon and said that he would like to continue this until next week and hopefully it will be resolved by next week and he won't have to come.

President Tuley: Have to be here, okay, thanks.

**Addendum to Rental Agreement - Sheriff's Department Storage**

President Tuley: Item 4G is the Addendum to Rental Agreement additional storage for the Sheriff's Department. Basically, the Sheriff has asked for an additional 237 square feet for storage for the Sheriff's Department. The agreement will be between the city and the county. This addendum shall modify the rental agreement

approved by the Board of Commissioners on June 17, 1996 and the Board of Public Works on June 19, 1996. Again, here we go. It doesn't say what the rate is, but I assume it is the same rate that is currently charged for storage?

Cindy Mayo: It's \$14 or whatever and we don't have any money in the rent account to pay for this.

President Tuley: I guess we could sign it subject to an appropriation, but if the Council doesn't appropriate then there...

Commissioner Borries: Is there an appropriation before Council on this, Cindy?

Cindy Mayo: There can be one put before Council for December. The deadline is the 15th.

Commissioner Borries: I would move then that this be done.

Commissioner Mourdock: I'll second.

President Tuley: Okay.

Commissioner Mourdock: Was that subject to that, Rick?

Commissioner Borries: Yes.

President Tuley: Subject to an appropriation being granted?

Commissioner Borries: Yes.

President Tuley: Okay, so ordered.

**Lynn Ellis - Purchasing**

Lynn Ellis: Okay, actually there are four items tonight. First, I would like to request permission to open bids. The Tier 1 and 2 Computer bid was supposed to open last week and if you will recall the agenda item for the second bid included a statement that we were deferring the opening of that or delaying it one week because of some technical issues that came about during the bid process, so we would like permission to open those bids this evening. I apologize that wasn't real clear on the agenda item.

Commissioner Mourdock: We have them now?

Lynn Ellis: Yes.

Commissioner Mourdock: We've got the bids?

Lynn Ellis: Yes, Mr. Rounder has them to open.

Commissioner Mourdock: Okay, I'll move approval of the bids as specified by Ms. Ellis.

Commissioner Borries: Second.

President Tuley: So ordered.

Lynn Ellis: The next items are the liquid asphalt will not require advertising so I would just like to seek permission to bid liquid asphalt, APA016-97. That would be the bid number.

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Commissioner Mourdock: How is that bid, Lynn? Is that on an as needed basis, I guess?

Lynn Ellis: Right, we specify the product and estimate what the County Highway will need for the year and then it is quoted on a per unit cost and then as they need the product then they contact the low bidder on that.

Commissioner Mourdock: The reason I asked was with fuel prices going up are they bidding today for a price that would be fixed still for next December if we were doing something next...

Lynn Ellis: Yes, unless they include an escalator clause in their bid which they are able to do. The bid will allow them to do that.

Commissioner Borries: So you take an invitational bid at this point?

Lynn Ellis: Yes, sir.

Commissioner Borries: How many of them do you take?

Lynn Ellis: Currently there are five companies on the bid list. We've had at least three...two or three companies responded in the past for liquid asphalt. Just one? Well I have some new ones so maybe we'll get some more.

Commissioner Borries: But you get more than...that's my whole point. You get more than one quote?

Lynn Ellis: Well, no, last year we only got one, one bid, and it was continued...I'm sorry. Two years ago we only got one bid and it was continued for an additional year. It was bid in '95 and it was continued through '96.

Commissioner Borries: Maybe I asked the wrong question. You secure more than...you contact more than one vendor?

Lynn Ellis: Yes, we request bids from more than one and I have received additional companies in the area that have asked to be put on the list for this year as well. We only got one bid although we requested more.

Commissioner Borries: Okay.

Bill Morphew: In that past we've just had one.

Commissioner Mourdock: I'll move approval of an invitation to bid basis for the liquid asphalt.

Commissioner Borries: Second.

President Tuley: So ordered.

Lynn Ellis: The next item is for advertising of bid number APA017-97 for guard rails, end sections and pipe. They will be advertised November 14th and 21st with a bid opening on December 2nd. The last item is for the timber materials, bid number APA018-97. It will also be advertised November 14th and 21st with a December 2nd bid opening.

Commissioner Mourdock: I'll move the advertising for bids APA017-97 for guard rail and pipe and APA018-97 for...

Lynn Ellis: Timber materials.

Commissioner Mourdock: ...timber materials.

Commissioner Borries: Second.

President Tuley: So ordered.

Lynn Ellis: Thank you. The bids, I will pick them up from the Auditor's Office in the morning. Charlene can take them. Thank you very much.

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

President Tuley: Under item 4J, any group or individual wishing to address the Commission who does not find their name or topic for discussion listed, now is the time to come forward. I understand we have someone here from the Housing Authority.

Cindy Mayo: I apologize. Mr. Colbert should have been on the agenda.

Ken Colbert: Good evening, I'm Ken Colbert with the Housing Authority. In front of you, you should have a copy of the letter that I sent Ms. Mayo concerning a surplus property that we are interested in taking possession of. I don't think your legal counsel has had the opportunity yet to review the facts yet of this. This particular parcel is located on Cherry Street and back in '94 you donated three parcels to us in that area. We are working now with DMD and actually constructing three homes on this street. We got a grant for \$98,000. One of the properties that we currently own is at 1011 East Cherry and you currently own the one right next door at 1013 which is in surplus. Of course, we have been coordinating with the different non-profits here in town, Habitat, etc., and this is an area that we are targeting. Our request is actually to see if you will donate this property to the Housing Authority. Our intent would be to also raze this which will allow us more setback requirements, so we wouldn't necessarily have to ask for a letter of support on the setback being changed.

President Tuley: Cindy, just...and I don't know if you can speak from memory on this or not, but this was not a previous property in which we had more than one not-for-profit looking for?

Cindy Mayo: This was on the list that was sent out to all of the non-profit agencies originally. Mr. Colbert said that he...I did not have any requests from any other agency and he had not been contacted by anyone else expressing an interest in it.

President Tuley: Is this one that basically we feel comfortable that if we would transfer title we're okay? Or would this be considered one of the ones...?

Cindy Mayo: I believe probably if a title search is run on this and substantial interest holders notified that we perhaps would be alright on this. Mr. Rounder did not have a chance to look at it before the meeting and do some research. I faxed a copy to Mr. Kissinger to let him know. I showed it to Mr. Kissinger a couple of weeks ago and then faxed it to him last week to let him know that Mr. Colbert was going to be here to speak on it this week. I know he has been involved with the negotiations and I don't know if he has had a chance or if he would want to speak on this tonight or

not.

Ken Colbert: The Housing Authority would also be willing to pay the cost of having the title search done. We have that in our grant.

President Tuley: When would you be going before the BZA?

Ken Colbert: December the 19th, I believe, is the date.

President Tuley: Then it wouldn't be a problem in your eyes if we could take a week to look. There were some that we had title on and I want to make sure that if we pass this on to you that there is not any trouble with that title.

Ken Colbert: Yes.

President Tuley: If you're not going to them then we've got plenty of time to look into this for a week and then take action on it next week?

Commissioner Mourdock: Yeah, the only question I would have is when does something need to be on the BZA's agenda prior to the meeting because they have several weeks where they have to be posted?

President Tuley: It could be withdrawn, could it not?

Commissioner Mourdock: Yeah, but I am kind of saying the other extreme. I don't, and I may be wrong, but I don't think you can just walk into the BZA and say I want to talk about this item. They need to advertise it for a week or so, so we need to make sure we play to that lead time.

President Tuley: Okay. I think we are trying to say the same thing. I would suggest that if there is a lead time that would be in conflict with us acting on this next week that they go ahead and get it before the BZA and do whatever they have to do and then if everything clears out and we grant it then they can always go back to BZA and say we withdraw our request.

Commissioner Mourdock: I gotcha', yeah.

President Tuley: We just need to put this back on in the next week to make sure we check this. I just don't want to transfer a property if there is a question on the title. I didn't hear tonight that we are 100% sure.

Cindy Mayo: No, we're not.

President Tuley: Okay.

Commissioner Mourdock: So, we'll take this one under advisement?

President Tuley: Yeah, it comes back to those problems we had in the '93 sale, whenever it was. I just don't want to transfer something, you build a house on it and somebody come back and say I didn't get notified prior to.

Ken Colbert: Well, our intent on this particular parcel is just to raze the existing home. It would just be a vacant lot. We have no intent on building on that parcel. We own the one next door, but we wanted to make it as clean as possible whenever we got in front of the Board to request no setback requirements because at that point we would have a 50 foot frontage rather than 25.

Alan Kissinger: One of the concerns of the Commissioners, Mr. Colbert, is that we had a problem with some properties in the past and we want to make absolutely certain--

Ken Colbert: Yes, we were involved in some of those, too.

President Tuley: Okay, then you understand where we are coming from?

Ken Colbert: Yes.

Commissioner Mourdock: Been there, done that.

Ken Colbert: Thank you.

President Tuley: Thank you. Any other group or individual?

**John Stoll - County Engineer**

President Tuley: Okay, under department head reports item 5A, John Stoll, the County Engineer.

John Stoll: The first item that I've got is a change order for contract VC96-09-02, the Larch Lane and Pine Place intersection. The soil conditions out there were much worse than we had anticipated, so we needed some wire mesh and some geotech styles and additional concrete to complete the project. The change order is for an increase of \$2,966.79. The contract is with J.H. Rudolph and I would recommend that the change order be approved.

Commissioner Borries: So moved.

Commissioner Mourdock: Second.

President Tuley: So ordered.

John Stoll: The next item, the next six items that I have all pertain to the Cross Pointe and Morgan intersection and some work proposed to be funded through TIF funding. The first item is a petition that we need to submit to INDOT to establish a railroad crossing on Cross Pointe Boulevard at Morgan Avenue. This is a standard petition that must be filed any time you do anything with a railroad crossing. It just defines the location and the types of protection that the crossing is proposed to have and who will do the work and things like that. It's, like I said, a standard document. I asked Alan if he would like to review that and he said given the fact that it was standard language he felt that it was okay to go ahead and sign off on.

Commissioner Mourdock: The petition, John, is that for the railroad or for INDOT? I understand it is to cross the railroad, but is the petition going to the railroad or going to INDOT?

John Stoll: It goes to INDOT. That is the procedure that was set up through state laws. They are the ones who handle the petition. It does go to INDOT and then they work with the railroad to actually establish the crossing.

Commissioner Mourdock: Okay, then part of what you said was that it identifies who will be doing the work?

John Stoll: Right--

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Commissioner Mourdock: And you mean by that not necessarily the company or the construction outfit but the principals, meaning the county?

John Stoll: Right. It says that the railroad will be responsible for bidding the work and it would be at the petitioners costs and the county would be the petitioner. There would be another agreement that would follow this to actually establish the force account agreements where the funding would be involved, so this doesn't involve any dollars at this time. This just petitions approval for the crossing. At a later date once the crossing has all its approvals then at that time there would have to be another agreement with the county and the railroad to actually establish who pays for what.

Alan Kissinger: If you will recall, Mr. Mourdock, we did one of these before, I think. John, wasn't it for the Ohio Street Bridge project?

John Stoll: Correct.

Alan Kissinger: Basically, the state provides us with a form that follows statute.

Commissioner Mourdock: Oh, okay. I'll move approval of the petition for the railroad crossing.

Commissioner Borries: Second.

President Tuley: So ordered.

John Stoll: The next item that I've got in regard to that railroad crossing pertains to the design of the protection. A couple of weeks ago whenever I brought a letter before the Commissioners to say that we would agree to pay for the protection design subject to them submitting a cost estimate to us. We have received that cost estimate and they sent an agreement back that says that fee would be \$4,500 which was reasonable given what it has cost at other railroad crossings. I would recommend that these agreements be signed so the railroad could proceed with designing the protection devices for this crossing.

Commissioner Borries: So moved.

Commissioner Mourdock: Second.

President Tuley: So ordered.

Commissioner Mourdock: Again, John, this one for the crossing protection is with the railroad itself?

John Stoll: Correct.

Commissioner Mourdock: Okay.

John Stoll: The next item is a permit with the state. It is a driveway permit for any work that we would do on state right-of-way regarding this intersection. This permit is a standard driveway permit that INDOT has anytime that anybody wants to work on their right-of-way. The reason that I am bringing it before you is that I had Alan Kissinger review the language. The highlighted language on there talks about liability and things of that nature and Alan said it would be best that if I was going to sign off on the permit

that I would get the Commissioners authorization for that since it does say that it indemnifies and holds harmless the state for any work that we would be doing out on their right-of-way. I am asking for authorization to sign this permit on behalf of Vanderburgh County for any work that would be done in conjunction with this Cross Pointe and Morgan intersection.

Commissioner Borries: I'll move that the Engineer be allowed to sign the agreement.

Commissioner Mourdock: Second.

President Tuley: So ordered.

John Stoll: The final three items I've got are all Notices to Bidders for work that is proposed to be funded with TIF dollars out at Burkhardt and Morgan. No, not Burkhardt and Morgan, the Burkhardt and Cross Pointe, the Burkhardt and Oak Grove intersection...I'll take that back. Morgan and Cross Pointe and a sanitary sewer and lift station. The contract numbers are VC96-11-01, Burkhardt Road Lift Station and Force Main; VC96-11-02, State Road 62 Improvements at Cross Pointe Boulevard and I-164; VC96-11-03, Oak Grove Road Improvements at Burkhardt Road. These are three projects, like I said, that were proposed to be funded through TIF monies and it is my understanding that Alan Kissinger and Lucy Emison have been working with Mr. Bob Woodward to establish all the agreements necessary to make those TIF funds available.

Commissioner Mourdock: Okay, so we are going to put out the bid, but we do not have any funding in place to do the work then. Is that the long and the short of what you just said in the latter part of that comment?

John Stoll: Correct. Right now there is no money in place. These bids would be out concurrently with Mr. Kissinger finalizing any agreements with Mr. Woodward. I guess if something fell through then the bids just wouldn't be awarded is my understanding of what would happen if the TIF agreements weren't finalized for whatever reason.

Commissioner Mourdock: With, Alan, the TIF process I know that you have become intimately familiar with perhaps--

Alan Kissinger: I've become intimate, but not necessarily familiar!

Commissioner Mourdock: What do you expect given our history with Gershman Brown and all the TIF work that was done there, what do you think the timetable would be between John wanting to advertise this and actually expecting things in place to do the work? We went through many months before. It was kind of start again/stop again.

Alan Kissinger: If absolutely everything works perfectly--

Commissioner Mourdock: I'm sorry, I shouldn't laugh.

Alan Kissinger: --we may have this money by the end of the year.

Commissioner Borries: I have talked with Mr. Woodward; he is here this evening. He has secured financing which in effect will allow this particular part of the improvements that John has talked about to go forward. Basically, what he is asking is after any TIF monies that are due Gershman Brown are paid then he would be repaid

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for the credit that he has extended insofar as getting these improvements in that particular section.

Commissioner Mourdock: You are saying money in excess of the Gershman Brown?

Commissioner Borries: Well, after Gershman Brown BAN and funding is retired through the TIF monies.

Commissioner Mourdock: Okay. I guess, and maybe it is my construction side of me coming out here, but I am wondering now if we act to advertise these bids and get the bids in, realistically is it going to be practical for the bidders to this thing?

Unidentified: May I respond?

Commissioner Mourdock: Sure, come on up. Just identify yourself.

Bob Woodward: Yes, my name is Bob Woodward, thank you. We have reviewed the final documents from Lucy Emison and it is my impression that we are going to receive those tomorrow or the next day or whatever with a signature. We are ready to sign off on them. Our loan is in place and committed for with a commitment for the \$1.4 million, so if you can give us the actual document that we have reviewed we will sign it tomorrow and we're in place and anxious to proceed.

Alan Kissinger: Bob, the documents that you are referring to, is that the document of November 5th?

Bob Woodward: I don't have it in front of me, but I believe, yes, sir. The very last one that we received. I came back into the office and we have reviewed it completely as well as the financial institution, which is Old National Bank, that has committed.

Alan Kissinger: Has Old National Bank provided a written commitment?

Bob Woodward: Yes, sir.

Alan Kissinger: Alright, that is one of the things that I would request a copy of the written commitment prior to the signing.

Bob Woodward: Okay. It is a part of a total commitment for many millions of dollars for the entire project, but it has been before their entire committee and has been approved and we have a commitment letter.

Alan Kissinger: Okay.

Bob Woodward: Thank you very much.

Commissioner Mourdock: Thanks, Bob.

John Stoll: In regards to the bids themselves, we've typically had a provision in our contracts to say the prices would be good for 30 days. We have extended it to 90 days on this contract which is what we did...well, I guess it was 60 days on Burkhardt, but we extended this to 90 days on these bids just on the chance that something didn't go as smoothly as planned. That was the provision that we tried to make to make sure the bids would still be good and trying not to leave the contractor guessing as to when the bids could be awarded.

Commissioner Mourdock: Clearly, the bidders are aware that all this is subject to the rest of this coming together?

John Stoll: Right.

Commissioner Mourdock: I mean, they've got two outs, basically. They've got 90 days that their prices are firm for and the second one is that they submit the bid with the realization that unknown factors could blow this thing out of the water.

John Stoll: Right.

Commissioner Mourdock: Not that I am predicting that.

John Stoll: There is always that provision in there that says that we reserve the right to reject any and all bids, so in spite of the bond issue problems that could arise or the expiration of the 90 days or anything like that there is that provision as well.

Commissioner Mourdock: I am not forgetting what we recently went through with Burkhardt Road where we bid it and had a low bidder, had the bids read, but still we waited and waited. We had to wait because we didn't have the documents in place to execute the contract.

President Tuley: I think that is what Alan and Mr. Woodward are guaranteeing the documents are in place now.

Commissioner Mourdock: Right. Or soon will be.

President Tuley: Or soon will be, right.

John Stoll: We were pushing the 60 day limit on the Burkhardt bid so that is why we asked for 90 days on this one just to try and be sure that the bids would still be good.

Commissioner Mourdock: Okay.

Commissioner Borries: Well, I think what this ensures, too, is the bottom line is that the project can continue to move forward. We're getting the intersections done and addressing the needs where the development is occurring at this point and it is going to have to be that way or Burkhardt Road doesn't happen. At this point I would move then that the bids be advertised.

Commissioner Mourdock: Are you doing that all three at once, Rick, just so I know? Whichever, just so I know what I am seconding here.

Commissioner Borries: Yeah, it would be for all three, but I do need to separate them, I think, at that point then. VC-96-01 would be the Burkhardt Road Crossing Lift Station and Force Main; VC-96-02 is State Road 62 Improvements at Cross Pointe Boulevard; VC96-11-03 is Oak Road Improvements at Burkhardt Road. I move that those notices be advertised.

Commissioner Mourdock: I will second.

President Tuley: So ordered.

John Stoll: The final item that I've got I just wanted to present a couple of contour maps. One from 1968 and one from 1990 up in the Knob Hill/Ward Road/Anthony Drive area that just shows where

the natural drainage patterns have been and where they are supposed to be even though that doesn't necessarily show up when you get out in the field that way. Right here is Anthony Drive, so you can see from these contours that the drainage has always gone this way prior to the development of this area. There was a roadside ditch at this point and it turned the corner.

Commissioner Mourdock: Is this about where the house is with the wall then, right in here?

John Stoll: Yeah, it shows up on this one. Yeah, about right there. I'm sorry, back up here.

Commissioner Mourdock: Yeah, yeah.

John Stoll: Part of the problem is that you can see this channel right through here runs right smack through where those three houses sit.

President Tuley: Which is the three people that we hear the most from and see the most.

John Stoll: Right. This is where the 12 inch pipe is.

President Tuley: The small pipe that goes in between them. It has been buried.

Commissioner Mourdock: This is the fountain?

John Stoll: The fountain is a little bit more over here.

Commissioner Mourdock: Okay. It was spectacular the other day.

John Stoll: The problem with this, many problems with this whole area is that both of these areas up here around Oak View and Oak Ridge all drain to this same creek and so does all this area. This ditch through here is about two feet deep.

President Tuley: About two feet. I was going to ask you is this the one that did I not meet you out there?

John Stoll: Behind Mr. Wood's house.

President Tuley: Mr. Wood's house and that thing is, I mean, that trash can...the whole thing is...

John Stoll: Comparable.

President Tuley: Yeah and they've got all that water from over here and all this water from here and it is no wonder that it doesn't have any place to go. It's all private property.

John Stoll: Yeah. Even if we could get all these problems up here corrected with that all being private property I am not so sure...I mean, it would flow better up through here, but we are still going to have a problem here.

President Tuley: Yeah, then the people down here hollering at us.

Commissioner Mourdock: The answer, you are saying, is to start down here?

President Tuley: And work backwards.

John Stoll: That's all on private property, unfortunately.

Commissioner Mourdock: Has there been any contact with those people? Is that multiple tracts now or the large tract?

John Stoll: Yes.

Commissioner Mourdock: I know the church is in there somewhere.

John Stoll: The church and I am not sure who. The church has a big portion of it, but I am not sure who all plays a part in it. There is a Schmitt that has some property out here and it is numerous people, but that is one of the biggest problems out there.

Commissioner Mourdock: Okay. I'll ask a question and then I'll ask another before I let you answer it. Have we ever contacted anybody out there or do you know if anyone has contacted these landowners about the other situation above them?

John Stoll: I have only talked with some of the people here. I don't know if anybody has made an attempt to contact (inaudible) to find out if they have any plans to open up those ditches.

President Tuley: My guess is right now they are looking to us for us to do it. I think we just need to sit down with them and explain what John just explained. I walked this with John, as a matter of fact. That has been back a couple of weeks ago before we got into the fall rainy season.

Commissioner Mourdock: As I spoke with John today a little bit on the phone and John and I ran into each other out at Knob Hill the other day when it was raining. Odd thing, neither one of us knew that the other was there, but we both showed up. A couple of things that have developed out there recently. The first one is the retention basin up here. This is an amazing situation because remember the basin that Buck put in, basically, the pipe intercepts on this side of the road and then comes into the bottom of that basin. It is probably a 12 or 14 inch pipe. On the other side the outflow at essentially the same elevation is a 12 to 14 inch pipe which means all the surface water that flows in there in addition to what comes in from inflow is what backs up except the way they have designed it, there is no other water that flows into it because that is on kind of the crest of the hill. That basin will never fill. I mean, the water coming in--

John Stoll: Is coming in and going right back out.

Commissioner Mourdock: Yeah. It came in the bottom and made a little turn from about me to Rick and then went right back out. Needless to say we still have some frustrated neighbors out there. The second question that comes up continually is if in some way the drainage here if all this drainage was routed past this little bit of a drop-off where that wall is and continued this way which looks to me like it would work fairly well. I don't think you've got enough topography to get in the way too much, but then the question is can the road down here handle it? Given, I think, Bill Morpew is going to report that they had to do some patching on St. George Road because that erosion had undermined. I think you did. It looks like somebody had patched it in the last few days.

Bill Morpew: (Inaudible comments not made from microphone.)

Commissioner Mourdock: Right, right where the culvert is. Yeah,

but there was so much erosion it is working underneath St. George, so the problem has not gone away, obviously. Okay, can I keep these?

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

President Tuley: Okay.

Bob Woodward: If you all would indulge me for just a second, I'm not on the agenda this evening. First, I would like to thank the Commissioners for all their hard work on the work done on Burkhardt and Mr. Kissinger is not here, for his patience in explaining what a BAN was and how it all went together. Particularly to John Stoll for working with us so warmly and friendly to achieve a common goal. I think it is a good testimony how the County and developers and everyone can work together for the betterment of Evansville. We are pleased to participate in it and I thank you all very much.

Commissioner Borries: Mr. Woodward, would you want to identify yourself?

Bob Woodward: I'm Bob Woodward for the record. Thank you.

President Tuley: Thank you, Bob, for your kind words.

**Bill Morpew - County Garage**

President Tuley: Bill Morpew.

Commissioner Borries: Let me say while Bill is getting his group up or his information up that in many of the years that I've had the pleasure and the honor of serving with this Board I can again not really recall a year quite like this insofar as drainage. So, maybe future Boards might have the good fortune of having either drought areas or areas in which you are not going to get more than 20 inches of rain above normal because the latter is going to be that when you get 20 to 24 inches, 2 feet of water, above normal in any year the only alternatives that you can say at this point is to finger point back to the very original people who ever settled this county because I don't think you can stop growth. I think many areas of drainage have worked. These people are frustrated, but, frankly, the big job that you are going to have to have in this is getting all these people to work together. The final analysis is government can't solve all this. I'll tell you that right now. Somehow, either that or you are going to have to figure out some kind of way magically to work on private property because these folks have to work together and they are going to have to work together in a way in which they may be able to plan for 24 inches above normal. There may be some other year when they are going to be calling you to see if there is some way you can get water trucks out there because if we ever get to a point where we are 24 inches below normal we are going to have to figure out a way to survive in a drought, in a near desert. I don't think that you are going to be able to work to solve all this and I commend everybody that has worked very hard on this and I think there are ways that obviously are going to improve this, but, again, I think folks around the area are going to have to decide...the 24 inches identified the problem, but the solution to the problem is going to be folks are going to have to work together out there. Vanderburgh County can not stand nor would it legally be able to solve every problem out there.

Commissioner Mourdock: That is well said. When I was out there the other day, being a bit of a history buff I found myself thinking about that line from the movie of a couple of years ago, Gettysburg, where one of the Union-heroes a guy by the name of Joshua Lawrence Chamberlain, was standing at Gettysburg and there was this little hill and there was this wonderful soliloquy in the movie about this wonderful high ground and he keeps talking about his wonderful high ground. It occurred to me that if the Battle of Gettysburg had been fought in Evansville we would probably now go to Birmingham, Alabama to see the Smithsonian Institution because we probably would have lost the Civil War because there isn't much high ground around here to use. You're right, unless we can legislate water to run uphill it has got to be done there. The local folks have got to deal with it.

Commissioner Borries: Working together because otherwise the laws are going to get so tangled and complex you are going to have every neighbor finger pointing at the next neighbor to try to figure out who is responsible for what. It is going to take a concerted action of a lot of folks working together and willing to sacrifice and really care for their neighbors. End of speech.

President Tuley: Let the record reflect that Bill turned in a progress report for the Vanderburgh County Highway Department and for the Vanderburgh County Bridge Crew for a period covering Friday, November 1 through Thursday, November 7. Again, there is various work being done all throughout the county.

Commissioner Mourdock: I have nothing specific on your sheet here, Bill, but I did get a comment or request the other day on the status...apparently when we were paving in Brentwood Estates there was a mailbox or kind of a brick mailbox or something knocked down?

Bill Morphey: Yes, there was.

Commissioner Mourdock: People are wondering what the status is. Apparently it was several months ago and someone from the county spoke with them about getting it fixed and they haven't heard anything in the meantime.

Bill Morphey: It has been about three weeks.

Commissioner Mourdock: Okay.

Bill Morphey: Yes, I have talked to them. We put them a temporary...the mailbox was broken, the brick was. The roller actually nudged the door of the mailbox which took the whole structure down. It didn't break, it just took it down. I have a bricklayer going out...actually, I had three of them go out and give me estimates on that. I have talked to the folks there, and as a matter of fact, I left them a message today on their recorder of what the bricklayer had relayed to me this morning. The type of brick that they have is Kilbrew Brick and it won't be in for another two weeks.

Commissioner Mourdock: Okay, as long as you've reported back to them. It's good that you had talked to them today.

Bill Morphey: Yes.

Alan Kissinger: Just as a matter of information, the county is not required to replace those structures. That is a permanent fixture in a county right-of-way. We are not required to replace them.

All we are required to do is to put the basic post office standard mailbox up there. There is nothing in the law that says we can't, but by the same token we certainly don't have to because I am not going to be a popular person for saying this, but those beautiful mailbox structures aren't supposed to be in that right-of-way. They are dangerous and probably something should be done to ensure the county against liability if we are going to allow them to continue to stay there. As I said, that won't make me very popular, but it certainly is a source of liability for the county and it certainly is a headache for those people out there moving that snow around in the wintertime.

Commissioner Mourdock: I wish I would have heard you say that before because my wife took the plastic off our new one this morning! Not brick, but stone.

Bill Morphey: Those things need to be about 30 inches off the edge of the pavement. The one we are talking about is less than 12. There is not much room to put a 10 ton roller between the edge of the pavement and the door of that mailbox because the door sticks out past the box. It was unfortunate. We caught less than ½ inch of the door and it took the entire box over. It didn't even tear the metal up. The box was broken already and that is the reason it came down so easy. You are certainly right. It has a footer that is a permanent structure. To appease the public we have been putting the boxes back up. That is the only brick one we've ever torn down.

Commissioner Mourdock: Yeah, that's the only one I've ever heard of.

Bill Morphey: Usually the mailboxes with the rotted posts, you know, if they get hit with some slush during snow removal they'll fall over. Seldom do the boxes themselves get damaged, it is usually a post that has already rotted at the bottom that will break off and we go back and reset it. Occasionally we will have to replace a post, but not often. I was on Knob Hill also on Thursday. I talked to Mr. Tabor and the little chimney of his in his front yard had water shooting out of it about one foot above it.

Commissioner Mourdock: That fountain.

President Tuley: That's the fountain.

Bill Morphey: If the chimney were more narrow it would have been a geyser. I told him now you see what I mean. I told him all along what the problem was.

Commissioner Mourdock: Going back to Rick's comments of a moment ago, everybody wants to hold the county responsible out there and I don't mean to be flippant, but we didn't cause this problem.

Bill Morphey: If you travel down the road to the end of Anthony Drive and take the little gravel road to the north, it goes back to the water sewer pump station back there and there is a 36 inch pipe that was completely full. It was handling all the water it could take. If 36 inch pipe was full, we know the 12 inch pipe will never, ever get near the capacity.

Commissioner Mourdock: Un-huh.

Bill Morphey: Did get a bit of good news. We had some money

returned from FEMA. It was a partial payment. We got \$95,000 back.

Commissioner Mourdock: From this spring?

Bill Morphey: Yes, sir, this spring.

Commissioner Mourdock: Do you mean from the winter or...?

Bill Morphey: No, no, no. From the--

Commissioner Mourdock: Flooding?

Bill Morphey: --flooding this spring. The excess water that Mr. Borries was talking about, or most of it. We got back \$95,000 which is a partial payment. They still owe us another \$30,000. We are going to quietus that into specific accounts. Mr. Stoll is going to call me tomorrow with line items that some of these things that money needs to go into. For example, Felstead Road, the job has not been done yet. I don't know if John has put it out for contract yet or not, but I know that Valerie has been working on that. She had given me the engineer's estimate. That was the money that I had applied for with FEMA. They did pay that. I need to put that into those line items so that when John does contract that out he'll have the funds in place.

President Tuley: Speaking of roads not finished, was Hogue Road between Nurrenbern West or Red Bank...we were going to do some paving.

Bill Morphey: Hogue Road between Tekoppel and Red Bank.

President Tuley: That's it, Tekoppel and Red Bank.

Bill Morphey: Water Works had put a new main in out there between Tekoppel and Rosenberger. They have just started. They worked over the week cutting open the new main. I don't think they are going to have it completed--

President Tuley: In time...?

Bill Morphey: I don't think we will get that this winter.

President Tuley: Okay.

Bill Morphey: They are cutting over the main and they are putting in the new services. Hopefully, they can get it patched up and passable through the winter. We are finishing up...we've got about two days out there on Char Mar and Choicecut. Choicecut Court has been done. We have about two days out there and we will probably have a week, or close to it, it's approximately one mile and a half of Strueh Hendricks. That has to be wedged also. That will probably be the end of the paving.

President Tuley: Be the end of it, yeah. Maybe we can get some of those pushed to the top for next year.

Bill Morphey: Yes, sir. The ones we didn't do this year we will push them up for next year.

President Tuley: Okay, anything else for Bill?

Bill Morphey: Thank you.

Commissioner Borries: Thank you, Bill.

**Alan Kissinger - County Attorney**

President Tuley: Alan Kissinger.

Alan Kissinger: I'll pick up where Mr. Rounder left off. We have six bids. Quite frankly, I'm not absolutely certain what they are for, but the bids that the Commissioners authorized to be opened earlier in the meeting.

Commissioner Borries: Computer hardware, Tier 1, Tier 2.

Alan Kissinger: There was a bid packet received from:

1. Micro Warehouse, Inc.	No bid
2. Automated Office Solutions	\$23,910.00
3. Dartek	No bid
4. CGES	\$46,171.70
5. Advanced Micro Electronics	\$1,024.78
6. MIS	\$2,141.13

Maybe there is someone here who can explain this great variance in bids, but those are the bids as they have been reported by Mr. Rounder. I have also--

Commissioner Borries: Mr. Kissinger, if I might, I think we'll move that these bids be referred to the Data Processing Department for review and future report.

Commissioner Mourdock: I'll second.

President Tuley: So ordered.

Alan Kissinger: I got ahead of myself there. Also, I have received from Mr. Les Shively a proposed agreement between the county and the developers for the underpass, and I am terribly unorganized tonight, but I cannot remember the name of the development. There is going to be an underpass between the subdivision and the golf course, John knows what it is.

John Stoll: Eagle Crossing Subdivision.

Alan Kissinger: Eagle, okay. I have reviewed it. It is basically a carbon copy of an agreement that was entered into between a developer and owner of a subdivision and the state, the only other arrangement of this sort that I am aware of. I am not prepared to recommend that the Commissioners even consider it at this point. I think in consideration of the fact that it is in the nature of a contract that I will try to report on it at the Executive Session at next week's meeting and try to answer some of your questions on it at that time. Also, there is going to be a question raised by Mr. Shively in reference to an Ad-Craft petition to the state for a permit to erect an advertising sign. Apparently, there is somewhat of a turf battle between Area Plan Commission and well, I guess, Mr. Shively's clients. Mr. Shively is of the opinion that only the state should be involved in this particular permit process. Once again, I will try to report on that to you in more detail next week. I have researched it briefly. I think that Mr. Shively may be right at this point, but I want to talk with the people at state before I give you a final opinion on that. I think that is all I have to report tonight.

Commissioner Mourdock: I've got a question then, Alan and John. This is one that I guess is somewhat jurisdictional between the Drainage Board and the role of County Commission. From our Drainage Board meetings you'll recall that we had a petition presented to us by Mr. Heerdink for the property out on Mill Road. He contacted me this week wanting to and he is trying to follow the procedure of the famous July 1 Act. Part of that Act says that the petition must be ruled upon by the Drainage Board within 90 days of the time that it is presented to the Drainage Board. At our previous Drainage Board meeting we put off dealing with it. I think you were doing some more research on the law and now by the luck of the calendar when our next Drainage Board meets in November that will be the 91st day after he submitted it to the Drainage Board. He is requesting...well, in his words he doesn't want to go through all of this only to have something thrown out later on because we didn't follow the letter of the law to a T. He is requesting how we might deal with it. It would seem to me the only way we could deal with it would be with a special Drainage Board meeting prior to the regular Drainage Board meeting which comes back to the jurisdictional question of can the County Commissioners establish a special Drainage Board meeting or must that be done by the Drainage Board at a regularly scheduled Drainage Board meeting which again won't happen until the 91st day.

Alan Kissinger: There is a specific procedure for calling a special Drainage Board meeting and it can be done. I am of the opinion, however, that it may be a manner of semantics, but Mr. Heerdink is saying, I presented it to the Drainage Board on X date. Until we actually had a Drainage Board meeting I do not believe that there was a presentation of the petition. I think his position is that he presented the petition to, I believe, the Surveyor's Office, or whatever, or to the County Commissioners or however he did it and I don't believe that we actually have to start counting until we actually...until the date of the first Drainage Board meeting at which it was introduced as part of the agenda.

Commissioner Borries: I agree.

Commissioner Mourdock: I agree with that, but I think he actually presented it to the Drainage Board in the August meeting.

Alan Kissinger: Oh, did he really?

Commissioner Mourdock: Yeah.

Alan Kissinger: Well, then, let me shuffle a little bit here and say that in consideration of the fact that it is the 91st day when the regular meeting is scheduled there is no penalty to the petitioner if the Drainage Board has not ruled on it during that period of time. There is nothing in the statute which indicates any consequence if the Drainage Board does not rule within the 90 day period. I think that we are certainly within the spirit of the law if we have a Drainage Board meeting on the 91st day and make a ruling on the 91st day. What this is designed to do is to cause the Drainage Board to pursue this and take some action.

Commissioner Mourdock: Okay.

Alan Kissinger: It is not going to do anything of a negative manner or of a negative nature as far as Mr. Heerdink's rights are concerned.

Commissioner Mourdock: Well that is what my conjecture was on his

part. I didn't see where he would be penalized by the fact that the Drainage Board did not act in a fully expeditious fashion.

Alan Kissinger: No.

Commissioner Mourdock: I will get back to him or some how let word known to him then that we will deal with that issue, I presume.

Alan Kissinger: Right.

Commissioner Mourdock: I'll make sure he petitions...poor choice of words...that he is on the agenda for the Drainage Board meeting for the month of November.

Alan Kissinger: As a matter of fact, all my communications at this point with Mr. Jeffers, from the Surveyor's Office, have been and I have talked with the other parties involved, I have talked with the attorneys representing the other parties, and I have told all of them that we are going to send out the notices and we are going to have that hearing at this month's Drainage Board meeting. You do not have the notices yet, but I will get you the notices.

Commissioner Mourdock: I didn't know. I asked John to stay for a moment or two, I didn't know if you had anything or any new information on that particular issue or not, John. Okay, that was the issue.

President Tuley: Are you done, Alan?

Alan Kissinger: I'm sorry, yes.

**Cindy Mayo - Superintendent of County Buildings**

President Tuley: Can we move on to Cindy now? You're done?

Alan Kissinger: Yes.

President Tuley: That was the question. Okay, Cindy.

Cindy Mayo: I have an agreement from EMA that needs to be signed by the President of the County Commission. The explanation from Jane Snelling is that it is a report that is requested by the State Emergency Management Agency. They pay 50% of the salaries, so it is simply a report that you need to sign, Pat, and then that the Mayor needs to sign. She did request that this go to the Mayor's Office tomorrow. I also have the County Commissioners Annual Meeting is the 4th, 5th and 6th in Indianapolis and they do need to know by tomorrow if any of the Commissioners plan to attend this.

President Tuley: Yeah, it goes up from \$60 to \$75 for the registration after tomorrow. I called up there today and they said that we can fax them reservations tomorrow at the \$60 rate. I guess, basically...

Commissioner Mourdock: Yeah, I haven't decided. Is that the first week in December?

President Tuley: It's 4th, 5th and 6th.

Cindy Mayo: You can just let me know tomorrow. I'll fax it to you tomorrow.

Commissioner Mourdock: Okay, yeah. I will be going. I'm not sure if I will be there for all three days, so why don't you go ahead and fax them and tell them that I will be there.

President Tuley: Are you going to make your own hotel reservations then?

Commissioner Mourdock: Yeah, I'll handle it.

TAPE CHANGE

Consent items

President Tuley: Okay, consent items. Employment changes, travel requests of which the Commissioners will be added to request permission to travel to attend the annual Commissioner's Conference in Indianapolis on December 4, 5 and 6, the monthly financial report from the Auditor, the accounts payable vouchers from the Auditor and Council Call from Burdette Park in reference to a transfer. I did pull a Veazey Parrott & Shoulders and we will address that one separately. We'll take it out of consent items.

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

Commissioner Borries: Second.

President Tuley: So ordered. It has been requested in the past that we just approve this separately instead as part of the consent items. We have a request for reimbursement to the tune of \$91,497.30.

Commissioner Mourdock: I was noticing in the letter that was included with it and Veazey Parrott is doing a good job of keeping everything itemized here. With this invoice being the \$91,000 you just mentioned and the prior ones the total is now up to \$511,000 for their services.

President Tuley: Okay.

Commissioner Mourdock: Is that \$511,000 out of the total \$550,000 that we had before...well, I'll have to check and see. You know, for the outside consulting services they are not to exceed \$500,000.

President Tuley: They are somehow tracking that through the Auditor's Office. I'm not exactly sure. You've got that broke down into three different categories, I think, don't you?

Charlene Timmons: I believe so.

Commissioner Mourdock: Could you routinely report back to us on that breakdown and we might even post that on a wall or something because it is going to be an interesting thing to watch those numbers reach skyward.

President Tuley: We have a motion for approval then?

Commissioner Mourdock: I'll move approval of the Veazey Parrot & Shoulders invoice.

Commissioner Borries: Second.

President Tuley: So ordered.

#### Scheduled meetings

President Tuley: Scheduled meetings. We have a list attached somewhere if I can find it. I think I've got it back here. There it is. Tomorrow at 2:30 p.m. there is a Pigeon Creek Finance meeting. Next Monday, the 18th, there will be an Executive Session at 4:00 p.m.; a 5:30 p.m. Commissioners meeting; and 7:00 p.m. Rezoning which based on what I read in the paper last night we'll probably be a while.

Commissioner Mourdock: Yes. Last night...?

President Tuley: Oh, not last night, but recently I just read something where there were a lot of rezonings that are coming with no recommendation.

Commissioner Mourdock: Yes, indeed.

President Tuley: Bring your seat belts and seat pads, I guess, for next week.

#### Old business

President Tuley: Under old business, the Jail Contract in reference to the Teamsters. I would like to put this on hold until next week. There is some typos and clarification that we want to get addressed prior to next week's meeting. New business...or, any other old business?

Commissioner Mourdock: Yeah, just under the Welfare to Work issue of old business, two things of significance. Lynn Ellis will be returning the RFP this week to me and from that we ought to be able to move towards getting the draft...I'm sorry, the Home Rule Ordinance that we need to put in place. Secondly, you'll recall that we've discussed having the Pigeon Township Trustee execute or implement a part of that program and Mary Hart has called me back and said that she has signatures now from all of the other Trustees which would allow that to happen. I am pleased to say that it looks like it is moving smoothly.

President Tuley: Okay, in the Auditor's report I think we will see that there is \$1.9 million for total distribution which will be in effect as of December 31.

Commissioner Mourdock: That \$1.9 million is actually a little bit longer than a year, isn't it?

President Tuley: Well, it's December of last year.

Commissioner Mourdock: Yeah, December 8th, I think.

Commissioner Borries: December 8th of last year.

President Tuley: Right, and three quarters this year.

Commissioner Borries: In other words, you are saying that the December 31st, the \$1.9 million will not reflect the last quarter?

President Tuley: Right, which will come in 1997 and will be part of

the '98 distribution as per what we all talked about. The other thing, just for your information in case any of you didn't see it, on the Pigeon Creek it did come out of both funds, they split it down the middle.

Commissioner Mourdock: Yeah.

President Tuley: Any other old business?

Commissioner Borries: You know, it is always interesting to me that in the wisdom of state government, and I say that a bit with tongue in cheek, but all these monies that Food and Beverage that are all done by decisions at the local level are always forwarded to the state and then the state either doesn't distribute them or holds them back according to whatever kind of fiscal needs that they do. It is a lot like the highway. It would be interesting to see if at some point if the legislature would ever consider a Home Rule ordinance where any tax that is voted on or implemented at the local level remain at the local level and we send them the report. I mean, there is something a little bit weird when it is all collected here, it goes to Indianapolis and then they send it back. I know we are creatures of the state, but under Home Rule someday it would be interesting to see if there would be some way that we could expand that to where we didn't have to send the money to them. It just stays here, we send them the verification since basically we are the ones that made the decision to implement this anyway.

Alan Kissinger: You know, I know, Rick, that you are aware, but I don't know if the other Commissioners are aware but the fact that the state did not return that money to us in a timely fashion caused us a considerable amount of concern in the TIF refunding thing and also it is causing us...not TIF, the refunding, but it is causing us some concern with the Auditorium as far as what the actual income or the net proceeds to the county are and have been on an annual basis because they don't get it back to us in the right year.

Commissioner Borries: We have averaged, but the average sometime is bizarre. The swings that have come back and that is strictly a distribution. Even as the Council has always postured with the "Early COIT Windfall". That was money collected here in the County Option Income Tax and then sent there, then held and then never distributed back here. It is like, you know, we certainly go to the dance and we have to listen to all their music. It just doesn't seem to me to be always fair and I am not saying this regardless of any political persuasion here, but it just ain't right. I mean, if it's a local option tax, be it Food and Beverage, be it County Option Income Tax or in this case distribution, I mean, that was a real tough situation in terms of county option on the riverboat monies. All that is sent to Indianapolis and then again distributed back. It just isn't right. If they entrust us with the law and we have the power to vote, why don't we have the power to verify our figures here and simply just send them that figure and keep the money here? It would help us interest-wise and it would certainly help us, I think, in terms of good government and you all to manage government better.

Commissioner Mourdock: I hope you--

Commissioner Borries: Maybe we can get a legislator to sponsor that and see what happens.

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Commissioner Mourdock: I hope you and Alan don't feel like you have to run home and take a shower after I say this, but you're both starting to sound like real conservative Republicans on that issue. It's pretty fundamental. I couldn't agree more.

Alan Kissinger: In my history, Mr. Mourdock, I was once considered to be a Republican, you'll be happy to know!

Commissioner Borries: But you know, Richard, and no offense here, it is conservative Republicans that control the state, frankly, in terms of the legislature and they don't get it. There is something wrong with...maybe it's the air when they get to Indianapolis like people say in Washington, D.C. There is a mentality in the legislature that simply will not let loose of the money and the power and that is unfortunate. It really, I guess, needs to be legislative more than, probably, executive or administrative in this fashion. I would say and it probably fell a bit on deaf ears that I...the National Association of Counties had called for counties to speak and to participate in their various parties platforms and I did make a statement, but I didn't see too much of it incorporated within the State Democrat Platform in relation to a true partnership between state and local government. I guess that gets to the heart of what I am saying. This isn't a partnership and it causes massive problems when you look at, again, the distribution and planning for just as we've talk about, for auditorium projects, for distribution of this COIT Windfall money. I mean, that is money that we have. That is anything that was generated up in Indianapolis and I guess that is the rub. That's my whole point.

Commissioner Mourdock: Yeah, and I share the rub. Even at the federal level we see programs being delegated to the local level. The "devolution" of government, but the money is still going to run them, still going there and it is not coming back at the same ratio the programs are.

Commissioner Borries: Oh, and it's Lynch Road. It's the same thing with the Federal Highway Trust Fund, you know that.

Commissioner Mourdock: By the way, you mentioned the National Association of Counties. I ran across something on the Internet last night that was strictly intriguing. They have a web site now that has all of our names listed on it that is available, basically, for anyone to use as far as contacting us through the National Organization. It also had on there a list of current model ordinances on everything from...well, the things that I looked at were welfare issues to ozone issues. It was just incredible. It's the most user friendly web site I have ever seen in a truly practical one. If you get into the web site stuff at all it is worth putting in. It's WWWNACO.ORG.

Commissioner Borries: ORG, huh!

Commissioner Mourdock: It was one of those deals where every now and then I just stick in my name to see where I am showing up and I showed up on something that I had never heard of and I chased it down. It was fascinating.

Commissioner Borries: Yeah, I will. In fact, I'lll research that a little tomorrow. It's WWWNACO.ORG?

Commissioner Mourdock: Yeah, NACO.ORG. I think we are ready, almost ready.

President Tuley: Did you guys adjourn while I was walking around?

Commissioner Mourdock: No, we were waiting to hear the request for the motion.

President Tuley: So moved, I mean, would you?

Commissioner Mourdock: I'll--

President Tuley: Would you move?

Commissioner Mourdock: I'll move for adjournment.

Commissioner Borries: Second.

President Tuley: So ordered.

The meeting was adjourned at 7:30 p.m.

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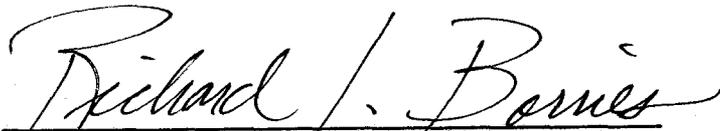
THOSE IN ATTENDANCE:

Patrick Tuley  
Richard Borries  
Richard Mourdock  
Cindy Mayo  
Alan Kissinger  
Bill Fluty  
Charlene Timmons  
Dennis Feldhaus  
Lynn Ellis  
Ken Colbert  
John Stoll  
Bill Morphew  
Members of media  
Others unidentified

VANDERBURGH COUNTY  
BOARD OF COMMISSIONERS



Patrick Tuley, President



Richard J. Borries, Vice President



Richard E. Mourdock, Member

Recorded and transcribed by Charlene Timmons

**Vanderburgh County  
Board of Commissioners Meeting  
November 18, 1996**

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**Vanderburgh County  
Board of Commissioners Meeting  
November 18, 1996**

The Vanderburgh County Board of Commissioners met in session this 18th day of November, 1996 in the Commissioners' Hearing Room of the Civic Center Complex at 5:45 p.m. with President Patrick Tuley presiding.

**Introductions and Pledge of Allegiance**

President Tuley: Good evening and welcome to the Vanderburgh County Commissioners meeting for Monday, November 18. I just turned myself off, now I'll turn it back on. If you would please, as a point of introductions, Cindy Mayo is to my far right; to her immediate left is the County Attorney, Alan Kissinger; to my immediate right is Commissioner Rick Borries; to my immediate left is Commissioner Richard Mourdock; to his immediate left is Suzanne Crouch, the County Auditor; and to her immediate left is Charlene Timmons, who is Recording Secretary, who will be taking the minutes of this meeting; and I am Commissioner Pat Tuley. If you would, please stand with us as we say along and say our Pledge of Allegiance, please.

**Approval of minutes**

President Tuley: Under the action items we have the approval of the minutes from last week's meeting, November 11. Do we have a motion for approval, please?

Commissioner Mourdock: So moved.

Commissioner Borries: Second.

President Tuley: So ordered.

**Certification of Executive Session**

President Tuley: Under item 4B, certification of Executive Session, let the record show an Executive Session was conducted prior to this meeting. Items discussed were personnel matters, contractual matters and pending litigation. No official action was taken.

**Veazey Parrott & Shoulders - Vanderburgh Auditorium**

President Tuley: I have listed here item 4C as Veazey Parrott & Shoulders, Vanderburgh Auditorium, but I don't see them.

Cindy Mayo: Mr. Shoulders was on, I believe, last week and called and asked if he could be put on this week and we have not heard back from him. I don't...

Commissioner Mourdock: If I may jump into that, I spoke with him midweek last week and it may be that he is not here because he and I talked about the need to have a final public input, if you will, into the plans and he asked that we could schedule, perhaps, for December 8th, I think.

President Tuley: Second?

Cindy Mayo: I believe that we have a meeting...I did hear Sunny call the Auditorium. Are you talking about over at the Auditorium?

Commissioner Mourdock: Right, right.

Cindy Mayo: There is going to be December 2nd is, I believe, the date that she had discussed with them to have that.

President Tuley: You said that and it rang a bell with me. Sunny did call me and she said that she did call over and reserve the room. There was a question about having sound equipment that would work so that you could pick up the minutes and everything, but there wasn't any money in the Commissioners' budget to pay for that.

Cindy Mayo: It might be that I maybe can take that out of one of my line items, Other Operating or something. I believe I will have an account that it can come out of.

President Tuley: Okay. Just food for thought, she also indicated that you wanted to conduct the Executive Session here and then the public hearing over there?

Commissioner Mourdock: That was just a suggestion. Obviously, the whole thing was for discussion tonight. If we all agree that we want to have that meeting over there does that work? It sounds like the place is available. I think it would be the right thing to do because at least in the past when we've had the meeting over there regarding the Auditorium we seem to get better attendance. The rest of it is mechanics. Do we want to have the Executive Session here or there? I don't care. I mean, it doesn't matter to me.

President Tuley: The only reason I suggest going ahead and continue to have it there is just that we won't lose any time going from there right into the meeting because we are always late anyway, so there is no sense adding more minutes to it.

Commissioner Mourdock: Okay. In that case I'll move that we have our regularly scheduled Monday night Commission meeting on December 2nd at the Vanderburgh Auditorium and as part of the motion I'll also move that we have our Executive Session prior to the meeting at the auditorium facility as well.

President Borries: Second.

President Tuley: So ordered.

Charlene Timmons: I also would need permission to advertise for a public hearing or a public meeting.

Commissioner Mourdock: So moved.

Commissioner Borries: Second.

President Tuley: So ordered.

Commissioner Mourdock: Thank you for keeping us on our toes there, Charlene.

**Joe Kiefer - Clean Cities Resolution**

President Tuley: Under 4E, I have Joe Kiefer, Clean Cities Resolution and I don't think I see Joe.

**Open bids - APA005-97, Surfacing Materials**

President Tuley: Okay, lets go on to item 4F then. We'll come back to 4E if Joe would happen to show up.

Alan Kissinger: (Inaudible comments, microphone not turned on)

President Tuley: I'm not sure. Mine does have final marked on it. The opening of the bids of APA005-97, Surfacing Materials.

Commissioner Borries: I'll move that the County Attorney open the bids for APA005-97, Surfacing Materials.

Commissioner Mourdock: Second.

President Tuley: So ordered.

**Permission to advertise - APA013-97, Tires and Tubes**

President Tuley: Item 4G is to authorize the advertising of APA013-97, Tires and Tubes. The bids will be advertised November 22nd and 29th and bids will be opened December 11, 1996. That is a request from Lynn Ellis.

Commissioner Mourdock: I'll move the advertising for APA013-97 pursuant to Ms. Ellis' requests for tires and tubes.

Commissioner Borries: Second.

President Tuley: So ordered.

**Repeal Chapter 16.12.090 Vanderburgh County Code  
Addition to Vanderburgh County Code Chapter 16.16**

President Tuley: Item 4H is the hearing repealing Chapter 16.12.090 of the Vanderburgh County Code.

Alan Kissinger: That actually should have been listed as three different things. Am I correct, Charlene, didn't we advertise three things? Tell me what we advertised, please.

Charlene Timmons: We advertised for the repeal of the code and we advertised for the new soil and erosion, but we did not advertise for the adoption of the County Code Books. I believe you weren't here the evening that they rescinded that.

President Tuley: Alan, you weren't here. I think Keith was here. Charlene had gone through and there were quite a few changes and I think the determination was made that probably we ought to give her a chance to go through and I think somewhere she has provided us...quite honestly, there was just a lot of things that needed to be changed and rather than go through and then come back and change them, I think we decided to try and incorporate all those changes at once.

Charlene Timmons: Did you get your memo that was copied to you from Barbara Cunningham in Area Plan with all the different corrections?

Alan Kissinger: Yes.

Charlene Timmons: That is kind of what prompted it.

Alan Kissinger: Yes, well, it makes it rather difficult to deal with this in consideration of the fact that these ordinances refer to the new Code of Ordinances. If we are not going to adopt the new Code of Ordinances, then that basically puts us in a situation of not being able to use this ordinance because this refers to the new Code of Ordinances. If you will recall, this came up at the original meeting when it was suggested by me that we adopt the new Code of Ordinances. The language for adopting the new Code of Ordinances indicates that there are certain ordinances that may have been left out that can be included later, so this is a situation that kind of gets the cart before the horse. One of two things needs to be done. We need to adopt the new Code of Ordinances with all of the proposed ordinances included or I need to go back and rewrite these proposed ordinances for the repeal of Chapter 16.12 and the adoption of Chapter 16.16 because if we have not adopted the new Code of Ordinances then these references refer to something that does not exist within the county.

Commissioner Mourdock: How can we repeal them? I am confused.

Alan Kissinger: We could have repealed them if we had done in order number one, adopt the new Vanderburgh County Code. Number two, and these ordinances are included in the new Vanderburgh County Code, but we haven't adopted the new Vanderburgh County Code, so as far as that document is concerned these ordinances are not effective because of that document. They are effective because they were contained in the previous Code of Ordinances of Vanderburgh County. Now, if we adopt the Vanderburgh County Code as it is presently printed and then we refer to ordinances therein contained then those references make sense because we are referring to something the county has adopted. Otherwise, these references don't make any sense because we haven't adopted these ordinances or this coding system.

Commissioner Mourdock: Does that make sense, Charlene? You're the expert on this.

Charlene Timmons: I'm confused as to how we have adopted ordinances before because we have adopted several since the new code books have been printed.

Alan Kissinger: Some of them have made specific reference to the old book. That is how this came up if you will recall. We were adopting an ordinance one night, and I don't remember which ordinance it was, and somebody, you or Suzanne, pointed out to me that we had never adopted the new code. Why I wasn't aware of that, I don't know because I should have been. Nonetheless, that is why I brought this up. I said let's adopt the new code in its present form and in the process of adopting it, let's allow for the fact that there may have been some omissions, some ordinances that are not included in the new code, and allow us to bring those ordinances in at a later time. That is basically what the language of the adoption ordinance was intended to do.

Charlene Timmons: When I got Barbara Cunningham's memo she had specifically asked that it not be adopted until some of the changes were made and that is why I brought it back to their attention again.

Alan Kissinger: I understand. Don't get the wrong impression, I am just saying that it is going to be premature for us now under those

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circumstances to try to adopt these two ordinances in reference to the Drainage Code. The ordinance to repeal 16.12.090 is our previous...basically, our previous Erosion and Sediment Control Ordinance. That is all we had. The adoption of 16.16 is the new Erosion and Sediment Control Ordinance. Now, if we adopt 16.16...the order of adoption should have been number one, the ordinance to adopt the County Code; number two, the ordinance to supplement the County Code by adding Chapter 16.16; and then number three, the ordinance to repeal 16.12 since it was replaced by 16.16. Since we don't have those other things in place, it would be premature to do either 16.12 or 16.16 tonight. We need to get clarification on the status of the code.

Charlene Timmons: Okay. I have talked with Mr. Steiner at Book Publishing Company and he had expressed a willingness to help us sort out our problems with Area Plan--

Alan Kissinger: Does he know what they are?

Charlene Timmons: I mailed it off today. I talked to him late last week.

President Tuley: Steve Steiner?

Charlene Timmons: Yeah.

Alan Kissinger: What I am trying to...maybe I am not making myself clear on it. We can adopt the County Code. We can't do it tonight, obviously, because this ordinance to adopt the County Code says:

"All ordinances contained herein are declared to be in force ~~or~~ continued in force from the date of this adoption. This compilation of ordinances supersedes any previous compilation or codification. Ordinances contained herein may be repealed or modified and may be supplemented..."

...etc. This code is intended to include all ordinances contained herein and any other previously adopted pursuant to applicable statutory procedures which may have been inadvertently omitted. This left the door open for us to come in later and bring in all those APC ordinances, but we didn't advertise it. We need to go back to square one and make a decision as to what we are going to do in reference to these because it is not appropriate to adopt these other two in consideration of the fact that they refer to the new code. We cannot supplement the new code until we have a new code.

Commissioner Mourdock: So next week, if we take this under advisement at this point, next week can you come back with the piece of paper saying step 1, step 2, step 3, or something to lead us through that?

Alan Kissinger: Yes, I can.

Commissioner Mourdock: Okay.

Commissioner Borries: If any of that is caused by this 16.16 as that was advertised apparently Mr. Jeffers has submitted some rather lengthy comments on this that need to go to Mr. Wathen who, in my understanding, developed the Erosion and Sediment Control Ordinance so that...it doesn't appear that what Mr. Wathen

submitted is not going to be final, I mean, if any of these things are taken into account.

Alan Kissinger: Then perhaps it is good that we have this situation to deal with.

President Tuley: Yeah, I don't know when this came in, but...

Commissioner Mourdock: Sometime between Saturday and today.

President Tuley: I bet it was today then.

Commissioner Mourdock: I bet so, too.

Commissioner Borries: May I suggest that these comments that arrived today, November the 18th, from Mr. Bill Jeffers, who is the Deputy Surveyor, be forwarded to Mr. Wathen of the Soil and Water Conservation District for review.

Commissioner Mourdock: I would add, should we not submit these, since they did come in today, as part of the public record of this meeting?

Commissioner Borries: Yes.

President Tuley: We should.

Charlene Timmons: Okay, so do you guys want me to hold off on advertising anything?

Alan Kissinger: Yes.

President Tuley: Until next week.

Charlene Timmons: Okay.

President Tuley: Okay, so H and I are put on hold for at least a week then.

Bill Wittekindt, Jr: Mr. President?

President Tuley: Yes, sir.

Bill Wittekindt, Jr: May I say something in regards to this ordinance, 16.16?

President Tuley: You may.

Bill Wittekindt, Jr: Thank you. For the record my name is Bill Wittekindt, Jr and I live at 12431 Redgate Road. I studied this ordinance and I have a couple of recommendations that I would like for this Board to consider. Number one, in 16.16.060 the SWCD representative will investigate the incident at the site and make corrective recommendations to the property owner or property owner's agent. Now I would consider or could this be considered that this be in writing detailing the problem and the recommendations to correct the problem? Now it doesn't say that this is going to be in writing or not, so would it normally be in writing so that the property owner knows what to correct?

Commissioner Mourdock: I don't know how we could adequately define normally, so I think your suggestion is a good one.

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Alan Kissinger: If you would read number three it says:

"The property owner of a non-compliance site will be issued a notice informing the property owner that the site must be brought into compliance within 10 working days of the day on which the notice is issued."

Although it does not necessarily spell it out I think it assumes that the notice is going to tell you what needs to be done.

Bill Wittekindt, Jr: Okay, so in just saying...what I am worried about is they call you up and say your yard needs fixing. I'm a developer, they say maybe Bill's Section 2 or Section 3 you have a problem, but they don't tell me what the problem is.

Alan Kissinger: Yeah, sure.

Bill Wittekindt, Jr: So how do I know what the problem is if they don't say what the problem is?

Alan Kissinger: Right.

Bill Wittekindt, Jr: Okay. Now another thing and I have considered, too, on this, but before a property owner is taken into Small Claims Court I think that the property owner should have a chance to come before this Board because a lot of times if a third party gets in on the procedure it may go smooth and save the problem of going to Small Claims Court.

Alan Kissinger: Well, if you are familiar with Building Code Violation Citations, I mean, that is basically the exact same procedure as is followed there.

Bill Wittekindt, Jr: Oh, okay. Now, will we, the public, be able to receive the new revised ordinance before the hearing?

Alan Kissinger: Charlene, did we advertise that a copy of this was on file?

Commissioner Mourdock: I think we discussed having it included as a packet when someone gets their building permit.

President Tuley: I think what Bill was asking--

Alan Kissinger: He's is talking about before it is voted on. Am I correct?

Bill Wittekindt, Jr: Right, like I received this copy here on the 12th. I came up to your office and picked it up on the 12th. Now will I be able, and other people, be able to pick up a revised copy.

Alan Kissinger: Charlene, in our last ad did we advertise that it was on file in the office of the Auditor or Commissioners or whomever? Or do you recall?

President Tuley: She is reading.

Alan Kissinger: Okay.

Charlene Timmons: Yes, it is in its entirety at the Vanderburgh County Auditor's Office. We did advertise it that way.

Alan Kissinger: Good.

Bill Wittekindt, Jr: Okay, so it will be readvertised again before you have a public hearing?

Alan Kissinger: Yes.

Bill Wittekindt, Jr: Okay, do you have approximately when that will be?

Alan Kissinger: I don't know when that will be because as the Commissioners have pointed out we have lengthy comments from the Chief Deputy Surveyor and I am assuming that the Commissioners are going to take these comments into consideration before we actually do something on this ordinance. Mike Wathen is on vacation.

Bill Wittekindt, Jr: It might be three weeks or four weeks before it comes back up?

Alan Kissinger: I think it is safe to assume that, yes.

Bill Wittekindt, Jr: Because I don't want to miss the legal.

President Tuley: Bill, you can stay in contact with Cindy. She can keep you...you know, if you want to call her once a week like on Friday and say is it set for the hearing, is it on the agenda, because the agenda is usually set on Friday.

Bill Wittekindt, Jr: Oh, it is?

President Tuley: Yeah.

Bill Wittekindt, Jr: Oh, okay. It won't be next week?

President Tuley: I seriously doubt it.

Bill Wittekindt, Jr: Okay, I'll call you in two weeks then. Thank you.

**Letter from Ray Hamner - Golf Course BSH Development**

President Tuley: Item 4J is a letter from Ray Hamner in reference to the golf course that is proposed as part of BSH Developments. Apparently, the developers have contacted the Sheriff and he has submitted a letter to the Commissioners that just says:

"On behalf of the Sheriff's Department, I have no objections to the proposed golf course along Old Petersburg Road in McCutchanville provided that all golf cart paths be at low or below grade."

Be at low or below grade...? It says basically:

"To allow golf cart path to cross or intersect at grade level with Old Petersburg Road would be dangerous."

Save that. We'll need that letter later.

Commissioner Mourdock: We'll just enter that letter into the record?

President Tuley: Yeah, that will be fine.

**EMA Volunteer Recognition - Ronald R. Goebel**

President Tuley: Okay we have a letter, EMA Volunteer Recognition for Ronald R. Goebel. If I get my glasses on maybe I can read better. This is from Sherman Greer. The subject is volunteer recognition.

"The EMA requests your signature on the enclosed certificate for Ron Goebel. Ronald R. Goebel was a volunteer for the EMA from October '91 through November 11, 1996. Mr. Goebel had to resign due to career demands.

Ron was the EMA Communication Specialist and RACES Coordinator for five years. Ron used his vacation days from his job so that he could continue training, assist with drills and exercises and attend daytime EMA meetings. During his EMA tenure, Ron assisted EMA with the development of our Communications Annex for our Emergency Operations Plan, was a major contributor at the Communication Task Force meetings, performed maintenance on our radio equipment and always made himself available for actual incidents.

For all the dedicated years of service Ron has provided the residents of Evansville and Vanderburgh County, we would like to present him with the enclosed certificate.

Basically, it says when you have signed the certificate please call our office at 435-6020 so we may pick it up and forward it to the Commissioners Office. It is signed by the Mayor; it is signed by the Director-~~and~~ with your permission I will sign it.

Commissioner Mourdock: So moved.

Commissioner Borries: Second.

President Tuley: So ordered.

**Evansville Housing Authority - 1013 E. Cherry Street**

President Tuley: Next one is a request. Remember we had the letter from the Evansville Housing Authority requesting control of the property listed as 1011 E. Cherry as one of the surplus properties that the Evansville Housing Authority was looking for the county to deed over. Alan, I don't remember if you were...

Alan Kissinger: The question that arose there was whether or not as far as from my perspective was concerned was whether or not this property had previously been surplus property and whether or not the proper legal procedures had been followed in transferring this property to the county. I discussed this property briefly with Keith Rounder who worked with the Auditor's Office in reference to these properties. His recollection was that this was one of the properties that had been properly transferred. All proper legal procedures have been followed, so it leaves it now up to the Commissioners as to how they want to proceed with this.

President Tuley: Okay.

Cindy Mayo: I did speak with the Auditor's Office on this today,

also, and they verified that there has not been a title search done on this, but in the letter it does state that the Housing Authority is willing to pay for that.

President Tuley: What they would like then is a letter from us that they can take to the Board of Zoning Appeals, basically, that says that we would stand ready or in this meeting have decided to transfer this property to them.

Commissioner Mourdock: I'll move that the Superintendent of County Buildings draft such a letter for approval by the Commission President.

Commissioner Borries: Second.

President Tuley: So ordered.

**Memorandum of Agreement - Community Jobs Club, Inc.**

President Tuley: Okay, the next item is a Memorandum of Agreement with Community Jobs, Inc. Basically, what we have is an agreement entered into between the Community Jobs Club, Inc. hereinafter referred to as Jobs Club and the Vanderburgh County Veterans Service Office hereinafter referred to as V.S.O. The Job Club agrees and it has to do with the cleaning and what have you the contract that we currently have with them to clean the Veterans Service Office over in the Old Courthouse.

Commissioner Borries: They currently have a similar agreement with the County--

President Tuley: Here is another with the Engineer's Office.

Commissioner Borries: --Engineer's Office. John Stoll, I think, could testify as to how they do. They are not to be confused with another Jobs group that we deal with from time-to-time. This is a group that is under the direct supervision of the Southwestern Indiana Mental Health Foundation. They, I think, have performed the services for at least four years, maybe, for the County Engineer.

John Stoll: Ever since we moved over there, right. All that agreement does is raise the fee from \$15 a week to \$17 a week.

Commissioner Borries: Has the Veterans Service had this before? I don't know if they have or not.

John Stoll: Yes.

Commissioner Borries: Have they? I knew you did and I wasn't for sure about the others. I move that the agreements be approved.

Commissioner Mourdock: Second.

President Tuley: Just so it is clear, that is for both things, Veterans Service and Engineer's Office.

Commissioner Borries: Yes.

President Tuley: Okay, so ordered.

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

President Tuley: Okay, while they are finishing signing that, item 4N is any group or individual wishing to address the Commission who does not find their name or topic for discussion listed on the agenda now is the time to come forward.

Ed Moser: Ed Moser is my name and I represent the Coterie Club of Evansville. I shall be brief. Folks I am simply amazed at the amount and varied dealings that you have with this group. It is amazing. It never ceases to amaze me. I didn't come up here to say that, I have something else to say. Did I understand correctly that this next meeting will be December the 2nd on the auditorium and that will be a general public meeting?

President Tuley: Yes, sir, you understood correctly.

Ed Moser: I feel that this will be very valuable and I will be there, hopefully, and I just wanted to comment about that. I had run across...my dance partner we are into this thing very, very heavily about dancing and etc. There was an article that appeared in the Courier in 1987 in January and it was announcing the renovation of the Rupp, the Indiana Rupp up at Indianapolis. It went on to say it gave the developer's name and I plan to write him on the installation of that floor which I have recited here before. It also went on to say that it has 8,700 square feet in that ballroom up there. If you've been there that is 8,700 square feet. It is very, very nice and it is done right. I have one more comment. Two weeks ago we appeared at Effingham at the Keller Convention Center. We like to go there, but the floor, even though it is a wood floor, it is still a portable floor. Invariably, I either catch ~~my~~ heel or catch the toe of my shoe, so I hope that you can put the portable floor to rest if you are considering that because it is just impossible to keep that thing from doing that thing, you know, with the connections. So, I'll look forward to the open meeting and hope it is beneficial to you all and hope it is beneficial to the Coterie. Thank you very much. I appreciate the time.

President Tuley: Thank you, again.

Commissioner Borries: Thank you, Mr. Moser.

President Tuley: Any other group?

Bob Brennan: Yes, Bob Brennan, 607 Ingle Street, Evansville. I would like to take this opportunity to publicly address my opponent, Patrick Tuley, and congratulate him on becoming a re-elected Commissioner and to the rest of the people, I have had the privilege of being here and seeing you all and I hope that I can continue to monitor your meetings and make comments as I feel necessary. To the Press, thank them and the other department heads. Thank you.

President Tuley: Thank you, Bob. It is very kind of you to come forward in a public meeting to do that. You are more than welcome any night. If you want to come and attend it is a public meeting and your comments will be greatly appreciated.

**John Stoll - County Engineer**

President Tuley: John Stoll.

John Stoll: First I would like to get authorization to sign the permit for the work at the Lloyd and Burkhardt intersection in conjunction with our Burkhardt Road project. This is just like the permit that was signed off on last week. It is an INDOT permit that I would just be signing on behalf of Vanderburgh County and I am just requesting your authorization to sign that. It just allows us to get out on their right-of-way and do the work that we need to do to make the project work.

Commissioner Mourdock: Is there a specific permit number or anything, John, that we need to cite? Just a blank form?

John Stoll: Just a blank form.

Commissioner Mourdock: I'll move approval of the permit for INDOT to allow county forces to work on the state right-of-way at Burkhardt and the Lloyd.

Commissioner Borries: Second.

President Tuley: So ordered.

John Stoll: It looks like they'll add a number to the permit later.

Commissioner Mourdock: Right.

John Stoll: The second item that I've got is in regard to the discussion of a couple weeks ago on the Boonville-New Harmony Road and 41 intersection. The stop ahead when flashing lights were considered by INDOT in the past, but on the basis of a study that was done in Ohio they determined that the stop ahead when flashing light worked well initially for the first few months, but then the drivers became accustomed to learning how to beat the light whenever they knew how to time it with regard to how the stop ahead when flashing light was flashing. They figured out a way to anticipate whether the light was going to be green or red when they got up to the intersection, so they said the stop ahead flasher became ineffective after the first few months. I have not seen a study that documented how that occurred as of yet, but they did say that was one of the reasons why they don't use it because it just showed no effectiveness after the first few months. They also said it presented some liability problems for them in regards to what happens when the power is off. They said that some drivers became too dependent on the thing and took no responsibility for their actions, and if the thing was out then all the liability went to the state. There were two main problems with it, but like I said I haven't gotten any studies from the state as of yet so I will try to get some more information on that. That was the two main reasons why they said they haven't used it. Next,--

Commissioner Borries: John, just one quick comment on that. I know that in the city the light sequence along many of the intersections on U.S. 41 goes all red for a period of time to clear the intersection. Do you know if that is the case at Boonville-New Harmony?

Commissioner Mourdock: Do you mean if the power goes off, Rick?

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Commissioner Borries: No, it is light sequencing which has dramatically reduced the number of accidents that have occurred along that corridor. In other words, for a period of time it is red in all directions. Eight seconds, I don't know what it is.

John Stoll: It's a few seconds.

Alan Kissinger: I think the standard that they use in the city is three seconds and then there is a longer sequence on the highway.

John Stoll: For wider intersections.

Commissioner Borries: I was just asking.

John Stoll: I'm not sure.

Commissioner Borries: We ought to check on that.

John Stoll: I'll see what I can find out.

Commissioner Borries: In order to clear that intersection.

President Tuley: Un-huh, that's a good idea.

Commissioner Mourdock: It is interesting that the state from the Ohio study felt that people got used to it especially on a U.S. highway that way.

John Stoll: I asked them if they had any documents that they could release to me that showed the results of their study and as of yet I haven't heard back from them to say whether or not there is a study. I was given the name of another person up in Indianapolis to contact and I didn't get a chance to contact him today, but I am going to see what I can find out from him.

Commissioner Mourdock: That brings to mind a story of a four year old who was telling her father that by riding with her mother she had learned what the colors meant. He said, oh, what was that? She said well, mommy has taught me that green means go, red means stop and yellow means go a little faster.

Alan Kissinger: I've even heard the rule, there is a rule, three cars go through after it turns red. If you're the third car you can go, but the fourth you have to stop!

John Stoll: Next item that I've got is in regard to the property that is at Old State and 41 that the cross sits on what appears to be right-of-way. I contacted Dave Kaiser at Evansville Titles and he said that for \$250 to \$300 he could provide us a title search that will give us the chain of title for that property from...I forget what he said the starting date was up until the present. On that basis I was going to request approval to go ahead and hire them for an amount not to exceed \$300 to get that information from them so that might clear up ownership of that parcel. That way we can see if the church can keep the cross there or who needs to basically grant authorization for that cross to remain there.

Commissioner Borries: I would move that request be granted.

Commissioner Mourdock: Second.

President Tuley: So ordered.

John Stoll: Next I would like to request to go before Council to transfer \$2000 from Other Supplies to Furnitures and Fixtures and to transfer \$700 from Other Supplies to Engineering Equipment. The Furniture and Fixtures would be to buy some file cabinets and map storage cabinets and the \$700 is to buy reference books from Aashto.

Commissioner Mourdock: So moved.

Commissioner Borries: Second.

President Tuley: So ordered.

John Stoll: The final item that I've got is a street acceptance request for Keystone Subdivision, Sections 1 and 2. This is for a total of 3895.66 feet of roads. These roads consist of Keystone Hills Drive, Cobblefield Drive, Sandridge Drive and Ledgestone Drive. All the streets were built properly in accordance with the approved plans and we have received the "as built" plans, so I would recommend that they be accepted.

Commissioner Borries: So moved.

Commissioner Mourdock: Second.

President Tuley: So ordered.

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

President Tuley: Thanks, John.

**Bill Morpew - County Garage**

President Tuley: Bill. Let the record show that Bill has submitted a progress report for the Vanderburgh County Highway Department and the Vanderburgh County Bridge Crew for the period covering Friday, November 8 through Thursday, November 14. Again, it looks like you guys have been just about all over and getting your salt barn ready it looks like.

Bill Morpew: It's just about finished.

President Tuley: Timing is probably pretty good.

Bill Morpew: We have to put the deck on it, roof it and sideboards. Everything else is done.

President Tuley: Okay.

Commissioner Mourdock: I noticed the resetting of a ditch pipe on Spry Road. Is that right where the erosion...?

Bill Morpew: Yes, it was. That was a minor problem there actually, but it is going to be a major problem one day if they don't get that thing filled in.

Commissioner Mourdock: Are they making--

Bill Morpew: That whole area there is sand. It is not a stable soil. The kind of rains that we've had this year will wash that entire road into that pit.

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Commissioner Mourdock: Are they making any progress getting it filled in?

Bill Morphey: Not on that side.

Commissioner Mourdock: Yeah, that's my feeling, too.

Bill Morphey: They're filling in the side adjacent to the highway itself. They certainly need to move on around. Next to Spry Road there is a high pressure gas main over there along with a transmission line. SIGECO has a transmission line going through there. Even though those poles are basically...the butt of that pole might be 20 foot in the ground that hole is 80 foot deep. Right now we cured the problem, but a toe stringer could open it back up again.

Commissioner Borries: (Inaudible comments not made into microphone)

President Tuley: I don't know if that is in relationship to this.

Bill Morphey: I don't know.

Commissioner Borries: I'm just talking to Alan, again, kind of trying to put into perspective what kind of dilemma there is with those pits. It just kind of continually irritates you, you know, every time you think about it because I don't know any way that we can do any work to correct the problem that for one thing we didn't cause, yet it sure impacts a number of roads there.

Bill Morphey: Well, the--

Commissioner Borries: Fuquay as well as Spry.

Bill Morphey: Yes, sir. The people that live back there it is the only way in and out. There on Elna Kay...on Spry and Elna Kay--

Commissioner Borries: Yeah.

Bill Morphey: --that is the only way in and out. A school bus does travel that road every day. They go down to, I think it's Indian Mounds and then make a U-turn there. Or come down Indian Mounds and then back on Spry again. I don't know what can be done. It is off of our right-of-way. We are really limited, I assume, I suppose. It is a very bad situation. The soils are not stable and like I said a heavy rain especially like the ones we had earlier...the four inch rain that we had last week, if you look on the sheet here, Thursday we were scattered. We had people running in all directions opening up drains, mainly with leaves clogging the drains up, opening up ditches and closing the roads and what have you. Of course, this report starts on a Friday and it doesn't tell you what we did Thursday, but that was Thursday. Another four inch rain. If we have a ten inch rain like we had in the spring it could very well happen again.

Commissioner Borries: I'm sure they've been asked...I don't know though. At one time we had talked with U.S. Geological Service out of Indianapolis and it sure might not be a bad idea to have them maybe come back and look into what could be done there. They at least may want to offer some kind of suggestions, because as Bill points out, it is sure not good.

Commissioner Mourdock: John, have you looked at that out there where the drainage breaks away? I understand it is off our right-

of-way and I presume it is basically once we get these heavy rains the toe of that slope keeps working back towards our right-of-way, correct? Realizing it is off our right-of-way though is there any way that heavy riprap down there is going to stabilize just below our pipe that would hold that? Have you looked at that?

John Stoll: Do you mean down at the toe of the slope?

Commissioner Mourdock: Uh-huh.

John Stoll: I guess the only thing I would be concerned about initially is that you would probably need quite a bit of riprap and quite a bit of geotech style because with all the sand that is down there it would definitely need the geotech style to keep the sand from bleeding right back through the riprap.

Commissioner Mourdock: I am not suggesting that the county pay for it since it is not on our property--

John Stoll: Right.

Commissioner Mourdock: --and since we are, in fact, injured by the activities of that property owner.

John Stoll: Back when it washed out last spring I talked to the property owner and they didn't seem to be too anxious to help out in regard to doing anything that would help permanently fix the situation.

Commissioner Mourdock: I'm sure we'll revisit this topic, like Bill says, the next time we have the--

President Tuley: Heavy rain?

Commissioner Mourdock: --frog drowner.

Bill Morpew: Toad strangler!

Commissioner Mourdock: Yeah, toad strangler/frog drowner.

Bill Morpew: That's all I have.

Commissioner Borries: Thank you, Bill.

President Tuley: Thanks, Bill.

<b>Alan Kissinger - County Attorney</b>
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President Tuley: Alan Kissinger.

Alan Kissinger: The bid recap for APA005-97, Surfacing Materials. Two entities responded to the invitation by indicating a no bid.

- |                                    |        |
|------------------------------------|--------|
| 1. Schmidt Engineering & Equipment | No bid |
| 2. Crafco, Inc.                    | No bid |

Each of these indicated no bid, but asked that they be retained on the list. The first bidder was:

- |                                  |              |
|----------------------------------|--------------|
| 1. Jerry David Enterprises, Inc. | \$557,634.00 |
| 2. J.H. Rudolph & Co., Inc.      | \$545,620.00 |

Those were the only bids.

President Tuley: Okay. I've had a request that the bids be taken under advisement and awarded at a later date.

Commissioner Mourdock: So moved.

Commissioner Borries: Second.

Alan Kissinger: I have nothing further to report.

President Tuley: So ordered.

**Cindy Mayo - Superintendent of County Buildings**

President Tuley: Cindy.

Cindy Mayo: I have two items. I have a pink slip that needs to be added to the consent agenda. It is a part-time position, an appointment made in the Auditor's Office.

President Tuley: Okay.

Cindy Mayo: The second item that I have, I have three checks that Dennis Feldhaus brought in this afternoon that he asked be quietused back into the self insurance account, 428.1. Two of them are for overpayments and the third is a refund for a settlement that has been reached on workman's comp. That's all I have.

President Tuley: Okay.

Commissioner Borries: I'll move that the checks be signed and quietused into the 428.1 account.

Commissioner Mourdock: Second.

President Tuley: So ordered.

**Consent items**

President Tuley: Okay, under consent items we have employment changes, including the change that was put in by Cindy for the Auditor's office, travel requests, Council Call for the Health Department.

Commissioner Mourdock: I'll move approval of the consent items as submitted with the addition so noted.

Commissioner Borries: Second.

President Tuley: So ordered.

**Scheduled meetings**

President Tuley: Meetings. At 9:00 a.m. in the morning there is an Insurance Committee meeting. At 9:00 a.m. Thursday there is a Steering Committee meeting. On Monday the 25th there is a Pigeon Creek Overlay Committee meeting at 11:00; at 12:00 there is a Pigeon Creek Technical Committee; at 4:00 there is an Executive Session of this body plus there is a meeting of the Pigeon Creek

Committee; at 5:30 Commissioners; and 6:30 Drainage Board. Next Wednesday, the 27th, there is a Personnel and Finance Committee meeting at 3:30.

**Old business**

President Tuley: Under old business it says Jail Contract. That has been deferred for another week. Any other old business?

Commissioner Mourdock: I guess under the old topic of ozone just a report that Thursday of last week I traveled to D.C. and met with the Deputy Director of the EPA and a Deputy Director of Office of Management and Budget regarding the new air emission rules that are coming out. I would like to report cheerfully that all of our concerns were addressed and will be addressed in their proposals, but that would be a great overstatement. Basically, they are not considering in the proposal the current status, or the current rules, the fact that we are doing things here locally as a county doesn't seem to weigh too heavily on their minds even though we are a relatively small sized county and doing things that counties much larger than us are being required to do. Lastly, I think I reported once before that it looks like the new standard will move from .12 ozone in a one hour occurrence to .08 for an eight hour occurrence. They claim that factually that will work out to be about the same levels, but there won't be additional counties added to the nonattainment list, but there are a lot of technical questions whether or not that is the case. So, there is news, but no good news.

President Tuley: Okay. Any other old business?

**New business**

President Tuley: New business? Okay, motion to adjourn?

Commissioner Mourdock: So moved.

Commissioner Borries: Second.

President Tuley: So ordered.

The meeting was adjourned at 6:37 p.m.

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THOSE IN ATTENDANCE:  
Patrick Tuley  
Richard Borries  
Richard Mourdock  
Alan Kissinger  
Cindy Mayo  
Suzanne M. Crouch  
Charlene M. Timmons  
Edward Moser  
John Stoll  
Bill Morphew  
Bob Brennan  
Others unidentified  
Members of the media

VANDERBURGH COUNTY  
BOARD OF COMMISSIONERS

  
\_\_\_\_\_  
Patrick Tuley, President

  
\_\_\_\_\_  
Richard J. Borries, Vice President

  
\_\_\_\_\_  
Richard E. Mourdock, Member

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**Vanderburgh County  
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The Vanderburgh County Board of Commissioners met in session this 18th day of November, 1996 at 7:06 p.m. for the purpose of hearing rezonings within the county.

President Tuley: We have asked that we have a speakers list because we have three rezonings tonight in which there's going to be people speaking to each one. I don't know if you're not aware that we've asked for people to sign the speakers list if they wish to speak and it's just for continuity and to kind of keep this thing rolling along in a timely and smooth fashion, but I've only four signatures on here and I can't believe, with this many people sitting in this room, that we're not going to have more than that speaking.

Commissioner Mourdock: Maybe their counsel --

President Tuley: Maybe their counsels are speaking for all of them, I'm not sure. I've got Kathy Edrington, Cedric Hustace, Les Shively twice, and that's it. Okay, it is, in fact, it's a few minutes after. I'd like to convene the Vanderburgh County Commissioners for the rezonings for November. We have three first readings.

**VC-17-96**

President Tuley: The first one is VC-17-96. The petitioner is Decem Investments, Inc. The address is 10287 Wexford Court, Newburgh, Indiana. I take it that's their mailing address. The request is from C-2 to C-4. Is this the right one, 1241 N. Tutor?

Barbara Cunningham: That's absolutely right.

President Tuley: Alright, let's start over again. VC-17-96, petitioner is Decem Investments, Inc. The address of the property is 1241 N. Tutor. The request is from C-2 to C-4. Do we have a motion to approve on first reading and send to the APC?

Commissioner Mourdock: So moved.

Commissioner Borries: Second.

President Tuley: So ordered.

**VC-18-96**

President Tuley: The second one is VC-18-96. The petitioner is Allen D. Buck. The address is 13400 Darmstadt. The request is from R-1 to CO-1. Do we have a motion to approve on first reading and send to the APC?

Commissioner Mourdock: So moved.

Commissioner Borries: Second.

President Tuley: So ordered.

**VC-19-96**

President Tuley: The third one and final one on first readings is VC-19-96. The petitioner is Billy J. Munkus, Et al. The address

in question is 3535 N. Green River Rd. The request is from Ag to C-4. Motion on first reading and send to APC?

Commissioner Mourdock: So moved.

Commissioner Borries: Second.

President Tuley: So ordered.

Commissioner Mourdock: And do the minutes.

President Tuley: I'm sorry. I don't have an agenda in front of me.

### APPROVAL OF MINUTES

President Tuley: The next item of business before we get into the final readings is for approval of the minutes from the rezoning meeting of October 21, 1996.

Commissioner Mourdock: I'll move approval of the minutes from the October 21, 1996 meeting.

Commissioner Borries: Second.

President Tuley: I will so order.

### VC-12-96

President Tuley: Okay, the ground rules, as such, or whatever we want to start off with, honestly, we have a lot of people in this room. We've got three rezonings in which we have a lot of people who wish to address the Commissioners. The minutes are trying to be recorded, basically, verbatim. We would appreciate, particularly if it's involving a rezoning that you are not here for, to please try to maintain and keep down any other additional noises or conversations so that all the Board members and recording secretary can hear the comments. We would ask if you wish to address the Board, that you do come forward and address the Board from the podium. Please just state your name and your address, if you would. These things tend to get emotional, let's keep the emotions at a level that we best can that would be best suited for everybody else in the room, if we may. Sometimes that's hard to do, I understand. The first reading for final reading is VC-12-96. The petitioner is Robert Woodward, Sr. The address of the property is 3801 & 4201 N. Burkhardt. The request is from Ag to M-1.

Cedric Hustace: Mr. President, before Mr. Shively begins his presentation, I have a matter of procedure that (Inaudible - comments not made from microphone).

President Tuley: Okay, Mr. Hustace, if you'd like to come forward please.

Cedric Hustace: Mr. President, Commissioners, our firm has been recently retained by a number of residents in the area who are remonstrators, who remonstrated at the Area Plan Commission meeting and we have looked into this matter and we respectfully believe that this Commission does not have jurisdiction to hear this matter tonight. I will present to you, Mr. Shively, a legal memorandum that was prepared which indicates that the Commission lacks jurisdiction because improper notice was given of this meeting and

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also the Area Plan Commission meeting. It is our belief that the Area Plan Commission had no jurisdiction to hear the matter. The improper notice is two-fold. First of all, the revised notice that was sent by the petitioner was not sent within twelve days of the Area Plan Commission meeting, as required by the zoning code, section 153.158F, sub-paragraph 3. Secondly, one of the abutting property owners was not notified, namely the state of Indiana which is the owner in fees simple of Interstate I-64, which the property to be rezoned, the east line of that is the west property line of the state's land. As a result of that failure of notice, the Commission would lack jurisdiction to hear this matter. We respectfully request that the Commission refer this matter back to the Area Plan Commission and require the petitioner to re-notify the various abutting property owners including the state of Indiana.

President Tuley: Alan, did you receive a copy of this memorandum that Mr. Hustace has prepared?

Alan Kissinger: I did, I received it this afternoon.

President Tuley: Okay. Mrs. Cunningham, there is a statement in this that the petitioner did not give proper notice prior to the hearing before the Area Plan Commission and that the notice was only given six days prior to your hearing. Do you know that to be fact?

Barbara Cunningham: Are we talking about the state of Indiana, the Department of Transportation notice?

Cedric Hustace: I think what President Tuley is referring to is the fact that the corrected notice was not mailed by the petitioner within twelve days of the Area Plan Commission hearing.

Barbara Cunningham: The notice was given twelve days prior to the Area Plan Commission denoting the Area Plan Commission meeting. It's my understanding --

Commissioner Mourdock: Excuse me, would you swing the mike around?

Barbara Cunningham: It's my understanding that they were notified that it was flawed, that City Council was listed as in their notice, so they were still twelve days before the County Commission meeting, but we felt that they had time to do notice. Now I don't know if that is correct procedure or not, I'm not going to argue at all with the lawyers, but it is something that we had allowed that that could be corrected. The twelve days before Plan Commission was given, the twelve days, it was incorrectly stated it was City Council rather than County Commissioners and we allowed them to correct that. As far as notifying the Department of Transportation, we were not aware that notice was not given.

Commissioner Mourdock: I guess that raises another question, then. Does the Area Plan Commission have under its guidelines or statutes have the authority to waive that rule on the notification since the City Council was apparently erroneously listed, and then they went back to the County Commission?

Barbara Cunningham: We have allowed it to be re-notified in time to meet the twelve days and that's what we did, so that was okay. As far as waiving the timeframe for the state, the Department of Transportation, we were not aware of that, nor would we have allowed that as a waiver. We would not have allowed it to go

forward.

Cedric Hustace: I might interject, Mr. Mourdock, that the statutes and the case law does not allow substantial compliance with notice requirement. It has to be strict compliance.

Les Shively: For the record, my name is Les Shively, representing Mr. Woodward here this evening. Unlike Mr. Kissinger, I was not favored with a copy of this memorandum until two minutes ago. Let me say this, I've already given the counsel for the Board of Commissioners a letter that was sent to Mr. Greg Curtis, I believe, the 28th or 29th of October. Mr. Greg Curtis is the Director of the Office of Indiana Department of Transportation in Vincennes, where notices are sent. We advised him of the hearing dates, requested waiver of his notice and explained to him that he was entitled to receive twelve days, I believe he got it ten days. He sent a waiver of notice. It is true that the Plan Commission, on its own, waive notice, but if a property owner waives notice, that is appropriate and it can be considered. The one case that I see, the lead case cited by Mr. Hustace involves the published notice requirements in the adoption of a comprehensive county-wide zoning ordinance, that's Board of Zoning Appeals in Monroe County vs. Burnt. The only notice required by statute as absolute is the published notice. There's no defect in the published notice. The notice by certified mail to adjacent property owners is the one dictated by your ordinance. In this particular case, we inadvertently failed to send a letter to the Indiana Department of Transportation. That was corrected by the sending of the notice prior to the hearing advising them of the fact that the notice was late and said that we ask for your cooperation in either waiving notice which was not tantamount to a consent to the rezoning. Mr. Curtis executed the waiver of notice on behalf of the Indiana Department of Transportation. I think we've not only substantially complied, but I think we've met the requirements of the notice.

Cedric Hustace: President Tuley, I might say that the affidavit of mailing does not list the Indiana Department of Transportation.

Commissioner Mourdock: Judge Kissinger, may I ask you a question?

Alan Kissinger: Yes.

Commissioner Mourdock: I heard Mr. Shively say that they had inadvertently missed the twelve day notice, and I heard --

Les Shively: (Inaudible -- comments not made from microphone) -- Department of Transportation.

Commissioner Mourdock: Right, understood. And I heard Mr. Hustace say that substantial compliance was not the rule here, it is strict compliance. Is it possible to waive notice after the fact? In other words, if twenty-four days prior, the State of Indiana said, okay you don't need to notify us, I guess I could understand that. It seems, in this case, after the fact, isn't strict compliance.

Alan Kissinger: I'll give you a two-part answer. Number one, I do not -- you wouldn't be happy if you didn't get a two-part answer. Number one, this is not the proper forum for either party or either side of this discussion to appeal the appropriate or lack of appropriate procedure before the Area Plan Commission. The County Commissioners, in hearing rezoning petitions, do not go back into the procedure to make a determination as to whether or not other bodies that review these applications and petitions have done the

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right or wrong thing. The County Commissioners are here to make a determination, number one, has proper notice or waiver of notice been secured for this hearing before the County Commissioners and number two, have all other proper procedures been followed to get this matter before the County Commissioners? If that answer is yes, then they are properly before this Board. The second part of my answer is, I know of no law indicating that an individual property owner cannot waive notice. But by the same token, I know of no law indicating that a property owner can waive notice. I can only assume that Mr. Shively, in following that procedure, had some law or statutory authority that he was relying on. The State of Indiana apparently did not find any fault with the procedure and quickly complied, sent the waiver of notice back to him. Obviously, the reason for notice is so that a property owner will have the opportunity to be heard and either object to the petition to rezone or support the petition to rezone. The state seems to definitely have been given that opportunity as far as this meeting was concerned because that waiver of notice came back or was signed -- do you have that, no, the notice? The waiver, I'm sorry. Here it is.

Barbara Cunningham: I never have seen the waiver.

Alan Kissinger: The waiver was signed on the 31st day of October, 1996, more than sufficient time to bring it before this body. So to repeat, number one, we are not here as a body to hear an appeal on previous procedure before the Area Plan Commission; number two, I have seen no authority which indicates that a waiver of notice by the Indiana Department of Transportation, in this case, is not sufficient for this matter to be before the County Commissioners. Now, to go farther than I probably should, it is possible that in future procedures in reference to this matter, a court, for example, may say there should have been notice to the state, or the waiver by the state is not sufficient to confer jurisdiction, etc., etc. But once again, that is not a matter that I think is appropriately before this body tonight, because we do not act as a court of appeal for the procedure prior to this matter coming before this Board. I don't think that there is any authority before this Board tonight saying that the waiver of notice is not sufficient and there is a waiver of notice before the Board. It appears that all other notices were timely sent at least as far as bringing this matter before the Board of County Commissioners is concerned.

President Tuley: Okay. You've heard three legal opinions in the last fifteen minutes. What's the pleasure of the Board?

Commissioner Borries: You're saying we can hear it?

Alan Kissinger: Unless there is some other authority indicating that the waiver of notice is not adequate, because you are citing Area Plan Commission procedure, and you are now before the Board of Commissioners.

Cedric Hustace: That is correct, but if there is no notice, proper notice at the time it's before Area Plan Commission, then the Board of Commissioners lack jurisdiction as well. So it's devoid of an issue --

Alan Kissinger: And I understand what you're saying, Mr. Hustace, but, and I don't want to put you in this position, but I must, if as a matter of fact, you are going to appeal the procedure before the Area Plan Commission, would you appeal it to the Board of

Commissioners or would you take it to the Vanderburgh Circuit or Superior Court?

Cedric Hustace: For lack of notice, well, the only way it could go is to the court from the Board of Commissioners because the Area Plan Commission is just a recommending body. So it would have to go, any appeal would have to go from a ruling of this body, but what I'm saying is, is that if there is not proper notice, then this body's hearing and decision is a nullity. So it would be wasting the taxpayers' money to have this hearing if there is a question of jurisdiction.

Alan Kissinger: So you need only raise the question?

Cedric Hustace: I think it should be resolved if there is jurisdiction and if it's resolved --

Alan Kissinger: So you are asking this court or this Board of Commissioners to act as a court and make a judicial decision on this?

Cedric Hustace: Well, at least the counsel for the Commissioners can make a decision or --

Alan Kissinger: Oh no I can't!

Cedric Hustace: If you need more time to consider it, that's fine. Maybe that's what should be done is to have a period of time in which we can get this matter out of the way so that there is no appeal, that there is no void proceeding and that saves everybody some money.

Alan Kissinger: I don't know that Mr. Shively or his client is prepared to proceed in that fashion. I don't know. What Mr. Hustace has suggested is that perhaps this matter should be deferred for some specific period of time for the parties to present authority or whatever to make absolutely certain that we are not proceeding with what Mr. Hustace has referred to as what may ultimately be determined to be a nullity. If we are going to do that I would advise the Commissioners it would require the scheduling of a special rezoning meeting of the Board of Commissioners in order --

President Tuley: I think Mrs. Cunningham has indicated, if proper notice was to be given tomorrow, re-notification of all parties, the APC could hear it at their December meeting.

Barbara Cunningham: It still has to be re-advertised.

Alan Kissinger: I think you misunderstood. What Mr. Hustace suggested was that we settle the question of whether or not there was proper notice before the Area Plan Commission before we proceed with this hearing and he suggested that perhaps this matter could be deferred until a later date until that question was settled before you make a decision as to whether you would hear this tonight. That was the possibility raised by Mr. Hustace.

President Tuley: I think to me, it seems easier, and I'm not the one paying for the notice, but if all notices were re-sent tomorrow and could be heard in December, then the question of notice is moot.

Commissioner Borries: Now Barbara, you're here, what is your

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feeling? I mean, it seems as if we are arguing semantics, technicalities.

Barbara Cunningham: I feel if the notice was flawed we would not have heard it at the Plan Commission. I mean, that's what we do. I feel that if they could mail the notice tomorrow it could come back, it doesn't have to be re-advertised and they could come back to the December meeting of the Plan Commission and the December meeting here.

Commissioner Mourdock: I move that we defer hearing VC-12-96 this evening pending re-notification to all adjacent parties.

President Tuley: You conferred with your client. Did you guys have a --

Les Shively: If I could be heard for a moment. I think sometimes lawyers are always guilty of looking at the fine print and sometimes we need to step back and look at the purpose and the intent. If Indiana laws says, and there is one thing this lawyer and former judge and this lawyer, the two lawyers over here will all agree on, is that when you are sued, even if you haven't been given proper service, you can go into a court of law and waive that service. If you are sued for a million dollars and there is defective service, you can waive this service. In this particular case, the Indiana Department of Transportation has waived before the Plan Commission hearing and before this meeting, notice of this proceedings, not after the fact, but before the fact, before both meetings. Nobody has spoken for a party who has been prejudiced by not receiving notice and says that they will be prejudiced by these proceedings. I would hope that's the way this Commission looks at it, although I respect the Commission's prerogative and whatever the Commission directs us to do, I can assure you that we will comply in all respects and all due aspects of it. But I would really urge you all to step back and look at the entire situation because we have given notice to all the private property owners and the only one that didn't receive timely written notice, not what the statute required, but the local ordinance, was the State of Indiana, and they have knowingly, with Mr. Curtis, who was your former County Engineer and sat through a lot of these meetings whether he wanted to or not, he knows that goes on in this room and he knew what he was signing when he signed the waiver, so let's look at it from a practical standpoint.

President Tuley: With due respect, I don't think Mr. Curtis, himself, signed it. Someone signed it on his behalf.

Commissioner Mourdock: No, he did sign this one.

Commissioner Borries: I thought he did.

President Tuley: I stand corrected, I saw one that didn't look like it was his signature.

Commissioner Mourdock: He did not sign the receipt of service, but he signed the waiver himself.

President Tuley: I stand corrected.

Alan Kissinger: It's not an issue, it's uncontested as to who signed it.

President Tuley: Yeah, I'm just -- reference was made to the former

County Engineer and that's the reason if he didn't sign it...

Commissioner Mourdock: Officially, for the record, it does not appear to be his signature above his name. So, it's a moot point, I understand. Someone signed it, but I guess that raises the other question. We would not have any question whatsoever of Mr. Curtis' authorization to sign it.

President Tuley: The only reason I even brought it up was because there was a reference to the former County Engineer having sat through these meetings, and that's not who signed it. I can't even tell who that is.

Commissioner Borries: That's Dale Lucas, he's actually Greg Curtis' boss.

President Tuley: That's what it looks like.

Commissioner Borries: Dale Lucas is whose -- apparently Mr. Curtis may not even have been empowered to sign it or if he did, he referred it to his immediate supervisor, in this case, Mr. Lucas.

Bob Woodward: For the record, I'm Bob Woodward. May I speak to this for just a moment? I think what we're looking at here is whether we're going to have a zoning hearing this evening or whether we're going to have the same thing next month. It just seems a shame to me to bring everyone back and go through all of the turmoil again to delay it for a month. I fully understand that, if in a court of law later, there is a suit brought that we, in fact, could lose and could be back rezoning again. We understand that, I'm willing to accept that responsibility and assure you there certainly would be no action on our part brought against Area Plan or the Commissioners or anyone else. If you want us to delay it, we certainly will; but we're certainly prepared to move forward with where we are and I would hope as we work with the remonstrators this evening and in the future, that we can find more productive things to discuss as far as things that will improve both our development and their neighborhood, instead of whether notification was done properly or not and timely. Thank you.

President Tuley: How long is no second to a motion? What's the time on that?

Alan Kissinger: It's ticking.

Commissioner Borries: Well, I think Mr. Woodward has a point. I am not clear if the same laws that apply to the Area Plan Commission, a recommending body, apply to this Board.

Alan Kissinger: Once again, as far as notice of this Board's proceeding is concerned, that notice certainly appears to have been complied with. The waiver of notice, I cannot tell you definitely if that is effective or ineffective in this case, valid or invalid. The primary question that has been raised here is whether or not the procedure before the Area Plan Commission, a recommending body, was defective. You are not the appropriate forum for that question to be answered. You do not act as a court of appeal or a court of review for what occurs in the Area Plan Commission, although what Mr. Hustace has said is also totally accurate. It is possible that the notice requirement before the Area Plan Commission was not appropriately complied with and therefore, a review in court may look at this situation and said regardless what the Commissioners did, the Area Plan Commission procedure was defective and therefore

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the actions of the Board of Commissioners, in passing on this rezoning, was void, regardless of how you should decide.

Commissioner Borries: Well, you know, the Area Plan Commission, they did have a quorum but certainly it was not a definitive vote because of perhaps you had to have what, seven or eight for a quorum?

Barbara Cunningham: We had a quorum, we didn't have a quorum vote, we had a no action vote.

Commissioner Borries: But you would have needed --

Barbara Cunningham: I would have needed seven yes' or seven no's.

President Tuley: Total of eight people.

Commissioner Borries: Okay, so you had a minimum or at least above that. I guess what I'm asking is, so that we don't have to put people through this again, is there any reason this cannot be heard, that anybody's knowledge in December is we say that we have to simply re-advertise? Is there another snag here?

President Tuley: Re-notify, not re-advertise.

Commissioner Borries: What other snag is there here that we're going to --

Barbara Cunningham: If the notice goes out on time --

Commissioner Borries: Is there any other objection, Mr. Hustace, that you would have should...

Cedric Hustace: I believe that if the abutting property owners are notified within the time prescribed by the zoning ordinance that will be sufficient notification to give this Board and the Area Plan Commission jurisdiction to hear the matter.

President Tuley: In December?

Cedric Hustace: Yes.

Les Shively: One thing I just wanted to hear from the remonstrators perspective is, Mrs. Cunningham has stated her opinion that it would not have to be re-published, just re-notified. I would, you know, if you all decide to send it back to go through that process, I would like to have concurrence of the remonstrators that they would be no necessity of re-publication.

Cedric Hustace: I know of no requirement that would require re-publication of notice. I believe that if the abutting property owners are notified by certified mail within the time prescribed by the ordinance, which requires a notice of hearings, not just notices of hearings, a notice of hearings within that twelve day period before the Area Plan Commission meeting, then the Commission and this Board would have jurisdiction.

Barbara Cunningham: Can I just say one thing?

Commissioner Borries: Barbara, you keep talking away from that (microphone) --

Barbara Cunningham: I keep trying to get rid of that. The one

thing I want to say is if it goes forward in the form it is now, it cannot be amended nor can it have a Use & Development Commitment. I mean, if that happens, then it would have to re-published. But if it goes forward as it is presented tonight then all they would have to do is re-notify.

President Tuley: I would really like to see us re-notify, have this thing brought back to this Board in the month of December where the only issues addressed are real issues, land use and what have you as opposed to technical aspects, and I hate to see us act one way or the other and have it overturned because of a technicality.

Commissioner Borries: If that is your will, I will second the motion.

President Tuley: I think that was his motion. I was just --

Commissioner Borries: But -- that's fine.

President Tuley: So ordered, then. Re-notification tomorrow to be back before -- from what I understand, it has to be really tomorrow.

Les Shively: (Inaudible -- comments not made from microphone)

President Tuley: For those of you who are here, we're sorry you're going to have to come back, we're sorry for the technical and the forty minute discussion on technical problems.

Les Shively: And we apologize also for any inconvenience to the Board and appreciate your cooperation. Thank you.

Commissioner Borries: At this time, you might want to let them dismiss then --

President Tuley: Yeah, we've got a whole bunch more people out in the hallway, so anyone else that's here with regard to VC-12-96, you may leave. You don't have to, but you may.

VC-13-96
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President Tuley: We have all the individuals necessary, I guess, to continue. The next petition is VC-13-96. The petitioner is J. J. Brodi, LLC. The address is 4504 & 4510 Heckel Road. The request is from Ag to C-4 and R-3.

Larry Grimes: Good evening, my name is Larry Grimes. I'm here on behalf of the petitioners, J. J. Brodi. I'd like to introduce my clients to the Commissioners, Jim and Jackie Johnston are here and Brian and Robin Deem are here. Another daughter and son-in-law, Dwayne and Diana Latham are also involved in this project. As we told the Plan Commission, I think there's three basic questions that have been raised by the folks who live in that area and also by the staff report from the Plan Commission, and that is drainage, traffic and the compatibility of this project to the sites that we're talking about. First of all, drainage. I think you as Commissioners should have received a couple of letters: one, from the County Surveyor, and one from Site-Con, Inc. Both of those, I think are replete with references indicating that we can absolutely meet any type of drainage issues that might be troubling here. I would point out that as Site-Con notes in its letter, you're talking about a watershed area of several square miles and we're

talking about a total of 60 acres out of that entire watershed area. While I can certainly understand that it might be of some concern in this area whether further development would cause any difficulties with flooding or things of that nature, the whole point of the drainage ordinances which we would meet and do everything we could to assist the areas around this project without causing any additional problems, without causing any problem with water flow or overflow, I think, clearly that can be done. I think Mr. Brenner points that out in his letter as to what specifically is required and we will certainly do that. I would also point out to the Commissioners that my clients will put a lift station on this property, they will co-op that lift station that would assist in providing sewer service to this entire area. We think that's certainly a real benefit to the area as well. Regarding the question of traffic, the staff report points out the Green River Road extension will actually extend north of Heckel and that's right along the parcel that is in question here for the C-4 development and that is consistent with exactly the same type of development that you see just a short ways down Green River from just south of the Day School all the way down well past Washington. My clients would envision something along the lines perhaps of a strip center type area, something that we've seen along Green River Road farther south. And with Green River Road extended to four lanes in that area, that's precisely the type of road that it's capable of handling, the type of traffic that is farther south. We also want to point out to the Commissioners that with Lynch Road being extended and improved immediately south of there, I think it's a reasonable anticipation that some of the traffic off Heckel would be relieved. We had some comments last time about the way Heckel is built and potential problems with that and I would make the analogy to the Commissioners of how Burkhardt Road was constructed just prior to the very substantial development that has gone along that area, similar types of shoulders. I think many of you can remember, those of us that grew up in this area when all those old locust trees lined Burkhardt right along the same area that is now very heavily developed, and I think Heckel is analogous to that now. The amount of traffic that is going to actually occur from this development in the area that we're seeking to be zoned, the R-4, my clients have made a commitment to put condominiums there, not a much higher density apartment complex and so that is going to limit the amount of traffic that's going to be coming from the C-4 area. On the R-3 we're talking about approximately ten acres on Green River Road, a relatively small development that certainly is not going to produce significant amounts of additional traffic to that area. And last, the compatibility question, I think that encompasses everything that we've talked about there. I think we all know that development is occurring very heavily north of this area. Toyota has come, there is planned development in the Elberfeld area. That is the path of progress. Green River Road has been creeping up year after year in terms of its development and that also is the path of progress in that part of the county. We believe that it is very consistent with the type of development that we are seeing further south and coming on up for this type of development to be placed along Green River. As the staff report also notes, the multi-family residential request on the fifty acres is consistent with the master plan that's already in place. And what we've done or what we are requesting is not only consistent with that, but we are making a commitment to actually have a lower density development there than we could have. So we believe that this is a development that has great benefit in the long run for this area. We think that the past progress is very clearly moving north in that direction and this is consistent with that. Lastly, we believe that in light of the very

substantial development that is occurring farther north along 41, along Green River, and along 164 and 64, that this is simply a logical step to take in that direction and we would ask for your approval of our request for rezoning. I'd be happy to answer any questions if any of the Commissioners or anyone has those, or if you'd like to hear from any of my clients as well.

President Tuley: Not at this -- or at least I don't, not at this time. Where did my speakers list go? I guess maybe you guys were outside since no one is on that speakers list, but at this time we'll just go ahead and open it up for someone who wants to speak to the rezoning? There is a hand right there. Ma'am, you can come first if you'd like to.

Debbie Schwent: Hi, my name is Debbie Schwent and I live at 6431 N. Green River Road, directly across from the farmland that is the proposed commercial property. I have pictures of the proposed area under water last May, the 1st and 2nd. I'll pass them around and I also want to remind you that this was before the river was up, also. You may call this a drainage problem, but when you are bucketing water out of your home, it's not a drainage problem. For years they said they were gonna dig out this creek, dig out that creek, and you all know that, I mean, Millersburg Road was flooded last week or the week before from three inches of rain. This is flood level area and when you go to build this up, which you're going to have to do because they're not going to want their storefronts under water, where is that water going to go? It's going to go out to Heckel Road to the whole surrounding area, up to Voight Road, the whole bit. We see no way that you can do this. For years you've been telling us that you're going to do this, it's going to stop, that Pigeon Creek is going to get dug out and nothing has ever been done. It gets worse and worse. Another thing is they brought up the fact that it's being developed all the way up Green River Road. Green River Road is going to be four lanes past Heckel. It is going to turn into two lanes past Heckel. I know, because it's taking part of my front yard to do this. When I purchased my home, I didn't know it was going to take part of my front yard, but that is where it turns. It isn't going to go all the way up to where their proposed property, it's going to stop right about my front yard, which is about -- I think it's like four hundred feet -- when I had the gas line put in out there. So, and you can call it putting condos or whatever fancy name you call it, we really don't need any more apartments, condos or anything. Let it be farmland, let it stay that way. Toyota is not going to bring that many people, because they promised to hire everybody that lives in Evansville and the surrounding area. People aren't going to be moving in for Toyota. Hopefully, it's going to better Evansville and Princeton and the surrounding areas, but they're not going to move into this area, you've already got three hundred homes on the south side of Heckel and then you're going to put condos, and then this is all going to lead to Green River Road and Heckel. Even if they take the Lynch, it's still has to lead those two directions. And the traffic cannot take it. Like I said, in the past you've said you're going to put new roads, fix the drainage, and all these promises, and many times in the past, and none have come into existence. Just leave the land. The people that live out there are happy there, they don't want to have to -- you know, they've moved out in this area knowing they had to drive a mile to the grocery store or to get gas. They all moved out there for that reason. They knew what they were getting into. We don't really need the development out there. You've got so many empty buildings in Evansville already that I just hate to see the fact that you're going to take this nice farmland, and that's what

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you're going to do to it, and in the meantime when we get three inches of rain, I'm going to be flooded out again. Thank you.

President Tuley: Yes, sir.

Milford Selby: My name is Milford Selby, I live at 5007 Bassett Avenue. I've lived out there thirty years and I've seen this area flood between five and six times, where there's only one way out of that place out there, South Green River Road floods, North Green River Road floods, Heckel Road east has got an old bridge that's a hundred years old, it's about ready to fall in, you can't go out. So there's only one way out and that's to go west on Heckel to get out of there. This is a picture and I've got other pictures at home, my kids going up and down Green River Road, but this is a picture of the area that we're talking about that they want to rezone right in here.

Barbara Cunningham: He wants to keep it so that (inaudible - microphone not turned on).

Milford Selby: But the homes that she's talking about they live is right here. The water, this picture was taken in '72, so that's what it did in '72. This year, '96, '95 was worse than it was then. It was all the way up Heckel Road itself. The other thing I've got to bring up on it is they tried to put a waterslide park out there at one time. You turned that down, it was commercialized. That's a residential area out there and we're not protesting residential houses out there, but to put commercial out there when you have commercial just down the street, about one mile is a commercial center off of Old Boonville Highway and Green River and Burkhardt. We don't have any problem with the residential area out there, we're not trying to stop houses, but we do not want commercial out there, like I don't believe you'd want it in your front yard either. There was another item brought up that was an all-terrain vehicle shop that the guy had, that was about I guess eight or ten years ago, was going to rezone out there commercial, so he could put in an all-terrain shop down on Green River Road. You turned that down. The other is our street out there. Not only does North Green River Road, South Green River Road, and the Heckel Road bridge falling down, but our street, they came out and fixed that a couple of years ago, it still floods. The engineers come out and did all their sightings with their transit and everything, it still floods. The other one, this may be smart-alecky, but I think what you ought to do is the DNR ought to get a hold of it and turn it into a wetland area, because that's what that is out there. That's all I've got to say. The picture tells more than what I can say, if you can't tell by that what it does out there. I'd like that back when you are finished.

President Tuley: Okay, we have another gentleman over here.

Donald Smith: My name is Donald Smith, I live at 4851 Heckel Road and I'd just like to address three items that Mr. Grimes touched on, the drainage, traffic and Heckel Road. As you know, the drainage, he talks about the drainage, but when he says he's going to try to improve it, what's he going to improve? On his land? The land they're going to develop? And when they do, where is all that water going to go? It's just going to be worse on us on the east side of Green River Road where I live because it's lower than where they want to be right now. And talk about traffic, you know, traffic is already bad out there with more subdivisions coming in. From Lynch Road to Heckel Road at Green River is 1.6 miles. You talk about four-laning that from Lynch to Heckel on Green River.

On the east side of Green River is the floodplain, okay, and part of that you've got to cross Pigeon Creek. Where is the money going to come from to build this new road and bridge out there? And finally, you want to rebuild Heckel Road, it's a one mile stretch from Oak Hill to Green River, no shoulder on the road, five foot ditches, you're going to have to completely redo all the drainage on both sides of the road to improve that for the increased traffic flow that we're going to expect. Like my neighbor there showed you, I've got pictures like his of what it looks like they're going to develop right here. That's what it looked like this spring. We've lived out there for over twenty years and I've got pictures dating back every four or five years. It never gets that bad, but in the spring it does get up there and flood all the low lying areas every spring. So I don't think any kind of improved drainage out there is going to help anything. That's all I've got to say. Thank you.

President Tuley: Thank you, Mr. Smith. Any other remonstrators before Mr. Grimes comes back to the podium? Okay.

Larry Grimes: Thank you, Mr. President. Just a few responses. First of all, I think the letter from the County Surveyor dated November 18 addresses the problems that were discussed about where is the water going to go? It's very clear in this letter that the storm water from the side will be collected and held in detention facilities and it would be discharged at a lower rate than storm water is now discharged. No storm water will be discharged from the site southward toward Bassett or Irene. Now I think Mr. Brenner then makes a good point when he says all reviews will be conducted and recommendations made in the strictest accordance with the drainage ordinance and good common sense. I think that addresses the drainage issue, I mean, we are bound by the ordinance to handle that. I think it's very clear that the ordinance and the requirements on us are going to deal with those matters. A couple of other points, if I might, I neglected to mention to you as Commissioners, Mr. Stahl, who owns the land adjacent south of this, he farms the ground south of this property on the south side of Heckel did speak at the Plan Commission meeting and indicated he had no objection to the development. He pointed out that this farmland is not prime farmland as other farmland is in Vanderburgh County, and I think he even mentioned that it would be a shame if some better farmland were used compared to this. The comments about the all-terrain vehicle shop and the waterslide park and things like that from a few years ago, I know we all understand and acknowledge that, and that was eight to ten years ago. Green River Road has developed substantially from eight to ten years ago. Green River Road has developed some from five years ago and that is continuing to push north so we would again state to the Commissioners that this is consistent with that growth and development. It is also consistent with Lynch Road being extended and improved. When I measured it the other day, I believe it's approximately 1.6 miles south or 1.4 miles south of that intersection, so some of the concerns that have been voiced, I understand are valid concerns but we believe that they are addressable and correctable. And last, it is always difficult when development comes to someone's front door, however, I think what this Commission is charged with doing is certainly looking at the greater county area and what is best for our community, and we believe that this development is consistent with the best interest of the citizens and with the economic health of Vanderburgh County. We would ask that you approve the petitions.

President Tuley: Additional comments?

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Dorothy Smith: My name is Dorothy Smith. I live at 4851 Heckel Road. I've only lived out there about three years but I do like it. It's a little bit away from the city and I just don't want to have to go back to being right at somebody's door and the traffic out there is bad, the water is bad and I just don't think it needs to be developed at all. It's perfect the way it is and when is it going to stop? I mean, we need farmland. Are we just going to keep developing and developing and not have any farmland? We need to think about real life and quit trying to make everything so high society. I'd just like to keep it the way it is.

President Tuley: Okay, thank you, Ms. Smith. Any questions, or since you sat through Area Plan...

Commissioner Mourdock: Since I did sit through Area Plan, I was just going to make two comments and one of them, I guess, on the positive was one of Mr. Grimes remarks that Manfred Stahl did comment about the fact he did not consider that a high use. The second thing that came up in that Area Plan meeting that I thought was significant that I don't think I heard here was the estimated number of condo units, at least as EUTS did their report, and I think Mr. Grimes agreed with this at the last meeting, was approximately three hundred.

Larry Grimes: (Inaudible - comments not made from microphone)

Commissioner Mourdock: You'll need to come to the microphone, Mr. Grimes.

Alan Kissinger: If I may, I think Mr. Grimes said 288.

Larry Grimes: Yes.

Commissioner Mourdock: I missed by twelve, I apologize.

President Tuley: Two hundred and eighty-eight condos. What I'm trying to keep traffic control here, so to speak. Two hundred and eighty-eight condos is what the answer to your question was.

Jim Johnston: I'm Jim Johnston and this is my son-in-law Brian Deem, and I know you guys have a heavy agenda tonight and I know I hate to speak in public, snakes and speaking in public scare me to death. You know, we've paid money to experts to give us their opinion on what needs to be done out there and what can be done and I know the neighbors are pretty emotional, but I think it's hard to argue with the expertise of the County Surveyor. The other point I'd like to make is several points: that you guys are facing some tough rezonings tonight, ours is probably the least controversial of the bunch and you're going to see a lot more of them in the coming months and certainly in the years to come that are going to be a lot like this, and it looks like sometimes you have to face the ugly mob, but tonight and then next year they're going to be related and there's some things that are alike. That is we can be proud and excited as a community, and certainly I am as an individual of what's happening in Evansville. I think Toyota is a world class company and a lot of people have worked real hard to bring Toyota in here. I don't know who they are, but I appreciate it a lot because Evansville has struggled through the years. We have had to pay for really minimum wage jobs like Hudson Valley Trees. I've seen times in Evansville when you couldn't get a minimum wage job. We're looking at really good jobs now and this next zoning, too. We pursued Toyota and we enticed them. We got them in here. Now we have to take care of them. Everybody wants

to leave everything the same. I want to grow. I want to be proud of this town, I want my kids to live better. Our minimum wage in Evansville is approaching \$7.00 an hour for minimum wage. We're buying better houses, we're buying better cars. We're living better. And that's progress, and I'm proud of that. I don't want to leave this bad farm ground out there not producing. It would be easy to turn this over to the DNR, but this town has to grow, that's what we're pursuing, that's what we want is controlled growth. So I'm excited about Evansville. I think we're going to have to overcome the negative and the simplistic people and look for a better future for all of us and even for our kids. We're in this long term. We're in for the family and we're in for our kids and our grandkids, and it's called growth and I'm proud to be a part of it.

Brian Deem: I just have a few things to add. My name is Brian Deem. My family, immediate family, extended family are all from this community. I live two minutes from this development myself. What this is, we're starting to run out of ground as far as development, and like Mr. Stahl said in the Area Plan Commission that this is not good farm ground. It's not, it's just bad dirt. What we're looking to do is help open up a new threshold into Evansville with I-64, the Lynch Road extension eventually will tie into I-164. We have access from Boonville-New Harmony Road on to Green River Road. This is going to become a new corridor into Evansville and it's just inevitable that it's going to be developed. The C-4 development that we're asking for is not going to overwhelm this development, we want it to accent the development. We don't want to take over Green River Road and turn it into a major commercial park. We're just trying to make and expand Evansville and make it a better place. That's all I have to say.

Milford Selby: Could I speak again?

President Tuley: Sure.

Milford Selby: I hear Mr. Johnston expressing how he is excited about the growth of Evansville and Toyota, and so are we. But I don't think he'd be so excited if I took a commercial building and put it across from his house. I know where he lives at. I think he would be kind of just the way we feel right now, upset about that. I don't care if you put commercial in, but put it in an area where there are commercial areas. You don't need to stick it out there on North Green River Road where there is a traffic problem, water problem and everything else. He's not the only one who is excited, we all are that live out here, so it makes it look like he's excited about it. So am I, but he wouldn't be if it was across the street from him.

President Tuley: I've got a couple of questions, and the petitioners or their attorney or somebody can answer them for me. Timetable...come on up. We need to get the answers from the podium anyway. I know you don't want to be up here, but... The timetable, so to speak, I know on there that you are asking for the commercial zoning on, you've talked about going ahead and relocating your countertop shop and what have you there, basically, for now in the area and then I've also heard maybe down the road, a strip center type development that would serve the surrounding residences and the condos or whatever. Give me an idea or timetable how many shops or how far are you into this and thinking down the road?

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Jim Johnston: Well, we spent quite a bit of money on it already, but we can't really do much without the zoning. I've talked to Old National about a branch bank out there and they're interested, but it's premature. We can't do anything until we get the lift station put in and I think realistically that could be two to five years away. We could build the shop in there with a mound system, but that would be the extent of the development until that sewer is ran. But John Rexing has got a location for a lift station already and he has a route for it. Here again, the people on Bassett and Irene have sewer problems and I think anybody in the Health Department can tell you if you go by there and just see the effluent that's on the ground, at some point, those people will want to address that and I think a lift station on our property could take care of their problem with the septic tanks in there that don't work. So, we're looking positive on how we can help that whole area, but it could be five years down the road, realistically.

President Tuley: For a sewer service? Is that what I understood you to say?

Jim Johnston: Yeah, and you can't develop any of the commercial or the multi-family without the sewer. You have to have the sewer, but the way the town is moving, it could be quicker, too.

Barbara Cunningham: You could, it's usually not done. I'm sorry. You could develop with the septic system, but it's usually not done and it's usually very expensive to have commercial septic, and I don't know if you -- I would think that it would be almost impossible to develop 300 apartments --

Jim Johnston: Oh impossible, right. I wouldn't even attempt that. Yeah. So, the problem we have is if we have these people who fought the water park several years ago, and they fought the RV park, and if you come back next year or five years from now there will be more of them, they'll be better organized and they'll fight anything you do then, too. So we feel like now is the time to get this rezoned. It really will offend less people.

President Tuley: Any other -- okay, I'm sorry. Go ahead and sit down, I guess. Any other comments? Mr. Smith?

Donald Smith: I just have one comment. Mr. Stahl talked about that farmland being less than favorable. There is a creek, a branch off Pigeon Creek that runs through that property that cuts over it through the Millersburg Road area. Any time it rains, that always backs up and floods there. They had farmed that land for years and years and its always produced and there hasn't been no problems out there farming. Only thing is, like I said, it's just the water and then when you go mounding it up and building, it's just going to push it off everywhere else. I could see -- I'm not against the development there, I just -- all the problems we've had have really not been addressed thoroughly where I can see where it's going to solve anything. Thank you.

Commissioner Mourdock: And as if on cue, Manford Stahl walked in just as you were walking to the microphone, so in fairness, if he would like to address that he's welcome to. You were quoted earlier, Mr. Stahl, as to your comments at the Area Plan Commission. I saw your ears perk up as soon as your name was mentioned entering the room.

Manford Stahl: I'm Manford Stahl. What was I quoted on and maybe

I'll be quiet! The only comment I have, I've owned the property across the road from the property that you're thinking about right now for thirty-two years and I've farmed it. If we're looking at land use and the best land use, if you look at your Vanderburgh County soils map, it will show that's not the best farmland there. It's decent farmland, but it's not the best, so if in Vanderburgh County we need to do any development, I'd sure like to see you use some of the ground that's not the best and maybe preserve some of that better ground that has been zoned for development. Maybe this is an opportunity to use some of that ground that is not the best. Personally, I have no problems with it being rezoned and also I've looked at some of the properties that the petitioner has in their possession and they have taken -- it looks like they are taking and have taken good care of the property that they do have. So, I don't have any problem with the petitioners asking for what they're asking for. Thank you.

President Tuley: I want to get something clear in my mind. This is to the petitioners, you're talking about putting in a sewer service somewhere in between two and a five year period and you do not anticipate that you can actually develop this in any way until that goes in? Do I understand that correctly?

Jim Johnston: We could put the shop in there with the mound system, I think.

President Tuley: The shop would be the only thing?

Jim Johnston: I don't think you could do the whole development without sewers, there's no way that you could put the apartments or anything in without sanitary sewers.

Larry Grimes: If you've seen the shop, it's a very small operation. You're not talking about a very large building.

President Tuley: Is it a retail? I mean, do you do commercial work, I mean, retail work or do you do like contract work with a large lumber company or somebody like that?

Jim Johnston: We build custom laminate cabinets and corian and counter tops, so we have a retail --

President Tuley: So you have people coming in and looking, leaving?

Jim Johnston: Right.

Larry Grimes: What amount of traffic do you have in and out of the shop on an average day?

Jim Johnston: Well, basically we work with contractors, so we only have -- retail, we have like two people a day come in the shop. We don't generate traffic or have a lot of traffic. Almost 90% of our business is contractors or we sell to Lensing and commercial outfits and then when contractors call us we go out and measure, so we have seven employees. It's a small operation.

President Tuley: What are the normal hours of operation?

Jim Johnston: We usually work from 7:30 to 5:00.

President Tuley: Monday through Friday? Do you work Saturdays?

Jim Johnston: Six days a week. At least Saturday.

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President Tuley: Lucky us.

Commissioner Mourdock: Mr. Johnston, just to clarify something. A moment ago after you said you could do the shop with a septic possibly, you then said, but you wouldn't the apartments that way. Everything I've seen here says condominiums. Do you mean apartments or do you mean condos?

Jim Johnston: Condominiums or apartments either one. We're going condominiums, we're committed to that but condominiums would have to have sanitary sewer and --

Commissioner Mourdock: Sure, I understand, either one, either apartment or condos would, but I was just trying to be specific because there is a difference.

Jim Johnston: I misspoke, I'm sorry. We don't have any problem with putting that in writing, either. We're just --

President Tuley: Yeah, I like to hear the idea that you're talking condominiums only from the standpoint that there's a little more vested interest in doing it right, if you do it, if you have condominiums.

Barbara Cunningham: (Inaudible - microphone not turned on)

President Tuley: Yeah, I understand that, but I guess what I'm looking for is a commitment that leaves out the word apartment and puts in the word condominium.

Jim Johnston: Well, we're on record and we'll say it again tonight on record that we're looking at six units per acre and that would be condominiums. And I realize, too, that you could put like thirty units per acre of apartments on that ground. That would be... I think 30 would be stretch, but according to my calculations you could put 30 units per acre and you would have 50 acres there that we're asking for multi-family. That would be 1,500 units that could be on that corner. I think that is what the neighbors don't realize is that we've taken a big compromise here and that it could be a lot worse. I think, what is it, the extended plan? It calls for multi-family on that corner and in that area. I think what they are looking at is the possibility of 1,500 units versus what we are committing to as 300. I think that is...I'm not sure anybody else would do that because that ground is a little bit expensive to develop.

President Tuley: Additional comments? Okay, come on back.

Debbie Schwent: If you'll look on this page, if you can find it, over here it was about four or maybe five years ago Mr. Woodward wanted to rezone that property also to put some of his storage and his equipment and that kind of thing and we all came together and you did not agree with Mr. Woodward on that one. Who is saying that three years from now they won't come back and say we're going to put apartments now and making it more apartments than what they are saying now? If you can rezone this now, then what is saying that they can't rezone it later and putting more and more on there instead of their 288? I mean, anything is possible, so they can come back and rezone, am I not correct?

Barbara Cunningham: They don't have to come back and rezone.

Debbie Schwent: Okay, they don't have to stick to 288, right? So

they can decide tomorrow that, oh, well we're going to put this much more.

Larry Grimes: Mr. President, may I respond to that? My clients are on the record at the Plan Commission and here and made an unequivocal commitment as to what they are going to do and that is 288 units approximately of condominiums. Now, I think that Mr. Johnson and his family have done business in this county long enough and intend to do business further to know that you don't stand up and lie to the Plan Commission and to the Commissioners. They've made the commitment and they are reiterating that commitment to you tonight and they are going to stand by that commitment.

Barbara Cunningham: I'm sorry, I am interrupting. I've know Mr. Johnston and it is not that we say he is going to lie. Circumstances change. What we are saying with what the Commissioners are looking at is R-3 and the only way that we can be assured that there are X number of units is with a Use and Development Commitment.

Larry Grimes: As far as I understand, my clients are willing to make the commitments that the Commissioners require. That is what they have expressed to me.

Barbara Cunningham: All I am saying is, you know, it can change tomorrow.

Larry Grimes: Well, if you want the Use and Development Commitment, as I understand it from Mr. Johnston and his family, they are willing to do that. I don't blame those folks for being concerned about having multi-units there.

President Tuley: What is the effect of asking for a Use and Development Commitment.

Barbara Cunningham: It's put off until January because you would have to renotify and readvertise.

Jim Johnston: Did I hear these people say that was acceptable that if there were less than 300 units that they would be happy if we had the light commercial and the less than 300 units? Did I hear the neighbors say that would be acceptable to them?

Debbie Schwent: No, I didn't say that. I was just making a statement.

Commissioner Mourdock: For the record here and for the purpose of a vote, I will move approval of VC13-96 commonly known as 4504 and 4510 Heckel Road.

Commissioner Borries: I will second.

President Tuley: Roll call vote. Commissioner Mourdock?

Commissioner Mourdock: The statements that have been made here tonight have been very illustrative of why this is a tough job because I understand neighbor's concerns. I understand the developer's concerns and Mr. Johnston particularly your comments about being proud and excited and Mr. Selby's comments being the same shows how often we can see the same thing and yet see it totally differently. You commented that we are in it for the long term and, obviously, that is what we are trying to do as well. The

situation that we have, and Mr. Grimes during his first remarks commented something about Burkhardt Road that he remembers when it used to be something that it is now not, and I guess because it is in the paper a lot I recoil every time I hear the word Burkhardt Road. As I said at the Area Plan Commission, I have concerns not about the drainage in this particular situation. I have concerns not at all about the development that you might put in, but I do have concerns that the county has not caught up with where you are at this point as far as what we do with Heckel Road and Green River Road. I regret that, but I say that sincerely. With that and this is a very tough vote, but I will vote no.

Commissioner Borries: I vote yes and do so because I think it is appropriate land use and I believe that the traffic on Green River will not be, in fact, could be lessened when the Lynch Road Extension goes through. I vote yes.

President Tuley: I'll be glad when I give up this chair in January. I've sat here with mixed emotions about it, too. I understand the neighbor's concerns. Drainage, I don't think, is quite the issue because the drainage ordinance that we have put into effect that will try to correct some of the problems of the past that weren't addressed as well as they should have been. The reason for my question on the timing of this was two to five years I believe, as Rick just stated, that with Lynch Road and some of the improvements like the continuation of Green River Road improvements can be done and in place within or near that same timetable. I believe a commitment is made to build condos and not more than 288 units. Therefore, I will vote yes as well.

Commissioner Borries: Thank you for coming.

Commissioner Mourdock: Good luck with it.

**TAPE CHANGE**

**VC-14-96**

**VC-15-96**

**VC-16-96**

President Tuley: Okay, we will continue on with the rezonings. This one will involved apparently three different parcels. The properties in question are VC14-96, VC15-96, VC16-96. The petitioner is Phoenix Land Company. The address in question... let's go back to 14. The property in question there is 14700 Warrick County Line Road; the request is from AG to M-2. VC15-96 is 15001 Highway 57; the request there is from AG to C-4. VC16-96 the address is 15000 Highway 57; the request is from AG to M-2. I would entertain a motion that we would hear VC14, VC15 and VC16 as one hearing.

Commissioner Mourdock: So moved.

Commissioner Borries: Second.

President Tuley: Okay. We have, as you can see, more than enough people to fill this room and the hallway and everything else. We have asked for a speaker's list. There are several names on here. We would like to get as much in-depth discussion as we can. However, what I would like to keep from happening is the same comments. If you've got something new or different than what has been presented we would love to hear from you. We would ask, just like we've asked in the other meetings, that things can get emotional. Both the rezonings that we've had prior to this one

everybody has been very good about maintaining their composure and not hollering or not having side discussions that make it difficult for the Board Members and particularly the secretary to hear the comments. We would ask that if you wish to address the Commissioners that you please do so from the podium, that you identify yourself just for the record so that we know when Charlene is recording the minutes she'll know to give proper comments to the proper person. Having said that, I guess we are ready to--

Commissioner Mourdock: May I?

President Tuley: I'm sorry.

Commissioner Mourdock: If I may add one thing. For those of you who are unfortunate enough to be out there, even though it may seem you're a long way removed, when you are speaking among yourselves for some reason the acoustics are such that it does come in here. So even though you may seem somewhat estranged from all this, I would appreciate it if you did listen attentively. Thank you.

President Tuley: Okay, I guess the petitioner has the podium at this time, or at least their representative does.

Tom Bodkin: Thank you, Mr. President. My name is Tom Bodkin, 700 Hulman Building here in Evansville. I am counsel for Phoenix Land Company. You have, I think, received as part of your packets letters of support from numerous individuals and businesses here in the community. I would like to present you with one more that was delivered to me here a few minutes ago from the Metropolitan Evansville Chamber of Commerce lending their support and recommendation that you grant the rezonings requested tonight. I have a few preliminary remarks that I would like to make on behalf of my client addressing the questions of land use. I have also with me this evening, Jim Morley, of Morley & Associates, who will address you with regards to portions of the presentation. Mr. Jack Tubbs of RQAW will also address you with regard to portions of the presentations. Both of these gentlemen are, of course, available to you for questions with regards to the technicalities of this issue and I will then, of course, come back and respond after we've heard from the remonstrators. A few months ago, or actually a few weeks ago, you gentlemen adopted the Master Plan for our county. In that Master Plan you noted in the executive summary that major projects proposed for the near future in the downtown, on the city's east side and spin-off development from Toyota could be the catalyst to substantial development activity in Evansville and in Vanderburgh County, I might add. What you indicated there was while it is uncertain what the future holds, the community should be prepared to fully benefit from these changes. I am excited on behalf of my client to present to you this evening an opportunity for beneficial change for this county the likes of which we have not seen for the 21 years that I have been privileged to practice law here. In your Master Plan you also noted that there were several major land use policy themes that pervade this Master Plan. One of those that you noted was that it was critically important for the community to promote and attract economic development. That was Page ii in your current Master Plan. You gave us guidance, as petitioners, for rezonings in this county and we thank you for that because it makes it a little easier for us to try to figure out how to present our proposals to you in a cogent straight forward fashion to allow you to exercise the legislative judgement required of you when you have to act on rezonings. One of the things you noted on Page 20-1 of the Master Plan dealing with plan implementation was that there are a number of criteria that you

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wanted to review as a part of a rezoning. Those are familiar to you, obviously, since you have adopted them. They're only a couple of them that I think are of particular interest to us here tonight. Mr. Morley will address some of this. One of them was an issue with regard with what is the uses of the surrounding property. We have a map to demonstrate some of those uses to you. Obviously, immediately adjacent to and south of this real estate are commercial uses and, in fact, manufacturing uses. There are then residential uses in the neighborhood as well. Another item that you indicated was that you wanted to consider the impact of the proposal on public services, utilities and facilities. I would like to point out, and Mr. Morley will talk a bit more about that, that this project, this parcel, has water on it now so we won't impact the water issue at all. Mr. Morley will address the issue of sewers as they come to this parcel and those issues, obviously, are in solution now by the county. You also indicated that you wanted to look at the benefits of the public health, safety and welfare and compare it to any hardships. I submit to you, gentlemen, that we are talking about a proposal that will rezone 400 plus acres currently zoned agriculture and currently used, basically, for nothing into commercial and M-2 uses. Obviously, that is going to significantly impact a tax base for the county. This property is not in the city it is in the county. It is going to significantly improve the opportunity for economic growth in this county with regard to providing sites for economic development here. At the Plan Commission level, Vision 2000, our local development and support group spoke in favor of this petition. I am not going to ask them to speak again tonight. It has already gone on record, but I would repeat something that was said at the Plan Commission meeting by Mr. Robinson from Vision 2000. We have no sites now in Vanderburgh County served by rail for major economic development. The site at issue does have a railroad through part of it and when the interstate was built, and Mr. Tubbs will address a bit more of this for you, it was built with the idea in mind that additional rail could serve the area to the west of Interstate 164 with rail and part of the proposal before you proposes to bring rail to that to give your economic development group, Vision 2000, to give the other companies and the Chamber the opportunity to have some marketable site here in this county for those people who want to build manufacturing plants who need rail. You noted as well in the Master Plan under the Commercial Action Plan at Page 8-7 that your goal was to find commercial uses, and the same thing is true with industrial uses, that benefit the region, the community, the neighborhoods through their contribution to the overall pattern of orderly development, the local economy and how this community is perceived from the outside. The perception of Evansville has changed. The perception of Evansville needs to change some more. Mr. Morley is going to talk to you about where people have located industrial, big industrial, sites since the 1960's and it is going to be painfully evident that they haven't done it in our county. This is the opportunity to provide an opportunity under this Master Plan to make that opportunity available to those who wish to come here and build major industrial sites inside Vanderburgh County. I am not being disrespectful of Azteca, that's not the point, but we look at the huge developments and they have been elsewhere. In your policies under the Commercial Action Plan, you indicated that you wanted to support action which encouraged stabilization and upgrading of existing commercial areas and I think you'll find when you look at the map that is in essence what this is, particularly with regard to the immediate adjacent south. You also wanted to encourage compact commercial areas and I think it is quite clear from the map and the packet of materials that you have that is exactly what we are doing

here is creating a compact commercial area, 400 plus acres all together not strung over 47 miles up and down a county road, but, in fact, an area through which goes an interstate highway and a state highway. You indicated that you also wanted to deal with the question of economic development and that was at Page 12-16 of your Master Plan. I suggest to you that as we go through the presentation of what we are proposing to do here the conclusion becomes acceptable, if not obvious, that this project meets your Master Plan. You said that your goal was to improve the local economy through long term growth and upgrade the standard of living for all citizens of Evansville and Vanderburgh County. It is our belief that the kinds of jobs that will come here into the M-2 zoned projects will be jobs that do exactly that. They are not going to be minimum wage jobs, they are not going to be fast food jobs. They are going to be those \$10 to \$13 or \$14 an hour jobs that we need in this county for our people to have the opportunity for their children to stay here and work here and not feel they need to leave this area to find a job that can render a decent standard of living for themselves and their children. You also indicated that it was important to you under your general objections in the economic development plan for our county to provide incentives, and we're not asking you for incentives by the way from my clients standpoint, including a sufficient number of suitable and industrial and commercial sites in attractive locations for expanding operations and new employers to ensure and expand the economy and tax base. Gentlemen, that is precisely what this rezoning will give us the chance to do. It is going to indeed provide a suitable industrial and commercial location that does not now exist in Vanderburgh County in an attractive location near the interchange with Interstate 64 on State Road 57, bisected by both of those roads, to provide an opportunity for business to expand their base of operations and do it here, to bring new employees into our midst, to employ those who wish to stay home, and to expand the economy and therefore concomitantly the tax base for Vanderburgh County. In your executive summary at Page iv, little four, you stated that the Comprehensive Plan was not intended to be a rigid framework for future development, rather it was and should be a dynamic and flexible process for the coordination and guidance of physical development. The plan should be used by individuals in both the public and private sectors as a guide for deciding the efficient use and management of the company's resources. I submit to you, gentlemen, that when we complete our presentation, and you've heard all of the presentations of everyone who is going to speak to you tonight, that is exactly what we are trying to do. We are trying to demonstrate how this project meets the Master Plan. I would like to address an issue that was in the staff report. The Evansville Urban Transportation Study requested a traffic impact study be done. That study is complete. The study has to be reviewed by INDOT and EUTS before it can become available, basically, to those who want to look at it. The study was completed by Bernardin Lochmueller pursuant to INDOT's new traffic impact study guidelines that were issued April of this year. This is a, in fact, it is my understanding that this is the first one that has been done, not only in our county, but perhaps in the state under their new guidelines. It is my understanding from Bernardin Lochmueller that those guidelines are far more stringent than what engineers used to do. They didn't really have any guidelines before, but we now have a particular set. Bernardin Lochmueller reports to us, as of today, and I report to you that the impact study demonstrates that there will be no appreciable impact on any county road with regard to this project. The only impact on a county road is projected to occurred at 2010, the year 2010, and it is assuming that there is full build out of the site

and at that point they project that one right turn lane would need to be built on Green River Road at 57. At the same time the State of Indiana is going to have to put a left turn lane in on 57 and based upon history that would typically be a state project, as opposed to one this county would have to deal with. None of the other roads surrounding this site will be impacted by this site. As you know from the material presented to you, and Mr. Morley will cover this a bit or Mr. Tubbs, none of the traffic from this development is going to go on any county roads. It is going to State Road 57 and based upon that fact, obviously, there is virtually no impact of any significance on the county roads. They indicate to us that at full build out they anticipate that two traffic control devices will have to be placed on Highway 57 at the entrances to our parcel and as you gentlemen know, since you deal with roads with some frequency, when we can meet the warrant requirements from INDOT that is when we'll have to put the lights in for those two. The same thing would be true with regard to traffic control devices at the intersection of the ramps off 164 at 57. They project at full build out that the State of Indiana would then find the necessity of putting traffic control devices there. That's just assuming from our project alone. The other county roads, if you will, would have virtually no impact on them at all. They did recommend that with regard to Baseline at full build out that there would have to be some turn lanes on 57 on and off of Baseline Road. Again, that would be a state highway widening project not one for you. So I can report to you that the preliminary findings from Bernardin Lochmueller is under the traffic impact study that there will be no cost to the taxpayers of this county or to you as Commissioners to have to deal with any impact of this project with regard to county roads on this project. With that, I would like to call upon Mr. Morley first, if I may, to give you a brief rundown of the general area, the uses around the area and we have some charts there. We have tried to set them up sort of to your right so that the audience could see them as well instead of sitting them right in front of you and blocking everybody's view. Mr. Morley.

Jim Morley: Thank you. My name is Jim Morley and what I would like to call your attention to first is the first drawing that shows Vanderburgh County in green and across the top of that, of course, I-64, I-164 along our eastern border and Highway 41 cutting essentially through the center of our county and the center of Evansville. The large red dot to the north just south of Princeton is the one mile wide by one and three quarter mile north to south Toyota site. The much larger site over in Warrick County is the approximate 8000 acres owned by Alcoa and then down on the other side of Mount Vernon the red dot down to the lower left side of the map is General Electric. I point to those to deal, of course, with how infrastructure then fits this site as it relates to transportation. The site that we have here is immediately on the east border of the county approximately two miles south of I-64. At that particular point we have transportation very easily onto an on-ramp immediately at the north end of the particular site to I-164. At one point in time, we would assume that this or we hope, many of us hope, that this may be renamed I-69 and if that is the case you can imagine the additional impact for the ability to service an area. Immediately south along Highway 57 is the airport. Of course, the water lines extend out to the area. Three I Engineers are currently completing plans for extension of sewer lines to the Daylight area immediately south of there and with the rail through the center of the site you essentially have a project that has everything that industrial/commercial users need in a capacity equal to the demand that they would have. The second map, which you see to your left, the large purple area is the 415 acre

site that we are dealing with, with the lighter lilac in the middle the commercial. You'll notice that the adjoining property across Ruston Lane to the south is zoned M-2. Adjoining that is M-1 and then there is a space of unzoned agricultural property between and then you pick up the industrial and commercial zoned properties in Daylight. You can see that as you move down to Daylight we are nearly continuous zoning for other than residential purposes. The only R-1 zoned, most of it is zoned AG and of course that is for agricultural use as well as residence, but the only R-1 zoned is the are show in yellow. Jack, could I have the other map now of the site? On this map of the site you see the area shaded with the red cross-hatching and that is the areas that are shown on the FEMA Floodplain Map as being within the 100 year flood plain and those areas have a specific building elevation for the floor. Bluegrass Creek which drains some 5000 acres from northwest of this site starting at Scott School is shown in the Fushia color as a wide swath down through the project. The reason I have shown that as a swath is that under Indiana Department of Natural Resources regulations every stream draining more than a square mile has to have a floodway computed for it. That floodway is a distance on either side of the stream that you shall not encroach with fill that would cause the floodwater or the backwaters upstream of the restriction to rise more than fifteen-hundreds of a foot. It becomes, essentially, a protected area. Anything within that area has to be studied and whatever you do within that area goes to DNR for their approval. Also on this map you will notice areas that are shaded blue. The Department of the Interior has shown on the U.S.G.S. Topographic Maps potential areas of wetlands and, of course, some of these are obviously wetlands. Some of them are, in fact, water basins even now. Approximately 72 acres of this site are shown as potential wetlands. It takes, of course, an on the ground survey to absolutely define those limits, but some 72 acres are involved there. When you take the 72 acres of wetlands and the floodway set aside plus the need to create approximately 23 acres of storm water detention basins within the development in order to hold all run-off after full development of the project to less than run-off from the project today you wind up with approximately 300 net developable acres. So you see that there is over 100 acres set aside. The restrictions on...it's a rather complex set of restrictions that would be developed for landowners within that in order to provide protection from that. We have left the wetlands, the floodway and everything within the boundaries of the project in order that we may prepare the proper restrictions that an owner of that land would have to adhere to in protecting the natural environmental characteristics of the site. The water line that comes to the site is 12 inch to the coal wash facility and it would be extended and run completely through the site. That cost would be borne by the developer. The sanitary sewer line, from my latest conversations with Three I, would be adequate for the site. We have talked about projections of the amount needed for that. The sewer line would bring an added bonus to the area surrounding that. None of this area currently is served by sewer and, of course, they depend on septic and in most areas of Vanderburgh County septics are problems. There are overflows, especially in the springtime of the year. By bringing sewer to the area it will help to reduce some of the health hazards that currently exist. I think that is essentially all that I have at this time and I would like to turn it over to Jack Tubbs who will talk about the specifics of the site plan itself.

Jack Tubbs: Good evening. My name is Jack Tubbs. I'm a project development coordinator for RQAW Corporation. We are the master plan engineers for this project. To kind of give you a point of

reference for this project briefly, I will refer to the aerial photographic. The property is bounded by Baseline Road on the north; Ruston Lane on the south; County Line Road on the east; and Old Petersburg Road on the west. As you can tell from both photographs the idea and the development concept behind this project is to produce a quality commercial industrial park that will promote a protective and thriving business environment for the southwest Indiana area. The idea behind this concept is such that this Phoenix Commerce Center will be a continual asset to the southwest Indiana area. In conjunction with the two display boards that you see, in order to ensure the continual asset we are putting together development guidelines and declarations of easements and covenants and restrictions for this park. What these instruments will do is it will set guidelines for any particular offices or warehouses who come in to this development concept and they have to adhere to these certain situations. This is going to cover site lighting issues, it is going to cover type of buildings that are going to be produced in the complex, as well as other issues which are normally in these development type of projects. To give the County Commissioners an idea of the type of tenants that we anticipate to come into this development, as Mr. Morley talked about, this is the C-4 area and we are looking at in that area between State Road 57 and I-164 office space and retail and commercial applications. M-2 applications, which are bounded between Old Petersburg Road and State Road 57 as well as I-164 and the county line, we are anticipating warehousing, light to moderate manufacturing and possibly office space and commercial and retail applications as well covered under the M-2 guidelines. Mr. Morley briefly talked about the transportation aspects, and Mr. Bodkin, too, in and out of the park. I am going to briefly touch on that in a little bit more detail. All transportation in and out of the park will be serviced through these two main entrances: the north entrance off of State Road 57, and the south entrance off of State Road 57. As you can tell from the master plan guideline, all traffic is going to enter these two areas and traverse east and west, whether it is towards the M-2 project or the C-4 site. The next logical question you would have to ask is how would one get access to the M-2 parcels which are on the east side of 164. I believe in your information packet which you have there should be three 11 x 17 sheets which are accordion style. When I-164 was designed and constructed the south bridge was naturally designed to accommodate the Indiana Southern Rail line. It was also designed and built to accommodate a rail spur and a 12 foot wide access road. We anticipate to take advantage of that geometry and construct a 24 foot wide access road which will access the parcels on the east side of 164. The north bridge in this area here was designed and constructed to accommodate the Big Bluegrass Creek as well as an anticipated rail spur. At the time, the rail spur was thought to be a loop rail during the design of the project to accommodate a coal mine facility. Taking that into account, the master plan is looking at providing an optional rail spur which will take advantage of that bridge and then open up the parcels, the end two parcels, on the west side of this proposed project. In conjunction with the optional rail spur...go ahead and put up the next display...what we are anticipating is to accommodate the adjacent landowners with landscaping and buffer areas as we have got outlined in the green marker. The idea behind the buffers would be to attenuate sounds, possible sound, from the rail spur that would traverse this portion of the property as well as visual attenuation. Right now, some of the different concepts that we are looking at are berms, trees, white pines which tend to be pretty good visual and sound attenuators. Sound attenuation barriers have a lot of options that are out in the market right now. Fences or

even combinations of those to take care of the areas as we have mentioned in the green, or as we have detailed in the green. Of course, the exact details of these will be addressed when the plans go to platting and the covenants and restrictions are submitted for the platting review. Some of the things that we will have to look at is how the land slopes. That is going to dictate, of course, which type of attenuation devices that we are going to use. In summary, the development concept that we are presenting, we feel, is a high quality concept that can produce and promote a protective and thriving business atmosphere for southwest Indiana. This development has the potential, and I stress potential, when it is fully constructed out or built out to provide 2,500 to 4,000 jobs to southwest Indiana, and I stress potential. We feel the location is an excellent location because of I-164 and the visibility from that. State Road 57 because it is a major state route arterial as well as it is a central location to promote positive business activities in southwest Indiana. Lastly, to stress again the type of tenants that we feel that this development will generate: office space, light to moderate manufacturing, warehousing and commercial and retail space. I will, with that, turn the podium back over to Mr. Bodkin.

Tom Bodkin: One other item quickly, gentlemen, and any questions you have certainly we are prepared to answer those. I wanted to make it clear to you that with regard to the sewers lines that we build inside the subdivision, on site, provision will be made to allow access to that line by those people who are along Old Petersburg particularly who do not have sewer who may need sewer. I don't personally know how many that may be. Maybe it is none, but if there are any with failed septic tanks that opportunity would be designed into the project so that they could reach the sewer and I would submit to you that is good design from our standpoint because it also lets sewers be extended by the City of Evansville or the developers on further if other people should develop away from this site. If you have any questions we would be pleased to try and answer them for you.

President Tuley: I don't have any at this time.

Commissioner Borries: Thank you very much.

President Tuley: Mr. Shively. Hey, Les?

Les Shively: Yes, sir?

President Tuley: Before you get started if you don't mind, Mr. Bodkin has introduced a letter from the Metro Chamber of Commerce. I also received a letter from the Evansville Industrial Foundation, basically, in support of the project. Before I forget it I want to enter that into the record. Thanks.

Les Shively: Mr. President and members of the Board of Commissioners of Vanderburgh County, my name is Les Shively. Let me start with this exhibit to identify my clients. They are the owners of these homes that you see here that are within the immediate vicinity, some even adjacent, to the subject property. Contrary to all these blue lines, green lines, red lines and laser lines that we have seen, here is what the staff tells us about the surrounding land uses. Of this entire 415 acre area all but one corner, small corner, is surrounded by agricultural. As we all know, and I am sure you all know better than anyone, in the county a lot of our single family residential uses are not zoned R-1 as in the city we do that under the agricultural classification which

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these photographs of my clients homes depict. Furthermore, many of these people, at least 20 of them, purchased their homes within the last two years from this developer or predecessor in title of this developer and yet what I believe to be a moral if not a legal duty to work with these people. When I was retained to represent these neighbors we discussed this project in-depth. There might be a way that part of this could be done compatible with other existing land uses out there. So on October 29th I faxed a letter to the attorney that I had from the information from the Plan Commission Office had been told was representing the petitioner, Mr. Mitchell. I then received response from Mr. Bodkin that the developers were not interested in talking with us. They had a meeting several weeks ago, before I was involved which simply the plans were presented, but no offers or no discussions about working with the neighbors. As you all know commitments that are made here in these meetings orally are kind of like that old lawyer once told me. He said, Les, "an oral contract isn't worth the paper it's written on". The only way a developer can make a commitment that is enforceable is a Use and Development Commitment. Now, sometimes you can hold a developer, shall we say, to their word because they are locally based and you know they will be back before you again. We've had several owners, developers, operators of this property and now we have some outfit known as Phoenix. Who is Phoenix Commerce Center? The question you ought to be asking right now, in addition to the important land use questions, why won't these people meet with the folks they sold homes to knowing these people would buy that property for their homes? Why won't they meet with them and why won't they work with them? I see now that we have added this buffer that Mr. Tubbs talked about. That wasn't talked about at the Plan Commission meeting. Again, it is a nice piece of green felt tip on a board. It is not a commitment that will be enforceable if their predecessors in title fail to live up to their commitments. The staff of the Plan Commission has done a very exhaustive review of this request. One of the things that they tell you in their review is the following: there are 321 uses that will be allowed under the M-2; 174 different uses under the C-4. Here is your ordinance. Here are all those uses listed for your perusal. I would submit to you that not all of those uses are compatible with single family residential uses already in place. Now, Mr. Bodkin went to some lengths to read from the latest version of the Comprehensive Plan regarding the goals of this community. There is another part of the Comprehensive Plan that talks about what circumstances should be looked at to consider a reclassification or rezoning a property. Three of those are as follows and are very important to this request. The impact upon existing established uses, the single family, which are there largely because of the actions of this petition and their predecessor. Number two, the adequacy of the infrastructure. Yes, we've heard about sewers. Yes, we've heard about water. Yes, we've heard about traffic plans, but, again, nothing in writing and no commitments. Most importantly, a separate category is traffic. Now, the Evansville Urban Transportation Study made a very specific comment in all three staff field reports. They said as follows: EUTS comments recommend that the applicant submit a traffic impact analysis outlining the transportation impact and mitigating measures. An internal road connect network to provide and minimize the number of curb cuts on adjacent roadways and that truck traffic be restricted to State Road 57 to avoid impacts from heavy truck traffic on local county roads. Now, the Plan Commission meeting last month that report was not in existence. Mr. Bodkin said it is being copied. Well I checked the end of this past week with the Plan Commission Office and not only was it not copied at the time of the Plan Commission meeting early this month, it wasn't even on

file with the Plan Commission Office early this week. Now apparently it exists somewhere in some format and Mr. Bodkin has commented on it. Apparently it has been shipped off to INDOT, but this public project...excuse me, this project involved 415 acres that is going to impact county roads and state roads that are within this county has yet to be...I haven't even heard Mr. Stoll's comments on it or anybody from your County Highway Department. Probably because they haven't seen it. You are going to have to live with the problems created by this project, not some bureaucrat in Indianapolis, but the County Commissioners and the people that they rely upon for traffic planning. So, essentially, we have a lot of drawings, we have a lot of paper. We have nothing in writing. The comment was made by Mr. Robinson, at the last meeting before the Plan Commission, the Executive Director of Vision 2000, and I think his absence is curious this evening because he made a statement that was unbelievable. In fact, if it is true we might as well all fold our tent and move to Posey County, Warrick County or maybe even, God forbid, across the bridge to Henderson County. He said there aren't any suitable sites for industrial development in this community and that is why we need this project. Well in a moment Mr. Jeffrey Cater will show you photographs of not only property that has recently gone on line for development not too far from here, but sites that already exist; the General Foods plant, that whole area within the old industrial section of Evansville. We are putting millions of dollars to widen Fulton Avenue so as to bring to life the old Zenith plant, Flexsteel, Kent Plastics. To bring all the industrial area back to life again. There is railroads all over that place. So you are going to see photographs to show that just isn't there. Apparently, that is the reason for Mr. Robinson's absence this evening.

Suzanne Crouch: He's right behind you.

Les Shively: That's certainly is why he didn't speak this evening. I guess he is present. Regarding the response to the Chamber letter, you know, it is interesting. We are all talking about economic development and I think it is interesting here that I was reminded last month when I was here representing a developer who had 39 acres, less than one-tenth of what we are talking about here, and I heard Mr. Bodkin say, in representing the surrounding property owners and you concurred because you unanimously turned it down, you concurred that, wow, that is a lot of acreage to give a carte blanche C-4 to. Tonight you are being asked to give a carte blanche M-2 and C-4 to 415 acres. I have never seen in my 17 years a project come in here with such little written commitments with such an extensive project. Again, if you could bear with me for a moment I will tell you another experience I have had on the other side where Mr. Bodkin is here this evening. When I came before you all two years ago for a project at the northwest corner of I-164 and Lloyd Expressway, I came before you to get the property rezoned. You conditioned that rezoning not on something that we promised to do in the future, but a written commitment to build roads, not only interior roads, but to develop an access plan and commit to build it by a date certain and have that in writing before you voted on the rezoning. You made us do that. We did that because, again, you recognized that we were developing 64 acres and we had to show the adequacy of ingress and egress of that 64 acres, and you weren't about to give that C-4 to that 64 acres until we showed you in writing that we could access the property safely, move traffic and do it in a manner that your County Engineer concurred with and build it before we sold any property. We had to make that commitment to you in writing. We did and you rezoned and we have lived up to the commitment and then some. That

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was 64 acres. We're here on 415 and, again, we have nothing in writing. The buffers, again, that we talked about a moment ago. There is nothing here this evening, and I can't emphasize this enough, they have not offered a Use and Development Commitment, they have not offered anything in writing to make the commitments to you with regards to traffic, with regard to infrastructure or the property owners with regard to adequate buffers. Now Mr. Bodkin will talk to you in a moment about the fact that their predecessor in title many years ago when this area was proposed to be a coal mine possibly, part of this, but not all of this property was being consider for mining, but they gave options back in 1984 to several property owners. Yes, they did. There were 30 property owners and all but eight exercised those options and they were true options that used a fair method for calculating fair market value. No such effort has been made in the particular case. A couple of property owners made that request and what they got was a letter from the land man who simply said tell us what you want and we'll get back to you. Anybody will tell you that is not an option. That isn't worth much because it is dependent upon them to agree to buy the property. The options that their predecessor in title gave back in 1984 were real options that protected the property owners and allowed them to sell their property and realize their investment if they determined that the development that was going to go there would adversely affect them. No such commitment is being willing to give here and we are even talking about more acreage. In a moment you are going to see, also, we mentioned the coal wash plant that is out there and I want to make it clear that is a very small part of this property. It is only 10 acres and we are going to show you in a moment what was represented and how that plant was going to look like and how it would fit in with the area and what it actually turned out to be. I am going to at this time allow some of the other property owners to speak to certain aspects of this project that I have not yet addressed. Then I will have some summarizing comments at that time.

President Tuley: It looks like Mr. Phillip...is it Hedrick?

Jeff Cater: I'm Jeff Cater.

President Tuley: Okay, I'm sorry. You're on the list though, so it's okay.

Jeff Cater: My name is Jeff Cater and I live at 14939 Petersburg Road. I would like to address the issue previously raised by Mr. Robinson of Vision 2000 and Mr. Bodkin when they stated that Vanderburgh County is about out of existing industrially zoned property. Mr. Robinson also indicated that we are running out of rail service sites. We've taken photographs of just a few of the many presently zoned M-2 properties that are available in Vanderburgh County. All of these sites have rail service available to them. These photographs include locations in Garvin Industrial Park, Fulton Avenue Extension and the Highway 41 North corridor. In addition to rail services the sites all presently have water and sewer. There are approximately 760 acres on Highway 41 North now zoned M-2. Of this total there are approximately 600 acres still available for manufacturers to develop. Therefore, we do not believe that we are about out of industrial zoned property in Vanderburgh County. We believe the county needs to utilize the existing industrial sites which now have a large vacancy rate to attract new jobs to the area. These areas have long been established as suitable industrial and manufacturing areas. These are the photographs of the industrial sites along Highway 41 and Fulton Avenue and Garvin Industrial Park.

Sherry Schapker: Hi, my name is Sherry Schapker and I live at 14525 North Green River Road. Mine is short and sweet. I was there when Shell came and promised us the world and it looked so pretty like all this stuff does. You can see that is the picture of the promised area. The other three are what it looks like today. They promised not a stick of coal or that any coal would touch the ground. I mean, we're just a little gun-shy here. We've heard this song and dance once. We're a little worried that it is going to end up like this, but it is going to be in our backyard this time. That's it. Thanks.

Phil Hedrick: The other side of the picture that Sherry just showed you, let's look at Phoenix Land Company right now. Pardon? Phil Hedrick, I'm sorry. These are ongoing existing hazards. This picture right here is a 15 foot open cistern. I have an eight year old child. Open electrical receptacles, collapsed buildings and this is what we are looking at right now. Back to what Sherry showed you on the other side, you are looking at an old coal mine. It's got to be reclaimed. Reclaiming old coal mines are very expensive. I know, I am a professional coal miner. Mr. Mourdock, I apologize because you have to listen to this again, but it is a part of life. I am a coal miner. As a coal miner I am a good neighbor to have next door to live by, but my job is not a nice job to have around as you can see. They are not talking about selling this property, they are talking about leasing this property, so if it goes belly up who owns it? A coal mine. We've not heard anything addressed about are they going to seal this shaft and do away with this all? I've not heard. I want to do one quick thing and then I am going to sit down because we've got a good lawyer and he wants us to get to the point. It is very simply this, on the map you've got over here I want to show you that I live on Old Petersburg Road. On this picture here you can see on the hill behind Parcels 3 and 4 we live right in there. On top of that hill is Bluegrass Cemetery. January 14th I buried my 15 year old daughter up there. If I had known that they were going to do this there is no way that I would have put her there because I know I would be moving. I planned to live there until the house is paid off and passed on to my kids. We made a commitment, a permanent commitment, to stay in that community. The things that I had in mind was, hey, the ground across the road from me that they are talking about rezoning now, well, if it went ahead and been a coal mine like the picture said quarry would be covered over in 20 years and nothing would ever be built there. Mr. Mourdock, I appreciate your article in the paper about the ozone layer. My daughter died of a brain tumor. We don't know what caused it. I don't smoke, no one in my family does, but there is something going on in this community and it's something to do with the ozone layer. We don't know what it is yet. Give them an open book and they can bring one wrong industry into this development and stifle our whole community. We can't have that. I've got one year left to work at Squaw Creek Coal. They done told us and it's in the paper that they are shutting us down, so one year from now I need a job. I'm not against economic development. I want the right stuff in our home because we are raising our kids here and the guys that own this property are not.

Les Shively: Let me just say this in summary, this Commission, had the Plan Commission put together not only a Comprehensive Plan, but a separate Master Plan for I-164 in 1989 to coincide with it being opened. One, those goals set forth in that plan was as follows: these areas, meaning all the areas around I-164 and this are in particular, should not be allowed to develop or receive appropriate zoning approval until commitments for construction of the necessary

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water and sewer extensions and transportation network improvements are filed. Nothing has been filed. Nothing is in writing. Nothing is there for one to make a commitment. My clients are not unreasonable. If we knew who the end user was or users and this developer came to us and said here is what we are going to do, what can we do to do this in a way that you will be satisfied? These people will listen, but they never had that opportunity. I find it somewhat surprising how with no idea of who these businesses are going to be that we can here the proponents this evening tell us how many jobs are going to be there and even to tell us how much they are going to be paid per hour. How can they even make representations regarding traffic without knowing that data? The law provides for a way to put these commitments in writing and make them enforceable. It is called a Use and Development Commitment. This developer is unwilling to make commitments in writing through this vehicle, to make commitments to the adjacent property owners, and just as important, is unwilling to put in writing commitments to you all with regard to traffic and appropriate infrastructure. I would like for those people who that are opposed to this rezoning, if you are not already standing, to please stand. Thank you very much.

Chad Elliot Chandling: My name is Chad Elliot Chandling. My family has lived on Baseline Road and on St. Petersburg Road for 150 years. When our family came here from Ireland they moved here because it reminded them of Ireland and it reminded them of what they had experienced there. We have been loyal residents of the area through generations. The area that my grandmother lives at on St. Petersburg was part of the Hilliard Farm. We know this, we remember it. The area that my father lives on is 80 acres that was the original settlement. We've been through this and I am asking not to change it. There are plenty of areas within Evansville that can be developed or redeveloped without altering what we have had because this will force us out. That would make me incredibly sad and angry. Thank you.

President Tuley: Additional comments? Mr. Bodkin.

Tom Bodkin: If everyone is finished I will try to respond to some of the matters, Mr. President. In no particular order at all, I suppose, the...well, yeah, in some order. Let me deal with an issue that I find very fascinating. Now, Ken Robinson, as all of you know, of course, is sitting right here. And you are Ken Robinson, is that correct? Mr. Robinson is here and what Mr. Robinson said two weeks ago is that we have little rail service available to commercial property in Vanderburgh County. That's a fact. Now, we could talk about brown field development versus green field development, if we wish, but if we've got all these great sites, gentlemen, why in the world don't we have corporations rushing into the city of Evansville buying up all this property that is supposed to be available and building plants on it to give people jobs when the coal mines shut down in Warrick County? I submit to you that the market tells you those sites are not what the market is looking for and that is precisely why we have to prepare and why your Master Plan called for you to prepare for those kind of green field sites that modern American business needs. We can go through hours of discussions about the old Servell plant. We can spend lots and lots of time with regard to the adequacy of rail service in the corporate limits of Evansville. It is really not relevant to the issue, but there is a significant difference, as you well know from your own experience, between brown field development and green field development. The kinds of hazards that exist in brown field development from a standpoint of

environmental costs that most businesses simply will not undertake. What Ken Robinson said, and it's true, is we do not have rail served property that people can buy in this county. Now the 600 acres in north Vanderburgh County isn't available. It just simply won't be sold. The people that own it won't sell it. I don't know what we are supposed to do or what Mr. Robinson's agency is supposed to do when people have ground they won't sell, but I can tell you this, this real estate is going to be sold, not leased. I don't know where the leased part came from. It is going to be sold. It is what we are in business to do. Yes, Phoenix Land Company is owned by Ziegler Coal Company. There is no question, that is not a secret. It is also no secret that when this project is done that coal wash plant is going to be gone and the property around it is going to be utilized in some sort of either C or M application with regard to a good use of that real estate. There is no question that the mine shaft will have to be sealed up. The state will require that. That is under DNR's jurisdiction. The infrastructure is going to be there where it is not now. We're going to have the opportunity to have jobs in the county. We're going to have an opportunity for people who need sewers to have them when they don't now have them and we are not going to have any of those opportunities if this parcel stays like it is today. It is always fun doing this kind of work, particularly with Mr. Shively because he and I are some times are on one side and some times are on the other and, in fact, as you gentlemen well recall about three or four weeks ago indeed I was here remonstrating against rezoning a piece of real estate that did not have State Road 57 access. This parcel, gentlemen, has both State Road 57 access and, ultimately with 57, I-164 access. Significant difference, it seems to me, between the two. Perhaps not, but I'll leave that to your decision. There are eight parcels of real estate, gentleman, and I am not prepared to show you exactly which ones, but--

Commissioner Mourdock: Excuse me, Tom, if you would. Barbara would you switch on your microphone if Tom is going to stand there?

Tom Bodkin: Let me step back up here. If Morley would give me his light pointer I could show you.

Jim Morley: I think Jack's got it.

Tom Bodkin: If I can figure out how to use it. Okay, in this area right here and in this area right here and just a little bit south of our site down on Green River Road there are still eight parcels of real estate that have the right to require my client to buy them. We bought this real estate from Shell Oil Company. There were reverse options on parcels that Shell had given and there are still eight of them that we have to honor. I will tell you that since the Plan Commission meeting one parcel owner has indeed signed an option with my company, Mr. Morley is pointing to it right there, after the Plan Commission meeting. They called us, we didn't call them and they signed an option to sell that real estate. So the question of selling real estate to us, we inherited Shell's options and we will honor those options if the people who have them wish to come forward. The question, however, isn't whether or not we've got to honor options or people who live along there would prefer not to have business in their backyard. The question really, gentlemen, is whether or not this site is one of those sites that in your Master Plan you identified without being able to say, ah-hah, that's the exact site. Is this where we want commercial development to be in Vanderburgh County? Do we want commercial development in Vanderburgh County? It all can't be on

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Highway 41 and, in fact, in your Master Plan you noted that the North Green River Road area and the area along the interstate was an area that was likely to develop commercially. We are now at the crossroads where you have the opportunity to implement the plan for all of the people of Vanderburgh County, to be able to provide jobs, to increase the tax base and to do it at a location where it is not going to cause you a problem as a County Commissioner. We can belittle the fact that I can't hand you the report from the traffic engineer. The traffic engineer cannot release it until the Department of Transportation approves it. That is their new rule. He can't release it until EUTS approves it and I can't change that, but I can tell you what he has told me that report is and you know from the material that you have we are bringing this development onto Highway 57 only, not on to county roads. Highway 57 is a state highway. It is next to the interstate, the biggest highway the state builds in that sense, I think, they call it a minor arterial or some such thing. We're less than a mile from the interchange from this state highway with that interstate. As Mr. Morley noted, and I think the newspaper noted a few days ago, the state of Indiana is working as hard as it can to make sure Interstate 69 gets built to here and Interstate 164 is going to be Interstate 69. I submit to you that under your planning process that is the area that you have to have in mind for commercial growth and for industrial growth in this county. Those areas served by an interstate highway. Those areas that are high profile where people can see it and people can get to it, people can get to the property and the ground they need that they can put their factories on, put their warehouses on and for once maybe we can have an Alcoa or a General Electric or a Toyota or someone like that building in this county instead of Warrick, Gibson and Posey because that is where they have gone. That is where they have gone. Ken Robinson's job, and it is interesting that this has now become the pick on and support Ken Robinson hour, but I am going to give him a little more support because his job and one of the things that you, as the County, pays Vision 2000 for is to bring jobs to this county. He represented to the Planning Commission that he doesn't have enough property to go out there and do it with and he represented that his corporation said this is a project that we need to support because this is something we need to be able to sell to bring the jobs here. With that, gentlemen, if you have any questions I will be glad to try to answer them. I would request, my client would request, that you grant this zoning. This zoning meets your Master Plan. It is an opportunity for this county to move forward very quickly bringing jobs to the people here. If you have questions we will try to answer them.

Commissioner Mourdock: We've heard a lot of information and I want to pursue some of these things just to make sure all of the facts, at least as best as anyone can report the facts around the table, and I guess these are going to be in order going backwards simply because that is the way my machine works here. Mr. Bodkin, a moment ago you mentioned that EUTS cannot release the traffic report. Would you, and perhaps Alan, would know the statute on that as well, but would you define that a little bit better?

Tom Bodkin: EUTS doesn't even have it yet because INDOT has to review it first.

Commissioner Mourdock: Okay, it goes to INDOT--

Tom Bodkin: Then to EUTS.

Commissioner Mourdock: --and they currently have it in their

hands?

Tom Bodkin: I can't answer that, Mr. Mourdock. It's done. I can't tell you that they physically have it in their hands, but if it is not there it is going to be there this week because it is done. Bernardin Lochmueller has completed the study.

Commissioner Mourdock: Bernardin Lochmueller has done it?

Tom Bodkin: That is correct.

Commissioner Mourdock: Okay, but, again, for the record INDOT must review it before it goes to EUTS?

Tom Bodkin: Correct.

Commissioner Mourdock: Before any other review is done?

Tom Bodkin: Correct. I think, to follow up briefly, as I understand the state's new regulation the reason they want that done is that INDOT has to figure out whether they agree with the methodology because they just put a new method in April of this year. They've got to verify that we used their methodology and then EUTS needs it, obviously, after INDOT is done so EUTS can include it in the TIP for whatever year they need to put in the TIP if, in fact, the question TIP here will deal with lighting, warrant lighting, on the areas that the state would have to put in which would be at 57 and 164.

Commissioner Mourdock: Okay, changing subjects very slightly, Mr. Tubbs, in his remarks, said that there could be 2,500 to 4,000 jobs at this site. You talked about the need for traffic lights at the 57/I-164 intersection.

Tom Bodkin: Correct.

Commissioner Mourdock: Are those two related that if, in fact, it developed fully to that potential in 2010 that is what would happen?

Tom Bodkin: Correct, yes, sir. The traffic study assumes a full build out for purposes...I mean, they have to do that to determine when it hits the warrant requirement for traffic lights. As you know, we can't just stick a traffic light up on a state highway. It has to meet their warrant requirements which are number driven and that is why the projection of full build out was that we would have to have them.

Commissioner Mourdock: Mr. Shively made the point in his concluding remarks "if we knew who the end users were we would feel differently". I guess I am going to state something here and it is more of a statement than a question, but you can react to it. Is this not a Catch-22 situation?

Tom Bodkin: It has been my experience, Mr. Mourdock, that until I have a place to sell, I can't sell it. When I have a place to sell they want to announce that on their timetable and not mine. Yeah, it's a Catch-22. If I don't have the real estate to go to the market with to sell it, to tell them that I've got the zoning, that I am going to have the infrastructure and I've got the road network they are not going to talk to me. They are going to go talk to the people who do have those sites ready to go. Consequently, yes, it's a Catch-22. I would love to be able to have...I wish I could

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stand here tonight and say it is going to be ABC Corp. or XYZ Corp. and they are going to start tomorrow. I can't do that, nor can any developer, basically, do that. Even if they knew who it was going to be they can't do it. Not in today's world. We all live here in this county and we all know how long it took...we're still waiting to see if there is going to be a plant built over in Spencer County. Look how long it went while it looked at Posey and it was called Pluto and nobody knew who it was. That is just the world that we live in with regard to industrial development.

Commissioner Mourdock: I believe I heard you answer this one when you just came back to the microphone, but Mr. Hedrick had made the comment that they are not selling, but leasing the property. I did hear you clarify that?

Tom Bodkin: Our intention is to sell the real estate, not lease it.

Commissioner Mourdock: And do covenants and restrictions, again, the types of things that Mr. Tubbs referred to?

Tom Bodkin: Oh, absolutely.

Commissioner Mourdock: Okay.

Tom Bodkin: The covenants and restrictions would be part of the platting process. We are at work, we've got a draft that has been complete now for several days which are going to be very, very restrictive with regard to what can be built here, how it will be built here. Now, is that a zoning commitment? It is absolutely not a zoning commitment. It is going to be a set of restrictions that run with the land through the plat process because we will record them, but it will control the types of development that goes there, what they look like and a number of things. By the way, the document will also create the equivalent, if this was a residential sub, to a Homeowners' Association, that is not what you call it with a commercial development, to deal with all of this real estate that is not going to be buildable on that is within the subdivision. The wetlands and the drainage structures, so that we've got somebody who has to maintain those. As you know, you approve the drainage plan, but you don't take responsibility to maintain the drainage structures and that will be also part of the platting process; the creation of that group in order to take care of those things that have to be cared for.

Commissioner Mourdock: But the covenants and restrictions deal with more than just the latter few issues that you've mentioned? For instance, they could, I presume, they would deal with the types of buildings and that type of thing?

Tom Bodkin: Yes, sir.

Commissioner Mourdock: Do you want to clarify that or go into that?

Tom Bodkin: Again, the first draft, it's not the first draft, but the current draft that we are working on the declaration of easements, covenants and restrictions covers 33 pages. It covers, oh, lord, where do you start? It covers set back issues beyond what your own zoning code might require. It is going to deal with the question of buffering and dealing with the railroad where ever that is at. It is going to deal with the maintenance of the drainage structures. Part of the question about where you put buffers turns on where the drainage structures have to be which, obviously, is a function of planning the drainage for not only this

site, but the water coming on it because we've got to take care of whatever comes on as well as whatever we generate under your 25 year storm standards. It talks about, again, drainage easements, sign easements. It has a substantial rights and limitations regarding drainage and sign easements, basically, prohibiting people from interfering with them. It creates the Phoenix Commerce Center Owners' Association, which would be like a homeowners' association and it sets it up. It places maintenance responsibility of the common area on the developer initially and then on that unit once all the property is sold. It has a series with regards to maintenance of the properties by the individual owners. It covers sidewalks, lighting, landscaping, restoration when they tear up the land when they are building their plants. As you know, lighting will have to be provided by us as the developer, but that again is part of the plat process. Somebody has to deal with lighting once we're done and this group will. It creates the opportunity or obligation for the owners who buy within the subdivision to be assessed to do all the things that the restrictions place on them. It provides for a uniform rate of assessment. It provides when the assessments begin and provides for delinquencies. There is an architectural review committee created by the restrictive covenants that requires whoever buys to build and to go through with their plans and drawings to get approval of those so that we have homogeneity within structures.

Commissioner Mourdock: Hold on with that one. I think that one is very important. Who is going to make the approval process? Who will give approval? Who is the architectural committee?

Tom Bodkin: Initially, I think, it is the developers.

Jack Tubbs: Initially, the architectural review committee is going to be comprised of for the first perspective tenant the developer as well as two of his parties of choice. After certain developments come in there then the developer or his agent as well as two tenants will be part of that committee that will review the architectural standards.

Commissioner Mourdock: Okay, so the people in there will be setting the standards?

Jack Tubbs: Correct.

Commissioner Mourdock: For those of you who chuckle, let me go backwards on that one for a second because what you're saying...well, I don't want to put words into your mouth.

Tom Bodkin: It is within the confines of the development standards that also become part of the restrictions on the subdivision. They don't have unfettered discretion. You know, the people on the committee are not going to say oh, sure, go ahead and stick up a pink stucco building in the middle of this thing if you want.

Commissioner Mourdock: Right.

Tom Bodkin: The development guidelines within the subdivision will control just as it does in many residential subdivisions where the individual homeowners get to say no, Mr. Mourdock, you can't build a 2,500 square foot house you've got to have 3,000 and you better have it all brick because they have an investment in this property. Who better than them, basically, to do it. They've got the investment in the real estate.

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Commissioner Mourdock: That was the flip side and that is the words that I didn't want to put in your mouth that they have the investment there as well. That begs another question and Mr. Tubbs right after you said the 2,500 to 4,000 jobs and, again, this is a quote, "The types of businesses that this site will hold are office space, light manufacturing, commercial and retail space". If the first tenants, or I shouldn't say tenants because that implies leases, if the first people to build in this space build office space is it not likely that there would not be manufacturing? In other words, if they are on this committee are they going to say no, we don't want the light manufacturing that is out there and that type of commercial?

Tom Bodkin: No, they're not going to be allowed to prohibit a use that would be permitted by your code. What they would be allowed to do would be to deal with what the building is going to look like that would be put up to entertain that manufacturing. You can't stick up a sheet metal sided building if the general development guidelines calls for some other kind of exterior structure.

Commissioner Mourdock: Your theory there is that they're going to try to protect their interest as well?

Tom Bodkin: Sure.

Commissioner Mourdock: That's all the questions that I have.

President Tuley: Mr. Bodkin, you're talking about your road plans being up at INDOT right now. Did you see the comments from the County Engineer?

Tom Bodkin: No, sir.

President Tuley: Such as that any new streets constructed to provide access to the site should intersect with State Road 57 instead of Baseline Road or Ruston Lane?

Tom Bodkin: I'm sorry, I did see those, yes.

President Tuley: Okay. Are those comments, the developer should be responsible for constructing these streets and such and such and it goes on to say that truck traffic and everything should not be using Baseline, Petersburg Road or any other county roads, but they should definitely use State Road 57 and 164. Those are incorporated into your plans, correct?

Tom Bodkin: Yes, correct. Let me make another point, Mr. Tuley. We are not taking anything on to the county roads. I guess I'll say it 48 billion times and nobody will believe it until they finally see we don't do it. You know, you as Commissioners have weight limited those roads, as I recall correctly, and I don't believe trucks can use legally Baseline or Old Petersburg to start with. I happen to live in Warrick County and I know what County Line Road looks like and you are not going to drive many trucks up and down that and they don't get to this site anyway. There simply will not be an impact on your county roads because trucks can't use them because of your weight limit and we're not going to put any traffic on them out of our site. Everything goes onto 57 from those two entrances.

President Tuley: Okay, and for the record you guys have indicated that you are constructing sewer. There are water lines, but you'll be doing all infrastructure improvements within the location.

Tom Bodkin: That's right.

President Tuley: The county and the state is currently drafting plans and have some plans in place to provide the sewer trunk lines?

Tom Bodkin: Yeah, on the off-site part, correct. In fact, I think that deal is pretty well cut at this point, as I understand it, although no deal is done until it is built, but it's my understanding that is correct. Certainly your own subdivision control ordinance requires us to provide all the infrastructure on site and we will. I mean, it is simply required by your ordinance.

President Tuley: There was a request of at least one Councilmember because there is additional cost over the original plans that the increase in providing that sewer line has increased substantially and are you willing to commit to, and I don't know if you want to use the word commitment, but I guess that is the best word I can use--

Tom Bodkin: I won't use the word commitment, undertake, perhaps.

President Tuley: Participate in this additional costs?

Tom Bodkin: We have to get the sewer there, obviously, and we are prepared to participate with the city and I think the County Council has appropriated some money for it and there is some grant money coming. Part of it may require us to participate because it may need to be oversized once we are there. I mean, I don't know what size pipe was designed to be, but, obviously, it is going to have to be big enough to handle this site if you grant the zoning. Certainly we are going to be required to work with the City Utility Board to make sure that it gets done on the off-site portion.

President Tuley: Mr. Shively went to great lengths to make us aware of the fact that Phoenix Construction Company will be in here, they are not a locally based company and that they will basically come in--

Commissioner Mourdock: Excuse me, if I may clarify something. There is a local company called Phoenix Construction Company.

Tom Bodkin: Right.

Commissioner Mourdock: I don't believe in anyway related.

Tom Bodkin: We're Phoenix Land.

Commissioner Mourdock: Yeah, okay.

President Tuley: Okay.

Tom Bodkin: No, they're not. Those guys spun out of Deig Brothers.

Commissioner Mourdock: Pardon?

Tom Bodkin: The Phoenix Construction Guys came out of Deig Brothers.

President Tuley: Okay, but that basically, the inference was you're not local and you can come in get your zoning and you can move on and what have you. You and Mr. Shively apparently make quite a bit of money representing people in these different zonings.

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Obviously, you're on opposite sides of the fence at certain times. I guess what I am taking the long way around to is that your creditability is what is at stake here--

Tom Bodkin: I understand.

President Tuley: --not as much as theirs because you'll be back here again.

Tom Bodkin: Yes, sir. I live here.

President Tuley: Everything you've represented, and I know you wouldn't say anything different, but is absolutely correct?

Tom Bodkin: Yes.

President Tuley: To the commitments made by the--

Tom Bodkins: Yes. Ziegler Coal Company is one of the largest coal companies in the United States. They own lots of real estate in Vanderburgh County. They bought it all from Shell Oil Company in Vanderburgh County. They're not going anywhere. They also own property in Warrick, too, I believe.

President Tuley: Okay.

Tom Bodkin: Thank you, gentlemen.

Les Shively: You have asked some lengthy questions and I would just like two minutes to (inaudible comments not made from microphone). I sort of gather by the tone of the questions that are being asked having appeared before enough tribunals, be it a court of appeals or whatever, I can tell when friendlier questions are being given to my opponent as a time for me to be concerned. Let me just say this, we saw Mr. Bodkin refer to 33 pages of use and development restrictions for the subdivision yet this developer whether they're locally based, whether they are based in New Jersey or Kentucky or where ever, is unwilling to give us one piece of paper to go with the zoning ordinance and it is called a Use and Development Commitment to make all these commitments enforceable by this county and by these private property owners. One thing we are losing sight of is that we are putting a lot of emphasis on the subdivision review process. If, in fact, this acreage is sold to one end user and it is unnecessary to plat to subdivide into lots and they'll never have to...they'll never have to come back here anyhow, but they'll never have to go back to the Plan Commission and they will be no opportunity for the subdivision control ordinance to kick in. We need to keep that in mind. The bottom line that I want to say to you again this evening is, and taking nothing away from Mr. Bodkin because he is a man of his word, but this is not Tom Bodkin's project. If it was Tom Bodkin's project I would feel a little bit differently. Tom is equally hampered as we all are here. It is oral and there is nothing enforceable in writing. If you approve this this evening and they never have to come back for a subdivision approval process, then they will be given carte blanche opportunity to use this land, to use county roads, to access...there will be nothing to keep this project within a quality development. We want jobs, we want economic development. We want it in a quality way. A Use and Development Commitment would have gotten to that goal, but they were not interested in doing that. They were not interested in meeting with us and I think you need to know that.

President Tuley: It's a Mexican standoff. I don't think anyone has anything else to say. No further comments then?

Unidentified from audience: I have one, but I am not on the list. Can I still speak anyway?

President Tuley: Yeah, you're still in the United States. Come on up here.

Unidentified: I had a long prepared statement, but everyone felt like they had things covered.

Commissioner Mourdock: State your name, please.

Donna Brandenburg: My name is Donna Brandenburg and I live at 14001 Highway 57 with my husband, Don. I wasn't going to say anything because we are represented. Everyone here is very concerned. I am going to be selfish. I don't think I can figure out where I live on that, but I live right next to where there is going to be the C-4. Donald, can you find it? Go tell them where it is, I can't find it. Okay, let's get selfish.

Donald Brandenburg: It's to the south where there is no residential.

Donna Brandenburg: Yeah, we live in a residential where there is no residential. Their train track runs right by my house right now and it was there when we moved there. No problem, a few coal trains going to SIGECO. Okay, I need to know if this is approved by you fine gentlemen tonight...I'm nervous and I'm sorry, but this is my home. It is not a house, it is not an investment. I have never looked at resale value. I am going to live in this house until the day that we are physically unable to do it. Do you understand? Okay, now, I knew the train track was there, but it was kind of neat to wave at the engineer with the coal train. I don't know what is going to be in the trains now. I don't know how many there are going to be. How am I going to know? What is my recourse when there is something coming from this development and I don't know what is in it and there is an accident and it derails? Where do I go? Do I come back to you all? Do you understand? Where do I go? It is my home, it's not a house. I want the jobs. I'm a teacher and I have taught for 26 years in Evansville. I know we need this, but I need some consideration from these other people. I need to know...we catch our rainwater from our roof for our cistern. Isn't that kind of neat? My kids at school think that is amazing. Do you know that I am the only person that they meet on a daily basis who lives out in the country? I see coyotes and I see baby deer. What happens if the pollution increases and I can't catch my rainwater? You say well, you can get city water anyway. I moved to the country; I catch my rainwater. These are the things that we can't have Mr. Shively say because he doesn't live out there, okay? He wants to do the legal stuff, but I am doing the personal stuff which you said that people get emotional and I am emotional. I was never going to sell that house. I have never worried...you might say it's silly. What a silly lady. Never worried about the investment value of her home or the resale value. I never gave it a thought. I live in a log cabin and I live in the country. That is where I wanted to live and that is why we built our house there. You say hook up to the city water, don't worry about your cistern perhaps being cracked by extra train traffic or the building of the thing, don't worry about the pollution going into your cistern you can hook up. I have never had a problem with my septic system. I think it is neat. I've had

it cleaned out once, maybe I waited too long and that is against the rules, I don't know, but I've never had any problem. I can't address what the lawyers say. There is no way that I can come close to that. All I can say is I need a place to go and get help when I can't stand the train traffic, I can't get in and out to get to work. I have never been late to work a day in my entire life, okay? If an emergency vehicle needs to get in and the traffic...I know you're saying that you are just borrowing trouble Mrs. Brandenburg. The kids say Mrs. B. don't worry about it. I'm worried and I have moved out there to be out there and I want jobs, but if we have all the retail and the commercial I don't know where you are going to get \$15 an hour jobs with retail. I know that they can address what I am saying because they are really good at it. Where do I go, just tell me right now, when the train derails or I don't know what is in the train and the traffic is greatly increased or my cistern can't handle whatever goes in the air? Where do I go? Do I go to Mr. Bodkin, Mr. Vision 2000 Robinson? I won't pick on him. I was going to, but he has had enough tonight. My six pages are in my purse. I am just asking you to please consider where do the very common ordinary people go? I appreciate my name not being on there. I was going to put it on and said no, I'll let the other folks handle it, but I had to say what I had to say because I can't go home tonight with tears in my eyes and a terrible pain in my soul like I did a few weeks ago at the other meeting without standing here and at least saying to you and you have to look at me and I know you make these decisions all the time and you know that they impact people. I am one of them and I am going to live in Evansville all my life. I have been a fine upstanding person. I go to work everyday. I have 176 sick days with the school system. I am a good worker, okay? They want to have good workers, too, but I just need to know what my recourse is going to be.

President Tuley: Okay.

Donna Brandenburg: If you can tell me that maybe I will sleep better tonight. Thank you very much.

Unidentified: Can I address you about one more minute?

President Tuley: About one more minute and then we will--

**TAPE CHANGE**

Ed Brunck: My name is Ed Brunck and I live at 15300 Petersburg Road. I was concerned. The railroad was first brought up by this lady over here and that is what I wanted to talk about but I thought everybody would. I am concerned if there is a chemical spill do we have to leave our homes in the middle of the night? If they are going to put this spur, I think he said 60 feet off of the property line, coming down Ruston Lane all the way across (inaudible). There is going to be spurs taken off of them. There has to be. You wouldn't have one line coming down. If they've got one warehouse in there they might be able to put it right up there. They can put the warehouse right where the long spur goes, but what are they going to use that whole thing for? I want to make a correction, too, that won't be in our backyard that is going to be in our front yard. We sit out every night in the summer. They are going to put these buffers up that we've just now heard about and if they are going to put a stone wall up you can see what we look at right now. What have we got to look at then? We get sewers in, what's that going to cost us? About \$4,000 to connect to them and we haven't had any trouble in 22 years? What is the water going to

cost us if we have to go to water? These people bought these houses...most of these people...we've got a man here now that was in charge of this property and he let it all run down. He had to have a (inaudible) come over and mow his office because he couldn't keep the grass cut and he had an office also right across the street from it with the same thing. If their not going to keep the property up then like they show on this picture, what are they going to do with this? I do believe that we should have a commitment. Move the railroad over to 57 if that is the case and put the buildings towards the 57 route. Don't bring it over on a county road. That's probably what...? I don't know how wide they are, but probably 15 foot or 20 foot and then move it 60 foot off of the property line which I would think would be the center of the road. They're going to have the flood ponds. What are they going to do? They've got kids out there. Are they going to put a fence around it and block us in or what? Anyway, I thank you very much for letting me talk.

Unidentified: May I ask a question?

President Tuley: Yes.

Joanne Bohrer: My name is Joanne Bohrer and I live at 6316 East Baseline Road. The entrances off of 57, nobody has ever mentioned how far apart they are? The two entrances into the project. I think they are less than maybe one half mile apart. To me, my concern is safe traffic for my family. You all should know that Whirlpool traffic uses Highway 57 as a way in to town. Where I live on Baseline Road I have two ways to get to town. I can use County Line Road to access 164. County Line Road has already a coal station there, they have a transfer station there. That is not a safe road anymore. Just recently a semi hit a car on that road and knocked her into the ditch. All I have left to half way say is 57 and I just want to make sure that you understand the traffic flow that is on 57 now that I don't think if the accesses are too close together it is going to be a safe road to travel. Thank you.

President Tuley: Just for the record, Mr. Tubbs, can you tell us how far apart those are as the way they are lined out. It doesn't make any difference, Mr. Bodkin, I don't care who answers it.

Tom Bodkin: However, I don't know that we can tell you exactly how far apart they are. The state is going to tell us how far apart they have to be in Aashto standards. It is just a question of where the State of Indiana says no, you've got them too close together. As you well know, you don't get to call that on a state highway either.

President Tuley: True.

Tom Bodkin: One other point for you, for the record, the railroad spur under the regulations of the state has to be 150 feet from the ...let me get this said right. We are going to have to find the building closest to our real estate and then we've got to have that rail track 150 feet to the center of the rail back to from that building, so if somebody is closer to Old Petersburg than somebody else they will even be further than 150 feet from the rail. That is state regulation. We have no choice but to make it at least that far back. Wherever that is going to be, that is how far away from the closest residence it is going to be.

President Tuley: It's 150 from the nearest off-site building is

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what you are saying?

Tom Bodkin: Correct, that is right, to the wall of the nearest off-site building, inhabited structure.

President Tuley: Yes, sir.

Larry Adams: My name is Larry Adams and I live on Ruston Lane. I just have one thing to say. I don't feel like this company has showed any concern towards the people around this area. I spoke to one of the men at, I believe it was Mr. McPeak, and I asked him about a land option. This lawyer just stood up here and said that this company is a big company and they are not going nowhere, but Mr. McPeak told me he couldn't give me a land option because this company didn't have that kind of money. I just don't feel like this company is working with the residents at all and I don't feel like the M-2 zoning should be next to our residential area. Thank you.

President Tuley: Is there a motion?

Commissioner Mourdock: For the purpose, and I guess procedurally we should do this since we heard this in one do it procedurally with one vote is that right?

President Tuley: I would think so.

Commissioner Mourdock: Okay.

President Tuley: Oh, three separate votes?

Commissioner Mourdock: Okay, yeah. We have them in order VC14, 15 and 16 and for the purposes of calling for the vote I will call for the vote for VC14-96 which is 14700 Warrick County Line Road to change from AG to M-2.

Commissioner Borries: Second.

President Tuley: Roll call, Commissioner Mourdock?

Commissioner Mourdock: The remaining votes will go very quickly here, obviously. Any of you who think that politicians have it easy ought to be on this side of the table. I keep my Roloids with me only one time a month and that is for zoning meetings. I am sitting here knowing that what I am about to say is going to please absolutely nobody in this room. State law requires of public officials that they disclose any potential conflict of interest and because we are part-time employees and have full-time jobs that risk is always inherent. In my full-time position I work for a company that number one, did the site work for Shell when this site was built. Long before that, worked for Ziegler and as recently as this past week has worked to begin the reclamation on this site. I take this job extremely seriously, as I know my counterparts do, and economic development is something that this community is, obviously, committed to and I think this site has much to be said for it. Again, state law says once I declare my potential conflicts of interest I can cast a vote. However, because I do take this very seriously and do not like the fact that every time someone in public service is seen casting a vote that may reflect on them it appears to the public that public service is self service. Therefore, this is very difficult for me because I do respect the neighbors and I will tell you as group for something as contentious as this is you all and your representatives have done

an excellent job presenting the facts. Having said all that, however, with state law as a guide and even more than that with principle as my background I am going to abstain.

Commissioner Borries: On this particular matter I vote yes.

President Tuley: I don't get the...and I don't mean to downplay your situation, but this is a tough decision. If I am to have a political future in this community, which is not the most important thing to me, I am staking it on the trust of the presentations tonight. I am going to have to vote yes.

Commissioner Mourdock: I'll move for the purpose of a vote VC15-96 which is 15001 Highway 57 the request to change the zoning from A to C-4.

Commissioner Borries: Second.

President Tuley: Roll call, Commissioner Mourdock?

Commissioner Mourdock: I will again abstain.

President Tuley: Commissioner Borries?

Commissioner Borries: I vote yes.

President Tuley: I'll vote yes.

Commissioner Mourdock: I will call for the purpose of a vote VC16-96, address 15000 Highway, the request of zoning from Agricultural to M-2.

Commissioner Borries: I will second.

President Tuley: Roll call, Commissioner Mourdock?

Commissioner Mourdock: Again, I am forced to abstain.

President Tuley: Commissioner Borries?

Commissioner Borries: I vote yes.

President Tuley: And I vote yes.

Commissioner Borries: Thank you for coming tonight.

President Tuley: Thanks, everybody. We have all the paperwork to sign.

Commissioner Mourdock: Do you need a motion for adjournment?

President Tuley: Motion to adjourn?

Commissioner Mourdock: I'll move adjournment.

President Tuley: Rick, second the adjournment.

Commissioner Borries: Second.

President Tuley: We're adjourned.

The meeting was adjourned at 10:17 p.m.

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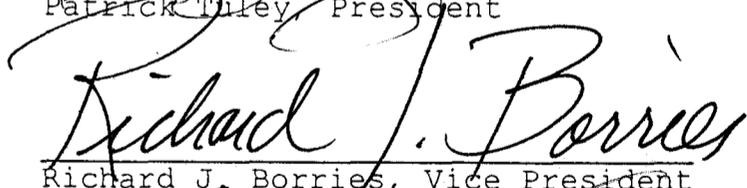
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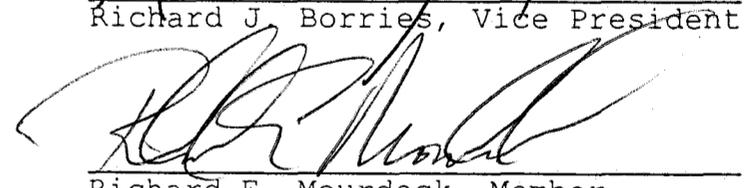
THOSE IN ATENDANCE:

Patrick Tuley  
Richard J. Borries  
Richard E. Mourdock  
Alan Kissinger  
Barbara Cunningham  
Suzanne M. Crouch  
Charlene M. Timmons  
Cedric Hustace  
Les Shively  
Bob Woodward  
Larry Grimes  
Debbie Schwent  
Milford Selby  
Donald Smith  
Jim Johnston  
Brian Deem  
Manford Stahl  
Tom Bodkin  
Jim Morley  
Jack Tubbs  
Jeff Cater  
Phil Hedrick  
Sherry Schapker  
Chad Elliot Chandling  
Donna Bradenburg  
Donald Brandenburg  
Ed Brunck  
Joanne Bohrer  
Larry Adams  
Members of the media  
Others unidentified

VANDERBURGH COUNTY  
BOARD OF COMMISSIONERS

  
Patrick Tuley, President

  
Richard J. Borries, Vice President

  
Richard E. Mourdock, Member

**Vanderburgh County  
Board of Commissioners Meeting  
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**Vanderburgh County  
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The Vanderburgh County Board of Commissioners met in session this 25th day of November, 1996 in the Commissioners' Hearing Room of the Civic Center Complex at 5:43 p.m. with President Patrick Tuley presiding.

**Introductions and Pledge of Allegiance**

President Tuley: Good evening. We will call the meeting to order for the Vanderburgh County Commissioners for Monday, November 25. As a point of introductions, to my far right is Cindy Mayo, Superintendent of County Buildings; to her immediate left is Alan Kissinger, the County Attorney; to my immediate right is Commissioner Rick Borries; to my immediate left is Commissioner Richard Mourdock; to his immediate left is Suzanne Crouch, who is the County Auditor; and to her left is Charlene Timmons, who is Recording Secretary from the Auditor's staff, who will be recording the minutes of this meeting. If you would, please stand with us and face the flag and say along as we say our Pledge of Allegiance.

**Approval of minutes**

President Tuley: Thank you. Under the action items, 4A is the approval of the minutes. I would entertain a motion to approve the minutes from the November 18th meeting, please.

Commissioner Mourdock: So moved.

Commissioner Borries: Second.

President Tuley: So ordered.

**Certification of Executive Session**

President Tuley: Item 4B is the certification of Executive Session. Let the record show that there was an Executive Session conducted prior to this meeting in which contractual matters, personnel matters and pending litigation was discussed. Also, let the record note that there was no final decision or official action taken.

**Mikki Heck - Hillsdale Housing Association**

President Tuley: Item 4C, Mikki Heck, Hillsdale Housing Association. I understand they contacted you. For two weeks they want to delay? Okay.

**Jim Morley, Sr. - BSH Development Corp.**

President Tuley: Item 4D, Jim Morley, Jr. and BSH Development Corp.

Jim Morley, Sr.: I'll be Senior tonight.

President Tuley: You'll be Senior?

Jim Morley, Sr.: BSH desires to place a concrete precast box culvert beneath Old Petersburg Road to enable golf carts and foot traffic to pass safely from one side of Old Petersburg Road to the

other. The structure will be much the same as the one up at Santa Claus Land, Indiana. The box culverts would extend beyond the right-of-way on both sides. The cost of the box culvert structure is in the neighborhood of \$50,000 and the agreement, of course, the county would certainly be concerned about the long-term liability for maintenance of that box culvert and it would be tied to BSH Development, its successors and assigns and I think that is done so by a fairly simple statement in the covenant agreement which has been given to the county attorney. I would say that I find that statement as written fairly brief, but whatever is satisfactory. The intent is that this golf course and the land thereto be tied to the maintenance of this box culvert. If for any reason the golf course would ever disappear, that covenant would run with the land. An estimate of the cost to backfill this with aggregate would be about \$10,000. It is not an outrageous expense should everything be abandoned and one day the county decide we need to fill that in and the attempt here by the agreement is to tie that to the lands of BSH. With that we would request your approval of the plans and John Stoll has reviewed the detailed drawings and perhaps John wishes to address his review.

John Stoll: We've looked over the plans that Morley has prepared and see no problem with what they have given us from a design standpoint. It is just basically a standard box culvert installation with the exception of it will have a pump to pump out any water that would get down in there and they will pump that out to a roadside ditch. Other than that, it was fairly straightforward. From a design perspective it will work fine.

President Tuley: John, I talked to you about this or to you about this last week and you had indicated that at that time you had some questions and maybe Mr. Morley addressed them, but the extension of some guardrails or something, I think you said you had some questions on or locations of some guardrails or something.

John Stoll: That was one of the only questions, I guess, that Alan might need to address. Since the box culvert will extend on past the right-of-way line anybody...if a car left the road and would run off the top of the box culvert then it would not be on county right-of-way and I didn't know if that was something that should have guardrail on it or not. Right now there is only, I believe, there is only fencing proposed out there.

Jim Morley, Sr.: Landscaping and fencing.

John Stoll: Right, landscaping as well. Since that is technically not on county property I didn't know if that was something that guardrails should even be considered on.

Alan Kissinger: We really can't dictate. I don't even think it's...you could make it a condition, but, quite frankly, I don't know if it is really necessary or if...John if you recommend it.

Jim Morley, Sr.: (Inaudible comments not made from microphone).

John Stoll: Right. A car could run in there, but the chances are minimal. I know anywhere a car can go they'll probably end up there someday, but as far as a hazard to traffic I wouldn't consider this installation to be a hazard to traffic. So, unless there is some legal perspective on why we would have to have guardrail there, I wouldn't see that we would be recommending that they would have to have it.

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President Tuley: Okay.

Jim Morley, Sr.: Bart Schotz is here if anyone has questions of BSH.

Commissioner Borries: Is there any structure like this, Jim, that you are aware of in Vanderburgh County?

Jim Morley, Sr.: No, there is no other golf course. There are in Warrick County at Old Stonehouse Estates on Highway 66. There is one that the Mortons had built when they built Highway 66. They used it for horses underneath and that is the nearest one to here. You've got the one up at Christmas Lake or Santa Claus Land.

President Tuley: If you guys will remember last week I read into the record a letter from the Sheriff that basically said they don't have a problem with, obviously, they don't have a problem with it going under the highway from their perspective. However, they would have a problem if we try to do it at grade crossing of any type.

Commissioner Mourdock: On either approach, Jim, on Petersburg Road are you raising the level of the road on either side to go over this culvert?

Jim Morley, Sr.: No, not at all. Old Petersburg Road would not have any change in grade. As you know, Old Petersburg Road through this area is elevated about four feet from the land on both sides, so this eight foot high box culvert will, essentially, be partially out of the ground anyway and partially down in the ground. The earth is mounded up and brought up on the gradual slope right up to Old Petersburg Road.

Commissioner Mourdock: All costs, 100% of the costs, for the materials and labor to put this in would be paid by the developer?

Jim Morley, Sr.: Yes, 100%.

Commissioner Mourdock: The guardrail...I heard you say there were some embankments and I didn't--

President Tuley: Landscape.

Commissioner Mourdock: Yeah, some landscaping.

Jim Morley, Sr.: As you might imagine, this box culvert extends out to existing ground over here, but there is an approach at the right-of-way line, there is an approach embankment up and over so that box culvert is not exposed anywhere on the public right-of-way. So you see, the embankment is handled all outside of the public right-of-way. It is completely free of being either a drop-in or a projecting obstruction on the right-of-way. It is completely covered. You have to go off of the right-of-way before you can either see the edge of the box culvert or the embankment that goes down into the roadways that go under.

Commissioner Mourdock: Okay.

Jim Morley, Sr.: You'll notice that they are not...at Santa Claus Land part of them are between retaining walls. This is in a safety berm down into the low area.

Commissioner Borries: Could a car on ice effectively slide that

way?

John Stoll: I guess it is possible. It's in a straight section of road through there, so there shouldn't be anything.

Commissioner Borries: What I am asking, Jim, was, for the record, I asked John Stoll if it was icy and we had patches of black ice or whatever could a car slide off on that? I think that, you know, should this be approved that an over design insofar as safety along with signage at the beginnings of this golf course talking about, you know, a tunnel or a bridge or something like golfers moving needs to be considered. I guess my ongoing concern is long after anyone in this room is not here who, and you know, in the unlikely event that the owners sell or it goes with the land as you say or there is a bankruptcy or something like that the county's legal responsibility is not only for the maintenance but insofar as potential litigation, lawsuits, is a real concern that I have in this simply because we just don't have anything else like it in the county and that is why I asked that question.

Jim Morley, Sr.: Well, you know we have overpasses and things like that within the county. We have underpasses that are on public roads here in the city on Virginia. We've railroads. We've several railroad overpass and underpass crossings. We have commercial crossings within the city, you know, at First Avenue at the old General Rubber just south of General Foods plant and several other facilities, the Executive Inn, you know, we have many crossings of right-of-way just none exactly like this. In fact, this crossing is essentially much, much safer than any of those structures, those overhead structures. This is a precast box culvert and is essentially going to last for infinity. There is no reason to...you know, we are not dealing with a limited life span of 50 years here. There is no reason that this box culvert is not out there 200 or 300 years in the future.

Commissioner Mourdock: I guess I share some of Rick's concerns. I guess, as you said a moment ago, Jim, there are a lot of crossing of right-of-way, but this one is somewhat unique. The way it strikes me as being most unique is that because it is below grade and because you are going to have to have a pump down there to pump it out every time, not occasionally, but every time it rains. I guess, I would like to see basically as a condition of the approval a contract maybe between the county and the developer that would result, and you used the figure a minute ago of \$10,000 to fill this full of aggregate if it came to that, maybe a contract that required a letter of credit in the amount of \$10,000 to be held by the county so that four or five years from now if, in fact, this is built and the golf course never develops or ten years after that the golf course isn't working and then one day the pump quits working and then to heck with it and it fills up with water. I note that there will be a school right down the road from it and I picture this little swimming pool there close to a school and I don't want to see a protracted situation of arguing at that point of how does this problem get solved. It would seem to me that if we had something like the \$10,000 letter of credit, that if, after six months of nonuse or something for its intended purpose, the county would have the right to claim that letter of credit and go back in and fill this hole in.

Jim Morley, Sr.: I'm sure that would be possible to create that for some finite amount of time. In the long run the only way to attach it is to attach it to the land in some sort of contractual language so that you have a permanent thing that goes with that maintenance

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liability. Letters of credit can be obtained for two years and then extended on and on, so if you have a period of time...what you're essentially concerned about is that they're asking to get started and you don't see a golf course, you don't see an entity there at this point in time that has proven itself. It would seem that ultimately we need to contractually tie the land to that so that you have a guaranteed way of going about it because letters of credit have to be renewed all the time.

Commissioner Mourdock: That's true. I guess I see two things. Sure, it's got to be tied to the land, too, and I see a permanent indemnification holding the county free and harmless, but also for that set amount that you quoted before, I guess the nightmare scenario is we can be indemnified by that landowner, but if that golf course goes under and all those other things go under then all we have is a lien out there and I don't want a lien that could be tied up in the courts for several years to keep us from filling up a hole full of water. Even though it would have to be renewed over a few periods I see that as something separate, but something that would be worth doing.

Jim Morley, Sr.: Okay, well, Bart, do you...? That's not a problem.

Bart Schotz: I don't see a problem with that.

Commissioner Mourdock: Okay, you need to go to the microphone and identify yourself.

Bart Schotz: My name is Bart Schotz with BSH Development.

Jim Morley, Sr.: Essentially, what we are saying here is that whatever safeguards that the county feels are appropriate we are willing to enter into. We are not here to argue about it. We want to make sure the language is right and the safeguards are in place.

President Tuley: Do you have to have some other arrangement? I see there is an existing 12 inch waterline that is being relocated and going down underneath of this thing. Are you meeting with the city or who do you have to have...?

Bart Schotz: We have to pay for that.

Jim Morley, Sr.: Evansville Water and Sewer Utility.

Bart Schotz: They actually will not put it underneath the box. They want to route it around so that they can get back to it, but this is...

Jim Morley, Sr.: They're going to tie onto it and actually run out around that ramp down into it.

Bart Schotz: That is what they chose to do. We granted the easements to do whatever. We have talked with them.

President Tuley: Alan, did you get a chance and maybe you answered this and I am half asleep tonight, but did you review the proposed agreement between the county and BSH Development?

Alan Kissinger: I did. I think without anticipating a vote if the Commissioners are going to give this favorable consideration and vote in favor of this, then I think it should be subject to an agreement to be signed by the parties: one of the parties,

obviously, being the developer and the other party being the County Commissioners. The agreement should be very clear that the developer, the successors, heirs, assigns of the developer/owner totally accept all liability for personal injury or property damage that may result due to the fact that this is there. As for people using the road or for people using the path under the right-of-way, there should be a total acceptance of maintenance responsibility and it should be very clear that under no circumstance should the county have to go in there for whatever reason. Everybody knows if you put something in new it rains and dirt falls away from it. There should be no question left in this agreement that it is their responsibility to maintain it. There should be a certificate of insurance naming the county as coinsured and there should also be an agreement for total indemnification and a hold harmless clause including the payment of the county attorney fees if the county should incur some liability even to the extent that a lawsuit is filed against the county and the county has to defend that lawsuit as a result of this structure. From there I will say, legally, I would be totally satisfied with it!

Jim Morley, Sr.: Sounds pretty tight to me!

Commissioner Mourdock: From there you would start to think of it in somewhat of a positive manner!

Alan Kissinger: Then I would start nitpicking!

Commissioner Mourdock: All of those things that you have just described, obviously, are more than a restriction or covenant or something. You are talking, basically, a contract between the landowner and the county.

Alan Kissinger: Exactly. It might even be appropriate to make reference to that in the documents that anyone would find if they did a title search or anything on the real estate. If it is going to be a covenant running with the land, then it should be properly recorded.

Jim Morley, Sr.: At this moment in time, the easiest thing for me to define if you wish a legal description of the land is the land on the south side of the road which consists of how much...? About 15 acres? About 30 acres, okay. Okay, there is a legal description filed with the Special Use for the golf course, so we'll use that legal description. I assume you wanted that also.

Alan Kissinger: Yes, yes.

Jim Morley, Sr.: Define the lands that are tied with this commitment?

Alan Kissinger: Yes.

Jim Morley, Sr.: Alright.

President Tuley: Would you like a copy of the minutes so that you picked up every single thing that he asked for?

Jim Morley, Sr.: Yes.

Bart Schotz: The only other concern that I think you had was the guardrail and the only thing that I have guardrail is the placement on the plan. When it was drawn on the plan I did not like where it was. I didn't think it was adequate. If you would like it around

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that top part...I talked with Mr. Stoll and if I can go with the wood decorative I wouldn't have a problem with that. I would be more than happy to.

Jim Morley, Sr.: The heavy timber like in the parks?

Bart Schotz: Right, that way they couldn't slide off the end like you said, sir. I don't see any problem with that. We just couldn't find a good location for it out there by the road, but we could get behind it.

Commissioner Mourdock: I would suggest that maybe you could work with Mr. Stoll on that a little bit more as far as exactly what specs would be for that type of guardrail.

Bart Schotz: Okay.

Commissioner Borries: Do you have any problems accepting or considering what Attorney Kissinger has suggested here at this point?

Bart Schotz: No, sir.

Jim Morley, Sr.: Do you want us to work with Attorney Kissinger on this length of time on this letter? I'm not sure I understand how many years you can get them, so do you know?

Commissioner Mourdock: For the letters of credit?

Jim Morley, Sr.: Yeah.

Commissioner Mourdock: I don't know that there is a time period. I would suggest that something like that, and Alan help me out here, but I would just renew them.

President Tuley: Is there a bond or some other mechanism that would be more suitable? I mean, I know what you are after and I am not discouraging what you are asking for, but I just wonder what the length--

Commissioner Mourdock: A letter of credit would be much easier.

Jim Morley, Sr.: Yeah, letters of credit are normally easier, it is just fixing the time. They're a letter written by the bank that goes and they won't give you one that runs forever.

Alan Kissinger: Right.

Jim Morley, Sr.: So we have to fix a time.

Bart Schotz: Are you looking for a time frame that you feel the golf course will be in and that way you can see money out there where you know--

Commissioner Mourdock: Right.

Bart Schotz: Five years would be plenty because we are expecting to start--

Commissioner Mourdock: What I envision for the letter of credit for that structure, I mean, there is no point in posting the letter of credit until the structure is built. My view of the letter of credit is simply to reclaim the site if at some point after it

starts, it closes. With that as long as it is there I would see the landowner of those tracts being in a situation where every two years or every three years, basically, the county would have the right to go in and close it unless you come back in and post the thing and renew it. Why would you not do that, I guess, it makes sense?

Jim Morley, Sr.: I'm not sure of the language, but we can get with the attorney and work that out.

Commissioner Mourdock: Yeah, okay.

Commissioner Borries: Could I ask a couple more questions? There appear to be some kind of markings at the maybe grade levels at 409.4 and then there is another that--

Bart Schotz: Those are crossings and bridges that are in existence out there.

Commissioner Borries: Oh, okay.

Bart Schotz: Out on Petersburg Road.

Jim Morley, Sr.: Yeah, you're bridges are currently only about 28 feet wide or 24 feet wide for the bridge itself. You have narrow bridges. We are going 60 feet. We are going beyond 60. We're going on beyond the right-of-way. Your bridges are all just the pavement and a guardrail right on it.

Commissioner Borries: Okay.

Jim Morley, Sr.: We're going beyond the right-of-way some three times as wide as your bridges, so they are shown on there but that is not a part of this development.

Commissioner Mourdock: Your question a moment ago, Jim, going backwards in the discussion you said something about the time frame of putting it together and the legal work and whatever. Pat had made the comment about getting you a copy of the minutes of this meeting so that you can get all that included and, I guess, if this--

Jim Morley, Sr.: Quite frankly, with your permission I think the appropriate thing to do is for Bart's attorney to simply work up the language as we see it and hand it to Alan for Alan's review and markup and return back to Alan because these are things that he has suggested. Rather than minutes, I think I took notes and we would just simply give it to Alan.

Commissioner Mourdock: Okay, that is fine.

Alan Kissinger: I think Mr. Shively is working with you on this, is he not?

Bart Schotz: Yes, he is.

Jim Morley, Sr.: Yeah, he did the one up at Santa Claus. Bart called him and asked him if he could do it similar to the one in Santa Claus.

Alan Kissinger: He is the one who provided me with the proposal?

Bart Schotz: Yes, sir.

Commissioner Borries: Thank you very much.

President Tuley: You can tell the Brinkers are involved. You've got some real golfers here looking at some of these holes!

Jim Morley, Sr.: Are you going to make an approval contingent or do you want the document finished and bring it back to a meeting?

President Tuley: I would rather see a full document.

Commissioner Mourdock: I concur with that.

Jim Morley, Sr.: Okay. We'll proceed then to finish up the document.

Commissioner Borries: Thank you.

Jim Morley, Sr.: Okay, thank you.

**Joe Profaizer - PC bid review**

President Tuley: Okay, Joe Profaizer.

Cindy Mayo: Joe did call today and he and Lynn are still working on this and are not ready to award those.

President Tuley: Okay.

**Approval of bid letting - VC-97-01, 1997 Tax Bills**

President Tuley: Lynn called me today in reference to item 4F, approval of bid letting for VC-97-01, 1997 Tax Bills. She says her request is to approve the letting of the bids for the 1997 tax bills, bid number VC-97-01. Bids are not expected to exceed \$75,000 on an annual basis, therefore, advertising is not required. Bids will be opened December 9, 1996 and awarded on December 16, 1996. That is her request.

Commissioner Mourdock: I'll move the letting of bids for the printing of the 1997 tax bills per the request of Lynn Ellis.

Commissioner Borries: Second.

President Tuley: So ordered.

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

President Tuley: Item 4G, any group or individual wishing to address the Commission who does not see their name or topic for discussion listed on the agenda, now is the time to come forward. You're here for Drainage Board, right, Fred?

Unidentified from audience: Drainage Board.

President Tuley: Drainage Board, okay. I don't see anybody else unless they are hiding.

**John Stoll - County Engineer**

President Tuley: We're ready to go on with department head reports

then. John Stoll, the County Engineer.

John Stoll: I've got two items. First I would like to request a leave of absence without pay for Bill Higgins on an as needed basis. He's got a family illness and he has used a lot...he's got six hours of vacation time left and he has used 45 hours in the past couple of weeks in regard to this family illness. What he would like to do would be to just take the time off on an as needed basis where if he could come into work for a full day then fine, but if he can only be here for a couple of hours at a time, but just put in his time as he is available rather than taking it off continuously for the duration of the rest of the year or whatever it would take. We would just track it hour-by-hour on how many hours he is in the office. We would like to make that request and keep his insurance in effect.

Commissioner Borries: I'll move that the request be granted.

Commissioner Mourdock: Second.

President Tuley: So ordered.

John Stoll: Second, Tim Spurling and I went out to the Safe House this afternoon and met with Harris Howerton. When we were out there it appears that there is some water damage on the floor joists again on the perimeter of the building. We didn't get in underneath the floor and inspect all the floor joists, so I don't know to what extent the damaged has occurred, but some of the floor joists that were visible that weren't right adjacent to the walls didn't appear to be in bad shape. It appears that some way or another they have been getting some water either through the walls and there is some poor drainage there on the south side of the building so I don't doubt that water was draining towards that wall where the floor collapsed. It's been draining that way it looks like for quite some time. Harris said that had been the case, but what we all decided would be best would be two things. One, for somebody to go underneath the floor and inspect all the floor joists that are out there and probe them with a screwdriver or something to see if there is any other water damage that has apparently been done to any of the other floor joists and replace those as well. Two, if a more thorough inspection of the building would be needed, that maybe the Safe House Board hire somebody who has more expertise than we do in the inspection of buildings. That building has been added on to and modified so many times that it looks like some of the bridges that we've got where they've thrown extra beams in here and there and it is not easily...it's not real easy to go in and say this is good and this bad for the simple reason that the drywall covers up a lot of the columns and the floor is covering up the floor joists and things like that to where somebody with a little more background in building inspections might be able to have a better handle on what problems may exist out there. Going in and seeing the water damage that is on the floor joists, that is fairly simple and I think somebody can get underneath the floor and go check all that out. If something more thorough is required, then we all felt that probably the best thing would be to get somebody who has a little more expertise in that area to come and take a look at it.

Commissioner Mourdock: I don't disagree with anything that you said. I guess I would assume right away we are at the "if more thorough investigation is needed", I mean, is there a question at this point? Does that "if" really belong there?

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John Stoll: Like I said, I don't know what all the floor joists all look like because we did not go underneath and check everything out. I don't know if the damage is confined to the floor joists around the perimeter of the building or what.

Commissioner Mourdock: My second point would be since this building is not owned by the county, but leased by the county and at this point on a month-to-month basis, it would seem to me that the owner of the building ought to be more than willing to be participating at some serious level on any kind of investigation and paying for any kind of investigation that we have to have to have somebody look at that place. Why are we going to do that?

John Stoll: I would agree.

Commissioner Mourdock: Okay.

President Tuley: Along that same line then, we need to see that it takes place because we have a contract up in the air that we need to address in which at this time the Judge had asked us to continue that on a month or two basis until the structural integrity, for lack of a better word, can be investigated.

Alan Kissinger: You know we do have a situation now with that lease. If that building is not suitable for the purposes that obviously the lease intends that it be used for, that is what is known as constructive eviction. In other words we are evicted not necessarily by the will of the Lessor, but by the fact that we can't use the building. It certainly seems to me that it is in the interest, in the paramount interest, of the building owner to see that this inspection is completed and reported to the Board of Commissioners so that a determination can be made whether or not the building is even suitable. Then, perhaps, the county's engineering staff could review those reports. I think the point is well taken that if we send our county engineering department out there to do the inspection, then we've got the tail wagging the dog.

Commissioner Mourdock: Exactly.

President Tuley: Alan, from an administrative standpoint, should the Judge as the President of the Advisory Board be contacted and ask to contact the building's owner and have that inspection completed?

Alan Kissinger: Yes, that would be, as far as protocol is concerned, that would be the appropriate method.

Commissioner Mourdock: Once that report is completed, certainly John and his staff have a very important role to play in reviewing that with the Commission and with the Community Corrections Board, but I just hate to have them get out there starting on it when clearly I think it is the owner's responsibility.

John Stoll: Before the inspection takes place, should they present the names of the potential inspectors to the Commissioners just to make sure that you think that it is somebody suitable to do the inspection?

Alan Kissinger: Definitely. It has to be someone who is qualified.

Commissioner Mourdock: I presume there are some standards for that. For instance, for property appraisals there are certified property

appraisers. Does the same thing not exist for someone in this case?

John Stoll: I have never really dealt with it, so I am not sure, but I can check into it and see what I can find out. I would hope so.

Commissioner Mourdock: I mean, if you are buying a house and the bank wants to look over the house before they issue a mortgage, certainly they have people to come out and inspect the home. Not exactly the same thing.

Alan Kissinger: Yeah, but they'll have a roofing expert, an exterminator, someone who is experienced with foundation, drainage, etc., etc. You can end up with five, six, seven, eight inspections to satisfy FHA or someone like that.

Commissioner Mourdock: But should we be satisfied with anything less than that, given our current history out there?

Alan Kissinger: I think the fact that we have used the building we know...we should know of any other defects. The important thing that we are dealing with right now is that we know we have structural defects at least in the floor and I think the inspection should be designed to determine the cause of those defects and any other hidden damage that may have been caused in the process of causing this damage because if, in fact, this is water draining from the top down to the bottom we could have structural damage in the walls as well. I don't know who is qualified to do that. Probably someone who remodels homes.

John Stoll: I can check and see if there is any type of certification required for an inspection like that and see who would be qualified.

President Tuley: In lieu of this discussion then would it not be appropriate then to ask for an extension on the contract going through the month of December?

Commissioner Mourdock: Did you say it is not or it is appropriate?

President Tuley: Is appropriate only through the month of December.

Commissioner Mourdock: I think that is appropriate.

Commissioner Borries: So moved.

Commissioner Mourdock: Second.

President Tuley: So ordered. We will extend the contract...the contract that we had agreed to was to expire at the end of November, so this will at least carry us through December. John, do you want to contact Judge Young or do you want me to contact the Judge? I'll just contact him, never mind. If he has any questions I'll tell him that you will be looking into what qualifications or certifications someone would need in order for this Board to agree with their findings.

John Stoll: Right.

President Tuley: In the meantime they need to understand that they need to get that done. I'll make that call to the Judge.

John Stoll: Okay.

President Tuley: Okay.

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

President Tuley: Don't have anything from me.

John Stoll: Thanks.

**Milton Hayden - County Garage**

President Tuley: Milton standing in for Bill Morpew, County Garage. Milton Hayden, Assistant Superintendent. Let the record show Mr. Hayden, Assistant Superintendent, has submitted a progress report for the Highway Department as well as the Bridge Crew covering the period of Friday, November 15 through Thursday, November 21 showing work done in various parts of the county.

Commissioner Mourdock: Is the salt barn...what is your status on that, Milton? Did that get completed or did it all get washed away?

Milton Hayden: No, that is coming along great. We have the roof on the salt barn now and we expect to be finished with the salt barn in two weeks.

Commissioner Mourdock: Just in time to start emptying it!

Milton Hayden: Just in time to start emptying, yeah. Hopefully, we won't have to. Is there anything else?

President Tuley: Other questions of Milton? Thank you.

Commissioner Mourdock: Thanks, you got off easy!

**Alan Kissinger - County Attorney**

President Tuley: Alan Kissinger, County Attorney.

Alan Kissinger: The only thing that I have to report is the Auditor has sent me a memo regarding...well, primarily one matter...two matters. One is the County Code Adoption...the adoption of the County Code and I guess that is temporarily on hold pending Area Plan's input. Another matter is the passage of a Home Rule Ordinance to allow for payment of certain dues to various professional organizations to be paid in behalf of county employees who are members of those organizations from whom those dues are solicited. I have talked with the County Council's attorney in reference to this. Apparently, in the past we have been paying a considerable number of claims in reference to dues for professional organizations, etc., that are not specifically permitted by statute, so there needs to be a Home Rule Ordinance to permit those things. I think the problem that we are going to be confronted with is that there are some things that, I think, some county employees would like for us to pay that are specifically prohibited by statute. So, Mr. Harrison and I have discussed this and apparently he feels that we've reached some understanding. If so, it was one-sided because I don't know what the understanding was, but I will talk with Mr. Harrison and try to report to the Commissioners next week the status of that and try to get something

on file for consideration as quickly as possible. That's all I have to report.

**Cindy Mayo - Superintendent of County Buildings**

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

Cindy Mayo: I have an agreement from the Vanderburgh County Local Emergency Planning Committee between LEPC, a person that they would like to hire to do clerical assistance and data entry for the amount of \$10 per hour not to exceed 12 hours per week. The County Commissioners need to enter into this only because the funds do come out of the Auditor's Office, but they're grant monies and we have nothing to do with them, but just so that there will be something on file for the Auditor to pay from. This does need to be signed. Mr. Kissinger did review it and it seems to be in order. It has a job description attached to it and the duties of the job.

Commissioner Mourdock: How does it happen that it comes out of the Auditor's budget when it's the--

Cindy Mayo: No, it is administered...it's a cash card that is administered through the Auditor's Office, but it does not come out of their budget.

Commissioner Mourdock: Okay, okay.

Cindy Mayo: There are three here and they would like all three signed and one retained in the Auditor's Office and two sent back to them.

President Tuley: Motion for approval?

Commissioner Borries: So moved.

Commissioner Mourdock: Second.

President Tuley: So ordered.

Cindy Mayo: The only other thing that I have, Cheryl Musgrave called this afternoon and they did receive notice today from the State Board that the Commissioners authorized a rehearing on 813 Cobblestone Drive a few months back. The State Tax Board did agree with the Knight Township Assessor and the County Assessor on this and so it has been closed out. That's all I have.

**Consent items**

President Tuley: Okay, under consent items we have employment changes, travel requests, Treasurer's Monthly Report and we have a claim that was submitted to me right before the meeting started. I think this is for Mr. Kissinger's work on the TIF in reference to Burkhardt Road and it needs to be added to the consent items.

Commissioner Borries: I'll move that the claims be allowed.

President Tuley: Consent items?

Commissioner Borries: Yes, or consent items be allowed, excuse me, with the additions that you described.

President Tuley: Okay.

Commissioner Mourdock: I will second.

President Tuley: I will so order.

#### Scheduled meetings

President Tuley: Scheduled meetings. There is a Personnel and Finance Committee meeting on Wednesday, the 27th, at 3:30. The County Building will be closed in observance of Thanksgiving on Thursday and Friday. Next Monday there will be a 4:00 p.m. Executive Session, a 5:30 p.m. Commissioners meeting. Is the 2nd the meeting that is going to be conducted at the Auditorium?

Commissioner Mourdock: Yes.

President Tuley: There will be a public hearing. Probably the last...well, I shouldn't say it, but probably the last public input meeting with regard to the Auditorium in terms of design and what have you. Next Wednesday there is also a County Council meeting, December 4 at 3:30 p.m.

#### Old business

President Tuley: Under old business the Jail Contract with regard to the Teamster's is continued for one more week. Item B is the Release of Workman's Compensation Lien in reference to the Sheriff's Department. It is addressed in a letter--

Cindy Mayo: That did go through last week's meeting and the check was accepted and quietused in, but the actual release was not signed by the Commissioners.

President Tuley: Okay. This was the letter to Mr. Feldhaus from Charlie Berger...I say Charlie, yeah, it was Charlie Berger of Berger and Berger in reference to Mr. James Poston.

Commissioner Mourdock: I'll move the approval and signing of the Workman's Comp Release relating to Mr. Poston.

Commissioner Borries: Second.

President Tuley: So ordered. Community Corrections, we've already dealt with that with Mr. John Stoll.

#### New business

President Tuley: New business?

Commissioner Mourdock: One other item...well, maybe it is old, maybe it is new. I'll jump in either way. Alan, I need your opinion here on something. Welfare to Work Committee, you will recall, a few weeks back we spoke about the so called Gatekeeper position and that the Task Force recommended that the funding through the Gatekeeper be done with one specific Township Trustee. The question was raised at that time can one Township Trustee deal with all the constituents within the county? You suggested at that point that we receive basically a written release from the other Trustees to accommodate that. I have that release. All of the

Township Trustees have signed it except one who philosophically has a problem with it and I guess it raises the question that has two possible answers. Is all but one sufficient in that if there is a claim within that specific township, that Trustee could thereby have that authority?

Alan Kissinger: I think that is sufficient for the Trustees who have signed off on the agreement. As to the other one, that particular Township Trustee, I would think, would have to handle his or her own claims.

Commissioner Mourdock: Okay, that works well for us. I don't think there has been a claim in that township in about 12 years, so it works out fine. Okay, thank you.

President Tuley: Any other new or old business? Okay, there is a Drainage Board that will follow in the next few minutes. Give us a chance to catch up on paperwork signing and what have you. Motion to adjourn?

Commissioner Mourdock: So moved.

Commissioner Borries: Second.

President Tuley: So ordered.

The meeting was adjourned at 6:32 p.m.

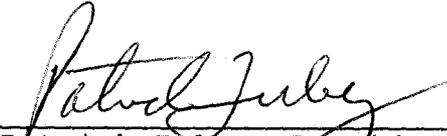
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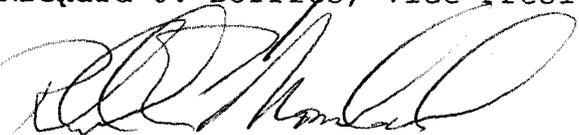
THOSE IN ATTENDANCE:

Patrick Tuley  
Richard Borries  
Richard Mourdock  
Alan Kissinger  
Cindy Mayo  
Suzanne M. Crouch  
Charlene M. Timmons  
Jim Morley  
Bart Schotz  
John Stoll  
Milton Hayden  
Others unidentified  
Members of the media

VANDERBURGH COUNTY  
BOARD OF COMMISSIONERS

  
\_\_\_\_\_  
Patrick Tuley, President

  
\_\_\_\_\_  
Richard J. Borries, Vice President

  
\_\_\_\_\_  
Richard E. Mourdock, Member

**Vanderburgh County  
Board of Commissioners Meeting  
December 2, 1996**

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**Vanderburgh County  
Board of Commissioners  
December 2, 1996**

The Vanderburgh County Board of Commissioners met in session this 2nd day of December, 1996 at the Vanderburgh Auditorium at 5:40 p.m. with President Patrick Tuley presiding.

**Introductions and Pledge of Allegiance**

President Tuley: We'll call this meeting to order and as a point of introductions, to my far right is Sunny Titzer, who is the Secretary to the County Commissioners; to her immediate left is Alan Kissinger, the County Attorney; to my immediate right is Commissioner Rick Borries; to my immediate left is Commissioner Richard Mourdock; to his immediate left is Suzanne Crouch, the County Auditor; and to her left is Charlene Timmons, the Recording Secretary from the Auditor's Office, who will be recording the minutes of this meeting; and I am Commissioner Pat Tuley. If you would, please stand with us and face the flag as we say the Pledge of Allegiance.

**Permission to open bids**

President Tuley: Because we have so many bids to be opened, I will entertain a motion at this time to have the attorney to begin to open the bids.

Commissioner Mourdock: So moved.

Commissioner Borries: Second.

President Tuley: So ordered.

**Approval of minutes**

President Tuley: Under the action items we have the approval of the minutes...a request for the approval of the minutes from the November 25th meeting.

Commissioner Mourdock: I'll move approval of the minutes from November 25, 1996.

Commissioner Borries: Second.

President Tuley: So ordered.

**Certification of Executive Session**

President Tuley: The certification of the Executive Session. Let the record reflect that there was an Executive Session held prior to this meeting. Items for discussion were pending litigation, personnel matters and contractual matters. Also, let the record reflect that no official action was taken.

**Public Hearing - Vanderburgh Auditorium**

President Tuley: Item 4C, public hearing in reference to the Vanderburgh Auditorium. We have Mike Shoulders, of Veazey Parrott & Shoulders, to come forward and make his presentation if you would, Mike.

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Mike Shoulders: Thank you Commissioner Tuley. I am Mike Shoulders, President of Veazey Parrott & Shoulders, and we are project architects for the proposed Vanderburgh County Auditorium and Convention Center. I would like to give a brief overview of the work to date and then explain briefly the option or the concept that we have presently for review tonight. We began work back in March of '96 and the beginning of the project was to conduct a needs analysis, an assessment of what we need to build in this facility. We retained the services of market analysts from Coopers & Lybrand and we did a fairly exhaustive study of how this facility can be competitive with other convention facilities in the region. The results of that were published and distributed to the Commissioners and to other official bodies in the community. We have conducted a series of public meetings to solicit input on this project. This is the third in this series of public meetings. We have also solicited input by interviewing local officials and local officeholders and local agencies to further get input into the process of this design. This public hearing, as I understand it tonight, is the last in this series of public hearings. After we get the input from citizens tonight we will be full blast into detailed engineering. What I would like to do tonight is start by reviewing the schedule and then I will review the design that you see before you and then finally go over the costs that have been established for this project. The schedule that has been established that you see before you illustrates the idea that the completed engineering drawings, full detailed contract documents, will be complete by next...the end May of '97. We will take bids and sign contracts by the end of July of '97 and begin construction. The construction process will take approximately two years and our scheduled opening date is August 15th of '99. We have projected in this diagram a complete closing of the facility by about February 28, 1998. Between February 28, 1998 and the opening of the new project which is scheduled for August 15th of '99 the building will be fully closed and open only to the contractors that have been retained to do the project. We are still discussing whether if we turn the facility over to the contractors sooner in this process whether we can save on the length of time or save on construction dollars. We are still investigating that and no decision has finally been made on that issue. This project will be a building that we think will be quite energy efficient, will be substantial, will be easy to maintain. It will be using materials readily available to the community. It's predominantly a brick structure. It will also utilize aluminum and glass curtain wall materials and some aluminum trim and miscellaneous features. The project that you see before you consists of about 150,000 square feet of new construction in addition to the about 80,000 square feet of existing structure that we have presently. This is the view of the building from Martin Luther King, Jr. This indicates an area, an entryway to the ballroom and meeting room part of the convention center. This lower elevation is the Locust Street view and this is the predominate area of entry to the auditorium which is at the center of the project and the exhibition hall on the left end. Looking at the floor plan of this project we have been through at least three options and have shown three options for this project to the community, to various officeholders, to various agencies and organizations in the community and we have come down to this final option that we are presenting tonight and we have begun to fill in the details on that option. We have shown much of this plan at prior Commissioner meetings, but there is some infill work in terms of offices and interior storage spaces and the like that we have not shown before this public meeting. Starting here on the northeast end of the project, we will be constructing a 40,000

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square foot exhibition hall that divisible into two 20,000 square foot halls, Exhibit Halls A and B. These spaces will have ceiling heights of approximately 32 feet clear and there will be a 30x30 grid of all services necessary to put on a trade show or other type of exhibit. We have put in new truck docks both for the theater part of the project and for the exhibition hall part of the project. We also intend to build this wall of the exhibit hall so that the building is expandable into the future. We know that across the country there are convention centers which are expanding their exhibit halls in great number and we want to allow for any possible future expansion of this building as we move to the northeast along Walnut Street. In the heart of this project is the Vanderburgh Auditorium and we are going to be increasing the seating capacity of the auditorium for its present 2,001 seats to 2,500 seats and we will be doing this by introducing two balconies. The lower balcony will be seating about 804 seats and an upper balcony having about 389 seats. We also will have some box seating along the sides to round out our 2,500 seats. You can see on this cross section of the building the locations of both of these balconies. The part of the building that is now taken up by the Gold Room, the nearest to Martin Luther King, Jr. Boulevard, will be a two story space in this concept. The ground level spaces will consist of about 12 meeting rooms that you see here located in two clusters of six with divisible partitions that can be opened up to allow for larger space, say about 6,000 square feet, in each of these two components or we can shut them down into any variety of spaces depending on the need of the day. We then will have above the meeting rooms on the second level here a 15,000 square foot ballroom, so we are increasing the Gold Room's capacity which is about 11,000 square feet up to about 15,000 square feet in our ballroom. We can also close down one side of the exhibit hall and offer and 20,000 square foot space for other balls and ballroom functions in addition to the 15,000 that we have here should we need more than the 15,000 square feet. The auditorium will be served with an atrium space here that has several bridges feeding into the various levels within the auditorium itself. This shows, again, on our cross section. Concession areas and coat check areas at the back of the auditorium and rather than the entry that is now on the north end of the auditorium there will be full entry at the rear and down along both sides of the facility. We would anticipate much better sight lines and acoustics in this new configuration. We have taken some of the worst seating back on the pie shaped wings completely out of service in the auditorium. We will have a new kitchen on the second floor. A large kitchen serving the ballroom. It will be serviced by a large new freight elevator. There will be three sets of escalators. One set here which is now close to the lobby in the existing Vanderburgh Auditorium here is the existing elevator. We'll have a new set of escalators taking us up and down to and from the ballroom in this location and this will be a pair. Then we will have two individual escalators along the Martin Luther King side of the project. One is an up...one will be heading down and one will be heading up for service to the ballroom vicinity. That is basically an overview of this project and I would be happy to answer any questions after I go through, basically, through the costs that have been established for this project budget. The present cost breakdown for the project is as follows:

Convention Center	\$17,420,930
Auditorium Renovation and Expansion	<u>\$12,759,730</u>
Subtotal:	\$29,802,660
Project Contingency 9%	<u>\$ 2,700,000</u>
Total Construction (Bricks & Mortar)	\$32,502,660

We have other lines items which consist of:

Furniture/Furnishings & Loose Equipment	\$ 1,500,000
Architectural Engineering Fees	\$ 2,100,000
Reimbursables (not to exceed)	\$ 75,000

With that I would be happy to answer any questions that the Commissioners or the public might have. Thank you.

President Tuley: That's fine, Mr. Moser.

Ed Moser: One question on the ballroom. When you show the kitchen, if you will recall the Gold Room now we have an opening where we can dispense drinks and etc. on the Walnut Street side of the Gold Room. Will there be a so-called room where we can dispense drinks and etc. out of that kitchen area with an opening into the ballroom?

Mike Shoulders: Yes, yes there will be.

Ed Moser: Okay, thank you.

Commissioner Mourdock: Mike, during your presentation you talked about the closing for the entire facility. Is that any different then you have spoken of before? I know at one time we had talked about trying to keep part of it open for as long as possible and you and I spoke at one other occasion about why it might actually lead to cost savings if we did close it all the way down. So is what you are saying tonight any different than the last formal presentation?

Mike Shoulders: No, what I was saying in looking at this per chart is exactly that same as we had discussed at the prior meeting which that specifically is the closing down in February of '98 completely and fully and prior to that time the possibility of certain portions being opened. That was the original statement. Now, again, when that was originally presented I think the Commissioners asked the question if we close it down earlier can we save time in this project and just basically turning it over to the contractor and could we save money? There is the possibility of both of those and we are studying that at this time. What you see in this chart, however, is the same as the original presentation.

Commissioner Mourdock: Okay, so that decision would still be made sometime between now and May when your bid documents are put together then?

Mike Shoulders: Correct.

Commissioner Mourdock: Okay. My eyes aren't quite acute enough to read your schedule chart, but I understand the sale of the bond date or the presentation of the bond is now late December. Is that still on...

Mike Shoulders: That's correct.

President Tuley: Mike, could you show us...we've had some conversations about and hopefully we'll have a lot of this where we may have something going on in the auditorium side and something going on in the exhibition hall. Could you show us how deliveries and set up and every thing can be done through separate entrances and how you can block it off through gates or whatever so that there is a separation of the two?

Mike Shoulders: Okay.

President Tuley: You might even show the traffic flow coming into each of the facilities, if you would, please?

Mike Shoulders: Alright. First of all, again, in looking at the building and its presentation the entryways for the public into the auditorium has a completely different look than the two entrances to the convention center. It will have more of a theatrical festive look. It will have a marquee. It will have theatrical type lighting and it will be here off of Locust and it will, again, have its own character since the auditorium is sort of a different entity than the convention center. The convention center then will have this entrance to the exhibition hall side and this entrance off of Martin Luther King to the ballroom/meeting rooms which have similarities in their architecture which, again, is the cue to the public concerning the convention space versus the auditorium space. Along Locust is our public entrance. We anticipate that the Walnut Street side is our service-type of entrance. We have a low wall here that sort of hides our docks. The docks are depressed. The trucks can come in and back down into the dock area and be completely off of Walnut Street now rather than having to straddle across Walnut which sometimes has to happen presently. The flow that happens off of Walnut to service this building is as follows: the semi trailers can come in westbound and pull in here and then back up to this dock and loading area which serves the exhibition hall. This gives us opportunity for both panel trucks which can pull in here as well as semis. Above this is our main mechanical space as well. This configuration of mechanical space and truck docks can then be reproduced along Walnut if we expand this. It is kind of a prototype kind of a module that could be expanded if we ever build more exhibit hall space. Now, for the exiting of this theater we can exit along all three sides of the auditorium. The exiting...one of the required emergency exits comes right through the middle of the truck dock, but it is all on grade and it is only to be labeled as an emergency exit only. In order to keep personnel who are using this auditorium out of the back service halls there are gates that come down on both sides here during performances that will then not allow anyone who is a patron of the auditorium to get back into these service areas. The loading and unloading for the auditorium the semis are coming eastbound pulling in and backing and then this becomes the truck dock, backstage loading and mobilization area for the back stage of the auditorium. We also have a little covered delivery space with our trash compactor and for smaller trucks that can come in, on the opposite side of this docking area from the semis, that can make deliveries for the kitchen upstairs and for any kinds of parties or activities that may be going on. Keep in mind that the kitchen is then on the second level sort of hanging out over this covered dock and most of the food deliveries and so forth happen in this area. On a very rare occasion where we might have food served in the exhibit halls, meals or so forth, we are bringing the food along this service corridor down into the exhibit hall, but that is a very rare occasion that it would happen. Now, one important features of this configuration at the west end of the building is that the service to these meeting rooms is along a storage and service corridor back here where the public is not permitted to access. So we are coming out of our service areas, receiving areas, kitchen areas and we are coming in and servicing these meeting rooms and the public is pretty well confined to this public area out here, so there is kind of a split between the two areas. The same thing happens up on this ballroom level. By the way, the ballroom is divisible into some smaller spaces; three large meeting rooms and even one

large...it's about 9,000 square feet for any kind of smaller group projection type. We can do multimedia here. We have a technology consultant on board and we will be introducing satellite communication, teleconferencing, interactive media and technology to all of these meeting rooms and convention facilities, so we have to try and anticipate the 21st Century in that regard. Again, the public wherever they park will be encouraged to come not in this part of the building. In fact, it will be almost impossible to get into public areas from the Walnut Street side. If they would be happening to park along Eighth Street they are going to be encouraged to walk down to...this is the closest entrance point that we would encourage the use of and the utilization. So, the public can enter anywhere along Martin Luther King and along Locust.

President Tuley: Mike, one final thought. At one time there was some discussion about at least the possibility, and I think that was all it was and we are talking what ifs here, to connect over to the, I don't want to call it the Executive Inn, but whatever it is going to be called in the future. Does this design allow for that should that ever come about?

Mike Shoulders: Right. These two towers here, entry towers, that have stairwells, have knockout panels on these two points directly across from the Executive on Martin Luther King and then around on this side of this tower should we ever connect over to the block that now has the Green Convention Center. To see those in the plan you see that we have a covered entrance point here and a stairwell and then as you can see up above there is an escalator that goes down right at this point this escalator is going down. This corner tower right here will have the possibility of connection over to the Green Center block and will have the possibility for connection to the Executive as will this corner tower right here. By the way, near this one there are large new toilet facilities and a new elevator right here. Again, when you look at this these two elements are the key elements for potentially in the future connecting. Now the project presently does not have in the budget or in the design any plans for connectors, but it can always be added in at some future date.

President Tuley: Okay, we had asked for a speakers list and I noticed that only one person had signed that, so Mr. Moser if you have something that you would like to go ahead and address to the Commission or Mike again.

Ed Moser: Thank you, it's good to be back. Ed Moser is my name. I represent the Coterie Club of Evansville and we are a dance club. We hold six dances a year presently at the Gold Room. This is the beginning of a 12 meeting odyssey that have attended beginning back June 3, 1996 when I was first oriented into this situation. I am reminded as a result of that June 3rd meeting that we had the next day a write-up in the paper that said paper that says it better be wood or words to that effect. They picked up on the fact that we were interested in and still are and will be until it is concluded one way or another and I am not so sure that we will stop there, but that's alright. It's a wood floor not a portable floor that we are interested in. We've got the facility, be grand. It needs a wood floor. I don't want to belabor the point, but this is why I am here. We have 250 couples in our club. They come from the tri-state area. We have 68 on the waiting list to get in and we only accept new people once a year, so it is a popular...it's a forceable organization we think. We don't bring just any old band in here we bring good bands for our dances. So I am back again and

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I want you to know that I have got some additional information which I obtained from the general manager of the Roof in Indianapolis. I told you that the boards on the dance floor are not laid like this, flat, they are on end and they are in an oval shape and an oval shape beginning at the center. They are made out...the floor is built from 1x3, 1 inch is the width and three inches is the depth, and it is set that way throughout the floor. Now, I can only imagine this probably wouldn't be cost effective knowing what is going to be built here at this present site. I don't think that would be, but that shows the care and interest and also the money that they put into that renovation which was reopened in 1987. They man told me that...I've told you folks that there are some cinders under there and he is not so sure about that and I can't qualify that anymore other than to say that there is a shock isolation system that is under that floor. That gives the bounce on the dance floor. So I don't know. I would say that probably would be a very expensive situation. However, a good floor, a maple floor, would suit ours and I think we've got a reason to continue to pursue this. I would like to say that he mentioned the fact that the upkeep of the floor should be, of course, taken care of and I trust that would be done if we do get a wood floor, but he said that the...excuse me just a minute. Well, I've lost my train of thought on that, but that is just about all that I have to say. I wish you Godspeed. I know this is a big undertaking for this city and I hope we are included and thought of favorably on this wood floor. Thank you very much.

President Tuley: Thank you.

Commissioner Mourdock: Mike, let me ask the question first on that general subject. I have to say that in the plans tonight I did catch something which I had missed before. Always when I heard Mr. Moser make his pitch, if you will, I had pictures of a wooden floor more at the convention end of the facility and I had some real questions in my mind as far as the utility of having a wood floor in a convention center where you would have trade shows moving equipment in and out and obviously that wouldn't work. However, tonight I heard you talk of the ballroom above on the second floor and that would seem, at least in a very preliminary way as I think of it, to remove that obstacle. Just curious, you've heard Mr. Moser's comments on several occasions and I would just be interested at this point in your opinion as far as the utility of that and just general cost difference realizing that it would have to be bid anyway.

Mike Shoulders: We have heard Mr. Moser who has been to all the meeting that I have been to with the Commissioners--

Commissioner Mourdock: And several in addition, I might add.

Mike Shoulders: Yes. We have taken it upon ourselves to do a little research project which is to look at other convention centers and ballrooms throughout the midwest and we are still in the midst of this. It is not conclusive yet, but what we are trying to find out is how have they done their floors, dance floors, wood floors and I must say that we are still looking at the applicability of portable floors and whether the technology is any better than some of the portable floors that we have seen in the past. What we are doing is sort of a usage and cost analysis based on these other facilities. There is nothing conclusive yet, but I think that we have certainly taken Mr. Moser seriously in terms of the research that will go into this and the final conclusions that we will reach. I can't say, yes, we will have...I think, in some

form I think we will have some wood dance flooring. I cannot tell you the details and the engineering of that yet. Whether it is permanent or portable and I can't even tell you where it will be within the ballroom. It will be within that ballroom area, however. It will not be in the exhibit hall.

Commissioner Mourdock: So at least in your way of thinking at this point what you are calling the ballroom would, in fact, not be used for any purpose that would preclude the use of a wooden floor? Moving displays in and out that would otherwise tear up a wooden floor.

Mike Shoulders: That's the reason that we may be looking at a portable floor. That very reason and we are looking at the other convention centers to say, hey, if you have a permanent wood floor has it caused you any damage or any problems and has it limited your flexibility? We do have to remember that while certainly dances will be one function that goes on in the ballroom we have to remember that there are a raft of many, many other functions that will go on in this ballroom. Everything from projection of video and movie events to conferencing and speakers, so we've got to think very seriously about acoustics in this space, technology in this space and we have to see where the wood floor fits within that bigger picture.

Commissioner Mourdock: Thanks.

President Tuley: I think Janet may have tried to come up here first, Bob, if you don't mind. I think she was trying to speak before we got to Mike there.

Janet Watkins: Thank you. I appreciate our dancer back here. A lot of us like to dance. Maybe there is an option of putting carpeting over the dance floor that can be taken up and down. I don't know, it's just a suggestion. I have some questions for you guys. I would like to know now who owns the auditorium at this particular point and time?

President Tuley: Vanderburgh County.

Janet Watkins: Vanderburgh County...?

President Tuley: As in the taxpayers of Vanderburgh County. The entity or government agency would be the Commissioners.

Janet Watkins: The Commissioners and the County Council?

President Tuley: Well--

Janet Watkins: Not the Building Authority?

President Tuley: That is correct.

Janet Watkins: Okay. Who will own the auditorium once the project is complete?

President Tuley: Alan? The question is upon completion who would own the building and my off the top of my head is going to be the Building Authority would until such time that all bonds associated with it were paid off.

Alan Kissinger: That's correct. The Building Authority will own it, however, the Building Authority will be obligated on the lease

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with Vanderburgh County.

Janet Watkins: Okay, and how actually do you plan to issue the bonds because I know we are using the Food and Beverage Tax, but will bonds have to be issued? They will won't they to get money up front?

Alan Kissinger: Yes.

Janet Watkins: And how are you doing that?

Alan Kissinger: Could you be more specific? I don't understand your question.

Janet Watkins: Well the bonds that you issue will be bonds against the Food and Beverage Tax and no other entity?

Alan Kissinger: The Food and Beverage Tax will be the primary cover for the payments, for the lease payments, with a backup of COIT which is County Option Income Tax. Historically, our projections indicate that the Food and Beverage Tax should more than cover the lease rental and the County Option Income Tax should never be tapped. The reason for the backup of County Option Income Tax is so that we can issue the bonds hopefully at a lower interest rate.

Janet Watkins: Thank you, Mr. Kissinger. I was concerned. I see what the city has done with the COIT, their portion of it, dumping it on the taxpayers, so I am hoping above all and praying that this will not happen in the county as well. My fourth and last question is who will maintain the auditorium once it is complete? I know that the auditorium as it sits today did not have regular maintenance like it should have. That is built into this project is it not?

Alan Kissinger: It is the obligation of the Building Authority to actually maintain the building and structure. We are in the process of negotiating an agreement between the county and the Building Authority for the general maintenance, clean up, etc.

Janet Watkins: They also will keep up with the routines of roofs and floors and leaks and all of that?

Alan Kissinger: Exactly.

Janet Watkins: Like they do over across in the City/County Building?

Alan Kissinger: Exactly, yes.

Janet Watkins: Thank you.

Commissioner Mourdock: That would also be part of the lease where we as the Lessee would be guaranteeing that they do that as the Lessor to provide the facility for use by the county.

Janet Watkins: And then we also will have a management firm managing events and things in addition?

President Tuley: Right.

Janet Watkins: Thank you very much.

President Tuley: Thank you.

President Tuley: Mr. Brennan.

Bob Brennan: Bob Brennan. I see several things on this. Things that I like very much and I see others that I question. Number one, if anybody else were building a building they would have to take a look at the complete site plan which would show the access to parking. The things that bother me are where it goes down the Locust side of the building is there any access towards parking that in inclement weather somebody could get closer to a vehicle? Number two, I see nothing that shows me like a pavilion in front where somebody could pull in to pick up people. Not everybody is quite athletic and such. There are people that attend these functions that do need to be let out at the door. I don't see any kind of provision for this nor the site. There has been things talked about such as a parking garage somewhere in the back forty out here, but where it would be an access to and from this building it seems that all traffic will have a long way to walk to get to the most usable of the facilities. I would like very much to hear that addressed from the architect and what it will mean to the citizens of Evansville and Vanderburgh County.

Mike Shoulders: The present drop-off for the auditorium is not covered. It consists of a small span which is metered in about the approximate location of the curtain wall or the glass wall of the building. We will be extending...we will not have an island between the right-of-way and the sidewalk. We will, however, have a full pull-off lane through virtually the entire length of this facility and I suppose if you think of the Evansville Airport wherein you can pull along the entire length of that building and you can unload and load not totally under cover, but there is cover once you unload and move toward the building. We will have that kind of pull-off for the entire length of the facility. We think that will be much more serviceable situation than what we presently have. There will be...we are encouraging in this facility certainly pedestrian use of the Executive Inn, the downtown walkway, the riverboat and we hope when weather is not inclement that we do have a great deal of pedestrian activity. However, we have the option to connect to the Executive, as I mentioned, and we have full pull-off along Locust. The question of ancillary parking to this facility and the scope that we have been looking at is just on the present block. Our contract only talks about involvement for us on this block and not in any adjacent blocks regarding the parking. I think the Commissioners have given thought to options in parking and may want to comment on that.

Commissioner Mourdock: If I may comment before the other comments, I think Bob's point is well taken there and I heard you say earlier, Mike, that if, in fact, something happens across the street at what is presently the Exec that parking could be connected over the street with a walkway and that you've got your knockouts there. Again, my eyes aren't the greatest, but at that corner of the building at ground level do you presently show access?

Mike Shoulders: Yes, we have access here and here at both ends of the spectrum.

Commissioner Mourdock: With that in mind, let's assume there is an event in the convention end of the building, but not the auditorium end and as a practical matter on that cold rainy March day when people park in the Executive parking lot are they going to be able to get in those doors and walk all the way through the facility to get to the convention end?

Mike Shoulders: Yes, they will be able to access right off of Martin Luther King and this is a completely open area. There are lobbies and prefunction areas with no gates, no barricades of any kind so once a pedestrian is here at the corner of Walnut and Martin Luther King or Locust and Martin Luther King they then have access to all parts of the facility except for the service areas.

Commissioner Mourdock: Is that a practical plan given the heating and cooling aspects of that whole long corridor to get back over to the far end? Just from a normal operational sense?

Mike Shoulders: You mean if there is nothing going on here and there is something going on here?

Commissioner Mourdock: Exactly.

Mike Shoulders: Yeah, it is because we have some radiant heat. Our main chillers...we will probably have separate units for the office areas. This is an office area and this is an office area. They can be on or off depending on when they are used without having the entire facility in function. We also have some radiant heat within the hallway and prefunction spaces which also do not demand that we have all chillers and all boilers on. Let me also say in that regard, we are going to be putting into this facility new chillers and boilers which are much, much more efficient than the equipment that was originally put in back in '68. Those have for the most part those have about a 25 year life and they are at the end of their road. We think that the efficiency in some of those units were 70% efficient and the ones that we will be putting in are like 95% efficient. If we had been only doing the same square footage that's here now we would have utility bills that are only about 60% of what they presently are. Now, with adding space to what we already had we hope that the utility bills ultimately are not a great deal more than what we presently have, but we are doubling or even tripling the square footage. We think that the design of the mechanical systems will be highly efficient and that we are designing them so that there is no waste in the facility and we can shut certain portions of this building down. The comfort for the pedestrian, however, would be maintained throughout these prefunction areas.

Commissioner Mourdock: Okay, and then at the corner of Locust and M.L. King there is also a ground level door there in the present plan?

Mike Shoulders: There are actually two points, but right here at the corner there is one, yes.

Bob Brennan: Are there any projections from the northeast corner toward the current parking area out back?

Mike Shoulders: From here to here?

Bob Brennan: Yes.

Mike Shoulders: Entrance here, overhang virtually out to the curb. When you say projection some possible connection you mean? No, no.

Bob Brennan: The projections that you were talking about to the Executive or the Green.

Mike Shoulders: No.

President Tuley: There is nothing to connect it to.

Mike Shoulders: This wall is a demountable wall. We have in this facility four column here and a divider wall--

Bob Brennan: (Inaudible comments not made from microphone).

Mike Shoulders: Right, well my point is that this entire wall is a knockout so we could connect. This can be demolished and connect, but give the proximity of this entry point we didn't visualize that as a necessity.

Bob Brennan: I have one other question. While we are getting down to the nitty gritty on this is there any conversation or work with the city towards a parking structure to the rear of the complex?

Commissioner Mourdock: To the rear you mean in that direction?

Bob Brennan: The back forty or whatever we want to call it.

Commissioner Mourdock: Okay.

President Tuley: Bob, I would say there has been some discussions about addressing parking in terms of a parking structure, but the nature of the funding on this and the speed of which the city and the location of the city's project I think it is probably doubtful at this point in time that there will be a joint venture or structure for parking. We've looked at several options and they're still being discussed in and around that locale for a parking garage. Initially, I think, and Councilman Hoy is here and I don't want to put him on the spot, but some comments from the Council in terms of funding and I'm not saying Councilman Hoy per se, but some of the general comments were initially a lot of these functions will take place weekends and evenings and the back forty a lot of them will be tied in with conventions that are happening at the Green Hotel...the Executive Inn Hotel. Parking initially will be dealt with from those areas. That is not to say in the future there may not be a joint structure that would serve both the city and the county that could be done.

Mike Shoulders: When you asked about the discussions with the city were you speaking specifically in reference to the Victory project or just in general?

Bob Brennan: In general.

Mike Shoulders: Okay.

Bob Brennan: Not specifically the Victory.

Mike Shoulders: One quick comment before Councilman Hoy comments. The analysis that we have done along with Coopers & Lybrand and HOK tells us that for 90% of the activities that will go on in this facility 350 parking spaces will be adequate to service it. Now, that is not to say that there won't be times during the year when there will be events that other 10% when we have duplicate events or other events, but for the most part 90% of the time 350 spaces will be sufficient to service this entire complex.

Commissioner Mourdock: Just to put, excuse me, Phil, just to put a monetary twist on that from the rule of thumb you gave us once before of \$7,000 per parking spot. I think that was it.

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Mike Shoulders: It is more like \$8,100 now, I mean, by the time we get this built--

Commissioner Mourdock: You mean we should have built this yesterday!

Mike Shoulders: Inflation, that's right, we've got to get moving here.

Commissioner Mourdock: Even at the \$7,000 figure that would be another two and a half million dollars for a parking garage. For that sized parking garage.

Phil Hoy: Excuse me, speaking for myself and not for the Council we've had a lot of discussions concerning this very issue and we've talked between us and the Commissioners. I think there is going to be adequate parking. Why I say that is first of all when a convention comes in that convention may be out on Highway 41, it may be over here and while the Executive parking garage would be very crowded with a large convention there they still can handle a certain amount of cars. There also are some parking lots that are not used at night. The one next to the Lloyd Center and as most of you know the Lloyd Center has moved except for the kitchen and they are still building the kitchen over on West Virginia Street. I think we may find just some surface level parking slots that will help. When you have large events now certainly there is enough parking for 2,000 people, you know, and if we go to 2,500 I think we can stretch that far. Having said that, I am certainly not opposed to us working with the city if they are willing to get a common parking garage in the future. I don't think we can extend enough to do that right now, am I not correct, financially?

President Tuley: Yeah, I think you are and I answered Mr. Brennan's question more specific to a joint project to serve both the auditorium and the Victory. There are not any longer any ongoing discussions to meet that need. That doesn't mean that down the road there may not be a future need that the city and the county could not do a joint venture with.

Phil Hoy: Also I know that when I go to conventions if I can I usually fly and don't have a car anyway. You know, if you are talking about convention traffic I don't want to fool with a automobile I am going to be staying, you know, I mean it is not really exotic to travel for conventions as those of us who do know. I would like to comment on Mr. Moser's comments and I had not thought of this until I listened to him tonight. When the Evansville Dance Theater was located in the Old Courthouse those are concrete floors. They put in what was called a sprung floor which meant that they had spacers between the wooden floor and the concrete. That was not exceedingly expensive. This would be more because that was a rehearsal studio. I wish, you know, I would like to see the floor there be considered because I do know this and I am not a dance expert, but I have a daughter who is, you know, been a member of the ballet companies and she knows what she is talking about and that is if you dance on a concrete floor you can really do some major injuries to your legs. Also, and this is envisioning the future which we all would like to do because we've got so many good things going in this community, I can envision the time when that space may well be used by not only Evansville Dance Theater, but some of the other schools that are here. If you bring a ballet troupe in they might need that room for rehearsal and they are definitely going to want a floor that would, you know, be safe. One final comment and the seriousness of it is that if you

consistently dance as EDT would and other dance schools and practice on a floor a concrete floor can run those children and young people's legs and adults for life. I mean, we are not talking about a simple injury. I'm not an architect, okay, so that is something that you'll have to look at, but I think it might be well worth looking at, you know, because we are talking about a lot of arts activities downtown. We might just need that space, but I'm not sure how to accomplish it though.

President Tuley: Just a real quick comment. As you've heard, Mr. Moser has been at every meeting that has been a public meeting and he has been at several more meetings which per se weren't public meetings, but he has attended and addressed the Commissioners. He has had conversations with Mr. Shoulders. The Commissioners have had a lot of conversations with Mr. Shoulders and Mr. Buente over there and I think it goes without saying that they are definitely giving this a serious hard look at the feasibility of addressing those needs.

Phil Hoy: Yeah, and he is a marvelous dancer, by the way. I have been a guest--

President Tuley: Mr. Shoulders or Mr. Moser?

Phil Hoy: I've never danced with Mr. Shoulders!

Mike Shoulders: I have two left feet here!

Commissioner Mourdock: Based on the response to some of the questions....!

President Tuley: A pretty good dancer!

Phil Hoy: I have no idea, but I know he is a good dancer. I have been a guest of the Coterie and they also represent some other groups that we might well consider. Thank you. As I look at this I am really quite excited about the project. I have a question and I think I have the answer, but--

President Tuley: You have the floor, go ahead.

Phil Hoy: It's a wood floor, too! There are two semi docks on each side right, Mike?

Mike Shoulders: Yes, uh-huh.

Phil Hoy: Okay, I thought so and dock levelers and all those things?

Mike Shoulders: Right, depressed four foot docks with levelers.

President Tuley: A service elevator in the back.

Phil Hoy: Great, I like that very much. I think you've thought through a lot of the problems that we had with this building. Thank you.

President Tuley: Sure has.

Commissioner Mourdock: Is the length on those bays, Mike, is that long enough that you can serve both bays simultaneously?

Mike Shoulders: Yes, uh-huh.

Commissioner Mourdock: So, when you've got one unit sitting in there serving one bay there is still enough turn around room to pull in and back up?

Mike Shoulders: That's right, yeah, because you are using...you don't have to go all...if there were a truck here this truck would go up to its nose and then back so that even if the other two are in use you can maneuver and get into the ones across.

Commissioner Mourdock: I presume that is a full door all the way across that opening, right?

Mike Shoulders: It is basically two large overhead doors.

Commissioner Mourdock: No, no. Parallel to the street.

Mike Shoulders: Here or here?

Commissioner Mourdock: There.

Mike Shoulders: This is just open. There are no doors or anything. These are low walls and this is just an opening which you can see here. These are the exit doors that fire exit the theater here and then we have a couple of bollards here so we don't tear our walls down when we maneuver and then these are low walls so that the tops of those trucks are barely seen along Walnut. So this is all pretty well open-air, if you will, and as I said, this dark line here and here is just that low wall that masks off the maneuvering.

President Tuley: Additional comments? Well, I would like to start off then by thanking the public and those of you who came and had the consideration to come in tonight and give us your input and ask us your questions. It is the reason that we have these meetings and it makes it seem like at least we are doing something we should be doing because you are speaking to us and talking to us about what you have on your mind in terms of concerns and what you want to see, so we do appreciate you taking the time to come down and express those opinions to us. Mike, again, I can't thank you enough. I mean, you guys have really put a lot of time and a lot of thought and effort into this project and I am real happy with what I have seen so far.

Mike Shoulders: Thank you, Commissioner.

Commissioner Borries: Mike, in case I don't get the opportunity, again, at least sitting up here to also echo my appreciation for what I think is a very thoughtful and certainly an exciting project. I believe that this will anchor this area of the downtown where we currently sit well into the 21st century. I believe we will have to address and work, frankly, with the owners of what today is still known as the Executive Inn for a whole configuration in relation to convention parking. I think that you will certainly address that, but, again, thank you for doing an excellent job, a very thoughtful job and at times it seems as if, you know, you really haven't gotten the credit that I think needs to be done in terms of media because we have continually...you have, I think, taken great pains to continually update the folks as to the direction, the scope of this project and what it is going to mean to the community. Frankly, as I have said, this will anchor this area of the downtown for the 21st century, I am convinced of it. It certainly is going to be a dramatic project one in which, again, can bring in millions of dollars of convention business into this community, so you are certainly to be commended for a very

thoughtful excellent design and I am sure it is going to be an excellent piece of architecture when it becomes reality here in a few years. Thank you.

Mike Shoulders: Thank you, Commissioner Borries, and I have enjoyed very much working with all three of the Commissioners in this process and I do appreciate all their help and guidance to this point.

President Tuley: Just a side note, Bill, and to those of you here that will be requesting or have requested a continuation so that we could go into a Drainage Board meeting I think we will go ahead and continue with the Commissioners meeting because, basically, in essence we've two different Boards and we've got to get two different tapes and it would just disrupt everything. We'll try to get through the rest of this meeting as quickly as we can and go immediately into your continuation of the Drainage Board for the one hearing that we discussed last week.

**Agreement for geotechnical services - Alt & Witzig Engineering**

President Tuley: At this time then, Mike, you still have the floor. Under item 4D, the agreement for the geotechnical services.

Mike Shoulders: I would request that the Commissioners approve an agreement between the County and the geotechnical company Alt & Witzig. I would like to explain this situation. Most all of the consultants and engineers that will come into the Vanderburgh Auditorium and Convention Center project will be under my contract. This one is a little unique in that this is an engineer and a contractor that comes in and he will actually come inside the building and do some drilling of 40 to 80 foot deep holes to analyze the soil and it is conventional practice to have a direct agreement between the County and that engineering consultant and geotechnical contractor. In the agreement that I drafted that is before you there are very stringent requirements for insurance and I have talked to this contractor/consultant about that. I would stress to you that this cost will come under my "Not to Exceed" within my contract which is for reimbursable expenses. It states in my contract that one of the eligible items is geotechnical and soil services. The invoice would be sent to me and in turn back to you, but this is the one and single only consultant that I would request that you have a direct agreement with, Alt & Witzig. Their price is \$9,180 for the required subsurface and geotechnical work.

President Tuley: Mike, just for the record then and maybe you said this and as I was reading along I didn't hear you say it. You did accept four bids and of those four bids this was the lowest bid?

Mike Shoulders: That is correct. We don't necessarily call them bids by the standard of state bidding requirements because this is professional services, but I took four proposals and I think I did call them bids on that sheet.

President Tuley: I stand corrected.

Mike Shoulders: Thank you.

Commissioner Mourdock: Again, the reason we are doing it direct through the county is simply because they're within the building, is that correct?

Mike Shoulders: Well, they are in the building and they are setting up rigs sort of like a contractor.

Commissioner Mourdock: Yeah, I've seen them out already.

Mike Shoulders: Yeah, I don't have the liability insurance to cover it. They do and I would like for it to be direct with you and that will be the only one of these.

Commissioner Mourdock: Yeah, but it does fall under your "Not to Exceed" which doesn't mean any additional dollars for the county in fact. I'll move approval of the agreement that has been provided to us labeled the Agreement for Geotechnical Services Vanderburgh Auditorium Site with Alt & Witzig Engineering.

Commissioner Borries: Second.

President Tuley: So ordered.

Commissioner Mourdock: I think we have three copies to sign.

President Tuley: Yeah.

Mike Shoulders: While you are signing those, there will be a couple of borings, soil borings, in the Gold Room and we are not requesting that they put terrazzo back to patch these four to eight inch holes. We are just requiring them to put a smooth finished concrete since we will be tearing in there and changing that in the near future.

**Bid opening reports - Alan Kissinger**

President Tuley: Okay, Lynn Ellis, you've got several items here. Alan, are you ready to move on the openings.

Alan Kissinger: I am.

President Tuley: Okay, if you would, please.

Alan Kissinger: First on the...Mike, is that Earle or Earle?

Mike Robling: Earle.

Alan Kissinger: Earle. On the Earle Sanitary Sewer Project. Blankenberger Brothers was listed as a bidder, but they did not submit a bid. They did not submit even information indicating there would be no bid. The next bidder was:

1. BMB Incorporated	\$133,015.50
2. Deig Brothers Lumber & Construction Co., Inc.	\$249,775.00
3. Phoenix Construction Co.	\$231,773.00
4. Reynolds, Inc.	\$193,000.00
5. J.H. Rudolph	\$184,796.00

Mike, will you need some time to review these.

Mike Robling: I would like to take them under advisement.

Commissioner Mourdock: I'll move that we take these bids under advisement for one week.

Commissioner Borries: Second.

President Tuley: So ordered.

Alan Kissinger: The next bid recap is APA017-97.

1. Metal Culverts	Unit priced
2. St. Regis Culvert	Unit priced
3. Sidener Supply Company	Unit priced
4. M & W Concrete Pipe	Unit priced
5. Hoosier Company	Unit priced & total bid of \$11,171.00
6. CPI	Unit priced
7. PVC Plastics Company, Inc.	Unit priced

I assume, Lynn, do you want these taken under advisement as well?

Commissioner Borries: I'll move that these be taken under advisement and referred to the County Engineer for a period of one week.

Commissioner Mourdock: Second.

President Tuley: So ordered.

Alan Kissinger: The next bid recap is APA016-97.

1. J.H. Rudolph	\$ 46,950.00
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To be taken under advisement.

Commissioner Borries: So moved.

Commissioner Mourdock: Second.

President Tuley: So ordered.

Alan Kissinger: The next recap is APA018-97.

1. American Timber Bridge & Culvert	\$283,259.14
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I recommend this be taken under advisement.

Commissioner Borries: So moved.

Commissioner Mourdock: Second.

President Tuley: So ordered.

Alan Kissinger: The next recap is on VC96-11-03, improvements at Oak Grove and Burkhardt Road.

1. J.H. Rudolph & Co., Inc.	\$145,458.51
2. Phoenix Construction Co.	\$196,864.35
3. Ragel, Inc.	\$180,695.90
4. Blankenberger Brothers, Inc.	\$161,612.35

I recommend that they be taken under advisement.

Commissioner Borries: So moved.

Commissioner Mourdock: Second.

President Tuley: So ordered.

Alan Kissinger: The next recap is on VC96-11-01, Burkhardt Crossing

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Lift Station.

- |  |              |
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| 1. J.H. Rudolph & Co., Inc.            | \$378,866.00 |
| 2. Phoenix Construction Co.            | \$367,729.86 |
| 3. Blankenberger Brothers, Inc.        | \$309,678.50 |
| 4. Deig Brothers Lumber & Construction | \$434,882.05 |

I recommend that those bids be taken under advisement.

Commissioner Borries: So moved.

Commissioner Mourdock: Second.

President Tuley: So ordered.

Alan Kissinger: The last bid recap is on VC96-11-02, State Road 62 improvements at Cross Pointe and I-164.

- |                             |              |
|-----------------------------|--------------|
| 1. J.H. Rudolph & Co., Inc. | \$621,574.40 |
| 2. Ragel, Inc.              | \$702,907.49 |

I recommend that those bids be taken under advisement.

Commissioner Borries: So moved.

Commissioner Mourdock: Second.

President Tuley: So ordered.

**Lynn Ellis - Purchasing**

President Tuley: Lynn, you have some...under item 4H you have approve and award bids.

Lynn Ellis: The first one that I have is APA036-97. That is the transportation services for the Office of Family and Children. The recommendation from both the Office of Family and Children and Purchasing is to award the bid to the low bidder, River City Yellow Cab Company, at an estimated annual cost of \$19,614.15. Those were calculated based on this past years numbers of rides and the type services that were provided by the current carrier or provider.

Commissioner Mourdock: So that's the estimate and the actual deliver of service would be on a unit price basis and they expect given that past number of users that would be the total bid?

Lynn Ellis: Exactly.

Commissioner Mourdock: Okay, pursuant to the recommendation of Ms. Ellis, I'll move approval of the award for bid APA036-97 for transportation services.

Commissioner Borries: Second.

President Tuley: So ordered, I'm sorry.

Lynn Ellis: Okay, and the next one that I have is for APA001-97 for car washing services and as we did last year I would recommend that we award the bid to all of the bidders, in particular Oak Hill and First Avenue. Those are the two providers that are used the most often because of the cost as well as the location. The Sheriff's Department for the county is the primary user of the bid. The unit

price for Oak Hill is \$4.00. The unit price for First Avenue is \$4.50.

Commissioner Mourdock: I'll move approval of the award for APA001-97.

Commissioner Borries: Second.

President Tuley: So ordered.

Lynn Ellis: The next one is bid number APA002-97, crushed stone. As usual the only bidder that we had was Mulzer Crushed Stone. The total estimated annual cost is \$120,564.75. That is not just county usage, that is also combined with the city.

Commissioner Mourdock: I'll move approval of the award as recommended by Ms. Ellis for crushed stone.

Commissioner Borries: Second.

President Tuley: So ordered.

Lynn Ellis: Okay, then APA003-97 is for sand and gravel. As the previous bid, Mulzer is the only bidder that we typically get for this service. The estimated annual usage is \$15,023.20.

Commissioner Mourdock: I'll move the approval of APA003-97.

Commissioner Borries: Second.

President Tuley: So ordered.

Lynn Ellis: The next one that we have is the bid for the fuel. This is the bulk gasoline and oil products and it is APA004-97. The recommendation is to split the bid award between Busler Enterprises, Gabe's Oil and Posey County Co-op. Posey County is the only bidder that bid on the LP gasoline. The estimated use for them is \$361.90. That would be just so that we don't have to quote it later in the year. The transport deliveries would be from Busler Enterprises and the tank wagon deliveries would be from Gabe's Oil.

Commissioner Mourdock: They're quoting a price now for how long, Lynn?

Lynn Ellis: It's this bid as well as the commercial fueling and the oil products are subject to escalation and de-escalation clause.

Commissioner Mourdock: Okay, so it's off some other published government index for distillate fuel, so, okay. I'll move approval for the fuel bid for APA004-97.

Commissioner Borries: Second.

President Tuley: So ordered.

Lynn Ellis: The next one is APA005-97 for surfacing materials. As we have done in the past I would recommend that we award the bid to both Jerry David and J.H. Rudolph. They were the only two bidders submitting bids. The award or the selection of the vendor at the time of delivery would be based on the unit price as well as the relationship of the vendor's facility to the job site and the ability to provide the materials at that time.

Commissioner Mourdock: I'll move approval for the asphalt surfacing award, APA005-97.

Commissioner Borries: Second.

President Tuley: So ordered.

Lynn Ellis: Bid number APA008-97 is for the automotive and equipment batteries. The recommendation is to award the entire bid to Holderfield Battery. They are not low on every battery, but they are low on the majority of the batteries. If we were to break the bid and award it on a line item basis the total annual savings would only be \$178 and the paperwork nightmare as a result of splitting this bid award is just unbelievable. I get 100 phone calls a month for the tire one because I split that because of the cost savings that we realize. It would just be awful, so because of the insignificant savings realized my recommendation is to award the entire contract to Holderfield Battery.

Commissioner Mourdock: I'll move the approval of the battery contract for APA008-97.

Commissioner Borries: Second.

President Tuley: So ordered.

Lynn Ellis: That's it.

President Tuley: Thank you.

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

President Tuley: Under 4I, any group or individual wishing to address the Commission who does not find their name or their topic for discussion listed on the agenda now is the time to come forward.

**John Stoll - County Engineer**

President Tuley: Okay, we'll go on to department head reports then. John.

John Stoll: First of all I would like to bring up the golf cart crossing underneath Petersburg Road. It is my understanding that the agreement has been modified to the satisfaction of Mr. Kissinger and Bart Schutz, representing BSH Developments, here to present a final copy of the agreement if Alan doesn't have one.

Alan Kissinger: I have a copy of the agreement. I don't know, Mr. Schutz, do you have the original or do you want to use this copy?

Bart Schutz: The copy is fine.

Alan Kissinger: Alright. I have reviewed the construction agreement. All of the suggestions that I made last week have been included in the agreement. I have communicated directly with Mr. Schutz and as far as legal form is concerned I am satisfied that this agreement totally insulates Vanderburgh County from any liability including the payment of attorney fees in case Vanderburgh County should be sued and ultimately found not to be liable. I make no recommend as to whether or not the Commissioners should approve the agreement, but I certainly think the agreement,

as I say, is in proper legal form and totally insulates the county from liability and should not be considered as any reason not to enter into the agreement.

Commissioner Mourdock: Just one question there, if I may, and Mr. Schutz maybe you can come to the microphone to address the question. Last week you'll recall or two weeks ago whenever you were here...I guess it was last week?

Bart Schutz: Yes, sir.

Commissioner Mourdock: I raised the question about a letter of credit and I presume that is in the final agreement?

Bart Schutz: Yes, sir.

Alan Kissinger: It is in the final agreement in Paragraph E of the agreement under BSH responsibilities it says:

"BSH, their successors or assigns shall post and maintain an irrevocable letter of credit in the amount of \$10,000 with the county to pay for filling the underpass structure if it is abandoned and allowed to fill with water."

Commissioner Mourdock: The key word I heard in that is the word abandonment. Obviously, you're going to have an electric pump of some type down there to keep that cleared out and I guess the thing that I want you to say of record and that I need just to ease my mind here is that at least from my point of view on this Commission and I will probably almost certainly not be here when this situation come up, but if at some point that pump is for an extended period of time not operating as far as I am concerned and it fills full of water, maybe your golf course isn't there any more and the pumps not working and it is filled with water, I just don't want there to be a question about what abandonment means. To me, if that thing is filled with water and within 48 hours of having the power restored back out there to operate the pump and if it is not pumped out it is abandoned.

Bart Schutz: I think that is the county's responsibility to define abandonment because we are not here to let it get to that point.

Commissioner Mourdock: I understand that you're not. You probably won't be on that side of the microphone and I'll guarantee you that I won't be on this side of the table if and when that ever happens, but I can see that at some point a long argument would be, well, it's been that way for six months, but we're really not abandoning it and we're saying to heck with that. If we say it's abandoned, it's abandoned. We're taking that \$10,000 and we're going to fill that hole in.

Bart Schutz: Right.

Commissioner Mourdock: So at least on the record I have made my peace with that. You've stated your point.

President Tuley: Further discussion or questions? Is there a motion.

Commissioner Mourdock: Um, what is the formal name of the document, John, just for motion purposes?

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Alan Kissinger: It is "Construction Agreement between BSH Development and Vanderburgh County".

Commissioner Mourdock: I'll move approval of the Construction Agreement between BSH Development and Vanderburgh County.

Commissioner Borries: I will second and ask for a roll call vote at this time.

President Tuley: There is a second and there is a request for a roll call. Commissioner Mourdock?

Commissioner Mourdock: Yes.

President Tuley: Commissioner Borries?

Commissioner Borries: No.

President Tuley: I vote yes.

Bart Schutz: Thank you, gentlemen.

Commissioner Mourdock: Some day, Rick, you may get a great I told you so on this one.

Commissioner Borries: That's all...no, I certainly respect Mr. Schutz and all of the design. I guess, just as an old-timer, an outgoing old-timer, I still have trouble doing things that are unfamiliar and have seen a few come back to have some concerns, but I fully suspect that this will be a very successful project.

Bart Schutz: I would like to say that I do respect you making me do my homework (inaudible comments not made from microphone).

Commissioner Borries: Thank you.

President Tuley: He's a teacher. He is used to making people do homework! John.

John Stoll: The next item that I've got is a letter that was prepared by Bernardin Lochmueller. It is for design exception request for the Lynch Road project. The apparent need for this design exception comes from the state's comments saying that the median width out on Lynch Road is not going to be adequate. This is a ridiculous point to make at this point because the project already has design approval, so it is not even relevant at this point as far as I am concerned and as far as the consultant is concerned, but in order to prevent this from being another issue that might delay the project we figured it would probably be best to go ahead and file a design exception request and for the state to have that on file to say that we have officially gone through the process of requesting that the median be relaxed from sixteen feet down to six feet in some locations. The original environmental document did not call a median and due to some concerns about some, I believe it was the Fish & Wildlife Service had about impacts associated with additional right-of-way affecting the habitat of some animals. They did not want to see any median out there, but for safety's sake the median was installed, but it was a narrower width than what is currently called for by today's standards. Since it doesn't meet today's official standard that is on the book as far as median width goes that is where this request for a design exception comes about and to prevent the delays that's why we figured it's best to file it now even though nobody thinks

it is relevant. It just another piece of paperwork and will hopefully expedite the project.

Commissioner Mourdock: I'll move approval of the design exception request as recommended by the County Engineer for the Lynch Road median.

Commissioner Borries: Second.

President Tuley: So ordered.

John Stoll: Next item that I've got is in regard to Strawberry Hill Road. Back in June at the Drainage Board meeting Randy Chapman and other residents of that subdivision came to the Drainage Board to complain about some drainage problems associated with the culvert underneath Strawberry Hill Road. That culvert that is under Strawberry Hill was sized to handle a 10 year storm and because of its inadequate size that is where the flooding problems for Mr. Chapman and his neighbors came about. At the Drainage Board meeting it was recommended to install a bridge out there to replace that culvert. After that recommendation I received a letter from Phillip Raider of the State Emergency Management Agency saying that there were funds available to address these types of problems. I sent Mr. Raider a letter stating what the problem was and what we would like to do with installing a bridge to correct the problem. I have finally spoke with Mr. Raider recently and even though he has not responded in writing he said that they do not fund improvements like this. He is saying that they would consider this more of a maintenance issue in that the pipe should have been sized appropriately from the beginning, so it is not something that they would consider funding. In response to that, if we are going to put in a bridge it would require all county funds, 100% local funds. At this point, I want to know what direction you wanted to go in with this culvert. Whether or not you wanted to proceed with replacing the culvert with a bridge and if so a timber bridge, concrete bridge and what funding source? With a timber bridge we would probably get it installed before next spring. That would be the biggest advantage of going with timber and in regard to funding I guess there are two possibilities. One, we could take it out of Cumulative Bridge Fund and the second is there is this surplus money from the USI and Tekoppel projects, surplus bond money. There was original \$1.5 million in that and we've got about \$200,000 for one bridge and about \$800,000 went to Green River, so there is several hundred thousand dollars left in that account. That is the two options. What kind of bridge, if we want to proceed with a bridge and if so with what funding source?

President Tuley: So the money is there though? Regardless of what we do, it won't be funded as emergency flooding problems?

John Stoll: No, that was at 75/25 split and Mr. Raider told me that he would be sending a letter, but I have not received it as of yet. They said they would not provide any funds, so it would all be local funds that we would have to use to put the bridge in.

Commissioner Mourdock: That sounds like the old insurance game. You've got perfect insurance until you make a claim because he is saying if it had been designed, I guess, for a 100 year event then they would do something, but if it had been designed for a 100 year event we wouldn't need to do anything.

John Stoll: We wouldn't have the problem.

Commissioner Mourdock: Yeah, right. It makes sense along with the exception for the waiver for the median! I guess, I have a concern with the question you just asked, John, and that simply is you're more the expert than we are and I would be curious as to what your recommendation would be between a culvert, a pipe, a wooden bridge or whatever engineer options? I mean, each has advantages and each has disadvantages engineering wise as well as cost wise. I guess I don't know how to direct you unless I get more information from you on that.

John Stoll: If we want to get it in before next spring when the heavy rains might hit I would say let's go with the timber bridge and get it done faster simply because at this point with Tim and Valerie working on the Radio Avenue bridge this would come after that, so I would say by the time it went to construction it would be next summer at the earliest if we designed it in-house where if we went with the timber they size it and do all the design work and they provide everything for us to where we could go ahead and just put the contract out and have it installed and it would be ready to go by next spring.

Commissioner Mourdock: Were there any neighbors other than Mr. Chapman, and I know the Strawberry Hill area had several folks affected, but any others who saw this as the solution for their problem? If I can ask Bill Jeffers over there, as I recall when this came up was it not Mr. Chapman's house that was not permitted through Roger Lehman's Office to have a basement, but, in fact, it has a basement? Is that the correct house?

John Stoll: It was built too low if I remember right.

Commissioner Mourdock: But as I recall, the building plan that was certified by the department did not specify a basement and the house had a basement when it was built. Is that right, Bill, do you recall?

Bill Jeffers: You might better have that confirmed by Roger Lehman, but I believe at the time the house was built there was no prohibition against an unfinished basement. The finished floor elevation applied to the first floor living area.

Commissioner Mourdock: I see.

Bill Jeffers: The basement was flooded through its rear entrance which is required by a different code for emergency exit. The owner would be willing to seal that entrance, but cannot because of a fire ordinance or for an emergency rear exit from a basement.

President Tuley: Okay, if I remember the discussion--

Bill Jeffers: It's a little more complicated than the question. The answer is more complicated than the question.

Commissioner Mourdock: It usually is!

President Tuley: If I remember there were quite a few people who came in and they showed us diagrams and basically once that water could not pass through that culvert and went over the banks then it took--

John Stoll: Diverted it.

President Tuley: And started bothering a whole bunch of other

houses, so the key is keeping it within the banks of that ditch.

John Stoll: Right.

Commissioner Mourdock: So, from that point--

John Stoll: It does affect more than Mr. Chapman.

Commissioner Mourdock: Yeah.

President Tuley: Yeah.

John Stoll: He would be the one that would benefit--

President Tuley: First.

John Stoll: --the greatest and first because he is right next to the creek itself, but it did affect others when it starts damming off the water and diverting it to wherever.

President Tuley: The path of least resistance.

John Stoll: Right.

Commissioner Mourdock: Do you have a guesstimate at this point as to what the cost of any one of these choices might be?

John Stoll: Probably \$125,000 or somewhere in that neighborhood.

Commissioner Mourdock: For the lowest of them or each of them?

John Stoll: Probably about that for any of them. The only thing that would be cheaper is if we went with a box culvert and we haven't really looked at that, but that wouldn't pass a 100 year flood, I mean, 100 flow. That might pass a 50 year flow or something like that, but I think the greatest benefit would be to go ahead if we are going to replace the culvert then let's replace it to pass a 100 year flow rather than a 25 or a 50.

Commissioner Borries: Can you do that with a wooden bridge?

John Stoll: Yes. We could that with wood or concrete either one.

President Tuley: If I am hearing you properly then basically the cost factor is pretty much the same across the board?

John Stoll: Right.

President Tuley: Other than the culvert which wouldn't pass the test anyway.

John Stoll: Right.

President Tuley: A 100 year test.

Commissioner Borries: It would be quicker to get--

John Stoll: Timber would be the quickest. If all other things are equal then that's--

Commissioner Mourdock: But they never are!

John Stoll: Right. I guess if the intent is to prevent it from

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flooding next spring if we would happen to see the same rains that we saw this past spring then, yes, timber would bet he quickest so let's go with that route.

President Tuley: I sure would hate to see Mr. Chapman up here again or see him on the news again.

Commissioner Mourdock: Well, I hate to see anybody up here with the flooded basement scenario again, but we had the wettest April in history that was the precursor to this. To have next year that same event take place that could cause this problem, I think, is extremely unlikely, but then we had two 100 year precipitation events during the month of April last year, too. That doesn't mean it can't happen. Having said that, I guess, I don't have a sense of urgency to get it done by next spring as much as I have a sense of wanting to know engineering-wise you feel is the best choice. I don't feel comfortable making the choice and I know that you are totally competent to give us the direction of that area. You may be right, cost-wise it will come out about the same, but we could hurry to get it done by next April and have a wooden structure that we need to replace in 25 years, but if we don't wait until next April we could have a concrete structure that will last 50 years. Is that accurate? Maybe the years aren't right, but...

John Stoll: Potentially. We haven't had any of the timber bridges in long enough to know how long their life span really is. I know it has been told numerous times and it's been told to us by the supplier of timber bridges as well as some of the literature that I have read in some magazines say that the life span is supposed to be the same, but we haven't had anything in place long enough to verify that. The only thing you could go off of would be railroad structures which--

President Tuley: That's a pretty good example is a railroad structure.

Commissioner Borries: Well, we replaced one with a wooden bridge on Petersburg Road in about 1990. It was a concrete structure that had been built in 1956 and was judged as the worst bridge in the county at that time. That really made a believer in me as far as wooden bridges because of the maintenance and the estimated life of this was 75 years literally with no maintenance on it. Maybe next week if you--

John Stoll: Bring back some more specifics on costs?

Commissioner Mourdock: Yeah, that would be fine. I appreciate it. One other question on that, John. If we do that is there any access out of that area other than across that bridge?

John Stoll: Yes.

Commissioner Mourdock: There is? Okay.

John Stoll: Next, I've got a street acceptance for Oaklynn Park, Section 2. This is 893 feet of Elmridge Drive and 184 feet of Jenny Place. Both were constructed in accordance with the plans that were approved by the Commissioners and I would recommend that they be accepted for maintenance.

Commissioner Borries: So moved.

Commissioner Mourdock: Second.

President Tuley: So ordered.

John Stoll: Also in Oaklynn Park we had a request for an acceptance of the storm sewer pipe outside of right-of-way. This is 20 feet of 12 inch pipe and 274 feet of 15 inch pipe. I would recommend that this be accepted subject to the developer submitting the \$2 per linear foot fee.

Commissioner Borries: I'll move it be approved.

Commissioner Mourdock: I presume that is pursuant to getting the \$2 linear foot fee, that you made a condition on?

Commissioner Borries: Right.

Commissioner Mourdock: I'll second.

President Tuley: So ordered.

John Stoll: The final acceptance request is a correction of a previous acceptance for William Wortman Subdivision, Section II. Somewhere between the time that the street was requested for acceptance and the time that it was recorded there was a street name that was changed. It was Harvest Lane and it was renamed Wheatcroft Lane, so that acceptance request is to replace the previous request and this would be acceptance of 1035 feet of Wheatcroft Lane.

Commissioner Mourdock: I'll move acceptance of Wheatcroft Lane.

Commissioner Borries: Second.

President Tuley: So ordered.

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

President Tuley: I don't have any questions. Thank you, John.

<b>Bill Morpew - County Garage</b>
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President Tuley: Bill. We'll let the record show that Bill has submitted the Vanderburgh County Highway and Vanderburgh County Bridge Crew progress report for the period Friday, November 22, 1996 through Thursday, November 28, 1996 and as usual they are doing work all over the county.

Commissioner Mourdock: Did you get finished with the salt barn? I think last week Milton said you hoped you would be done with it or it would be the end of this week, I think.

Bill Morpew: He said a week for the barn and two weeks for completion.

Commissioner Mourdock: Okay.

Bill Morpew: That is with the asphalt floor. I should be done with...all the decking is done on the roof. One side of the roof is on and we are working on the other side now. We are 80% or 85% done with the walls. They should be done this week. All we have to do is paint it.

Commissioner Borries: Bill, I noticed you have Spry Road on here.

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Just as a quick update, what is the condition there? Are they still continuing to put some fill there along the one portion?

Bill Morphew: No, we are cleaning the rest of the ditch out down to Fuquay.

Commissioner Borries: Oh, okay.

Commissioner Mourdock: Bill, a few weeks ago right after the first cold day we talked about possibly trying to put some things together in advance in case we had a snow emergency with some independent contractors. Any progress on that?

Bill Morphew: As a matter of fact, I have had some. I am putting together a list of equipment that could be used for snow removal or that should be used for snow removal for drifts and so forth.

Commissioner Mourdock: You mean independent contractors equipment? You are specifying what type of equipment they would need to qualify to bid to do that?

Bill Morphew: Yes.

Commissioner Mourdock: Okay, very good.

Bill Morphew: There is no sense in sending a road grader out to remove a drift that is 14 foot high.

Commissioner Mourdock: Right.

Commissioner Borries: I also believe, this comment not really directed at Bill, but that there still needs to be some kind of research into the process about how to, you know, there were a lot of residents who were really concerned or all upset that we couldn't get our highway forces in certain cases to get out to do the roads. Again, when you have abandoned vehicles that can only have to be tagged by the Sheriff, then the Highway Department has to come out or at that point the what...? The hauler or towing service has to come out. I don't know. There has to be a better way of doing that, but I wish I had a good answer for it. You know when you are out there you simply have to stop what you are doing if there is a vehicle in the middle of the road and you can't move it. It is someone else's property, but somehow there needs to be some kind of research on that because that is going to slow up any kind of snow removal. It cripples you.

Bill Morphew: Once it's been declared a state of emergency, if the Sheriff's Department has the authority to just go ahead and move that vehicle. Or if we could call it in and have it removed.

Commissioner Borries: Yeah, that could sure speed up the process.

Commissioner Mourdock: Call it in to who, Bill?

Bill Morphew: To the wrecker service. One of the problems being that if there are half a dozen cars stuck out in the drifts we have to have a loader go out and remove the drifts with a plow truck behind it and with a Sheriff behind that and then a wrecker behind them. You make your way up the vehicle and then you have to move every thing back out of the way again so the wrecker can come up and tow it off and then you go to the next one. It's a long drawn out process.

Commissioner Borries: Yeah, maybe something in the state emergency needs to be examined here.

Bill Morpew: That's all I have.

Commissioner Borries: Thank you.

President Tuley: Thanks, Bill.

**Alan Kissinger - County Attorney**

President Tuley: Alan K.

Alan Kissinger: I have two matters. I'll be as quick as possible. We have one of the last requirements of matters that need to be taken care of at an open meeting in reference to the Auditorium bond issue and it is the adoption of a resolution which approves the method of financing and the approval of the minutes leading up to that approval. What I am going to do first is read from the minutes, the minutes that should be considered for approval by the Commissioners and then I will follow that with the reading of the resolution. I will tell Charlene that if you wish to follow along that is fine, but all of this is contained in the document that I will present and ask that it be made part of the record.

**COPY ATTACHED AT THE END OF THESE MINUTES PERTAINING TO:  
EXCERPTS FROM MINUTES OF A SPECIAL MEETING  
OF THE BOARD OF COMMISSIONERS  
OF VANDERBURGH COUNTY**

Then it calls for the signature of the County Auditor and the approval of the President of the Board of Commissioners and the last document remaining is the actual form of resolution which I have already read into the record. This, as I say, I think is the final document that has to be approved by the Commissioners at an open meeting to approve the lease financing plan and I recommend that the Commissioners give favorable consideration to approval. Also, the document requires the listing of votes as ayes or nays and as a consequence I would ask the Commissioners to enter into a roll call vote.

Commissioner Mourdock: I'll move approval of the final document as recommended by the County Engineer to facilitate the bonding for the renovations for the Vanderburgh County Auditorium and Convention Center.

Commissioner Borries: I will second.

President Tuley: I think you meant County Attorney.

Commissioner Mourdock: What did I say?

President Tuley: County Engineer.

Commissioner Mourdock: Oh, I'm sorry. I'm still thinking of the last one, yes, okay.

President Tuley: So we have a motion and a second. At the recommendation of the County Attorney I will ask for a roll call vote. Commissioner Mourdock?

Commissioner Mourdock: Aye.

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President Tuley: Commissioner Borries?

Commissioner Borries: Aye.

President Tuley: And I vote aye.

Alan Kissinger: I will record three ayes and no nays. I am in the process of filling out the last little bit of this. I have placed handy little post-it things where the Commissioners...where the President should sign first and then the Auditor and then all members of the Board of Commissioners should sign on the last page. The last matter that I have for the commissioners consideration is to announce that at long last I believe that I have a form of Adult Usage Ordinance prepared for the Commissioners' consideration and for the consideration of the Area Plan Commission. Basically, I will confess that I have plagiarized the diligent work of Mr. Kevin Winternheimer from the City Attorney's Office and the problem with it is that I couldn't plagiarize it verbatim, so there are a couple of decisions that need to be made. Number one, the city's ordinance indicated that certain activities to be prohibited which are defined within the ordinance could not take place within 1,000 feet of a church, a school, a day care center, etc., etc. This was done because to have extended it a greater distance than 1,000 feet would have effectively precluded these business from being run at all and the businesses in and of themselves are not illegal. The county has a bit of an advantage here in consideration of the fact that we have a tremendous amount of open space in the county and the Area Plan Commission has graciously provided us with two maps indicating if we used a 1,000 foot standard as the city did indicating that 77.5% of the county outside the corporate limits of the city of Evansville would still be available for adult usage as defined in the ordinance or if we decide to use 1,500 feet there would still be 69...I think, 69.7% still available for adult usage as defined. Therefore, the Commissioners can consider and I need some input on this as to whether to use 1,000 foot or 1,500 feet. The second matter is people at the Area Plan Commission informed me that they had no staff for inspection to assist them in enforcement. I recommend to the Commissioners that they consider authorizing the Vanderburgh County Sheriff to conduct inspections for compliance with the ordinance as requested by the Area Plan Commission. Those are the only two things that I need to have answered in order to proceed to complete the ordinance and pass it on for consideration to the Area Plan Commission and if I can get that input tonight, then I will prepare that and without any further action on the part of the Commissioners pass it on to the Area Plan Commission for their consideration. This is an amendment of a zoning ordinance and the next step in the procedure is that it must go to the Area Plan Commission.

Commissioner Mourdock: I'll move that we direct the County Attorney to prepare a document for the Area Plan Commissions consideration for adult zoning activities and that in that we use the 1,500 foot limit and also as a part of the direction he provides to APC direct the Sheriff through it's Vice or appropriate units to have the patrol and enforcement mechanism for that ordinance.

Commissioner Borries: I will second.

President Tuley: So ordered.

Alan Kissinger: I have nothing further to report.

President Tuley: Okay, Sunny.

Bill Jeffers: Is it appropriate to make comments on that motion that you just made?

President Tuley: Sure.

Bill Jeffers: When considering the distance between properties and extending it as you did the 1,500 feet you must also realize that properties in the county are larger than properties in the city and the distance, I believe, is measured between property lines and not between the actual buildings in which the adult entertainment is being conducted and which, for example, a day care center is being operated. So when an applicant comes before the Area Plan Commission to rezone for adult entertainment they may be within a property that say is 40 or 80 acres and the property line may be, in fact, across the street from a day care center, so I think in the city that is not always the case since parcels are so much smaller. I think that should be taken under consideration. I am not even familiar with the language of the ordinance, so I may be speaking out of turn in that regard, however, if you are sending the Sheriff out to determine the distance he would have to be able to determine the property line if it is measured from property line to property line. That may be a problem for him. In conclusion, I think it is an oppressive...just oppressive in general.

(Audio problems, tape not recording)

Commissioner Mourdock: ...the activity, if the Sheriff went out.

Alan Kissinger: That is correct.

Commissioner Mourdock: So the property line issue wouldn't be as...

Alan Kissinger: So if he comes to your house, Bill, he will not be checking your property line!

**Sunny Titzer - County Commissioner's Office**

President Tuley: One more time, Sunny, do you have anything?

Sunny Titzer: Yes, does that reach?

Commissioner Borries: Um, yes.

Sunny Titzer: I have one thing and I'll be rather brief. I apologize. Mr. Greer, Sherman Greer, from EMA brought this in at like 20 after 5 and it is out of the Emergency Response Plan, chapter guidelines for hazardous materials. It is something that needs to be signed by the President this evening so that he can send it to the state tomorrow. It is six pages long. Would you like for me to read it for the record?

Commissioner Borries: No, that's alright.

President Tuley: Please, no.

Commissioner Mourdock: You need to attend more of these. We need a sense of humor!

President Tuley: Okay, well this helps. I am going to read this one little section here:

"To provide for the coordinated response by county

agencies to minimize the adverse effects on man and environment resulting from an uncontrolled release or exposure to hazardous materials."

So that just spells out what they are supposed to be doing.

Commissioner Borries: I'll move that the local guidelines for hazmat revised be approved.

Commissioner Mourdock: I will second.

President Tuley: So ordered. Sunny, is that the only thing that you have?

Sunny Titzer: Yes.

#### Consent items

President Tuley: Consent items: employment changes, travel requests.

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

Commissioner Borries: Second.

President Tuley: So ordered.

#### Scheduled meetings

President Tuley: There is a County Council meeting at 3:30 p.m. on Wednesday the 4th. Next week there will be a Solid Waste meeting ...it says 4:30, but for some reason I thought I saw a letter or agenda that said 4:00 p.m. Anyway, we'll get that worked out between now and next Monday. There will be a Commissioners meeting at 5:30 p.m. the 9th.

#### Old business

President Tuley: Old business. We have listed here the jail contract.

Commissioner Borries: Mr. President the lengthy process here, I think, of review of this contract is finished. It has been submitted and at this point I would ask approval. It has been reviewed by this Board, by the County Attorney, so I would ask approval of the collective bargaining agreement for the Vanderburgh County Sheriff's Department Corrections Unit and the County be approved subject to funding from the County Council.

Commissioner Mourdock: With that condition there I will second and also note that I had received some comments from County Council regarding specific issues of that contract and we worked those through and to the best of my knowledge they have all been incorporated in this final document, so I will second.

President Tuley: I will so order. I think each of you may have a clean copy that needs to be signed, if you would. Okay, while you are finishing signing...I'm sorry, is there any other old business from you guys?

<b>New business</b>
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President Tuley: Under new business we have somewhere in here a request from the Evansville Rescue Mission:

"For the last seven years a group of concerned social service agencies have united to provide a free Christmas Eve dinner to the poor and needy of our community. Joined with us are many businesses and food brokers from the tri-state area. Approximately 800 people attend this event each year. For the last three years we have held this even event at no cost at the Vanderburgh Auditorium Gold Room. We are asking the County Commissioners for permission to use the facility again this year at no cost. The dinner will be held on Christmas Eve, December 24th from 11:00 a.m. through 1:00 p.m. We need access to the Gold Room by 9:00 a.m. and should be finished with our cleanup by 3:00 p.m. If you or the other Commissioners have additional questions, please contact me (phone number). Thank you in advance for your support as we help the needy of our community.

Sincerely,

Steven L. Perry,  
Executive Director  
Evansville Rescue Mission"

Commissioner Borries: I'll move that the request be granted.

Commissioner Mourdock: Second.

President Tuley: I will so order. Any other new business?

Commissioner Mourdock: I'll move for adjournment.

President Tuley: We have a motion for adjournment.

Commissioner Borries: Second.

President Tuley: I will so order. We will reconvene as the Drainage Board for the purposes of hearing one preliminary proposal for drainage approval. We'll need to change the tape.

The meeting was adjourned at 7:50 p.m.

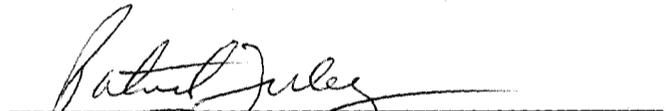
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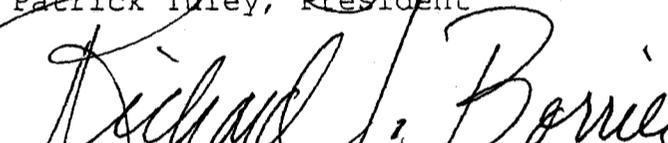
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THOSE IN ATTENDANCE:

Patrick Tuley  
Richard J. Borries  
Richard E. Mourdock  
Alan Kissinger  
Sunny Titzer  
Suzanne M. Crouch  
Charlene Timmons  
Lynn Ellis  
Mike Shoulders  
Ed Moser  
Janet Watkins  
Bob Brennan  
Phil Hoy  
John Stoll  
Bill Morphew  
Bart Schutz  
Mike Robling  
Others unidentified  
Members of the media

VANDERBURGH COUNTY  
BOARD OF COMMISSIONERS

  
Patrick Tuley, President

  
Richard J. Borries, Vice President

  
Richard E. Mourdock, Member

**Vanderburgh County  
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Approval of minutes .....	1
Certification of Executive Session .....	2
Mikki Heck - Hillsdale Housing Association .....	2
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**Vanderburgh County  
Board of Commissioners  
December 9, 1996**

The Vanderburgh County Board of Commissioners met in session this 9th day of December, 1996 in the Commissioners' Hearing Room of the Civic Center Complex at 5:47 p.m. with President Patrick Tuley presiding.

**Introduction and Pledge of Allegiance**

President Tuley: Okay, we'll call this meeting to order for the Vanderburgh County Commissioners for Monday, December 9, 1996. As a point of introductions, to my far right down there is Sunny Titzer, who is the Secretary to the County Commissioners; to her immediate left is Alan Kissinger, the County Attorney; to my immediate right is Commissioner Rick Borries; to my immediate left is Commissioner Richard Mourdock; to his immediate left is Suzanne Crouch, the County Auditor; to her immediate left is Charlene Timmons, who is the Recording Secretary for this Board and a member of the Auditor's staff. If you would, please stand with us as we say our Pledge of Allegiance. I would like to deviate from the agenda for just a second here, if I might. Rick, would you stand up for us, please? We have just a very small token that your staff, fellow workers and friends over the years would like to present to you. I will just read what it says. It says:

"With deepest respect and appreciation for your dedication and commitment to making Vanderburgh County a better place to live. We thank you, Richard J. Borries, Vanderburgh County Commissioner 1981-1996."

As you'll see, it is a sign or the design of a star as opposed to just a normal plaque. It shows what we really think of you. You've always been a shining star and a great person to lead our county and we thank you for all your years of service.

Commissioner Borries: Oh, thank you, Pat. Thank you, Richard. Oh, thank you.

President Tuley: I only had two years to work with you, but...

Commissioner Borries: That sure means a lot to me. I have about an hour and a half of prepared remarks here! Just kidding, just kidding. Thank you all very much, thank you.

**Approval of minutes**

President Tuley: Okay, I guess now it is time to go back to business that you have been doing for every Monday night for 16 years now. The first item on the agenda is the approval of the minutes from last week's meeting. If we might approve, Charlene said she will get us a copy...the original copy for signature. We've already had to copies in our packets.

Commissioner Mourdock: I'll move the approval of the minutes of the December 2, 1996, County Commission meeting.

Commissioner Borries: Second.

President Tuley: I will so order.

**Certification of Executive Session**

President Tuley: Item 4B is the certification of the Executive Session. Just let the record reflect that there was not an Executive Session prior to this meeting as we held a Solid Waste Board meeting.

**Mikki Heck - Hillsdale Housing Association**

President Tuley: Item 4C, Mikki Heck, Hillsdale Housing Association.

Mikki Heck: Good evening everyone. I am Mikki Heck and I am here representing Hillsdale, also with the assistance with myself, Nita Smith and Ms. Clements have also been addressing this issue with me. We're here to discuss our bridge update. In the October meeting of the 28th, I believe, we were here and we were asked to come back in four to six weeks to find out the follow-up on what the Engineer's Office had found out on this project for us.

President Tuley: So you are coming back in the four week interim period. I think initially you were told about eight weeks, we thought, with everything else John was working on and I think it was agreed upon then somewhere around four weeks you would come back and get an update and then you were sick or unavailable or something during that period.

Mikki Heck: Right, we had a lot of appointments that we could not be excused from.

President Tuley: Okay, but that is why we are here is to get an update, correct?

Mikki Heck: Correct.

John Stoll: The status is right now we've sent a letter off to DNR to find out whether or not they have any jurisdiction over this bridge. If so, once we get a finalized set of plans that could add a 90 day delay in the process of being able to construct the bridge just because of their review times. Some preliminary survey work has been started and hopefully with good weather that can be completed this week. The soil borings have been ordered as well and we are expecting that to be done this week as well. Realistically on time frames it will probably sometime in February when we would expect to have a completed set of plans.

President Tuley: Okay.

John Stoll: There are a couple of concerns that we have out there on the downstream end of that channel because there is, I believe, it is a garage that is within about ten feet of the top of the bank. The one thing that we want to make sure is that once the new structure is put in place that releasing more water down through that channel doesn't upset that structure. So that is one thing that we would have to keep an eye on, but if all goes well we would expect to have a completed set of plans in February.

President Tuley: John, let me make sure I understand. If you have a complete set of plans, then you would have to submit them to DNR for approval if, in fact, they have jurisdiction over it? Is that correct?

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John Stoll: Yes.

President Tuley: So everybody understands that if you have a set of plans in February and if DNR is involved it will be 90 days after that before we can even bid the project. Is that correct?

John Stoll: Correct.

President Tuley: Then if they are not and they are ready in February then we could go ahead and begin the bidding process in February as the time schedule is right now?

John Stoll: Correct. We know that DNR has jurisdiction from Hillsdale Road on south on that channel, but as far as what the northern boundary is on where their jurisdiction ends we are not sure, so that is why we sent the letter to them to ask where and whether or not they do have any jurisdiction and whether we would have to get a DNR permit.

Commissioner Mourdock: What would determine whether they do or don't? Since they don't have south of Hillsdale, why might they...or, since they do have south of Hillsdale why might they not have it north of Hillsdale?

John Stoll: The drainage area changes right north of Hillsdale. There is another channel that comes into Little Pigeon Creek, so we are directly north of that fork there on--

Commissioner Mourdock: It doesn't have anything to do with the number of houses and the fact that south of Hillsdale is presently undeveloped, presently.

John Stoll: Not that I am aware of, no.

Mikki Heck: Excuse me, but who is DNR?

President Tuley: Department of Natural Resources.

Mikki Heck: Department of Natural Resources, okay.

President Tuley: Sorry.

Mikki Heck: That's alright, you know, I just want to make sure that we all know our definitions here, okay?

President Tuley: Okay.

Mikki Heck: Gentlemen, at this time this is all that we have. We hope to see you back then in February. If not, we will contact you for any further updates or developments that we have. Feel free to call any of the three of us for any information that you might lead on to us in this project.

President Tuley: John, I would ask that when you get a response from DNR, whatever that response is, would you go ahead and forward it to Ms. Heck--

John Stoll: Sure.

President Tuley: --so that they're at least aware between now and February what the situation is there.

Mikki Heck: You know...excuse me, go ahead.

Commissioner Mourdock: I was just going to say, and let us know that whatever jurisdiction they claim to have or don't claim to have just to remind us to keep it all moving.

John Stoll: Okay.

Mikki Heck: By the way, everybody here up on the Board have a very merry Christmas and a very prosperous New Year and thank you for listening.

Commissioner Mourdock: Thank you, and maybe even a dry one!

Mikki Heck: I hope!

President Tuley: We hope, too.

**Eric Schwenker - Oak Hill Road sewer project**

President Tuley: Okay, Eric Schwenker, Oak Hill Road sewer project. We're getting to see a lot of old friends tonight!

Eric Schwenker: Good evening, folks.

President Tuley: Good evening.

Eric Schwenker: I'm back again.

President Tuley: You're kind of like these guys.

Eric Schwenker: That bad?

President Tuley: No, that persistent! That's good.

Eric Schwenker: Oh, alright, sir. Mr. Kissinger can undoubtedly back me up and I had called the gentleman in his office who was going to take a look at the information that Cindy Mayo got for him that I had submitted to you folks in terms of an engineering estimate and also a blueprint of our project. Mr. Keith Rounder, with whom I spoke, said that it would satisfy the requirements of the Barrett Law funding procedures in order for the project to proceed. The way I read it the next is a preliminary resolution that has to be brought forth. I would like to know then if it is our association, unofficial-type that is, that needs to bring that resolution forth or if it is originated by the County Commissioners, the County Attorney or whom?

Alan Kissinger: I'm embarrassed to admit that after Keith Rounder prepared his summary of the procedure here I didn't review it very thoroughly, but I certainly will for next week's meeting and if the preliminary resolution needs to be generated by my office we will certainly do so otherwise I will give you a call and let you know.

Eric Schwenker: Alright, sir, and I was just wondering is there any single individual with whom I should follow-up on this activity or should I continue to follow-up with the complete Board of Commissioners?

President Tuley: Oh, that's a tough question because the Board make-up and everything is going to change in January.

Commissioner Mourdock: I guess I would recommend at this point that you stay in contact with all of us, although going backwards just

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a minute, I think, Alan, when Keith Rounder prepared that summary on the Barrett Law, I believe, that he included in that package kind of a draft of what that resolution needs to be.

President Tuley: Do you have that package that Keith prepared, Mr. Schwenker?

Eric Schwenker: Yes, I do. Just happen to! I accidentally brought it with me.

President Tuley: I thought that was what you were reading from or looking at I should say. Somewhere I think there is--

Eric Schwenker: The resolution is Exhibit A at the very back of the publication.

Commissioner Borries: Do you have, Mr. Schwenker, a legal description?

Eric Schwenker: No, I do not. I see that one is required in there. I was going to ask whoever you wanted me to contact with all these varied questions who should execute the legal description. Can your office do it, sir?

Alan Kissinger: The boundary description, haven't you been working with an engineer?

Eric Schwenker: Yes.

Alan Kissinger: Yeah--

Eric Schwenker: Dave Schminke, at Morley & Associates.

Alan Kissinger: Yes, they can provide your boundary description for you. They probably have it and it will be easy enough to make a part of the preliminary resolution.

Eric Schwenker: I will get a hold of them and I will obtain that.

Commissioner Borries: If you can get that, I think, all you need to do apparently is insert that and bring it before this Board to consider.

Eric Schwenker: Alright, sir, I will do that. Thank you very much.

President Tuley: Thank you, Mr. Schwenker.

Commissioner Mourdock: Thank you.

**John Buckman - German Township Fire Protection District**

President Tuley: Okay, John Buckman, German Township Fire Protection District.

John Buckman: Good afternoon...or evening. We're basically just here to tell you that last week we turned in a petition with over 1,000 signatures to the County Auditor for her to verify and prove that indeed they own property in German Township. After that, I think, she'll bring it to you and we hope to form a Fire Protection District sometime...I think, again, in the law it says there is 30 days here and 30 days there. The purpose of the Fire Protection District is to ensure fire protection to the residents of German

Township. This includes the unincorporated areas of German Township. This does not include the area of Darmstadt that is in German Township. We have met with as many people as we can find within German Township within the last month explaining to them what is going on. We have to look at the future as you guys do. We have to look at what we are going to be doing five years from now, what the public is going to ask of the Fire Department. You know, if we can go back to when Commissioner Borries started 16 years ago, I think the German Township Fire Department made 150 runs that year. We've been here over the years to talk about EMS, but we've never talked about fire protection. This year we'll make probably 550 emergency runs still with volunteer personnel, but as an article in the paper yesterday talked about the fact that people now have to have two jobs and they have less time to volunteer. An article in the paper about three weeks ago from the Baptist Church and basically the people in the Baptist Church were saying we would rather pay a little more money than volunteer our time and we have the same problem in the Volunteer Fire Department. I can't say, no, we can't go. You know, we don't have anybody available at 9:00 in the morning. When people call us we've got to go. We can't schedule appointments; that is not the business of the Fire Department and so the Fire Protection District is a method that was done by the state legislature, I think, back in 1981 to allow fire departments to organize differently and there are about 12 of them in the state now that are very successful.

Commissioner Borries: How will it be different, John?

John Buckman: It allows us a one time opportunity to get out of the state tax freeze. That is the one issue. We have told the public that the Fire Protection District will cost a \$150,000 home \$80 a year more for fire protection. The reality is that it takes money. It takes money to operate a volunteer fire department. In 1974 we bought a truck for \$40,000. If we were to replace that truck today it would cost \$220,000. I can't do that. I can't continue to raise money through voluntary contributions. People just aren't going to give that kind of money.

Commissioner Mourdock: With that explanation, is that all that the German Township Fire District is in a sense? That you are having yourself established as a taxing district to provide for the funding for the Fire Department and it is not in any way expanding the services that you provide or diminishing the services you provide? This petition, what you are presenting, is only establishing a taxing district so you can keep doing today what you have been doing?

John Buckman: Right. You know when I started on the Fire Department, last comment, you know guys took money out of their pocket to help fund the Fire Department. The reality is nowadays people don't have the extra money. You know, I am just pretty blunt to my people in saying why should I take money out of your families mouths to fund fire protection when everybody is supposed to be paying for fire protection? So we have researched this and we've done as much as we can. We maximize all of our dollars, you know, we are still using volunteer personnel, but you know, I've got to guarantee service 24 hours a day, seven days a week, 365 days a year and it is tough. I am looking at five years from now I want to be able to go to work, because I do have a real job, without worrying about, gosh, if we have a call will anybody show up.

President Tuley: In essence, with that additional revenue would

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that allow you to have a paid fire department?

John Buckman: We're going to maintain a combination fire department. What a combination fire department is that it has paid staff. We've told the people two paid staff supporting the volunteers. I mean, many volunteer agencies, many United Way agencies, are combination agencies--

President Tuley: Of volunteers and paid, sure.

John Buckman: They have volunteers with paid staff. I can tell you that one of the major purposes of this is to keep volunteers in the Volunteer Fire Department, but I also have to, you know, again, it is in the information, but I'm sure in county government you've probably got somebody that takes care of the OSHA rules and all the safety rules. We've got to comply with the same thing. The National Fire Protection Association just passed a regulation that adds \$10,000 to the cost of a fire truck just for the emergency lights. Ten thousand dollars. If we want red lights and a siren on our truck it puts there are some...I don't even know what they are called, but it is computerized system that turns the lights on, it turns them off, the battery gets low it shuts them off and it shuts everything down and it is \$10,000. We don't have a choice. The manufacturers have to put it on the truck, so our next truck just went up \$10,000, so it goes from \$220,000 to \$230,000. We didn't have a say in that. OSHA now says that you got to have four people on a scene before you initiate interior fire fighting operations. That's four people. That's at 9:00 in the morning or 9:00 at night, it doesn't matter.

Commissioner Mourdock: Procedurally, and I appreciate the fact that you are bringing this to us. I guess really this is nothing other than informational for us at this point, but I just want to clarify. As you know the ambulance service that the county is currently under contract with is something that is coming up for renewal, so nothing you are going to do here is going to affect in any way what German Township's request has been in the past which is that the county provide that service?

John Buckman: No.

Commissioner Mourdock: That it be bid as part of the county contract?

John Buckman: Right.

Commissioner Mourdock: The second part of the question is, procedurally what happens next? Do the people of German Township get a referendum on this? I know the answer to that, but that would seem to be--

John Buckman: Well, with the attorney sitting here I hate to say what the law says, but the law says that a petition has to be delivered to the County Auditor with 20% of the property owners signatures. We did that last week. Then, I believe, the County Auditor has to present it to the County Commissioners. The County Commissioners have to give 30 days to the people who would be opposed to that. Then within another 30 days the County Commissioners has to appoint the Fire Protection District Board. It is a three member Board. I am not giving legal advice, but I am pretty sure that is the steps.

Alan Kissinger: What is required to be done now, I assume that the

Auditor's Office is still in the process of authenticating the signatures. Once that procedure has been completed then the petition along with the requisite signatures will be presented to the County Commissioners and at that time if the petition is in order the County Commissioners will schedule a hearing on the petition and there will be...you can establish this district by ordinance or by resolution and if, at the time of the hearing, it is determined that the district should be established and that all the other requirements have been met, then you would vote on a resolution establishing the district. After that, basically, the Commissioners are no longer involved in the process, as Mr. Buckman said, they have to establish their Board, etc. So what really needs to be done tonight, I guess, is to place it on the agenda for next week's meeting. I'm assuming, Suzanne, if the signature process will be completed by then and then at next week's meeting make a determination as to whether or not the petition is in order. If so, schedule a meeting that can be advertised. This will have to be advertised twice in consideration of the fact that it will result in a tax and that can be done anytime and there is no maximum or minimum requirements. I guess, conceivably, we can still hold that...nah, conceivably, but not realistically we couldn't still hold that meeting this year because of advertising requirements, so that would be sometime during the month of January when that hearing would take place.

Commissioner Mourdock: Because there is that tax issue is there a certain...well, I guess we would fall under the same taxing schedules. A poor use of words. Does the impact of the calendar year and the implementation of this particular tax have any relevance at all? Is there any connection that we--

Alan Kissinger: No.

Commissioner Mourdock: I mean, if the date were April 2nd can you start the taxing on April 2nd in a reasonable way or is there any time like that which we need to be considerate of?

Alan Kissinger: I think this is one of those things that will be dealt with exclusively with the State Board of Tax Commissioners or the Department of Revenue in consideration of the fact that they have given us absolutely no instruction on that. I don't think they want us even to mess in that area!

John Buckman: It is our understanding from the accounting firm that we hired that has done this several times before that we have to be done by March 1st.

President Tuley: Of '97 to receive revenues in the year of '98.

John Buckman: Right.

President Tuley: That sounds right.

Commissioner Mourdock: Is March 1st somebody's fiscal year?

President Tuley: March 1st is the assessment date. The cut-off date.

Commissioner Mourdock: Ah, okay.

Alan Kissinger: If I may, Mr. Buckman, in your Sub A, 3A of your Purposes, it indicates fire protection and related emergency services and I guess my question goes along the same lines as Mr.

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Mourdock. Are there any specific related emergency services planned at this time or are you strictly dealing with fire protection and fire prevention at this time?

John Buckman: Well, the related services are emergency medical services, hazardous materials, vehicle rescue, auto extraction...

President Tuley: Things you are currently doing.

John Buckman: Things that we are currently doing. Most fire departments do all those things. Are we looking to...I don't even know what we don't do.

President Tuley: You're not looking to go to transportation i.e. Scott Township?

John Buckman: No.

Alan Kissinger: Yeah, specifically that has been a significant concern of the Commissioners. You know, we don't need to beat around the bush about it, because of Scott Township and I am sure the Commissioners would like to be advised if German Township anticipates that type of operation?

John Buckman: Well, as we told you when we were here for the meeting whenever it was, three months ago, we do not intend to, we do not plan for it. I don't really want to get into the transport business.

Alan Kissinger: Thank you.

Commissioner Mourdock: No one likes to use the word never, but if you are going to do something like that at some point in the future, even though you don't foresee it now, advanced notice is all that I am concerned about to make sure we all know how to plan for that.

John Buckman: I guess to look at it from a budgeting standpoint, I mean, I hate and I don't know what Scott Townships figures are. I mean I know what they advertise in the paper. We don't have one hundred and some odd thousand dollars in salaries budgeted into this budget for \$80 a household and that is what their salaries are. Something a little over \$100,000. We didn't plan for that. If I hire two people and run them to Deaconess, then I don't have anybody for fire protection. I mean, the issue here is that our people told us we like your service, we want your service and we asked them are you willing to pay extra for it? And they said, yes.

President Tuley: A fair answer.

Alan Kissinger: The petition in its present form is in order pursuant to the statute and as soon as the actual signatures of residents are authenticated and verified then it will be time for the Commissioners to consider this at a hearing, but that cannot be done, I think, until next week's meeting.

John Buckman: I understand that. I am just giving notice and saying that we are going to be here.

Alan Kissinger: You're started.

President Tuley: The ball is rolling.

John Buckman: Thank you.

President Tuley: Okay, thanks, John.

**Bid opening - VC97-01, Printing of 1997 tax bills**

President Tuley: Before we go on, you have two bids to be opened, do you not, in reference to tax bills?

Alan Kissinger: Yes, it is the printing of the 1997 tax bills.

President Tuley: Could we have a motion to direct the attorney to open those bids?

Commissioner Borries: So moved.

Commissioner Mourdock: Second.

President Tuley: So ordered.

**Michael Robling - Earle/Daylight Sanitary sewer project**

President Tuley: Then, Sunny, on F and G for some reason I thought we had set aside up to six hundred and some thousand dollars for this?

Sunny Titzer: (Inaudible comments - microphone not on)

President Tuley: There is no money?

Sunny Titzer: (Inaudible comments - microphone not on)

President Tuley: Coming out of that windfall money, right? That's what this is coming out of? Okay, items F...I'm sorry.

Commissioner Mourdock: I was just going to say, were the bids that were submitted for that of sufficient length that they would still be good?

President Tuley: Still valid?

Commissioner Mourdock: Yeah.

President Tuley: That's a good question, but I don't know. Normally they are good for 90 days.

Commissioner Mourdock: Right.

President Tuley: But I don't know for a fact that these were.

Sunny Titzer: (Inaudible comments - microphone not on)

Alan Kissinger: As a matter of fact, I talked with John Stoll about that last week and, yes, they will have to be rebid.

President Tuley: They came in with just a 30 day...

Alan Kissinger: Right, unless we can get the money in place very quickly.

President Tuley: No, I mean, did the bids come in with only...they

are only good for 30 days and not 90 days? Why do they have to be rebid?

Alan Kissinger: I think they are going to have to be rebid because of the timing. That is what John and I discussed. I am not sure what the timing was on the bids.

President Tuley: F and G, is delayed.

**Permission to advertise - APA013-97, Tires and tubes**

President Tuley: Item H, is the authorization of the advertising for bids of APA013-97, tires and tubes. Bids will be advertised December 10 and 17, 1996 and bids will be opened on January 2, 1997. Wait a minutes. There is no meeting on January 2nd.

Suzanne Crouch: No.

President Tuley: January 6th. I'm not going to be here for a meeting January 2nd.

Commissioner Mourdock: I'll move the advertising for APA013-97 for tires and tubes pursuant to the request of Lynn Ellis.

Commissioner Borries: Second.

President Tuley: So ordered.

**Bid award - APA044-97, Tier 3 Micro Computer Equipment  
Bid award - APA049-97, Tier 1 & 2 Micro Computer Equipment**

President Tuley: The next item 4I, award bids of APA044-97, Tier 3 Micro computer equipment and APA049-97, Tier 1 & 2. I think those are items that, Joe, you are here for?

Joe Profaizer: Yes.

President Tuley: Okay.

Joe Profaizer: My name is Joe Profaizer with Computer Services. We are here this evening to award the bids APA044-97, Tier 3 Micro Computer Equipment to Advanced Microelectronics. APA049-97, Tier 1 & 2 Micro Computer Equipment to Advanced Microelectronics. We have analyzed the bids and concur with Purchasing.

President Tuley: I was going to say, Lynn, I think, spoke to each of the Commissioners prior to the meeting, so that was her recommendation. You are here to answer any technical questions?

Joe Profaizer: Correct.

President Tuley: Okay.

Commissioner Mourdock: I'll move approval of APA044-97 and APA049-97.

Commissioner Borries: Second.

President Tuley: So ordered.

**Bid award - APA006-97, Oil products**

Commissioner Mourdock: While we are on a roll, I'll also move approval of APA006-97 for oil products and I don't know if she mentioned to each of you, but that bid in her summary it would appear that the bidder she is recommending is not the low bidder, but, in fact, that bid was a fixed price bid and the other bid that appears lower is, in fact, a bid that allows for some escalation that could easily make up for the difference. There was only about \$300 difference between the two bids to begin with.

President Tuley: Okay.

Commissioner Mourdock: Given the volatility of oil prices I suspect she is probably making the more conservative move by accepting the slightly higher price.

President Tuley: Okay, alright.

Commissioner Mourdock: That was a motion.

Commissioner Borries: Second.

President Tuley: I'm sorry. So ordered.

**Agreement to provide professional consulting service - David M. Griffith**

President Tuley: The next item then is item J, the agreement to provide professional consulting services, David M. Griffith and Associates. This is an annual agreement whereby, I think, they come in and analyze certain aspects of what the county is doing and Suzanne I may need you to jump in and really explain since they work more with the Auditor's Office than anybody. It is a contract that we have done for years, and years, and years and we get back many more times the money that they find for us and what the contract costs us in a nutshell.

Commissioner Mourdock: I'll--

Commissioner Borries: What they do is really they kind of review all of our like child welfare claims and payments and things like that and then they are prorated. Whatever they find they would get a small percentage and the rest is returned to the county and it is far more than what their fee has always been.

President Tuley: Yeah, their fee is set in at not to exceed \$15,750.

Commissioner Mourdock: I'll move approval of the contract or professional services agreement rather with David M. Griffith and Associates.

Commissioner Borries: I will second.

President Tuley: So ordered. Charlene, you had a folder down here with the originals in them? Oh, and you still do! Thank you. I didn't see that a minute ago. I don't know what happened.

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

President Tuley: Any group...under item 4I, any group or individual wishing to address the Commission who does not find their name or topic for discussion listed on the agenda now is the time to come forward. Not you? Okay.

**John Stoll - County Engineer**

President Tuley: Seeing no one that wishes to address the Commission will move on to department head reports beginning with John Stoll.

John Stoll: The first item that I've got is a time extension request for the concrete repair contract. This is with Concrete Pavers. Due to some delays from some utility relocations plus weather related delays they won't have the project completed this Friday and they are requesting a six week time extension which puts them to...I left my calendar at home, I mean, in the office, but I believe it is January 17th. I would recommend that the extension be granted.

Commissioner Mourdock: Which job site is this, John?

John Stoll: This is the concrete repair contract on various roads.

President Tuley: Various concrete roads.

Commissioner Mourdock: Oh, okay.

Commissioner Borries: I'll so move.

Commissioner Mourdock: Second.

President Tuley: So ordered.

John Stoll: Well, back in my office I have some cost data for the Strawberry Hill bridge. The timber structure is \$120,500 and the concrete box beam structure would be \$126,900 based on the estimates that we've got at this time. I had some greater detail, but it is back at the office.

Commissioner Mourdock: Maybe, if you would just send the information to us or you just said something about you had more detail?

John Stoll: Well, I had the breakdown of the cost estimate that Valerie was working on. The cost estimate that I got from American Timber Bridge was basically a lump sum item for roughly \$80,500 for the timber bridge package and then an estimate of \$40,000 for the installation of the package and the breakdown was just a line item by line item estimate for the box beam structure, concrete box beam structure.

Commissioner Mourdock: These are both just engineering estimates at this point?

John Stoll: Yes, yes.

Commissioner Mourdock: Is there an engineering recommendation? I mean, the difference between the two, obviously, is not real

significant. It's \$7,000 roughly.

John Stoll: Right.

Commissioner Mourdock: Between all the flow characteristics and the lifetime of the structures and the general aesthetics in what is obviously a very nice residential neighborhood do you have any engineering recommendations one way or the other?

John Stoll: Either bridge, I think, would look fine out there in that neighborhood. I mean, the timber bridge would fit in just fine and the concrete bridge you really wouldn't notice a whole lot of difference other than the guard rail.

Commissioner Mourdock: Would the slope requirements be different? At other times when Dave Ellison has spoken about timber bridges he has made the point that we laid the slope back differently.

John Stoll: On the ones that were put in out on Mann and Bixler--

Commissioner Mourdock: Right.

John Stoll: --when the bridges were built the slopes under the bridge for the ditch were laid back at 3:1 rather than the 2 or 2½:1 that were out there previously.

President Tuley: The existing?

John Stoll: Right.

President Tuley: But it had nothing to do with the bridge?

John Stoll: Right, it wasn't a bridge related item. It was just part of the overall goal of trying to get that ditch to have 3:1 slopes throughout, so as the bridges have been replaced the slopes underneath the bridges have been widened out to 3:1 and the bridge structure itself was sized accordingly. It wasn't an issue associated with the timber bridge itself, it was just trying to get the ditch all along the entire alignment of the ditch to a 3:1 slope.

Commissioner Mourdock: Okay. Maybe what I was thinking of and it has been a long time ago that the discussion took place, but it seems like Dave said something about stuff getting hung up in the timber.

John Stoll: In that instance widening it out to a 3:1 resulted in additional spans being constructed which given the spacing and the spans that did cause some debris to be snagged rather than having a clear open area like the...well, I was going to say like the Nesbitt Station Bridge, but even at that it was a three span bridge and there was some debris that has caught periodically and the timber bridges were five span.

Commissioner Mourdock: Would you expect anything like that in this situation? I realize out where Bixler is and Nesbitt likely real high water and you've got a lot of cornstalks and things moving through it and in this area I presume that is not the case.

John Stoll: No, in this bridge it would be a single span bridge and the flow that is out there now I have not seen any significant amounts of debris accumulated on the pipe that is out there now. Given the fact that the new bridge would open up the area even

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further I couldn't see why we would have any problems.

Commissioner Mourdock: Given that you are saying engineering-wise that it really doesn't matter and given that your numbers are basically...not basically, they are engineering estimates, are we wise to specify one way or the other or can we just bid the structure and let people from either side bid the thing and see what the numbers work out? Do you understand my question?

John Stoll: Yeah, I am trying to figure out what--

Commissioner Mourdock: Can you bid it that way, I guess, is the question?

John Stoll: I'm not sure how you could do it because each one has its on specifics associated with it. Like we would have a concrete cap on...piling versus just timber abutments like on a timber bridge it is just a timber abutment. I don't know, there is not...

President Tuley: I don't know how you would. I know where you are coming from. I am just trying to figure out how you would put two totally different packages together and say, okay, we're going to go on this one based on--

Commissioner Mourdock: Let me ask the question a little differently then. When we've bid timber structures before do we get a good collection of bids?

John Stoll: It varies just like any other ones. On County Line I believe we had four or five bidders. On Bixler I believe we had two.

Commissioner Borries: Yeah.

Commissioner Mourdock: Okay, as long as we get some. I just don't want to get into a situation where we only--

Commissioner Borries: You always have bids from different contractors and talking this past week with folks from Vigo County they have 68 of them. Virtually, they've had no maintenance. We've had no maintenance problems on ours. I would see on Petersburg, on Red Bank...they, again, the one on Petersburg replaced a structure that was a concrete structure that was less than 35 years old and it was judged the worst bridge in the county. Red Bank Road widened out a very narrow section and virtually, again, we've had no maintenance on these bridges, so it is lower, you can get it in faster and you have less salt and wear and tear in terms of salt deterioration in the winter. I am going to move the low bid and go for the timber bridge.

Commissioner Mourdock: Well, it is not a bid at this point it is only John asking us.

John Stoll: Just a matter of which one to pursue at this point.

Commissioner Mourdock: Okay, I'll second.

President Tuley: So ordered.

John Stoll: On the funding side of that do you want me to put in for an appropriation in Cum Bridge or do you want to use some of the bond surplus funds?

President Tuley: Let's talk in that area. If you have indicated that there is money in that bond surplus and if I remember correctly that money has to be used up by April--

John Stoll: April.

President Tuley: --of '97?

John Stoll: Yes.

President Tuley: Are there other...I mean, I would...if we could use bridge money I hate to use this surplus, but on the other hand if we've got this surplus available and it is just going to go to the wayside and have to be returned if we don't use it...I don't know what other projects that we've got that we can use the surplus?

John Stoll: Maasburg Bridge is one other one that is in the works, but beyond that I don't have any other specific projects earmarked-

Commissioner Mourdock: Is the Hillsdale/Radio Road come into that at all?

John Stoll: It could. That's not something that we have even addressed so far, but that is something that could be funded out of there.

Commissioner Mourdock: It wouldn't be ready by that time either?

President Tuley: Well, I don't know. If it is designed and DNR is not involved it could be ready by mid-February.

John Stoll: If DNR is not involved.

Commissioner Borries: You're fully funded on our local match for Lynch Road at least up to Green River aren't you?

John Stoll: Yes, definitely to Green River.

Commissioner Borries: So I mean we've got our local match in place there, we don't need any additional funds in that.

John Stoll: The one other thing that is possible is rather than taking out the two year interest free loan that we took out the first time from INDOT from the Distressed Road Loan Fund that could also, I would assume, be used as a big chunk of that bond surplus.

President Tuley: See what my concern is, there is an alternate funding here if, in fact, we don't use that surplus because they are bridge, obviously, they can come out of the bridge fund. If we have other road projects that are not bridge related we've only got one source. That is my only reason for exploring this.

John Stoll: Well, if we say we'll pursue the bond fund now and something comes up and we need extra money for Lynch--

President Tuley: We can change it.

John Stoll: --and if the state quits playing games and actually puts it on a letting then we could change it at that time and take more for Lynch for a local match out of the bond surplus and go for a Cum Bridge appropriation at that time or something like that.

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President Tuley: Let's do that then, it makes more sense.

Commissioner Borries: I'll move that the funds take place from the account heretofore described as the bond surplus money at this point.

Commissioner Mourdock: Second.

President Tuley: So ordered.

John Stoll: The last item that I've got is a travel request for Tim Spurling, Valerie Harry and me to go to a water surface profile computer workshop in Anderson, Indiana on January 6th and 7th. The program is a modeling program that analyses water surface profiles in conjunction with bridge designs and it is a one day course. It would involve taking a county car and a one night stay up in Anderson and I would recommend that the travel be okayed.

Commissioner Borries: I'll move that the request be granted.

Commissioner Mourdock: Second.

President Tuley: So ordered.

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

President Tuley: Ma'am, are you ladies here for something with the Commissioners?

Unidentified: We are not sure we are in the right place.

President Tuley: That's the reason it just dawned on me after that lengthy discussion we just had with him.

Unidentified: We're here about a liquor license.

President Tuley: That's what I thought.

Commissioner Borries: It would be around the corner.

Unidentified: I told her, I don't even know if we are in the right place.

Commissioner Borries: Well, you're close!

President Tuley: Yeah, you need to go down the hallway and to the right, I think. Thanks.

Commissioner Mourdock: We don't deal with liquor here. Not during the meetings!

President Tuley: Although there are times!

**Bill Morphew - County Garage**

President Tuley: I didn't have to tell you that you were up, you already knew it!

Bill Morphew: I was tired of sitting back there.

President Tuley: Well, we've got three things to go through here. Let the record reflect that Bill has submitted a Vanderburgh County

Highway Department progress report for the Highway and Bridge Crew for a period covering Friday, November 29, 1996 through Thursday, December 5, 1996. Again, various work and what have you being done throughout the county. We'll go through that part and then we will deal with your cover letter.

Bill Morpew: Okay.

Commissioner Borries: Well, how are you doing on that salt barn?

Bill Morpew: It is just about complete. We've got about three...we have about three run of board to put up and that will probably be finished about 9:30 in the morning. I have a little rock to put inside the barn yet. I am going to set two poles outside tomorrow morning for lights and run a buried service from the building, from the garage, to the light poles and put our shut-offs on the poles out there and then have a couple of flood lights inside the barn and then I'll have to get it wired. I am going to put two 12 inch culverts 10 foot long, it will be five foot in the ground and five foot sticking out of the ground, filled with concrete right in front of the doorway so that these doors or the timbers on the doors do not get damaged.

Commissioner Mourdock: Will they be electrified?

Bill Morpew: They will be very bright once I get done with them. Well, I'll tell you what, the barn, the doors on that galvanized salt barn that is out there now has been ripped off several times and it is not because of a careless operating, but you get out there in a blinding snowstorm at 3:00 in the morning and it is tough to see. I am going to make sure that nothing happens to this barn. Then I expect to be done, provided the weather holds out, Thursday with Strueh Hendricks. As bad as the Water Works has torn up Hogue Road I would like to, if nothing else, get a layer of binder, nine binder on Hogue Road from Tekoppel to Rosenberger. If weather permits, we can even get some surface on it and then we'll bring the paver into the garage and pave the inside floor of the salt barn, then all we've got to do is fill it up.

President Tuley: If you could get Hogue Road done for me I sure would appreciate it because I've got a secretary that beats me up about every day I come in about Hogue Road, but I explained to her about the situation with the Water Department.

Alan Kissinger: Me too, Bill!

Bill Morpew: Yes, sir, I understand. We have been waiting on the Water Works to get done. They were supposed to have been done in October and I understand that they just finished out there last week. Right now it really depends upon the weather. If it gets down there below freezing we may be able to do something that close to Jerry David, but we certainly don't want to get very far away. I don't want to pave any because once the ground temperature gets that cold we don't want to pave.

President Tuley: The way the weather is around here if it is 60 tomorrow by Friday it will be 20 below.

Bill Morpew: Yes, sir. They're talking about rain come Wednesday.

Commissioner Mourdock: Yeah, but I think they are talking about mid-50's or something, too.

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Bill Morphey: Yes, sir.

Commissioner Mourdock: At least you've got some more--

Bill Morphey: Ah, 60's tomorrow.

Commissioner Mourdock: Really?

Bill Morphey: Yes. I do have one other thing here. Commissioner Mourdock had asked me about contractors here in this last winter...it was last winter it was this year we had used some contractors for removing drifts whenever the state of emergency had been declared. I have called several contractors to ask them to send me price quotes and I think that probably the best way to do this is to put an ad in the paper. We are not actually looking for a bid we are looking for price quotes and I would like to read this to you. It is something that I penciled in and you can change it if you like:

"The Vanderburgh County Highway Department will be accepting hourly price quotes from area excavating contractors for snow removal whenever a state of emergency has been declared. Send all price quotes with a list of equipment to be used along with a certificate of insurance to the Vanderburgh County Highway Department..."

...the address and to the attention of the Superintendent. Would that be satisfactory? That way we would be able to pick and choose the equipment that we would need for snow removal along with the price structure.

Commissioner Mourdock: Right. Alan, I don't know what comments you have, but it sounds to me like it is a great way to start.

Alan Kissinger: Certainly, and you know it is a personal service thing. I mean, they are offering a personal service and we are contracting for a personal service, so you don't have to...you can't bid it practically. This is a very creative way of approaching it, yeah.

Commissioner Mourdock: Okay. The federal government has what they call IDIQ, indefinite delivery/indefinite quantities. This is kind of what this is and hopefully the quantity is zero and the indefinite is never, but maybe it won't work that way. It sounds like a good way to start. Please proceed with that.

Bill Morphey: I'll do that, I'll do that.

President Tuley: Is that it in terms of your road?

Bill Morphey: Yes, sir, I am done.

President Tuley: Do we need to act on this thing then? Did you not get it or am I the only one who got it? I'm sorry, I am sitting here like you two...okay, I apologize.

Commissioner Mourdock: No, I don't.

President Tuley: Bill is submitting his letter of resignation. He is going back to the private sector back to his old job effective two weeks Friday of the second week, I guess, is what I am trying to say. Effective 12-20-96. He has 30 days accumulated sick days

verifiable through the records of the County Auditor's Office of which he would like to be paid for as per the Personnel Policy. I understand you are going back to the work that you were previously involved in in terms of telephone engineering design.

Bill Morpew: Yes, sir. Oddly enough, the first four jobs that they want me to do are county road moves!

Commissioner Mourdock: I suppose there is a certain irony in that!

Bill Morpew: Yeah, I don't know where that came from.

President Tuley: Bill, I forget. I know you came off the Bridge Crew, but when did we officially put you out there as Highway Superintendent?

Bill Morpew: March of four years ago.

Alan Kissinger: It will be four years ago this coming March.

Bill Morpew: It will be four years in March.

President Tuley: Well I would just like to speak for myself and I am sure there will be other comments, but we really appreciate your service to the community. You've been a real good friend personally and a good Highway Superintendent who has done a good job for us and made us look good.

Bill Morpew: Thank you.

Commissioner Mourdock: I am surprised to get this tonight. I didn't know about it, obviously. First of all, whenever anyone resigns I always appreciate the fact that they do so with a certain timeliness and they didn't just walk out the door, so I very much appreciate that you've given us some warning here. As Pat was saying, I think you've done a very good job out there and I personally very much appreciate that anytime I have called you, and there a have been a number, that you have promptly returned the calls and to my knowledge there has never ever been anything that you did not follow up on that I had asked you to check into as recently as tonight with what you just mentioned on the snow stuff.

Bill Morpew: Yes, sir.

Commissioner Mourdock: So I appreciate those efforts. Thank you.

Bill Morpew: Thank you.

President Tuley: I think it would be appropriate then to entertain a motion to accept the resignation with the understanding that he does have those 30 sick days coming to him.

Commissioner Borries: Well, I would like--

President Tuley: In lieu of that article in that editorial this morning.

Bill Morpew: I didn't read that.

Alan Kissinger: In reference to that editorial this morning, those are vested benefits and the county cannot change that policy to take those benefits away from the employees who have already accumulated them.

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President Tuley: The paper, the Courier, I don't want to say paper, I want to say the Courier wants us to change the policy on paid sick days. If you don't use them you don't get paid for them.

Alan Kissinger: We're going to raid the pensions after that.

President Tuley: You guys all got to work for people who take care of you, I'll tell you that.

Commissioner Borries: Well, let me just say, I guess, with a bit of regret, although I won't be around, obviously, after the first of the year either, but of all the Superintendents that I can remember, some seven maybe, six or seven, and I am reluctant sometimes to say superlatives, but in your case I really have to say, Bill, that you have just done an outstanding job.

Bill Morphey: Thank you.

Commissioner Borries: In my opinion, you have been the best that we've had there. In light of your steadiness, your fairness, your character, I think, with handling things in personnel matters in such a...just a wonderful way it is a real tribute, I think, to you as a person. We live in such an age where it is so easy to finger point and blame and end up in such mean spirited accusations that is just one thing that I have never seen you do. Yet, with 168,000 bosses, a record rainfall in 1996, terrible snows, you just keep your perspective and keep going. It has got to be a sense of relief to you that in whatever position you are going for it can't be as bad as what you've been through in the last four years. Folks who haven't had that job, and I haven't, but have obviously worked with many who have, as I say some six or seven, oftentimes can wilt under the pressure of that job because it is a tough one. It never ends and depending on what day it is, if it is 3:00 in the morning and the snow is flying or there is ice all over the roads and somebody has to make decisions to whether or not school kids are going to get on buses and run down some pretty narrow roads, you have always been there. Great job!

Bill Morphey: Thank you, thank you. That's all I have.

Commissioner Mourdock: Well, I think Pat had asked for a motion in there--

President Tuley: Just to make it official.

Commissioner Mourdock: We need to accept this, so I will make the motion that we accept this letter with some regrets.

Commissioner Borries: I will reluctantly second.

President Tuley: I will reluctantly so order, but best of luck to you and I am sure you will do somebody else as good a job.

Bill Morphey: Thank you.

Commissioner Mourdock: We wish a job where the phone never rings in the middle of the night right, Pat?

Bill Morphey: I won't have to do that ever again. I had a call at 12:30 a.m. Friday night and I'll never have a call like that again. Thank you.

Commissioner Borries: Thank you, Bill.

President Tuley: Wait a minute, wait a minute. This says effective 12-20.

Commissioner Mourdock: You've got 11 days.

President Tuley: Be careful about those predictions!

Bill Morphew: I've given the beeper back.

President Tuley: Oh!

**Alan Kissinger - County Attorney**

President Tuley: Okay, Alan Kissinger.

Alan Kissinger: I have the bid recap on VC97-01, the printing of the 1997 tax bills.

- |                                 |             |
|---------------------------------|-------------|
| 1. Moore Communication Services | \$22,467.85 |
| 2. Standard Register Company    | \$17,784.00 |

I am assuming that these need to be taken under advisement so that they can be referred to the Treasurer.

President Tuley: That was the request of the Purchasing Manager.

Alan Kissinger: Alright.

Commissioner Mourdock: I'll move then that those bids be taken under advisement.

Commissioner Borries: Second.

President Tuley: So ordered.

Alan Kissinger: I have nothing additional to report.

**Sunny Titzer - County Commissioners' Office**

President Tuley: Sunny sitting in for Cindy. Do you have anything tonight? How is that for a last name, sitting in for Cindy?

Sunny Titzer: Yeah, just one thing personal. I probably have dealt with Bill and his department, you know, more than most people do because I handle complaints constantly and I have never once had Bill not be very conscientious and kind and he always follows through. You can call him with the most irate problem. He is just the most kindest, level-headed person and it is certainly a loss for Vanderburgh County to see him go. I am real sad to see it. There are two departments that anytime I have a complaint that I know I have to deal with it really makes it so much easier is the Vanderburgh County Highway Department because of Bill Morphew and the County Engineer's Office. They are just two wonderful staffs and groups of people to work with and always handle things. I have never heard them get upset. I mean, they are just the best people to work with and certainly a loss for Vanderburgh County. Bill, I wish you good luck, I really do.

Bill Morphew: Thank you.

Sunny Titzer: You're welcome. The only thing I have is an item for

the consent agenda which would be D, approval of accounts payable vouchers and I did lay those up in front of you guys. That's really all I have.

President Tuley: Okay.

#### Consent items

President Tuley: Okay, that takes us right to the consent items then with the inclusion of the accounts payable submitted by the County Auditor's Office. Do we have approval for the consent items which includes employment changes, travel requests, monthly financial report from the Auditor's Office and claims?

Commissioner Mourdock: With those consent items as listed, I'll move approval.

Commissioner Borries: Second.

President Tuley: So ordered.

#### Scheduled meetings

President Tuley: Scheduled meetings. At 9:00 a.m. there is an Insurance Committee meeting in the morning. At 3:30 Wednesday a Personnel and Finance meeting. At 9:00 a.m. Thursday morning there is a Steering Committee. Next week, Monday the 23rd, there will be an Executive Session at 4:00 and a Commissioners meeting at 5:30 with a Drainage Board meeting...I'm sorry, what am I doing? I am on the wrong week. There are no scheduled extra meetings or at least on this agenda for the week of Monday, December 9 through Friday the 13th. All those other meetings all begin the next week on the 16th, 17th, 18th and 19th. Sorry about that.

#### Old business

President Tuley: Old business. Does anybody have any old business?

#### New business

President Tuley: Under item 9, new business, appointments to the Vanderburgh County Redevelopment Commission. That is on hold. Anybody else have any new business? Motion to adjourn this meeting?

Commissioner Borries: So moved.

Commissioner Mourdock: Second.

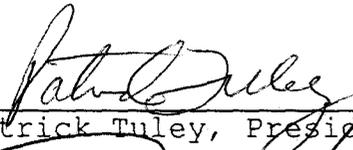
President Tuley: So ordered.

The meeting was adjourned at 6:50 p.m.

THOSE IN ATTENDANCE:

Patrick Tuley  
Richard J. Borries  
Richard E. Mourdock  
Alan Kissinger  
Sunny Titzer  
Suzanne M. Crouch  
Charlene Timmons  
John Stoll  
Bill Morphew  
Mikki Heck  
Eric Schwenker  
John Buckman  
Members of the media  
Others unidentified

VANDERBURGH COUNTY  
BOARD OF COMMISSIONERS

  
\_\_\_\_\_  
Patrick Tuley, President

  
\_\_\_\_\_  
Richard J. Borries, Vice President

  
\_\_\_\_\_  
Richard E. Mourdock, Member

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**Vanderburgh County  
Board of Commissioners  
December 16, 1996**

The Vanderburgh County Board of Commissioners met in session this 16th day of December in the Commissioners' Hearing Room of the Civic Center Complex at 5:47 p.m. with President Patrick Tuley presiding.

**Introductions and Pledge of Allegiance**

President Tuley: Good evening and welcome to the Vanderburgh County Commissioners meeting for Monday, December 16, 1996. If I may, as a point of introductions, here he comes in Mr. Alan Kissinger, who is the County Attorney; to my immediate right is Commissioner Rick Borries; to my immediate left is Commissioner Richard Mourdock; to his immediate left is Suzanne Crouch, the County Auditor; and to her immediate left is Charlene Timmons, who is the Recording Secretary from the Auditor's Office, who will be recording the minutes of this meeting; and I am Commissioner Pat Tuley. If you would, please stand with us and face the flag and say along as we say the Pledge of Allegiance, please.

**Approval of minutes**

President Tuley: Okay, under the action items we have minutes from the December 9th meeting to be approved and signed.

Commissioner Mourdock: I'll move approval of the Vanderburgh County Board of Commissioners meeting minutes of December 9, 1996.

Commissioner Borries: Second.

President Tuley: So ordered.

Alan Kissinger: If I may--

President Tuley: Oops, sorry!

Alan Kissinger: --President Tuley. Inadvertently I neglected to have the Commissioners approve and sign the excerpts from the minutes of the September 16, 1996 meeting at which the Commissioners held the public hearing on the approval of the Auditorium Lease. I went through it with Charlene Timmons last week. We did find 17 pages of minutes in which that was accomplished and I would ask that the Commissioners approve and the President sign those minutes and that the County Auditor sign them as well tonight so that we can keep the bond issue moving. There are two copies and they are the same thing.

President Tuley: As per the County Attorney's explanation for the excerpt of September 16, 1996, do we have a motion for me to sign? A motion of approval for me to sign the minutes, the excerpt of the minutes?

Commissioner Borries: So moved.

Commissioner Mourdock: Second.

President Tuley: So ordered.

**Certification of Executive Session**

President Tuley: Okay, under item 4B, certification of Executive Session. We will let the record reflect that there was an Executive Session held prior to this meeting. Topics for discussion included personnel matters, contractual matters and pending litigation. Also, let the record reflect that there were no official actions or votes taken during that meeting.

**Award bid VC97-01, 1997 Tax Bills**

President Tuley: Item 4C, the award of bid VC97-01, 1997 Tax Bills for Lynn Ellis.

Alan Kissinger: Lynn Ellis is not here tonight and I thought that the County Treasurer was going to be here tonight.

President Tuley: I spoke with her.

Alan Kissinger: Did you talk with Lynn?

President Tuley: I actually spoke with the Treasurer.

Alan Kissinger: With the Treasurer, alright.

President Tuley: There is a letter in here recommending that the award be given to...where is it at? Here we go. Standard Register is the low bidder with the total bid of \$17,784.00. Along with an explanation here that two years ago Standard Register provided this service to the county and there were numerous problems with their service. The vendor has explained the problems to the satisfaction of the County Treasurer who is willing to try their services again. However, it is our recommendation that the vendor be put on notice that should problems arise in the tax billings again this year that their performance bond will be kept by the county and the award may be rescinded and awarded to Moore Business if time permits.

Alan Kissinger: I reviewed such a letter and approved that letter to be sent to Standard Register. It is my understanding that the Treasurer's Office is satisfied with Standard Register's explanation as to what the problems were previously and how they have been remedied. As the Commissioners are aware, Standard Register's bid was considerably lower than the other bid.

President Tuley: That is my understanding.

Commissioner Mourdock: Alan, is the bond that she is referring to a normal part of the bid process, so there is nothing different there that someone else can come back and make a claim that we are doing something out of the ordinary?

Alan Kissinger: Not at all.

Commissioner Mourdock: Pursuant then to Ms. Ellis' recommendation, I'll move approval the award of bid number VC97-01.

Commissioner Borries: Second.

President Tuley: So ordered.

**Extension of Contracts**

President Tuley: Approve the extension of the following contracts through 12/31/97, APA022-96, Ris Paper; APA025-96, Busler; APA026-96, Mike's Towing; APA033-96, BFI; APA042-96, Aramark.

Commissioner Mourdock: Each of those contracts, obviously, had the clause in them that would allow for this renewal. Again, pursuant to Ms. Ellis' recommendation, I'll move the extension of the contracts.

Commissioner Borries: So moved...or second, excuse me.

President Tuley: Okay, so ordered.

**Permission to advertise - Commission meeting January 6, 1997**

President Tuley: Item 4E is permission to advertise the Commissioners' meeting on 1/6/97.

Alan Kissinger: I have reviewed that notice that was prepared by Charlene Timmons and I have approved that notice for advertising.

Commissioner Mourdock: I'll move the advertising of the meeting for the Vanderburgh County Commission for 5:30 p.m. on Monday, January 6, 1997.

Commissioner Borries: Second.

President Tuley: Okay, I will so order that and I will raise the question are we going to have an Executive Session as well that night?

Alan Kissinger: You've been doing the Executive Session by fax.

President Tuley: Oh, that's right we have.

Commissioner Mourdock: Yes.

President Tuley: I forgot. Never mind!

**Petition requesting establishment of German Township Fire Protection District**

President Tuley: Okay, petition requesting the establishment of the German Township Fire Protection District.

Suzanne Crouch: At this time, President Tuley, we have the signatures verified in the Auditor's Office and I would like to submit the petition to the Commissioners for the establishment of the German Township Fire Protection District. There were 1,415 signatures submitted to the Auditor's Office and 1,157 of those qualified and 258 did not.

Commissioner Mourdock: Suzanne, do you know offhand what the...is it 20% of those...

Alan Kissinger: A minimum of 500 and at least 20% of the property owners.

Commissioner Mourdock: Of the property owners, so do you know

offhand did the number 1,457 that qualified does that exceed that 20%? Do you know?

Suzanne Crouch: You know, I didn't even check that, but I presume it does.

Commissioner Mourdock: Okay.

John Buckman: There are thirty-eight hundred and some odd parcels according to the Township Assessor.

Commissioner Borries: John, would you identify yourself for the record?

John Buckman: John Buckman, Fire Chief, German Township Fire Department. There is thirty-eight hundred and some odd parcels according to the Township Assessor. There are 2,503 homes according to the 1990 census.

Alan Kissinger: Then the number that has been certified by the Auditor's Office should be more than...significantly more than 20%. Somewhere in the area of 25% then and that should satisfy the requirements of the statute.

Commissioner Mourdock: Again, by statute you would be comparing the number of signatures to those who are parcel holders? In other words, if one person owns three parcels how does that figure in?

Alan Kissinger: No, the way they break it down is more than one person owning one parcel does not qualify...for example, if three people own one parcel and all three of them sign the petition that qualifies as only one signature, but if one person owns more than one parcel that person can certainly sign for each parcel. I don't think that is the situation because I believe they certified the names only once. Ms. Crouch, am I correct in assuming that there were no repetition of names?

Suzanne Crouch: Charlene really was involved in that, so I am going to defer to her.

Alan Kissinger: Okay.

Charlene Timmons: We have four people that signed more than once.

Commissioner Mourdock: Did they own more than one parcel? Each one of them?

Charlene Timmons: I believe they signed with the same address.

Alan Kissinger: Okay.

Charlene Timmons: What the computer does is it matches names--

Commissioner Mourdock: I see.

Charlene Timmons: --and shows it as a duplicate signature.

Alan Kissinger: So even at that we are well over the 20%.

John Buckman: There was one guy who signed for four pieces of property. I can tell you who that was.

Alan Kissinger: Okay.

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John Buckman: He was on the Fire Department.

Commissioner Mourdock: Just so that you know, John, and you are probably aware of this already, but I understand that Commissioner Tuley has had a few calls and I have had a few calls, too, that obviously what this is not universally being accepted out there. So, just from the PR point of view you might be aware of that.

John Buckman: Sure.

Alan Kissinger: I think the statute anticipated that it would not be universally accepted. As a matter of fact, the statute used to be two percent.

Commissioner Mourdock: Two percent?

Alan Kissinger: It was raised to 20%, probably because of the fact that there are a lot of people...well, very simply put, there are a lot of people who don't want to pay for any public services regardless of what they are. Nonetheless, this more than meets the requirements of the statute.

Commissioner Mourdock: Having more than met the requirements, Alan, is this a slam dunk? How does the procedure go from here?

President Tuley: That was the question I got.

Commissioner Mourdock: I know we have a couple more meetings or this has been advertised and there will be a final public hearing on this in January, I think we said at our last meeting?

Alan Kissinger: Now we have to advertise for the public hearing.

Commissioner Mourdock: Is it still...exceeding the 20%, does that mean that this is a done deal? Do the Commissioners really vote on this, I guess, is the real question?

Alan Kissinger: Yes, ultimately you have to vote to approve or not approve the petition.

Commissioner Mourdock: Okay.

Alan Kissinger: If you were not to approve it I assume that they would have remedies, but by the same token this is within the jurisdiction of the County Commissioners.

Commissioner Mourdock: Okay, the Commissioners are effectively establishing a taxing district?

Alan Kissinger: Correct.

John Buckman: There is a method in the law. The opposition has 30 days in which to obtain a petition with 51% of the signatures opposing the formation of the district.

Alan Kissinger: As a matter of fact, the procedure that has been chosen is an alternate procedure because the Commissioners could have presented this petition themselves instead of property owners presenting it. Quite frankly, I can't remember, but it was required to be advertised twice and I can't remember how many days we had to give, but I will check the statute and talk with Charlene on this tomorrow.

John Buckman: They have 30 days in which to get the petition against the formation of that.

Alan Kissinger: Right. If you will give me that statutory cite I can pull that statute very quickly and advise the Commissioners right now.

Commissioner Borries: While Alan reviews, I guess, our next step is merely then to give approval to advertising.

Commissioner Mourdock: That's right and schedule a date for the actual hearing.

Alan Kissinger: Correct.

Commissioner Borries: You must give a minimum of 30 days, Alan?

Commissioner Mourdock: Works for me. We are speculating at this end, John, maybe this goes with what you said, but once the public hearing is held it is my understanding, and I think Suzanne's understanding, that from that date those who might oppose would have the 30 days?

John Buckman: Right.

Commissioner Mourdock: Okay, we all agree.

Alan Kissinger: Alright, now the appropriate procedure is to prepare an ordinance or a resolution. Either will accomplish the same purpose, so what we have to do is advertise for a hearing, a public hearing, on the ordinance or the resolution and in consideration of the fact that this will be a tax it must be advertised twice. The first ad no less than ten days before and the second ad no less than three days before the actual hearing and the...there was one other requirement and it slips my mind right now. Ah, two separate weeks before the hearing. In other words, you can't advertise twice in the same week, okay? Whenever we can accomplish that then you can set your hearing. Don't rush, Charlene, because I am going to have to prepare the resolution or the ordinance and I won't get that to you until probably the end of this week.

Commissioner Borries: What is the state statute there? We'll just move according to it.

Alan Kissinger: Alright. It is Indiana Code 36-8-11-1, et seq "and following" for all you people who don't understand Latin. Thank you.

Charlene Timmons: Do I have to have the resolution before I can advertise the public hearing?

Alan Kissinger: No, no you don't.

Charlene Timmons: Okay, because I can get an ad in the paper Friday.

Alan Kissinger: Uh-huh.

Charlene Timmons: I could do it the 20th and I could do it the 27th to be heard, but I don't know if you want to hear it at your first meeting.

Alan Kissinger: Well, it doesn't make me any difference!

President Tuley: He had his first meeting a long time ago!

Commissioner Mourdock: I would just by way of suggestion knowing that the first meeting has always...the first meeting of the year has a lot of different items that come before it, I might suggest the second meeting which would ostensibly be the 13th of January, assuming that at the first meeting we schedule meetings each Monday, which is a little presumptive, but I think it probably makes a lot of sense.

President Tuley: I would tend to agree with what you just said.

Commissioner Mourdock: I'll move then that we schedule a hearing on this matter for January 13, 1997. Does that work for you? At 5:30 p.m.

Commissioner Borries: Second.

President Tuley: So ordered. Do we need to take official action to accept this certification or just by virtue of its presentation...

Alan Kissinger: No, it is the Auditor who basically indicates certification and that has been done. The certified petition has been presented at the open meeting and it is in the minutes.

President Tuley: I guess that's it.

John Buckman: Thank you.

**Letter of Agreement - Soil & Water Conservation District Education Coordinator**

President Tuley: Item 4G, Letter of Agreement, Soil & Water Conservation District Education Coordinator. You have a copy of the Letter of Agreement. Apparently, the individual who was doing this in the past has resigned for whatever reasons. Apparently, according to the responsibilities and duties this individual named Carrie Parmenter meets those requirements and has been recommended and signed for by the Chairman of the Vanderburgh County Soil & Water Conservation District, i.e. Don Hunter. He has asked the Commissioners to approve this at an annual salary of \$17,000 which I understand has been in place or is in place.

Commissioner Mourdock: I would just add to that the funding for this position is half the county's and the rest comes from the state.

President Tuley: Yes.

Commissioner Mourdock: This position does not carry with it any benefits.

President Tuley: That is correct. Do we have a motion then to approve? We need to approve and sign off on this Letter of Agreement.

Commissioner Mourdock: So moved.

Commissioner Borries: Second.

President Tuley: So ordered.

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

President Tuley: Any group or individual wishing to address the Commission who does not find their name or topic for discussion listed on the agenda now is the time to come forward.

Commissioner Borries: Bud, has an item. I think, Mr. Bussing...

President Tuley: That will come under John?

Commissioner Borries: It can.

**John Stoll - County Engineer**

President Tuley: Okay. If there is nobody else, then we will move on to department head reports and John you are first up.

John Stoll: First, I've got a claim for the Water Surface Profile Computer Workshop that Valerie Harry, Tim Spurling and I will attend on January 6th and 7th. This is just to cover our registration fees. It is \$50 each for a total of \$150.

Commissioner Borries: I'll move that the request be allowed.

Commissioner Mourdock: Second.

President Tuley: So ordered.

John Stoll: Next, I received word today from our inspector out on the Ohio Street Bridge and from INDOT that CSX is going to require some changes to the signals and gates that are going to be on the west end of the bridge where a private crossing will exist by construction of the new bridge. Basically, the driveway to the Port of Evansville will now have its own railroad crossing. We originally proposed that since the existing signal and gate that is out there would cover the northbound traffic out of the site we would just have to put in a new gate to cover the southbound traffic going into the site. It turns out that CSX is now saying that is not good enough. Their existing equipment won't handle just modifications and that they need to upgrade and replace everything for a cost of \$80,000 of which \$16,000 will be our cost. I don't necessarily agree with it, but they have kind of got us backed up against the wall that we have to cover that cost. The only other option would have been to make the driveway one way and at that point the owner of the Port of Evansville would probably try to sue us for damages that would probably cost more than \$16,000. Given that fact, I reluctantly request that we be authorized to increase the signal costs for the Ohio Street Bridge with CSX...the railroad signal costs with CSX by \$80,000 of which \$16,000 will be our local share. The money is in the account, so we can cover that cost. It is just that it is pretty late in the construction project for this to come up.

Commissioner Mourdock: The total cost was going to be \$80,000, did I hear you say?

John Stoll: Yes.

Commissioner Mourdock: Our share is \$16,000?

John Stoll: Yes, an 80/20 split.

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Commissioner Mourdock: The state is getting the rest?

John Stoll: Right.

Commissioner Borries: When you dance to with the railroad you dance to their music. I'll move that the claim be allowed or the request. You know, you can't fight them.

John Stoll: We don't have a claim as of yet. This is just their estimate.

Commissioner Borries: You can't fight them.

Commissioner Mourdock: Someone once told me that the difference between dealing with the railroads and the pirates of old is when the pirates came towards you they raised a flag to identify themselves! I will second.

President Tuley: I have a saying, too, but it is not fit for a public meeting. I will so order.

Alan Kissinger: John, I think when you saved all that money on the condemnation of the property over there--

John Stoll: They found out, I guess.

Alan Kissinger: --I think someone found out all that money was laying there.

John Stoll: I think they basically want a free upgrade.

Commissioner Borries: I guess my question would be because there are literally thousands of motorist who use this, what or how soon are they going to put this in place? I mean, the road and the bridge is done for all purposes isn't it?

John Stoll: Right. This won't delay it because this is for the private drive on the west end of the bridge. The signals that are called for on the crossing on the east end of the bridge for the new road those signals are about done. I talked to Scott Randolph today and he said that the railroad crews were working through the weekend to try and get this done. He said depending on the weather they might be able to get it done tomorrow or early Wednesday, so it looks like Wednesday could be the earliest that the project could open up. They would allow us to go ahead and open up the road and bridge even if these gates aren't installed at this private drive. They will just have to flag that. Hopefully, if they get some decent weather and keep the crews out there that they should be done tomorrow or Wednesday.

Commissioner Borries: Well, with the esplanade now and Riverside open, I mean, this will really add, you know, if we can get them to...they are going to put a flag in there? What do they have, a train a day that goes in there? Or is it a week?

John Stoll: I think it is under five a week, but I am not sure what the exact count is. They would just provide a flagman for that private crossing and, hopefully, the signals for that road will be done. We should be able to open it assuming no other delays show up.

Commissioner Borries: Good.

John Stoll: Once Riverside opened up that is when the complaints started which is what we basically expected. I hope it opens soon. The next item that I've got is a letter from INDOT requesting approval to use St. Joe Avenue as a detour route when the Lloyd Expressway Bridge is under construction. This agreement, basically, calls for St. Joe Avenue to be used as a detour for the entire duration of the construction, their official sign detour route, and then in order to verify what the condition of the road is the INDOT inspector plus the city engineer, plus the county engineer would all go out and do an official inspection of the condition of the road through its entire length and note everything associated with the road. There are provisions in the agreement that upon completion there would be another inspection and INDOT would be responsible potentially for any damage done to the road throughout the use of St. Joe as the detour route. They basically do a preliminary inspection and a final inspection and then that way local officials aren't stuck with the costs associated with any damage done by the detour route.

President Tuley: What section would be ours?

John Stoll: From Lloyd to Diamond.

Commissioner Borries: For us it is about 500 feet then. Basically, from Buchanan from--

John Stoll: Somewhere south of the intersection. Right, it is a very short distance that we've got.

Commissioner Borries: That's an unusually generous of them in view of everything else that they usually put back on us.

John Stoll: A new law was passed. That is why they have to do this.

Commissioner Borries: Oh, I was going to say there was something there I missed.

John Stoll: I had Alan review that letter and he said everything was okay. So on that I would recommend that it be okayed by the Commissioners.

Commissioner Borries: So moved.

Commissioner Mourdock: Second.

President Tuley: So ordered.

John Stoll: Next, I've got a Sidewalk Waiver Request for Oak Meadow Outlot A. This subdivision has lots that average approximately 1.23 acres based on this letter from Andy Easley. There are no other sidewalks out there and on the basis I would recommend that the Sidewalk Waiver be approved.

Commissioner Borries: So moved.

Commissioner Mourdock: Second.

President Tuley: So ordered.

John Stoll: Next, I would like to request authorization for travel for Tim Spurling, Valerie Harry, David Franklin and Tom Goodman to attend INDOT Certified Technician classes in Jasper. These classes

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will run from January 6th through about March 21st. Since it is such a long duration what we decided was no more than two would be gone on any given day and a county car would be used to go back and forth from Jasper, but there is no lodging required. They would drive up in the morning and drive back in the afternoon and like I said, no more than two would be gone on any give day except for the day that the exams would be given by INDOT. This is a class that will just help in their construction inspection abilities.

Commissioner Mourdock: Are they actually certified at the end of that, John?

John Stoll: Yes.

Commissioner Mourdock: Is this a requirement for either our insurance coverage or for engineer training EIT-type of things?

John Stoll: It is not a requirement for anything like that. It just provides them with background on what INDOT looks for whenever inspections are going on and making sure things are in accordance with INDOT specs. Let's see, Dave and Tom have been through, I believe, four of the certifications. There are a total of six. I think that Tim has been through one, but overall it just benefits them as well as the county just by giving them a better background on what to look for on construction inspections.

Commissioner Mourdock: As one who believes that you can never be overtrained, I'll move the approval of the training requests.

Commissioner Borries: Second.

President Tuley: So ordered.

John Stoll: That's all I have.

Commissioner Borries: John, we have a letter and Mr. Bussing is in the audience. He is in a quandary as to what he can do to move his subdivision in Darmstadt on to the Area Plan Commission. It was my understanding that when you were involved in the whole situation when we looked at the jurisdiction of Vanderburgh County versus the Town of Darmstadt that the County Engineer, unless specifically designated or told otherwise in writing by either the City of Evansville or the Town of Darmstadt which are the two incorporated parts of Vanderburgh County, that in lieu of that or in place of that if that were the case you would have the authorization then to review these. I don't want you to have to do another thing, but on the other hand I don't know who else could do it if you don't because in this case Mr. Bussing simply can't get his whole project to even get to the Area Plan to review because it is a formality. I guess, going back to what we originally looked at I would just say that I would authorize you to go ahead and review this and to make the formal acknowledgment that the estimates are correct and accurate, so that Mr. Bussing can move his project to the Area Plan Commission. I say that, it will have to be done on a case-by-case basis, but we know that you don't do this in the city of Evansville because the city's Board of Public Works does do this. In this meeting I will move that you be authorized because there isn't anybody else in the Town of Darmstadt. They don't have a city engineer or a county engineer or a town engineer.

Commissioner Mourdock: Part of that question that came up before, I just checked my notes, it was June 24th of this year if you need to check it, but at that point Mr. Steinkuhl reported back to us

that the Board members up in Darmstadt had received a letter from the town attorney and unanimously they did not want to see the Drainage Board relinquish its authority.

Alan Kissinger: As a matter of fact, there is a letter saying exactly that in the minutes of one of the meetings that I researched.

Commissioner Mourdock: Yeah, one of our meetings?

Alan Kissinger: Yes.

Commissioner Mourdock: Yes, right. So having said that, I will second Commissioner Borries' motion.

President Tuley: So ordered.

John Stoll: Will that be standard somewhat if the Drainage Board is still going to review drainage plans for the Town of Darmstadt? Will my office be responsible on a continuing basis then for reviewing the Letter of Credit cost estimates and inspection of the drainage, but then not street related issues since they haven't turned that responsibility over to anybody?

Commissioner Borries: Yeah, I would say exactly that. I would say unless, again, I obviously can't speak for any future Boards, but unless you would get specific instructions from the Town of Darmstadt not to do it or the Drainage Board, not to pass judgement on any subdivision or project in Darmstadt, I would say that at least on a case-by-case basis that you would be authorized to do that.

Alan Kissinger: It would have to be on a case-by-case basis. This is merely an observation on my part, but in consideration of the development in the Darmstadt area and an increase in the population there it is probably time for them to give some consideration to establishing their own Board of Public Works for this purpose. However, they don't have it now and someone has to do this.

Commissioner Borries: Again, I don't want you to have to ask to do something, you know, another thing to do, but I don't know who else does it and as Commissioner Mourdock had indicated here, they did not accept that responsibility at this point.

John Stoll: Right. Yeah, I got the Letter of Credit cost estimate. Keith Poff, from Sitecon, gave that to me Friday and I should be able to okay that tomorrow.

Commissioner Borries: I would say as a future suggestion to the Board, and I believe, Alan, that you had mentioned this to us before in order to clarify John's concern in this matter, too, because of his concerns in terms of authority or whatever, that the Town of Darmstadt and the County of Vanderburgh do need to have some kind of intergovernmental agreement.

Alan Kissinger: That would be interlocal government agreement.

Commissioner Borries: Yeah, specifying what duties are what. They take the roads, that's fine. If it is the County Engineer then that has to review the drainage or whatever, that's fine, but they really need to, I think, clarify exactly what they want.

Commissioner Mourdock: Yeah.

Alan Kissinger: It really does need to be clarified and if they are not going to establish their own Board of Public Works then, obviously, this is additional work for the County Engineer and there should be some...you know, with any interlocal agreement each side comes to the table with something to offer. Right now it appears that Vanderburgh County is going to be the only one with anything to offer here and it will be our service.

Commissioner Borries: That is always the pleasant dilemma of growth, I guess, in some cases, but I can recall that when the Town of Darmstadt relinquished their own law enforcement authorities they had a Town Constable of some sort. They asked the Sheriff of Vanderburgh County to do that, so in the agreement they relinquished the car and I think whatever they had budgeted for this person's salary to placed in the Sheriff's Department, so perhaps they might be able to bring to the table, as Attorney Kissinger has pointed out, some sort of monetary tithing or whatever they want to call it in order to...

President Tuley: What was budgeted for this year?

Commissioner Borries: Yeah, which may not be a lot and there hasn't been a lot of growth in Darmstadt, but as Alan Kissinger has correctly pointed out, that may not be the case in the future.

Commissioner Mourdock: We call it dynamic Darmstadt for a reason!

Andy Easley: There is probably a deficiency of benevolence up there, too.

Commissioner Borries: Well, the intergovernmental agreement just makes sense because they can't have it every way. Sometimes they want the county to do things and other times they want to do it. They are very specific about their roads and that is fine. I think that has been part of the confusion, so it does need to be written out.

President Tuley: Thanks, John.

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

President Tuley: Milton Hayden, Assistant Superintendent, County Garage. Hello, Milton. Welcome back from the hospital. Let the record reflect that Milton Hayden has submitted a progress report for the Vanderburgh County Highway Department as well as the Vanderburgh County Bridge Crew for a period covering Friday, December 6 through Thursday, December 12.

Commissioner Borries: How close are we on the salt barn, Milton?

Milton Hayden: We have it nearly completed. Right now we are on the electricity trying to get my lights in there. We have to install...we basically have installed the rock already, but the paving in there is going to be quite difficult because of the weather, but I am going to try to get it in. If we get any warm days I will try to get that in, then that should be completed.

Commissioner Borries: Were the forces on alert this morning?

Milton Hayden: Oh, yes. I had them out bright and early! We were ready for it.

President Tuley: We didn't really encounter any kind of problems though did we? Any serious problems?

Milton Hayden: Pardon?

President Tuley: We really didn't have any problem here though did we?

Milton Hayden: The only problem we had out there was they had a couple of accidents out there on county roads, on Mohr Road.

Commissioner Mourdock: On Mohr Road?

Milton Hayden: Mohr and St. Joe where a couple of cars slid off into a ditch. That is just minor, you know, compared to what was elsewhere. Other than that we had no problems at all. I better knock on wood though! Is there anything else?

President Tuley: Nope.

Milton Hayden: That was easy!

President Tuley: Thank you, Milton.

**Alan Kissinger - County Attorney**

President Tuley: Alan Kissinger, County Attorney.

Alan Kissinger: The only thing that I have is that I have a whole stack of documents here to be signed and once again they are in reference to the auditorium bond issue. They are the actual lease between the County and the Building Authority, an Addendum to the Lease which is basically what was discussed with us by Gary Malone, from Umbaugh & Associates last week. The Continuing Disclosure Undertaking Agreement, the General Certificate of Vanderburgh County and the Tax Certificates, all of these things with the exception of the leases and addendum the Commissioners have signed before for the various other bond issues and refinancing. I need to get those things signed tonight and then I need to have all of those documents back and some of them need to go to the Building Authority. The only thing left to do on the bond issue...we have the deed prepared, we have description of the property. The last thing that needs to be done is that there needs to be a Title Insurance Commitment prepared for the property. I have taken the deed and other information necessary for that to occur to the title insurance company. It is indicated to me that we will have that commitment by the 20th. The payment for that service will come from bond proceeds. Other than that, I think that every thing on this issue has been completed and Lucy Emison of Ice Miller was kind enough to get all of these documents here before everybody gets disbursed over the Christmas holidays and so forth. So, if we can get all of these documents signed tonight, I think that this will be all that has to be signed prior to the actual bond issue, the closing of which is supposed to occur on the 31st.

Suzanne Crouch: Alan, I wasn't paying attention very well. Not any reflection on you, but--

Alan Kissinger: Oh, sure.

Suzanne Crouch: --Charlene indicated that you were mentioning the insurance.

Alan Kissinger: Title commitment insurance, yes. Title insurance commitment, I'm sorry.

Suzanne Crouch: Is that with MBIA?

Alan Kissinger: MBIA?

Suzanne Crouch: It's an agreement? We received an agreement in our office today, but it was between MBIA and the Building Authority, so we took those documents up to the Building Authority.

Alan Kissinger: Ah! I'll have to check on that, I don't know.

Suzanne Crouch: Okay.

Alan Kissinger: I don't know, but that was with the Building Authority?

Suzanne Crouch: Uh-huh.

Alan Kissinger: I'll check that, thanks. I think, also, we have under old business a status report on all pending litigation cases. My understanding, and correct me if I am wrong, Suzanne, the other county attorneys have all submitted their reports?

Suzanne Crouch: Yes.

Alan Kissinger: I have a handful of cases, maybe five or six. I will try to get you those reports by the end of this week or at the very latest next Monday.

Suzanne Crouch: Thank you.

Alan Kissinger: I should also note that there will be a claim coming through on the Brian Whitledge case. If you will recall, that was a lawsuit that was filed, I don't know, two or three years ago in reference to a Health Department inspection. I discussed that with the Commissioners and I have settled that case for \$2,500 and there will be a claim coming through for that amount and a copy of the judgement is attached to that claim. That is one case that I will not have to report the status of. That is all I have to report.

**Cindy Mayo - Superintendent of County Buildings**

President Tuley: Cindy is on vacation and Sunny had a commitment with her family tonight, so we do not have a report from the Superintendent of County Buildings.

Commissioner Mourdock: Excuse me, before we do that do we need a motion to get all these signatures?

President Tuley: I bet we do.

Alan Kissinger: No, it is not necessary. These are documents, if you will recall Mr. Mourdock, I think I brought some of these documents to your place of employment the last time. The only thing that is necessary is that they be signed. If you wish to make a motion on them it would be only surplusage and certainly not a procedure.

President Tuley: Okay.

Commissioner Mourdock: If it is not necessary it is not necessary.

President Tuley: Okay.

#### Consent items

President Tuley: We will move on to consent items. Can I have a motion to approve the consent items to include a claim that was submitted by John Stoll to Purdue University for \$150.

Commissioner Mourdock: We only have a couple of consent items. I just want to make sure...well, I guess there were more here than I thought. I thought there were just two.

President Tuley: Mostly travel it just looks like.

Commissioner Mourdock: Yeah, okay. I'll move approval of the consent items as filed with the addendum of the one by Mr. Stoll for the travel request.

President Tuley: Okay.

Commissioner Borries: Second.

President Tuley: So ordered.

#### Scheduled meetings

President Tuley: Scheduled meetings. Does somebody have a calendar? This is the week of the 16th. There is an Insurance Committee meeting at 9:00 a.m. in the morning; there is a Personnel and Finance Committee meeting on the 18th; a Steering Committee meeting at 9:00 a.m. on the 19th; and an Executive Session, Commissioners meeting and Drainage Board meeting Monday night.

Charlene Timmons: I have a question.

President Tuley: You have a question?

Charlene Timmons: I have a question. The 30th is the fifth Monday and I have heard some talk back and forth about maybe cancelling the Commissioners meeting. I don't know if it is true or not, but if you want to I just needed to know so that I could do advertising for a Notice of Cancellation. If not, we will just continue on.

President Tuley: Doesn't make any difference to me, but I don't remember any rumors about us cancelling the meeting.

Commissioner Mourdock: It's news to me.

Charlene Timmons: That's fine. It was just something that I had heard, so that's fine.

Commissioner Mourdock: I hate to react to rumors, but this is one I am tempted to react to!

Alan Kissinger: I think this rumor was started by the Commissioners' office staff!

Suzanne Crouch: And followed closely by the Auditor.

Alan Kissinger: I'll third if it is appropriate!

President Tuley: I've got to start off by saying I don't care.

Alan Kissinger: I think the media wants a vote!

President Tuley: The only thing it does is it will add more confusion to that first meeting in January. I shouldn't say confusion, that's not very fair.

Commissioner Mourdock: That's probably very fair! Probably very kind.

President Tuley: This time of year, I mean, you see what we've got tonight. There is not a whole lot on here.

Commissioner Mourdock: Okay.

President Tuley: If you are looking for some direction, I will entertain a motion to cancel the meeting scheduled for Monday, December 30th. Favorably, I would look on that kind of motion if that is the desire of the other Board members.

Commissioner Mourdock: Alright, I will make such a motion then that the meeting...the scheduled Commission meeting on the 30th not be held.

Commissioner Borries: Second.

President Tuley: No meeting.

Charlene Timmons: Can I have permission to advertise that?

President Tuley: So ordered.

Commissioner Borries: That is correct.

**Old business**

President Tuley: Okay, we've covered scheduled meetings. We've covered old business.

**New business**

President Tuley: Is there new business?

Commissioner Borries: Yes, I do have one item that was submitted today that I would like to enter into the record. This is a letter dated today to the Vanderburgh County Commissioners.

"On June 22, 1997 I will have worked for the county for 20 years with the past 15 years as manager of Burdette Park. I have thoroughly enjoyed my tenure as manager. I am proud of the accomplishments and improvements made to the park during my years as manager. In the past 15 years we have added the following attractions: water slides, bumper boats, beach area with playground, new concessions, batting cages, miniature golf and baseball diamonds. We have totally renovated ten shelter houses, built five new chalets and a new entry complex to the pool. Burdette Park has also been featured in numerous

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national publications and I have had the pleasure of being the guest speaker for the World Water Park Association. Our Day Camp program has been a model for over ten national corporations. The county has also been awarded by the Association of Indiana Counties, the "County Achievement Award" twice during my years as manager. On one occasion, Burdette was part of several reasons the county was recognized. Burdette Park's Day Camp program was the sole reason that Vanderburgh County was recognized for the 1996 award.

But as in the words of a recent country music hit, "The only thing that remains the same is that everything changes". I respectfully submit my resignation as manager of Burdette Park effective Friday, September 5, 1997. This is the Friday after Labor Day. It is not my intention to leave in the middle of the season, however, with 60 days written notice and my replacement ready to take over I am willing to leave any time after June 30, 1997. Again, it is not my intention to leave during the middle of the park's season, however, if I obtain other employment prior to September 5, 1997 I will submit a written notice with at least 30 days prior to my departure.

As per the county personnel policy, I expect to receive payment for any and all accumulated vacation and sick days. As per the policy, I am entitled to five weeks vacation pay and I have accumulated 31 sick days. Of course, these figures will be adjusted if any days are used or accumulated prior to my departure. I am giving the Commissioners plenty of notice in order to provide a smooth transition and to give you time to have in place the finances as outlined above.

I would like to thank you for giving me the opportunity to serve the citizens of this community.

Sincerely,

Mark T. Tuley,  
Burdette Park Manager"

So, with a good deal of regret I will accept that and read that into the record.

Commissioner Mourdock: Just one question there. In hearing that I heard a couple of dates. May I read over your shoulder?

President Tuley: Sure. Okay, Rick, then would you move then to accept this?

Commissioner Borries: I would move to accept that per Mr. Mark Tuley's notice to us today.

Commissioner Mourdock: I will move to second the acceptance of the letter of resignation.

President Tuley: I will so order and enter that into the record.

Commissioner Mourdock: Do you need to note it or anything?

President Tuley: I'll just put accepted on here. Okay, that was

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under...I don't know if that was under old business or new business?

Commissioner Mourdock: I think that was new.

President Tuley: New business. Is there any other new business? Okay, I'll entertain a motion to adjourn until 7:00 p.m. at which time we will start the rezonings tonight.

Commissioner Mourdock: So moved.

Commissioner Borries: Second.

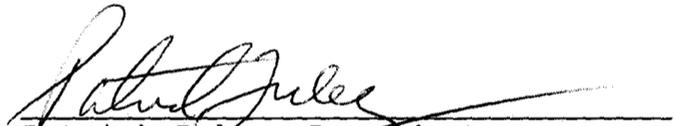
President Tuley: So ordered.

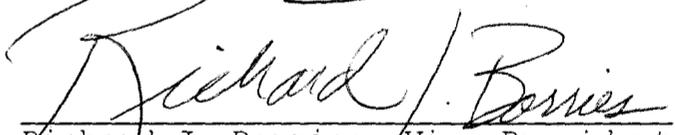
The meeting was adjourned at 6:40 p.m.

THOSE IN ATTENDANCE:

Patrick Tuley  
Richard J. Borries  
Richard E. Mourdock  
Alan Kissinger  
Suzanne M. Crouch  
Charlene M. Timmons  
John Buckman  
Andy Easley  
John Stoll  
Milton Hayden  
Others unidentified  
Members of the media

VANDERBURGH COUNTY  
BOARD OF COMMISSIONERS

  
Patrick Tuley, President

  
Richard J. Borries, Vice President

  
Richard E. Mourdock, Member

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VC-12-96 .....	1
Final reading (Deferred) Petitioner: Bob Woodward Address: 3801 North Burkhardt Road and 4201 North Burkhardt Road Zoning: AG to M-1	
VC-20-96 .....	12
First reading Petitioner: John Crabtree Address: 35 South Tekoppel Zoning: R-1 to C-4	
VC-21-96 .....	12
First reading Petitioner: The Referral Company, LLC Address: 3401 North Green River Road Zoning: AG to C-4	
VC-17-96 .....	13
Final reading Petitioner: Decem Investments Address: 1241 North Tutor Lane Zoning: C-2 to C-4	
VC-19-96 .....	14
Final reading (Deferred) Petitioner: Billy J. Munkus Address: 3535 North Green River Road Zoning: AG to C-4	
Approval of minutes .....	15
Adjournment .....	15
Attendance and signature page .....	15

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President Tuley: We've gotten a little bit behind already in starting, so we'd like to get the rezoning scheduled for December 16, 1996 before the Vanderburgh County Commissioners started.

**VC-12-96**

**Bob Woodward**

**3801 N. Burkhardt Road**

**4201 N. Burkhardt Road**

President Tuley: We are presented with a little bit of a problem, or a dilemma, so to speak, right off the bat in that we have a notice that was sent to petitioners regarding a certain rezoning, the petition is 96-58-PC/VC-12-96 in which the letter states that it will be brought before the Commissioners tonight and it's not on the agenda. Could I see by stand or show of hands or whatever how many people we have here tonight with regard to that rezoning? Quite honestly, just about everybody is here for that rezoning. I'm sure it goes without question by the petitioners and by the remonstrators, both of which have been represented by counsel, that they have submitted as much information probably as humanly possible in the last several days to our counsel who in turn has conferred with other counsel yet. Alan, could you at this point then voice us an opinion, if you would, and excuse me for those of you who are here for the other ones that are proper, that are listed on the agenda, but seeing how most people are here, I think we might make determination of whether or not we are going to have this hearing or not. If we decide to have the hearing, then we'll probably tack you on to the bottom of the list. If we decide not to, then at least you know that and you won't have to remain here for the rest of them.

Alan Kissinger: As the Commissioners are aware, this petition has a history. When it first came before the Commissioners, I believe it was in November, it was brought to the attention of the Commissioners that there was a problem as far as notice to abutting property owners was concerned. The specific abutting property owner was the State of Indiana and Mr. Shively, representing the petitioner, produced a Waiver of Notice. The Commissioners decided that it would be the most prudent path to go back through the notice procedure again. My understanding is that there is another notice question that was raised at the time that this matter was supposed to be heard in December before the Area Plan Commission. That notice involved a remainder owner of a piece of real estate which is abutting the parcel involved in this petition. I think that there will be questions and statements back and forth as to whether or not there was certified mail notice, whether or not there was actual notice, etc. Yes, I did confer with bond counsel, Ice Miller Donadio & Ryan. They indicated to me, basically, that there would not be a written opinion, but it was discussed, the pros and cons of the Commissioners hearing this petition tonight. I was not given direct advice as to what Ice Miller's position as bond counsel was on this, but it was acknowledged and discussed that there could well be a notice problem and that notice problem could ultimately cause any action that the Commissioners take tonight to be voided, but that was not a final opinion or decision on the part of bond counsel or myself. What it comes down to is there is a legal question that I think at some time in the future will have to be answered. It was suggested that if the Commissioners are going to err as far as what they do at tonight's meeting is concerned, it may be most appropriate to err on the side of conservatism and instruct the petitioner to go back and make absolutely certain this time that all notices are in place so that particular objection is removed from this petition, so that it can

either be heard by Area Plan Commission or Area Plan Commission can refer back to the minutes of its November meeting and then refer it to the Commissioners for its January rezoning hearings. However, I am not advising the Commissioners to do that. I am merely trying to give you both sides of this. You could also say that the statute has been satisfied and our ordinances have been satisfied by the hearing that was conducted in November by the Area Plan Commission. You could act on their recommendation at tonight's meeting. So I hate to kind of leave you hanging out there, but, obviously, I can't make the decision. I can only assist you in making an informed decision yourselves.

President Tuley: Okay, I think we need to hear then from the Commissioners from the standpoint based on Alan's comments if it is the will of this Board to either hear this petition tonight or to allow it to be heard in the January Area Plan meeting and then brought back to this Board in January.

Commissioner Mourdock: Okay, I'll go first with my opinion. As the member of this Board who is also on APC at this point I guess I have several thoughts in my head. Number one, is the word that I've used a number of times as a Commissioner which is in everything I do on this Board I strive to be consistent. We have always, it seems, difficulty in finding people to serve on boards such as APC and some of the other boards where we want good citizen participation. I think given that APC acted to defer their decision for a month on this, that if we override that decision we are sending the wrong message. I mean, we're asking those folks to make judgement, to take a look at issues and then basically we'd be ignoring their point of view. I find that troubling, especially given the fact that out in this same general area on the southeast side of Burkhardt and the Lloyd that within the last six weeks a judge has overturned what APC did and certainly what the City Council did. I think it's raising questions why people want to spend their time on those boards and I think to overlook what they've done would be an improper action at this point. So my feeling, and I guess, to use your words, Alan, we may be better to err in a conservative fashion in this. I would also add that last month on this Board, the Zoning Board, I was reminded of the need to have strict procedure with the rules. I guess I see if we do anything other than put this off for a month that we're not maintaining the strictest procedure that I think we need to adhere to.

Commissioner Borries: Well, I would have a different feeling about this matter from this aspect. I'm not at all sure that it will even be heard in January because it appears to me that the legal maneuvering that is going on at this point is curious that the timing of it, Mr. Hustace, who use to be a former attorney for the Area Plan Commission, on the day that it was going to be heard. On December 4 it came to his attention and I couldn't get in Mr. Hustace's letter exactly how it came to his attention, another little technicality that I thought we had talked about and asked him directly in the meeting of Wednesday, November 6th...excuse me, on November 4th maybe, or whenever the meeting was, were there any other reasons that this particular matter could not be heard. He said, no, he did not know any. Then on November, or on December 4th, the very day it was going to be heard in the Area Plan, he says in his letter it has come to his attention. Did the Area Plan Commission, does the Area Plan Commission...we're talking about boards, and I have had the opportunity of serving on the Area Plan Commission, I was unaware that...does the Area Plan Commission validate and check every single petition insofar as property owners

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for its authenticity?

Barbara Cunningham: No, we don't.

Commissioner Borries: You do not. Why is that?

Barbara Cunningham: Well number one there is--

Commissioner Mourdock: Excuse me, Barbara you need to go to the microphone.

Barbara Cunningham: I will get to the mike. Number one, there's not enough time. Number two, we trust the petitioner to and they certify and the attorney certifies that the notice is given properly. We trust the people to do so. The only time we ever go check it, Rick, is if there is a question raised and then we do go down and look at the records. And, no, we did not find this one and give it to Mr. Hustace.

Commissioner Borries: You did not?

Barbara Cunningham: No, we did not. We got the letter the same time you did.

Commissioner Borries: Uh-huh. Okay, so with that idea in mind and I'm fully aware that you are and have a great deal of respect for the people who work in your office. You are overworked, understaffed a bit, so in effect we're saying that unless somebody really calls it to our attention who knows how many mistaken petitions there may have been approved or not approved out there because you really don't check them?

Barbara Cunningham: That's correct. But if someone is not notified, it's only happened one time on a subdivision twelve, fifteen years ago.

Commissioner Borries: Well, it just appears that when we're talking about rules, that the rules really kind of changed here by who either knew them or who...someone who withheld evidence. I can't understand why on that particular day, the very day that it was to be heard that an objection all of sudden comes. Then the other remarkable part is that the Area Plan Commission attorney wrote a written opinion on the same day.

Barbara Cunningham: Yeah--

Commissioner Borries: I mean, now that is really speedy government work because I have to ask my overworked attorney over here, when I would ask Mr. Kissinger for a opinion that very day that takes a magnitude of effort on his part because he would have to drop everything else he does and all of the sudden gets a written opinion in response to something that day. Mr. Hustace, would you have any comments, sir, about how it came to your attention on this?

Cedric Hustace: All I can say is an attorney always has a right to talk to his clients. I won't divulge how it came to my knowledge outside from the fact that I have had conversations with my clients.

Commissioner Borries: Did you have those conversations, sir, on or before November or December 4th, 1996?

Cedric Hustace: Concerning this--

Commissioner Borries: As to whether or not there was a legal technicality here that we did not know because I remember specifically asking you, Mr. Hustace, on the night that this was heard were there any other technicalities that could be brought up and you did not say any that night.

Cedric Hustace: No, are you asking me whether I was lying to you at that time?

Commissioner Borries: I'm asking you, sir, if you knew it that night?

Cedric Hustace: I did not. The only defect I knew at that time--

Commissioner Borries: So, it came to you that day?

Cedric Hustace: I beg your pardon.

Commissioner Borries: It came to you that day then on the same day it was going heard by the Area Plan Commission?

Cedric Hustace: Well--

Commissioner Borries: That's the day I got your letter.

Cedric Hustace: Thereabouts, yes.

Commissioner Borries: Remarkable.

Cedric Hustace: Well, it's not remarkable. A can person derive--

Commissioner Borries: It's remarkable.

Cedric Hustace: Well, why would it be remarkable? A person can derive knowledge--

Commissioner Borries: Well, I mean, at what point now...so if next month this is going to be heard and we hear that there may be another life estate or some other technicality it could be postponed. So, really in effect all petitions that would come before the Area Plan Commission could be in jeopardy for ad infinitum at this point.

Cedric Hustace: A petition can be in jeopardy if the petitioner or his counsel doesn't do their job correctly and make sure that this Commission and the Area Plan Commission have jurisdiction. Yes, that is correct. If I represent a petitioner and I don't go and make sure that I have served everybody that I am supposed to have served then, yes, my clients petition can be in jeopardy. That has always been the case. It's always...the burden is upon the petitioner to make sure that the agency before whom he appears has jurisdiction.

Commissioner Borries: If that agency then...you're saying, so if the agency just doesn't happen to catch it or whoever that petitioner is who doesn't have an attorney who would be acutely aware as you would with your prior experience, those things just might have just slid right on through?

Cedric Hustace: I'm sure there are lots of things that happened. Just like there are a lot of crimes that are committed that are

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never found out, but that doesn't make them right.

Commissioner Borries: Thank you, sir.

Cedric Hustace: Quite welcome.

Commissioner Mourdock: Alan, just as a point of clarification if you would, the layman's term here and I'm sure it's not the right term, but let's assume there is an action by the APC or by this Board and if I understood Barbara's comments before at some point ten or eleven years later somebody comes back and says, oops, I wasn't properly notified, is there a statute of limitations by which the judgements of these boards become concrete or in the other extreme become void?

Alan Kissinger: Yes, there are, and, yes, if it isn't statutory in all cases then there are legal theories known as "laches waiver estoppel" because of the passage of time. Yes, and as a matter of fact, in this particular case it may well be statutory, but, yes, there is a point beyond which your actions cannot be tested.

Les Shively: Mr. Kissinger?

Alan Kissinger: Yes.

Les Shively: If I could respond, and I don't have the case in front of me, Mr. Mourdock, but the Indiana Supreme Court, recognizing there is not a particular procedure for review of rezoning decisions that are made by legislative bodies, has looked to the Administrative Adjudication Act which requires actually taking 30 days and apply that 30 days from the time that the claimed infraction or problem or defect. I would submit to you that if this Board took action this evening that it would be incumbent upon the remonstrators to have their challenge of record within 30 days of tonight's meeting, based upon Indiana Supreme Court their action would be barred.

Commissioner Mourdock: Well, I joked once earlier before this meeting started I feel like we need to be issued robes because more and more we're becoming less Commissioners and more and more judges. Let me ask you a judicial type question then, having said that, I guess the inverse of what you just said is that if, in fact, people do respond within 30 days with that sort of challenge it certainly one that must be honored?

Les Shively: It's one that must be honored, but I think that putting it in practical framework what we're talking about here, in light of the bond issue. The bond issue in this particular case is a bond issue that would in fact reimburse--

Commissioner Mourdock: Excuse me, Les. I don't know if that's relevant. I mean, I understand the importance of that issue--

Les Shively: I may have misunderstood your question. I'm sorry, I misunderstood your question.

Commissioner Mourdock: Okay, you made the point a moment ago that if something came up within 30 days then a potential remonstrator could bring that back to overturn a ruling. My read of that is sort of flipping it upside down, which is to say then the people that came forward within 30 days about this notice that was certainly the proper thing for them to do and would cause us to go back and take another look.

Les Shively: I don't quite...I don't think they're similar situations in this sense. The challenge, again, a challenge of a rezoning action has to be initiated within 30 days. The Supreme Court of Indiana has said that. That's all I could speak to. I don't you know, again, anybody that appears at a public hearing has a right to be heard. These people have a right to state what concerns they have. We have well documented our position on the law with the proper authorities, being your County Attorney, but I mean, I'm not going to sit here and say that a person doesn't have a right to be here at this meeting to tell you how they feel about something, what they think should happen. But, if they want to challenge it in another forum, the law...I mean, at least the law as decreed by, and I don't wear a robe either, but by the Supreme Court is it has to be done within 30 days. You know, come 31 days...come December 15th, you know it's a put up or shut up situation. I mean, so I guess the only reason I wanted to say it, it's not like there are a bunch of time bombs sitting out there in the Auditor's office that are going to go off one of these days, I think everybody ought to know that.

Commissioner Mourdock: Again, just understanding what you've said, it sounds to me like if, in fact, we acted tonight to hear this, that Mr. Hustace and his side of this argument would be on the side of the law in the fact that they responded within 30 days and it would give greater credence to their case afterwards to turn over whatever this Board did.

Les Shively: I don't believe that. I think the other thing you have to keep in mind is this, the Indiana General Assembly when it set up our system for rezoning property, dealing with zoning matters, put the final decisions in the of the elected legislative people. I tell you what's going to happen, I didn't create the record in this particular situation with regard to the action with the Plan Commission. I did not agree with the Plan Commission's action, in fact, they wouldn't even let us be heard on December 4th. They voted to put this matter on their January agenda. They have a right to...I can't control their meeting, okay? But they have never rescinded their vote of November 6th. What happens is if nothing happens within 90 days that vote of November 6th, if it's never rescinded which it has not been at this date, that November 6th vote usurps you of your legislative power by statute and becomes binding as if a legislative act. That vote, although is four affirmative, is not enough which means that we would then be out a year in that 90 days. As Mr. Borries has stated, I'm not too certain that come January we're not going to have some other technical reason why this can't be heard on the merits. I think it's important to note that the petitioner here is here to be heard on the merits and has been the past several hearings. The fear that I have, and looking at it from your perspective, I certainly would not want to have a situation occur which...the time bomb that's ticking right now is the November 6th vote by the Plan Commission that has never been rescinded and in 90 days takes away from you all the powers to mete out the legislative power vested in you by the Indiana General Assembly. To me that's a far greater concern I would think if I was sitting on that side of the table than where I am right now.

Paul Wallace: Do you want to hear more or--

President Tuley: One more because then...

Paul Wallace: It's an interesting argument to make that following the rules isn't required. There are rules, they're plain, they're

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simple and they're to be followed. That is what the question is. Now we can argue law, we can put on our robes as you were referring to, we can argue that the vote by the Plan Commission to defer the action because they did not have proper...or they believed there was not proper notice is a rescission of their prior vote because they had the same notice problem when they made that vote. But we're not here to argue about that. We're not here to complain. It's kind of funny hearing a lawyer complain about technicalities and rules. It's what they do. It's why we're hired. It's what we're supposed to do. That's why we're here. The rules haven't been followed. We've made our argument to Mr. Kissinger and that's really all that we're here to decide.

President Tuley: Okay, we've got one, two, three, four and how many more of you back there are attorneys that haven't stood up and identified yourselves as attorneys yet?

Paul Wallace: On this matter?

President Tuley: On this matter alone. No, I counted you. I counted you in the front row as being an attorney. I share a lot of Rick's same concerns and comments about what went on at this last meeting. I'm not accusing anybody of anything, but it seemed a little strange to me when I first heard about this. However, there is something else that disturbs me as well and that is following the rules and being consistent. The problem is regardless of how it was brought to the table there appears to be a question of proper notice. Without my attorney sitting here, and just like I told a reporter, I don't care what Mr. Shively's opinion is, Mr. Hustace's opinion, my concern is the man sitting down here. Whereas Alan did not sit here and say, Commissioners, you cannot hear this tonight, Alan did not sit here and say you should here this tonight or you can hear this tonight. It's questionable. That leads into a gray area. I really would like for this thing to be presented to this Board in which it is judged only on the merits of the petition and the land use and not some technicality. That's the problem I've got with hearing it tonight. I would love to sit here and go ahead because the last thing I want to do is 30 days from now have these same group of people in here again. But what would be worse than that, in my mind, would be to sit here and go through a two hour argument back and forth and discussion with some people walking out happy and some people walking out mad only to have it challenged in court, thrown out on a technicality and brought back to go through again. Having said that, I really feel like we need to go back to Area Plan with Les, and I'm talking directly, make sure we don't have notice problems of any kind. In your mind you don't have, but I'm afraid that there might be. The petitioner I think wants to--

Bob Woodward: Can I speak, sir?

President Tuley: Yes, sir.

Bob Woodward: I hope I'm not going to be tarred and feathered, I'm Bob Woodward and I'm the developer, by all the attorneys in the room tonight, but I hate to think that we've come to a position in our land where technicalities and nitpicking and who can hire the biggest gun, the smartest attorney and maneuver the best dictates how we're going to develop our city, state, or country. We have a technicality problem here. The truth of the matter is, is that everyone who gives a damn, excuse me and I'll use the French, about this rezoning is 1000% aware of it and is in this room this evening. I'm not going into the reasons why I think we're debating

all these technicalities, although I think there are reasons, but I think they're all ridiculous. We have worked on this particular project now for well over a year. This is our third attempt to bring it before a City/County Board to be heard. We're ready to present our side. The other people in the room, whether they be remonstrators or supporters, are ready to present their side. I just think it's a crying shame to drag things on and on and on and get our zonings to a point, and we're always going to participate, but to where the guy with the biggest billfold wins. That seems to be where we're headed. Let's see who can bring in the biggest team of attorneys and cover all of our bases. The individual who walks into Area Plan and says, gee, I want to make my house into a little office from this point on, if we allow these types tactics to be used, might as well just give up and stay at home because he can't possibly meet all the restrictive things that must be done if challenged by a team of attorneys that are as capable as these gentlemen here. It's absolutely impossible. So, if you vote not to hear this this evening we'll certainly be back. We certainly understand why you would be doing it and will respect you for that. What we've really sent a message out forward is we no longer are going to make decisions based on what's right and what's wrong and what's good for our community and for our neighborhoods, but just on who can hire the biggest legal team and cover their bases the most. I thank you and I apologize for all the confusion and time that we've taken and I hope you will hear this this evening.

Les Shively: Mr. Tuley if I could just, one brief moment. Mr. Mourdock raised a point of consistency and I don't want to go into another matter, but Mr. Mourdock raised it. In another case, well, I don't think it was a technicality it was a specific statute addressed to a specific question, I put that matter before this county's legal department. In that particular case the county's legal department, I guess, in conjunction with the Commissioners, elected that was not a technicality we're going to be concerned with and let the proceedings go. So if you elect not to hear this this evening you are, in fact, inconsistent, very much so. Let me also say this as well, and I do think it needs to be said on this situation, I know you think the bond issue is irrelevant, but the remonstrators raised the bond issue and I think it is relevant because here is the reality, we don't have to get real technical here. First of all, every case that I have checked and our authorities have checked we gave proper notice. We're going to win this 11 times out of 10. Number two, if the bond issue doesn't go the county's not out any money. You know who's out his money? This guy right here because he's going to loan that money to the county anyhow to do that project. There is no risk here to the county. If these people want to go in 30 days and file a legal challenge, they have a right to do so. Up, down, all around the only guy that may be affected by that is Bob Woodward. At that point in time he can elect to do several things, but the bottom line is it's not going to affect the county, it's not going to affect the taxpayers of Vanderburgh County and truly if we're talking about consistency it will be an inconsistent action what this Board has done the last 30 days.

President Tuley: You don't need to name names, I don't know the particular property in question, but I don't remember it being a notice question.

Commissioner Mourdock: No, it was not a notice question, but I guess I used the word consistency in saying that we are consistently striving to do the right thing, albeit we are human and occasionally don't meet that high standard, but in that sense

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I hope we are consistent that we try to play by the rules as they are written. Then, as you said Pat, quite eloquently, that we judge these things on their merits, not on a technicality.

President Tuley: Yes, sir?

Walt Bunner: My name is Walt Bunner. I'm not an attorney, I'm a remonstrator. I find it interesting for Mr. Shively to say that Mr. Woodward had been working on this for a year. I found out about it when I was getting ready to go on vacation two weeks ago or three weeks ago. I wasn't even here for the Area Plan Commission meeting. They've known about it for a year. I'm the most affected property owner in Vanderburgh County on this, along with the Champions. I live exactly adjacent to the property and have lived there for 30 years. If this is approved, I would probably be affected more than anyone else negatively. I'm not saying that it shouldn't be approved. I'm saying I haven't been heard yet. Maybe the others have, some of the others. I was looking forward for an opportunity to take this to the Area Plan Commission and put my cards out on the table. I haven't had that opportunity yet. If you hear this tonight I suppose I'll get a chance to speak, but it will not be the same as presenting all the cases to the Area Plan Commission. I'm concerned about the whole process. I'm concerned about the rezoning to begin with. I understand that we can't block progress, but I feel that I haven't been heard by the Area Plan Commission on the points that I would like to bring up about the rezoning and if you hear this tonight then I still would not have been heard by them. If Mr. Woodward has known about this for a year I wonder why none of the area property owners knew about it until we received the letter in the mail. Thank you.

President Tuley: I'm going to make an assumption here, Mr. Bunner, and I don't know your particular case, but I would assume you probably do not have abutting property that's contiguous to the property in question, therefore, you were probably not legally required to receive a written notice is what I'm going to guess here in your particular case. Now, am I out in left field here, petitioners?

Unidentified: I think he has received notice.

Walt Bunner: Yes, I've received notice.

Les Shively: I think Mr. Bunner was, at the time he received his first notice, I think he was out of town.

Walt Bunner: I was in Florida.

President Tuley: Okay, then I misunderstood. I thought you said you didn't receive notice until you got--

Commissioner Borries: He received notice.

President Tuley: Okay, I stand corrected.

Les Shively: He is adjacent. He just didn't get his notice because he was in Florida when he got his first notice. Is that fair, Mr. Bunner?

Walt Bunner: Yeah.

President Tuley: Okay, and I'm sorry, but I still have the same

problem. With the property owner in question, there seems to be a legal question of proper due notice. I know as much as the remonstrators don't want this to go through, the petitioners that want it to go through, none of us want to have to end up in court on a technicality. If we want to go into court and argue over if it was voted for and wasn't proper land use that's a whole different situation. I don't want to get into court on a technical issue that says, and if the law says you have to do these notifications, although I may not always understand why they write the laws the way they do, but that's the way they're written. That's the problem I've got. When I handed that stuff over to Alan and said give me a legal opinion what I was looking for says that no there is not really a question of notice and in his opinion the notice is legal and therefore you have the right, it doesn't make any difference if Area Plan didn't hear it or not. I'm not hearing that and I'm not trying to put this off on Alan. I'm putting it off on a legal opinion of the guy that I pay to give me legal opinion, to give me advice and have for...you pay for him, I mean, we do for the county, but you taxpayers pay for it. I just think it should go back and not come back before here in January with any thing in the air other than let's hear the facts and decide it on land use. I think that's the best thing for all people concerned. Now, it may not be to the petitioners, but I think it's what this Board is supposed to do.

Commissioner Borries: Well, I respectfully hear all that. My concerns to follow-up is and maybe we better start notifying every citizen in every community and every block of this town about every rezoning because I see some real problems ahead. I further would say that as it sometimes will subtly come back and say well then this will be heard and then they'll...Area Plan Commission is a recommending body, then it'll come forward with no recommendation and no recommendation even to that effect will be misleading if you don't have a quorum or have seven or eight people. You could have a bare quorum, have no recommendation and still bring it forward. So, I don't know. I'm not a lawyer. I just know that there just are some strange things here that are remarkable things that have been brought to my attention. Follow the rules, I agree completely. I am a rule person. Perhaps the mechanics of this day and age are certainly the lawyers and attorneys who perhaps know some of those rules more than us or at least more than I without having to check through all that. So, I'm just saying that I'm prepared tonight to hear it and that's all I can do.

Bob Woodward: Mr. Tuley, may I make one more statement?

President Tuley: Sure.

Bob Woodward: Then I'll sit down and I'm sorry for such a tough evening for everyone. Only two things I can probably assure you this evening and I see Mr. Jim Morley sitting there. I think from discussions with him and other people if we were to go back and research the records of notification of all zonings, I think we'd find at least 30% of the notifications, if we're going to be absolutely definite in our spelling and everything else, are illegal. The only other thing that I can assure you is that every zoning you have coming before you in the future the opposition will certainly use the same tactic that is being used tonight. So, I think you can take a look at the future and say, gosh, we really don't need to plan a three month time for zoning, maintaining the time we first file it and it has a waiting plan, notification, goes to the Area Plan, comes to the City Council or to us, we probably ought to look at around a year because that's something that I've

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already seen attorneys salivating about. Here is a new most definite way to attack every zoning that we don't want. Again, a plea for common sense as we look at these. Thank you.

President Tuley: This has gotten broader than it's gotten wide. There's no easy way to put this, but the question that comes to my mind, and I have to say it, the person in question, Jeanette Dillman, is that correct? Is that the right name? Did that person receive a certified letter stating there is going to be a rezoning on this date with the particular...with this particular property as an abutting property owner? That's the question in my mind.

Les Shively: The letter was addressed to her mother, but it was addressed to Mrs. Dillman's address. She received five notices including two additional notices regarding tonight's meeting sent to her home address, addressed to her mother. Her mother has a possessory interest and most affected. That was the address listed on the tax certificate. Also, two other remaindering have the same qualitative of interest as Mrs. Dillman also received direct notice. Mrs. Dillman refused to accept the letter even though it was addressed to her mother and sent to her address she refused to sign for it. The actual notice was addressed to her mother and sent to Mrs. Dillman's home address.

President Tuley: I shouldn't have asked the question.

Paul Wallace: How often...how long do you want to go with this? It's her stepmother, not her mother. The letter was not addressed to Mrs. Dillman, it was addressed to her stepmother who doesn't live there. Okay, we can go on and on. Before Mr. Hustace was Area Plan Commission attorney, I was Area Plan Commission attorney. I did that for five years. The issue of notice came up back then. Back then there were people who did it right and there were people who did it wrong. When the Plan Commission became aware of improper notice they required people to go back and do it right. It is not something that is impossible to do. It is not something that requires a year to do, but it is either done right or it is not. Again, it's that simple of a question.

President Tuley: Okay.

Commissioner Mourdock: Mr. President, I think we could go on with this all evening. Again, I don't feel totally comfortable with any decision I make on this particular issue because I feel like I am put in a situation where I'm supposed to be a judge and I don't feel technically trained as a judge. Having said that, I've made my points earlier and I would make a motion that we not hear this petition tonight and be prepared to rule on it after it goes to APC in January.

Commissioner Borries: I will second and ask for a roll call vote.

President Tuley: Commissioner Mourdock?

Commissioner Mourdock: As I worded it, I want to make sure I say it correctly. I worded it to the positive, so I would say yes to the motion.

Commissioner Borries: I will vote no.

President Tuley: I have to vote yes to send it back with a challenge to current Commissioners and Commissioners elect that when this comes back in January that the merits of the petition be

judged solely on what they're supposed to be judged on: land use and what's right. That's my challenge to all three of us.

Commissioner Mourdock: I will certainly make the commitment right now to do that.

Bob Woodward: Gentlemen, thank you very much for your time.

Commissioner Mourdock: Thanks, Bob.

President Tuley: Okay, I lost my agenda. Again, I'm sorry it took so long to...I mean, that lengthy discussion, so we better get back to what's on the agenda.

**VC-20-96**

**John Crabtree**

**35 S. Tekoppel**

President Tuley: VC-20-96, the petitioner is John Crabtree, the address is 35 S. Tekoppel. The request is from R-1 to C-4 and this is a first reading. Do we have a motion to approve on first reading and send to Area Plan?

Barbara Cunningham: That is part in the city and part in the county. We heard the part in the city this last time and it's being heard in city part...it's a piece of property that's part in the city and part in the county.

President Tuley: Okay, so the city is acting tonight?

Barbara Cunningham: The city is acting on it tonight.

Commissioner Borries: This is on a first reading?

President Tuley: First reading.

Barbara Cunningham: The city's on a final reading tonight because it went forward in the city before they found out it was in the county.

President Tuley: On the part that's in the city, yeah.

Barbara Cunningham: Yeah, half and half.

Commissioner Borries: You feel that all the residents are properly notified?

Barbara Cunningham: I have no idea, Mr. Borries, but I certainly will look into that.

Commissioner Borries: I'm sure that you'll scrutinize that. I move on first reading that it be approved VC-20-96, petitioner John Crabtree, be forwarded to the Area Plan Commission for their review.

Commissioner Mourdock: I will second.

President Tuley: So ordered.

VC-21-96	The Referral Company, LLC	3401 N. Green River Road
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President Tuley: VC-21-96, petitioner. The Referral Company, LLC. The address is 3401 North Green River Road and the request is from AG to C-4 on first reading.

Commissioner Borries: I'll move that VC-21-96, the petitioner, The Referral Company, LLC, be approved on first reading forwarded to the Area Plan Commission for their review.

Commissioner Mourdock: I will second.

President Tuley: So ordered.

VC-17-96	Decem Investments	1241 N. Tutor Lane
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President Tuley: The next two are final readings, the first one is VC-17-96, the petitioner is Decem Investments, the address is 1241 North Tutor Lane. The request is from C-2 to C-4.

Mark Fine: Members of the Commission, my name is Mark Fine and I am representing Decem Investments, Inc. which is the developer and joint venture partner owner of this property. This property is on North Burkhardt Road, 950 feet south of Oak Grove Road on the west side of the street. It's approximately a one acre parcel currently zoned C-2 as is the rest of the acreage that the developer owns. They're planning to locate there a retail tire store. Decem Investments has 36 acres that is similarly being developed and they are also part of...that 36 acres is part of a 52 acre tract that they are developing. One of their interests lies in making sure that everything in that area is done as aesthetically pleasing as possible to maintain as fine a development as possible. If you're familiar with the area at all, there's a Tutor Time facility there with a brick facade and green metal roof which is a pretty nice looking building. There is a hair replacement clinic similar type of facade and roof. We're hoping that this facility will also have a similar aesthetic appearance. The store that is planning to locate there is Southern Indiana Tire for those of you who may be familiar with their business. I've got with me, I'll hand you in just a second, some drawings of the anticipated facade. What we'd like to do there, again, keeping it consistent with what's there already. We have a plot plan. You'll notice that we have some very healthy landscaping and set back that we've put into place in addition to what is required. We're trying to make it aesthetically pleasing and consistent with the area. You'll notice it's pretty nice looking for a tire store. The C-4 zoning that we're asking for is consistent with the comprehensive plan. It's also consistent with other C-4 and M-1 and M-2 zoning that's in the area. I have with me this evening, Joe Ream, he's the Executive Vice President of Decem Investments, if you have any other questions.

President Tuley: Questions or comments of the Commissioners?

Commissioner Borries: Mark, I want to be consistent. I've known Mr. Fine for a long time, I'm sure that you've properly notified all the adjacent property owners. There's been no problems to any extent that you've been able to determine, is that correct, sir?

Mark Fine: Mr. Borries, I'm quite confident we followed the appropriate notice procedure.

Commissioner Borries: I believe it is a good rezoning and I've worked in the past with this group and they certainly are what I see as doing some positive things about economic development and jobs and that's what we have to be concerned with here as a community. So I would vote at this time if there's no other questions on the part of this Board to approve VC-17-96 on the final reading.

Commissioner Mourdock: I will second that recommendation and each part of it, especially regarding any other property you want to work with and I think you've made a real positive commitment.

President Tuley: Okay, roll call vote. Commissioner Mourdock?

Commissioner Mourdock: Yes.

President Tuley: Commissioner Borries?

Commissioner Borries: Yes.

President Tuley: I vote yes.

Mark Fine: Thank you.

**VC-19-96**

**Billy J. Munkus**

**3535 N. Green River Road**

President Tuley: Item number 2, VC-19-96. The petitioner is Billy J. Munkus. The address is 3535 North Green River Road. The request is from AG to C-4.

Barbara Cunningham: President Tuley, I see no one here. Mr. Dentino and Mr. Munkus presented it at Area Plan Commission.

President Tuley: Do we need to move to defer this until January's meeting then since the petitioners aren't even here?

Commissioner Borries: That's certainly the consistent thing to do, so I would certainly vote to defer. Does it fall into the 90 days, Mrs. Cunningham?

Barbara Cunningham: The other one didn't fall into the 90 days either. No, it does not. This falls into...it was just heard last month.

Commissioner Borries: So, I mean it falls within the 90 day framework is what I am saying.

President Tuley: January will still be within the days?

Commissioner Borries: We'd still be within the ruling?

Barbara Cunningham: Probably in February they would still be in the 90 days.

Commissioner Borries: Okay, good. Good, that's what I wanted to know. I would move to defer VC-19-96, petitioner Billy J. Munkus, until the January rezoning meeting of the Vanderburgh County Commission.

Commissioner Mourdock: I will second.

President Tuley: And I will so order.

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Commissioner Mourdock: Before we go adjourn, do we have minutes to approve?

President Tuley: Yes, we do. I'm sorry, you're right. Okay, we have minutes from the November 18, 1996 Rezoning meeting, a motion to approve?

Commissioner Borries: So moved.

Commissioner Mourdock: Second.

President Tuley: So ordered.

Commissioner Borries: I'll move that the rezoning portion of the Vanderburgh County Commission meeting be adjourned.

Commissioner Mourdock: Second.

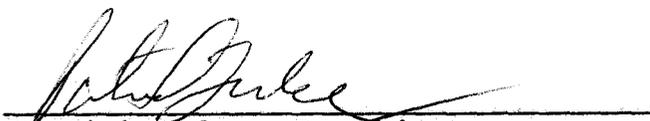
President Tuley: So ordered.

The meeting was adjourned at 7:55 p.m.

**THOSE IN ATTENDANCE:**

Patrick Tuley  
Richard J. Borries  
Richard E. Mourdock  
Alan Kissinger  
Bill Fluty  
Charlene M. Timmons  
Barbara Cunningham  
Cedric Hustace  
Les Shively  
Paul Wallace  
Bob Woodward  
Walt Bunner  
Others unidentified  
Members of the media

**VANDERBURGH COUNTY  
BOARD OF COMMISSIONERS**

  
\_\_\_\_\_  
Patrick Tuley, President

  
\_\_\_\_\_  
Richard E. Mourdock, Member

**Vanderburgh County  
Board of Commissioners Meeting  
December 23, 1996**

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**Vanderburgh County  
Board of Commissioners Meeting  
December 23, 1996**

The Vanderburgh County Board of Commissioners met in session this 23rd day of December, 1996 in the Commissioners' Hearing Room of the Civic Center Complex at 5:38 p.m. with President Patrick Tuley presiding.

**Introductions and Pledge of Allegiance**

President Tuley: I'll tell you what I would like to do if you don't care, I'll call the meeting to order and then I am going to immediately deviate from the agenda for a few minutes and then we'll get back to the agenda. I will call the meeting to order for the Vanderburgh County Commissioners for the last meeting of December, 1996, that meeting being December 23rd. I want to read something first, if I might, so that we have a little background here on what we are about to do. This is from the Office of the Governor and it is in reference to the Sagamore of the Wabash.

"The Sagamore of the Wabash Award was created during the term of Governor Ralph Gates, who served from 1945 to 1949. Governor Gates was to attend a tri-state meeting in Louisville with officials from the states of Ohio and Kentucky. Aides to the governor discovered that the governor of Kentucky was preparing Kentucky Colonel certificates for Governor Gates and Senator Robert A. Taft, who was to represent the State of Ohio. The Hoosiers decided that Indiana should have an appropriate award to present in return.

The term "Sagamore" was used by the American Indian Tribes of the northeastern United States to describe a lesser chief or a great man among the tribe to whom the true chief would look for wisdom and advice.

Each governor since Gates has presented the certificates in his own way. It has been said that one governor even resorted to wearing a full Indian headdress as he read the scrolls. The award is the highest honor which the Governor of Indiana bestows. It is a personal tribute given to those who have rendered a distinguished service to the State or to the Governor. Among those who have received Sagamores of the Wabash have been astronauts, Presidents, ambassadors, artists, musicians, politicians and ordinary citizens who have contributed greatly to our Hoosier heritage.

It should be noted that Sagamores have been conferred upon both men and women since the beginning of their existence. There is no record of the total number which have been presented, as each governor has kept his own roll; just as each has reserved the right to select recipients personally."

Having said that to give you some background...

Commissioner Borries: Oh boy, wow!

President Tuley: So that you may see what we've got here,

"The State of Indiana, Council of the Sagamores of the Wabash, Evan Bayh, Governor of the State of Indiana, known all men by these presents:

WHEREAS the greatness of the sons of Indians derived in part from qualities possessed by the noble chieftains of the Indian Tribes which once roamed this domain and;

WHEREAS it has been the immemorial custom of the State of Indiana to attract and support those who have exhibited such qualities and;

WHEREAS there has endeared himself to the citizens of Indiana one Richard J. Borries distinguished by his humanity in living, his loyalty and friendship, his wisdom in counsel and his inspiration and leadership;

NOW THEREFORE, recognizing his greatness and desiring to avail myself of his counsel, I do hereby appoint him as Chieftain upon my staff with the rank and title of Sagamore of the Wabash;

WITNESS my hand and the seal of the Council of the Sagamores of Indianapolis, Indiana the 16th day of December in the year of our Lord 1996."

Signed by Evan Bayh.

Commissioner Borries: Wow!

President Tuley: Congratulations.

Commissioner Borries: Thank you, thank you.

Commissioner Mourdock: My only regret at this moment is that he didn't have a headband on when he said it!

Commissioner Borries: Yeah, I don't know if I am a lesser chief or not here with sometimes my size, but, boy, that is indeed an honor. It is a great honor to have my family here with me tonight to see that. This is something that I will always remember. After 16 years, I'm not sure I can remember the first meeting that I attended, but I know I am going to remember the last. I really appreciate that, thank you. That's an honor.

Alan Kissinger: Well, Rick, I for one will always refer to you as Sagamore in the future!

Commissioner Borries: That's great, that's great. Well, I'll have to be sure and write the Governor, too. He is going on to other things as well, but that means a lot to me and having followed his career and mine kind of goes at the same time, well, that's good. Well, good. I appreciate all my lovely family being here tonight, too, so thank you. That's great.

President Tuley: Okay, normally when we have some presentation or whatever we allow those people that were here solely for that reason to excuse themselves if they so desire or they can sit through the meeting. The choice is yours, but we always give you the opportunity if you would so desire to leave if that would be your choice. Alright, we will go ahead and get started with the rest of our meeting then. If we may, by point of introductions to my far right is Sunny Titzer, who is serving tonight in the role of Cindy Mayo who normally is with us as the Superintendent of County Buildings and is our office administrator. This is Sunny's last meeting with us as well. She is going on to, I guess the term would be, bigger and better things?

Sunny Titzer: Yeah.

President Tuley: She has done a great service for us and Sunny we appreciate all your hard work and effort that you have given to the Commissioners.

Sunny Titzer: Thank you.

President Tuley: Alan Kissinger is attending his last meeting as County Commissioner Attorney, Alan Kissinger. I think Alan is probably under the table clapping his hands or his feet or yahoo, he is ready to go on. Commissioner Borries, it goes without saying, 16 years of dedicated service to our community attending his last meeting. To my immediate left is Commissioner Richard Morries...Richard Morries...? Richard Mourdock. It has been a long--

Commissioner Mourdock: Two years and that finally happened.

President Tuley: All the Richards and I was even Richard on election night on the TV screen. Everyone put me up as Richard Tuley. I don't know why, but they did. Bill Fluty, the Chief Deputy from the County Auditor's Office is sitting here with us tonight in the Auditor's position and with him is Kathy Burklow, who will be the Recording Secretary for our meeting. We welcome you and if you would all please stand with us and face the flag as we say our Pledge of Allegiance.

#### Approval of minutes

President Tuley: If I might, the first action item on the agenda is the approval of the minutes from the December 16th meeting, which was last Monday night.

Commissioner Mourdock: I'll move approval of the December 16, 1996 Board of Vanderburgh County Commissioners meeting.

Commissioner Borries: Second.

President Tuley: So ordered.

#### Certification of Executive Session

President Tuley: Item 4B, certification of Executive Session. Let the record reflect that there was an Executive Session held prior to this meeting. Items for discussion were personnel matters, contractual matters and pending litigation. Also, let the record reflect that there were no official votes taken.

#### Vanderburgh Auditorium Environmental Phase I - Michael Shoulders

President Tuley: Item 4C, Vanderburgh County Auditorium Environmental Phase I. Mr. Mike Shoulders, from Veazey Parrott & Shoulders.

Mike Shoulders: Thank you. Commissioners, tonight I come to you to seek approval to request consulting services for conducting an Environmental Phase I review of the existing facilities at the Vanderburgh Auditorium Convention Center. As you know from the contract negotiations that you had with my company, this is the

single and only service, I think, that we excluded from our range of services and consultants. The reason for that is that we...and this is generally a rule with most architectural engineering firms, we cannot get liability insurance to cover us for environmental issues, hazardous material issues and that sort of thing. As far as I know, this will be the only time that I come before you to seek a consultant outside of my own contract who is not a subconsultant to me. I have spoken with John Stoll and he will...these proposals will go to him. He and I will mutually review them. He will come back to you with a recommendation and we will execute an agreement. He and I will both oversee the work itself. I am recommending that you allow me, in conjunction with Mr. Stoll, to solicit proposals for Phase 1 from Donan Engineering Company, Inc.; Environmental Management Consultants, Inc.; Koester Environmental Services; and Pinnacle Environmental & Design. Four proposals from qualified local companies.

Commissioner Mourdock: Just one question, Mike. Has John worked with you already to form that short list?

Mike Shoulders: I have asked him to get back to me if he would like to add any and he has not done that as of yet.

Commissioner Mourdock: Okay.

Mike Shoulders: I would ask for a motion, if it suits the Commissioners, to allow me to go out and solicit these in conjunction with Mr. Stoll.

Commissioner Borries: I'll so move.

Commissioner Mourdock: Second.

President Tuley: So ordered.

Mike Shoulders: Thank you. I would like to say this evening, on Commissioner Borries' last evening, that as a taxpayer of this county I feel that this county wouldn't be in the shape it is in with such optimism and this level of growth that we are experiencing without dedicated leadership such as yours, Commissioner Borries. We owe you a debt of gratitude in this county and tonight I would like to salute you.

Commissioner Borries: Thank you, Mike.

Commissioner Mourdock: Mike, before you go I've got one quick question. I don't mean to take away from your remarks there because I know they were quite sincere.

Mike Shoulders: No problem.

Commissioner Mourdock: I was reviewing the minutes the other day from the Visitors and Convention Bureau and in their minutes they had a comment about not getting any information from you or feedback from you regarding a model. Do you know anything about that?

Mike Shoulders: The Convention Bureau would like to, I think, they have told me that they would like to solicit proposals for renderings of the facility and we are doing that. The last that I heard is that they did not want a model, so I am not aware of any requests such as that for a model. I will check with them. I'll call them up.

Commissioner Mourdock: That is the gist of my question.

Mike Shoulders: Okay.

Commissioner Mourdock: I just wanted to make sure that communication is going back and forth.

Mike Shoulders: Okay, I will touch base with them because I had not heard that a second time. What we are doing is we are going to two or three renderings...we are just helping them to try and get some promotional material that they can use to sell the facility and to have brochures and renderings in the Pagoda or whatever they think they need to begin to book conventions, so I'll give them a call.

Commissioner Mourdock: Specifically, I'm not sure that the word model was in their minutes, but I know that we had the discussion previously as to what our contract included--

Mike Shoulders: Right.

Commissioner Mourdock: --in that type of area and we said if they wanted to do that it was up to them.

Mike Shoulders: That's right.

Commissioner Mourdock: Again, just if you would communicate with them.

Mike Shoulders: I will do that at my earliest convenience.

Commissioner Mourdock: Okay, thank you.

President Tuley: Thanks, Mike.

Commissioner Borries: Thank you, Michael.

Mike Shoulders: Goodbye.

Commissioner Borries: Thank you.

<b>Burdette Park - Proposed rates for 1997</b>
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President Tuley: Item 4D is proposed rates for 1997 for Burdette. I know they are already getting several calls from people wanting to rent the buildings. I think you guys probably have a copy of it in your packets.

Commissioner Mourdock: As these are proposed rates, I presume from that, are we taking these under advisement?

President Tuley: I would suggest, since you are probably seeing them for the first time, that you might want to take them under advisement. We can just enter them in the record as being...well, we don't even have to enter them into the record. It is just information that is recommended by the management staff that we need to look at and make a determination if we want to agree with them, reduce them or increase them or whatever we want to do.

Commissioner Mourdock: Okay.

President Tuley: We need to act on it, probably, in that first meeting of January, though.

Commissioner Mourdock: Okay.

President Tuley: Because they are getting a lot of calls and they are trying to get the rate set in now.

Commissioner Mourdock: I would imagine, now that I think about it, that they probably want to put some advertising materials out with quoted prices.

President Tuley: Uh-huh.

**Lease Agreement - Old Courthouse Preservation Society**

President Tuley: Okay, the next item is item 4A. The lease agreement, Old Courthouse Preservation Society and Vanderburgh County in reference to Engineering and Veterans Services' office space. Alan has just been handed...the cover letter basically says that everything is the same with the exception of a slight increase from \$7,500 to what...\$8,175?

Alan Kissinger: Right, yes, \$8,175 per year and the option to renew clause indicated that the possibility existed and that there would be an increased expense, and in consideration of the fact that you are exercising your option from a previous lease, it is not necessary to advertise this lease. You may act on it tonight if you wish.

Commissioner Mourdock: In a discussion with John Stoll, he pointed out to me that he thinks most of the increase here is probably utility increase--

Commissioner Borries: Oh, I'm sure.

Commissioner Mourdock: --which probably fits.

President Tuley: Makes sense.

Commissioner Borries: I'll move approval of the lease to be signed for the Old Courthouse Preservation Society.

Commissioner Mourdock: There are actually two of them, Rick.

Commissioner Borries: Two.

Commissioner Mourdock: Do you want to do both in one?

Alan Kissinger: One is Veterans and one is Engineer.

Commissioner Borries: Yeah, one is for Veterans Service, which is one tenant, and the other is for the Vanderburgh County Engineer and the Engineer's Office.

Commissioner Mourdock: I will second the motion for both leases.

President Tuley: I will so order for both leases.

Sunny Titzer: We have two copies of both of those that I need back, please.

Commissioner Borries: Okay.

Commissioner Mourdock: So these are originals that we need to sign?

Sunny Titzer: I'll make copies and you guys can get them back signed if you want copies.

**Eric Schwenker - Oak Hill Sewer Project**

President Tuley: The next item then will be item 4F, Mr. Eric Schwenker, erosion and sediment control.

Eric Schwenker: Good evening, gentlemen and ladies. I really have nothing to do with erosion and sediment control and don't know how that got on there because I am the Oak Hill sewer rep.

Alan Kissinger: Well, it is not unrelated.

Eric Schwenker: Broadly speaking, yes, sir, you could say that. The last time I was here, in order for you folks to issue a preliminary resolution to impose the Barrett Law assessments in order to install a sewer for us folks out in the Oak Hill Road area, a boundary description is required. I contacted the folks at Morley Engineering and did obtain from them a boundary description. I have two copies that I would like to turn over to you, sir, or should I turn it over to the Recording Secretary?

President Tuley: At this point in time, I would suggest you turn it over to either Richard or to the Recording Secretary?

Eric Schwenker: The engineer at Morley assures me that an experienced land surveyor can take that description and hone right in on the area with which we are concerned. I read the thing and I don't understand any of it, but I am sure that he is right and a land surveyor can do that. I would ask then if there is anything further that we need to do at this time from Oak Hill Road in order to get or keep the project moving?

Alan Kissinger: Mr. Schwenker, the only thing that is left to do now...I shouldn't say the only thing that is left to do, but the next step in the procedure is a preliminary resolution. I will pass this information on to my successor and make certain that he has the necessary forms and so forth. He will know where this information is and he can prepare that preliminary resolution for presentation to the Commissioners at one of the meetings, I assume, early in January of '97.

Eric Schwenker: Alright, sir. Just two other points that I would like to cover with you. One, is that I understand that there will be a significant amount of legwork involved with this project. A lot of contacting of the folks in the neighborhood and things of that nature. We, in the neighborhood in general, and I, in particular, would be more than happy to volunteer to do any or all of that sort of activity that needs to be done. If someone will just get a hold of me and point me in the right direction. If I can't do it myself, I have a lot of help out there and so we can get that done. The other thing was that I did request in terms of the financing to see if an approach could be taken that would be at least mildly protective of those of us who want to sign up for this project now. I would be more than happy to write that up and submit it if it would be so desired, so that it could be...at least the suggestion could be made a part of the record. I don't know whether you can actually carry it out, but by the same token I didn't see anything in the Barrett Law that would particularly prevent an approach like that. I don't know whether you recall what that was or not, but if there are, pick a number, 80 folks out

there and that number is pretty close to accurate and to then take the total cost of the project and divide it by 80 and then charge each one of us that amount over the next 10 years. We are trying to set the project to pay out in 12 years. At the end of 10 years, then, refigure it and the people who said that they don't want in it, the five or six who have said they don't want in, if they last for those 10 years and still don't want in it, then you would refigure it for only 74 or 75 of us paying the bill and then we would have an extra assessment so that at the end of 12 years you would have your money back. The only thing is then I am trying to...anybody who wants to get a free ride is going to have to wait 10 years to get it. That's the best I can do. I would be more than happy to write that up if anybody would--

Alan Kissinger: It does make sense, and there is no provision in the law indicating that we can't do it that way, but we are supposed to set it up so that the whole thing pays out at the end of the originally designed period.

Eric Schwenker: Okay, what would that be, sir?

Alan Kissinger: I don't know. It will have to be up to the Commissioners as to how long that is going to be.

Eric Schwenker: Well, that's what I say then. If it could be set up for 12 years, then it would be paid out at the end of 12. If it was going to be 10 years, then I would suggest we do the equal approach for the first eight years and still the last years be the makeup period. Whatever it is, just as one way to try to get anybody who wants to get on board to pay the full price of the ticket is what it amounts to.

Alan Kissinger: Understood.

Commissioner Mourdock: Certainly, feel free to write that up and submit it to us, Mr. Schwenker. We'll certainly look at that as a possibility. We understand why the 75 of you don't want to see the other folks getting the free ride on it and if there is some way that we can do that judiciously we would certainly consider that. It sounds like an approach.

Eric Schwenker: Thank you very much, sir. Should I wait...would the County Attorney's office notify me or would the secretary of the Commissioners notify me as to when the resolution is going to be presented or should I just come down here and aggravate you folks some more?

Alan Kissinger: I would suggest that you call sometime after the first of the year. This is one of the things that I will bring up in my transition meeting with the new county attorney.

Eric Schwenker: Alright, sir. Do we know who that is?

Alan Kissinger: No. Well, not officially, no.

Eric Schwenker: Okay, I just wanted to ask in case I knew him or her as the case may be.

Alan Kissinger: I understand.

Eric Schwenker: Thank you very much, gentlemen.

President Tuley: Thank you.

Commissioner Borries: Thank you, Mr. Schwenker.

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

President Tuley: Item 4G, any group or individual wishing to address the Commission who does not find their topic for discussion or their name listed on the agenda, now is the time to come forward. That doesn't include you in the media.

Commissioner Mourdock: I suppose it could.

President Tuley: Yeah, it could.

**John Stoll - County Engineer**

President Tuley: Okay, department head reports. John Stoll is on vacation. I have a letter dated December 23rd.

"Due to the fact that I will be on vacation, I will not be able to attend the Commissioners' meeting on December 23, 1996. However, there is one item that I am requesting be brought up during my report. The unnamed frontage road adjacent to the Azteca Milling Plant needs to be accepted for maintenance. The road was built in accordance to the plans that were prepared by the County Engineering Department and approved by the Commissioners. I have attached street acceptance forms for this road and recommend that it be accepted for maintenance by the county. Also, if you have any recommendations for the name of this road, please let me or anyone in my office know so that street signs can be posted on the road."

That is from John Stoll.

Commissioner Borries: How about something real creative like Azteca Road?

Alan Kissinger: I was just thinking Borries Road! That's not nearly so creative.

President Tuley: It might get you some calls after...

Commissioner Borries: Yeah, at least Azteca they might know where it is.

President Tuley: It is something to think about, but tonight the main business at hand is to accept it for maintenance. It is 1,533 lineal foot or .29 miles.

Commissioner Mourdock: I'll move pursuant to the County Engineer's recommendation that we accept the as of yet unnamed Azteca footage.

Commissioner Borries: I will second.

President Tuley: I will so order. That is John's report for the night.

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

President Tuley: We need to change something in the computer

because Bill Morphew is no longer with us. Milton Hayden, the Assistant Superintendent, submitted the report for the Vanderburgh County Highway Department and the Bridge Crew for the period covering Friday, December 13, 1996 through Thursday, December 19, 1996 showing work throughout the county.

Commissioner Borries: I might say, Mr. President, that having been to an event at the County Garage today I was struck by the size and the quality of the new salt barn. I don't know what I expected, but I didn't expect quite as powerful of a structure that they have out there and that thing compared to what they have which is a deteriorating metal structure that probably needs to be razed at some point very quickly. It is really going to be a big improvement. It really looks nice and certainly should be giving many years of use. I think the only thing that they don't have now is the asphalt on the floor.

Commissioner Mourdock: Now you better appreciate, too, as I do, the comment that Milton or Bill made recently about trying to put up the things to make sure that nobody backs into the sides of the doors. That is a big building.

President Tuley: I'll tell you what, they did that in-house, did they not?

Commissioner Borries: Well, they did some of it. The frame they didn't do, but I think the rest of it they did.

President Tuley: It's massive.

**Alan Kissinger - County Attorney**

President Tuley: Okay, Alan, do you have anything to report tonight?

Alan Kissinger: Only briefly. I have prepared, at the request of the Commissioners, the resolution establishing the German Township Fire Protection District. I don't remember exactly what the date was, but you have this set for hearing, if I am not mistaken.

President Tuley: September 13th?

Commissioner Mourdock: September?

President Tuley: January 13th, not September.

Alan Kissinger: The resolution is prepared. I have only the original, I do not have any copies. If you wish, I will give this to the Auditor, so it can be brought back to the meeting on the 13th and there are some blanks to be filled in, but they are very minor blanks. One is as to the date the petition was actually presented to the Auditor's Office. I believe, this basically tracks the statute and everyone should understand that the result of this is that, you know, you establish a fire protection district and in the process you are establishing a taxing district and I assume that is why the statute requires the hearing. Other than that, I would like to thank all of the Commissioners for my opportunity to work with you. In my private capacity I will always be available to you in the future. Thank you very much. That's all I have to report.

President Tuley: Thank you, Alan.

**Sunny Titzer - County Commissioners' Office**

President Tuley: Sunny, do you have anything to report?

Sunny Titzer: No.

**Consent items**

President Tuley: Okay, under consent items we have employment changes, travel requests and the monthly Treasurer's Report for November, 1996. We did have some additional employment changes that were added late in the day that I would like to ask that they be accepted along with the other consent items.

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

Commissioner Borries: Second.

President Tuley: So ordered.

**Scheduled meetings**

President Tuley: The next item, and I know you gave it to me, is a calendar of events. There will not be a meeting next Monday night, the 30th. However, it looks like on January 6th there will be an Executive Session at 4:00 p.m. and a Commissioners Meeting at 5:30 p.m. The County Council will meet at 3:30 p.m. on January 8th. We will not be here next week.

**Old business**

President Tuley: Old business?

**New business**

President Tuley: Okay, under new business the appointment of the ABC Board has been deferred until January. Anybody else have any new business?

Commissioner Mourdock: Maybe this is new or maybe it is old, but let me just add my two cents here since obviously the changes of two weeks from now will be coming and I just wanted to say, Rick, Alan and Sunny, thank you very much. It has been a pleasure working with the three of you. Rick, especially. It occurred to me today, I don't know if you remember the first time you and I met, but it was at that hotbed of Republicanism, the Central Labor Temple. I was there speaking on behalf of a congressional candidate in 1988 and you were there speaking on behalf of Frank McClosky. I got up and gave what I thought was, at least by my standards, a pretty good rousing little pitch for the guy, and knowing Frank wasn't in the building, felt pretty good about it. They then introduced you to go to the microphone and speak on Frank's behalf. I have remembered that for some time. I have never spoken of it before, but I have to tell you that thought was very much on my mind as I started to take this office because I realized how effectively you could get up and take away from my arguments! Having said that, I came onto this Board not quite knowing how well we would get along, but I do want to say thank you

and salute you for being very above board, being very judicious in the things that we've done and I made the comment here a few months back on some particular issue, and I don't even recall which one it was, but I doubt that there are two people who like to argue politics in this county more than you and I. I think we have had a couple of pretty stirring moments here when we were on opposite sides of the issue, but you have always kept your word to me which was when I came on this Board when we had differences we would argue them out and when that issue was done it was done and we would move on to the next one. So, I appreciate the fact that you have done that. I have a hunch the ballots of Vanderburgh County will again at some point in the future see your name on it. After doing this for 16 years I can fully understand that it is tough to leave this, but I hope you leave it with a sense of peace knowing that a lot of people will find a way to complain about government. A lot of people will always find a reason to gripe and snipe and yet to come to do this 16 years every Monday night takes a lot of courage, a lot of perseverance and you are to be saluted for that. Again, I say thank you as a resident of Vanderburgh County who may not have always agreed with you, but I do say thank you for your many years of service with this Board.

Commissioner Borries: Thank you, Richard. Those are really kind remarks and I especially appreciate them from you. I do not remember that particular meeting, but there was a time or two when I did speak for Congressman McClosky and probably sometimes it helped and sometimes it probably hurt him! I don't know if they were all as successful. Sixteen years, and having my family out here, I guess, makes it really special. Looking back, I was in my 30's as my wife was when I took office. My two daughters, I was just thinking about, were 11 and 9 at that time. There wasn't a fax in the whole county. The computers, probably, and the power that we had on a lot of mainframes at that time which were kind of at that point a feeble attempt of the courts to begin data processing didn't amount to what, probably, Commissioner Mourdock has in terms of the power on his laptop right there. I guess, in a real simple thing to look back in 1981 and today, I have to ask is the county better off? I know I will be prejudiced, but I'll have to say, yes, I think it is. I'll share this with you, it just came across today, I think probably sums up a little bit about what I could say tonight. It says:

"In your opinion what are the most important challenges facing your community over the next four years?"

Wouldn't you know, it is just things that we have been working on and probably that the polls would hit right on the mark that this was a survey of America's Mayors and County Executives conducted by the Robert LaFalla Institute of Public Affairs at the University of Wisconsin in November and indicated economic development, 38.2% of those responding said that. Infrastructure and transportation 22.4%; public safety, 10.5%; education, 10.7%. Just right on the mark of where we are. So, I guess I would leave you with, you two who have certainly become friends and respected colleagues, to continue to work on I-69. I think my daughter had shared with me an article that appeared there on the front page of the Wall Street Journal on Friday about Indiana and our county talking about Indiana's exports and our position for economic development. Very quickly, I think, that highway has to be more than a dream and it will be critical to really submit Indiana's position in the future and our county's position, being right on that route, if you all will continue to push very hard for I-69. I would also say that continue and let Mike Shoulders now get on with his wonderful

design. I share your anticipation of in a few years attending a ribbon cutting, not a groundbreaking as much as a ribbon cutting, on that convention center. I believe that it will anchor the Executive Inn. I believe it will truly, truly, make a statement for downtown that will get over some of the weeping and gnashing of teeth in many other areas. With the Aztar operation on one end and if we can get that convention center going it will truly do more for downtown than anything else. I think we have worked together for growth and development and jobs. I know that doesn't always sit well with some folks, but I'll tell you, again, Vanderburgh County is growing. I believe that we have worked hard to develop a place where young people can come back and live here. People tell us how great a place it is to live. Yes, we have traffic jams to some extent, but that is all good, too. That goes along with the growth. It particularly occurred to me when I was in Chicago just a couple of weeks ago and from Midway to the downtown on a Friday afternoon there was one solid traffic jam on I-55. No stoplights, but not a car moving. That was a traffic jam in Chicago. I don't believe that we are there yet. I know that you all, and that will come to my last statement, will continue to plan ahead on that. I will say perhaps to my successor as well, not so much to you, perhaps you two get it maybe better than my successor, we have all the plans necessary, but, frankly, we don't have the money necessary and that is where you are going to have to be very creative in what you do to continue to allow our community to grow. As the pressure on you will get greater as there are changes within the federal and state level of pushing more responsibility downward on you, and the magic of the shell game without anything underneath in terms of the money you are going to need, is going to be the biggest challenge and you will have to be creative. Frankly, all the great plans that we could put on paper are going to pale in comparison to the money that we are going to need to get those plans off the shelf and make reality. I know that with you two in charge, this county will continue to be a better place. I have been pleased to be a part of it. I'm proud of what I have done and thank you for your remarks tonight.

President Tuley: Such kind words from Commissioner Mourdock and such words of wisdom from Commissioner Borries. It would be only fitting that I keep my mouth shut as I will not be able to outdo either one of those two. I would like to ask though, Richard, if you would ask for adjournment, then I get to make the second. It is only fitting that you call this meeting adjourned.

Commissioner Mourdock: I will do that momentarily, but one other quick thing to say and, again, Sunny, thank you for everything that you've been doing. Alan, I appreciate all that you have done and you have continued to do in making the transition here. It is much appreciated and to Mr. Tuley here on my right, too. I look forward to working with you in the next couple of years and very much appreciate that over the last six weeks since election day I think not only has this Commission worked perhaps as well as it did in the past, but perhaps even better because we did not look at things just in a simple, let's get stuff done before the end of the year basis, but we simply wanted to make things work in a reasonable and businesslike fashion. Having said that, I will move for adjournment.

Commissioner Borries: Great.

Alan Kissinger: Before you move, Richard, I just want to say one thing. Two years ago when Mr. Mourdock became a County Commissioner and was sworn in he couldn't say lawyer without

spitting at me. I want the record to reflect that tonight on two occasions he used the term judicious and he didn't even get a nasty look on his face! I think I am responsible for at least a part of that. Thank you.

Commissioner Mourdock: With that, I will move for adjournment judiciously!

President Tuley: I will second.

Commissioner Borries: I will say, so ordered!

The meeting was adjourned at 6:17 p.m.

Vanderburgh County  
Commissioners Meeting  
December 23, 1996

15

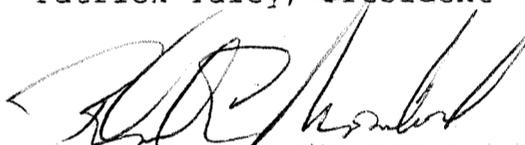
THOSE IN ATTENDANCE:

Patrick Tuley  
Richard J. Borries  
Richard E. Mourdock  
Alan Kissinger  
Sunny Titzer  
Bill Fluty  
Kathy Burklow  
Mike Shoulders  
Eric Schwenker  
Others unidentified  
Members of the media

VANDERBURGH COUNTY  
BOARD OF COMMISSIONERS



Patrick Tuley, President



Richard E. Mourdock, Member

Recorded by Kathy Burklow  
Transcribed by Charlene Timmons

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

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

**Introductions and Pledge of Allegiance**

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

Commissioner Mourdock: That's true.

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

**Approval of minutes**

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

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

President Tuley: I will second and so order.

**Certification of Executive Session**

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

**Installation of new officers**

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

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

President Tuley: I will second.

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

President Tuley: So ordered then.

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

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

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

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

Commissioner Jerrel: Second.

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

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

President Mourdock: I will say so ordered to that.

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

Commissioner Tuley: I think those are appropriate.

Commissioner Jerrel: I'll move approval.

Commissioner Tuley: I'll second.

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

Commissioner Jerrel: The 21st.

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

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

President Mourdock: Right, okay.

Commissioner Tuley: Which we won't meet.

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

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

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

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

Commissioner Jerrel: With the exception of the--

President Mourdock: With the exception of January 20th.

Commissioner Jerrel: Twenty-first.

President Mourdock: Yeah, 21st, thank you.

Commissioner Tuley: I'll second.

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

Commissioner Tuley: So moved.

Commissioner Jerrel: Second.

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

Commissioner Tuley: So moved.

Commissioner Jerrel: Second.

President Mourdock: So ordered.

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

President Mourdock: Yes, it does.

Commissioner Tuley: Okay.

### **Board Appointments**

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

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

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

Commissioner Jerrel: Second.

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

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

Commissioner Tuley: I will second.

President Mourdock: So ordered.

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

Jack Waldroup: Thank you.

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

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

Commissioner Tuley: Second.

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

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

Commissioner Tuley: I will second.

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

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

Commissioner Tuley: I will second.

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

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

Commissioner Tuley: I'll second.

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

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

Commissioner Tuley: I will second.

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

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

Commissioner Tuley: I will second.

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

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

Commissioner Tuley: I will second.

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

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

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

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

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

Commissioner Tuley: I will second.

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

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

Commissioner Tuley: Second.

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

Commissioner Jerrel: I'll move approval.

Commissioner Tuley: Second.

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

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

Commissioner Tuley: I will second.

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

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

Joe Harrison, Jr.: Thank you.

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

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

Commissioner Tuley: I will second.

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

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

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

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

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

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

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

President Mourdock: Okay.

Mike Lockard: Thank you.

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

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

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

Joe Harrison, Jr.: Thank you.

Mike Lockard: Thank you.

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

Commissioner Jerrel: Thank you.

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

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

Commissioner Tuley: Thank you, Mr. Moser.

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

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

President Mourdock: Alright, very good.

**John Stoll - County Engineer**

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

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

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

Milton Hayden: We started on it today.

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

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

President Mourdock: Okay.

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

President Mourdock: Okay.

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

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

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

Milton Hayden: Yes, sir.

Commissioner Tuley: I just scribbled it down pretty quick.

Milton Hayden: I think I can read it though.

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

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

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

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

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

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

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

President Mourdock: Okay.

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

Commissioner Tuley: Second.

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

Joe Harrison, Jr.: Thank you.

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

Commissioner Tuley: Just welcome aboard, Joe.

Joe Harrison, Jr.: Thank you.

**Cindy Mayo - Superintendent of County Buildings**

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

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

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

Cindy Mayo: Thank you.

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

Commissioner Jerrel: Right, right.

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

Commissioner Jerrel: May I speak to that?

President Mourdock: Sure.

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

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

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

President Mourdock: Charlene?

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

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

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

Commissioner Jerrel: Right.

Charlene Timmons: It would maybe save money.

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

Charlene Timmons: No, that would be fine.

Commissioner Jerrel: Thank you.

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

Commissioner Tuley: So moved.

Commissioner Jerrel: Yes, that was a motion.

Commissioner Tuley: Second then.

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

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

Suzanne Crouch: Could we make a suggestion?

President Mourdock: Please do.

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

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

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

President Mourdock: Uh-huh.

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

President Mourdock: Excellent point.

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

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

Cindy Mayo: The pink slips that I added.

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

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

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

Commissioner Tuley: I will second.

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

Commissioner Tuley: That was in the consent items.

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

#### **Scheduled meetings**

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

Commissioner Jerrel: No.

Commissioner Tuley: No.

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

Commissioner Jerrel: No.

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

Commissioner Jerrel: Right.

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

Commissioner Jerrel: Uh-huh.

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

#### **Old business**

President Mourdock: Old business before the Commission? Any old

business?

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

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

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

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

Commissioner Tuley: Through '97?

President Mourdock: Oh, okay.

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

Commissioner Tuley: It was a question.

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

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

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

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

Commissioner Jerrel: Right.

Commissioner Tuley: But back to your question--

President Mourdock: Yeah, right.

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

President Mourdock: Exactly.

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

Commissioner Jerrel: Yeah, right.

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

Commissioner Jerrel: Let me ask a question then.

President Mourdock: Sure.

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

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

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

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

President Mourdock: Okay.

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

President Mourdock: For 1997?

Commissioner Jerrel: For 1997.

Commissioner Tuley: Second.

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

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

Commissioner Jerrel: No, it didn't.

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

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

meeting next month...I mean next week.

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

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

Commissioner Jerrel: I've never seen it.

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

Cindy Mayo: Okay.

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

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

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

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

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

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

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

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

Commissioner Tuley: Had or hadn't been provided?

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

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

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

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

**New business**

President Mourdock: Okay, new business items. Well, I have

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

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

Commissioner Tuley: (Inaudible comments)

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

Commissioner Tuley: Anybody else.

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

Commissioner Jerrel: I would like to move approval.

Commissioner Tuley: I will second.

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

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

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

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

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

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

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

Commissioner Tuley: What's your schedule look like?

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

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

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

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

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

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

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

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

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

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

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

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

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

President Mourdock: Okay, excellent.

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

Commissioner Tuley: We've got to have money.

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

President Mourdock: There is another alternative, I hear!

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

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

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

Commissioner Jerrel: That's right.

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

Commissioner Jerrel: That's right.

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

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

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

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

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

President Mourdock: It will be interesting.

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

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

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

Commissioner Jerrel: Should I?

Eric Schwenker: I wish you would.

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

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

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

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

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Commissioner Tuley: So moved.

Commissioner Jerrel: Second.

President Mourdock: So ordered. We are adjourned.

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

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**THOSE IN ATTENDANCE:**

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

VANDERBURGH COUNTY  
BOARD OF COMMISSIONERS

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Richard E. Mourdock, President

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Bettye Lou Jerrel, Vice President

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Patrick Tuley, Member

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

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

**Introductions and Pledge of Allegiance**

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

**Approval of minutes**

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

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

President Mourdock: Second and so ordered.

**Certification of Executive Session**

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

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

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

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

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

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

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

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

Joe Harrison, Jr.: No.

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

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

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

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

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

Joe Harrison, Jr.: Sure.

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

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

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

Joe Harrison, Jr.: That is correct.

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

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

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

Joe Harrison, Jr.: That is correct.

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

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

President Mourdock: The proper findings meaning...?

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

President Mourdock: Any other questions?

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

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

John Buckman: For or against?

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

John Buckman: No.

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

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

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

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

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

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

Commissioner Jerrel: Okay.

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

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

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

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

John Buckman: Not that I am aware of.

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

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

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

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

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

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

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

Commissioner Jerrel: Local.

Joe Harrison, Jr.: That was local.

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

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

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

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

President Mourdock: Today?

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

President Mourdock: Okay.

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

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President Mourdock: Okay, thank you.

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

Suzanne Crouch: Certainly.

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

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

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

Joe Harrison, Jr.: That is correct.

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

Kenny Maasberg: I've got one.

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

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

President Mourdock: Okay, thank you.

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

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

John Buckman: Probably not that many.

Kenny Maasberg: Okay, is it a diesel truck?

John Buckman: Gas.

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

President Mourdock: Thank you, Mr. Maasberg.

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

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

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

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

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

John Buckman: Yes, I would assume they would.

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

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

Commissioner Jerrel: Oh, no. In German Township.

John Buckman: Right.

Commissioner Jerrel: How about a date?

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

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

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

President Mourdock: That's fine.

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

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

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

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

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

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

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

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

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

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

President Mourdock: Okay, thank you.

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

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

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

Joe Harrison, Jr.: Okay.

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

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

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

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

Commissioner Jerrel: Yes.

President Mourdock: I will vote yes.

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

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

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

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

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

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

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

Jayne Berry-Bland: For secretary.

Commissioner Jerrel: Alright.

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

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

Jayne Berry-Bland: Yes.

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

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

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

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

President Mourdock: Okay.

Jayne Berry-Bland: And the County Commissioners.

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

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

Commissioner Jerrel: You want us to do that tonight?

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

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

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

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

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

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

President Mourdock: I will say second and so ordered.

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

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

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

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

President Mourdock: Alright, thank you, Jayne.

**Randy Chapman - Strawberry Hill drainage problem**

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

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

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

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

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

President Mourdock: Yeah.

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

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

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

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

Commissioner Jerrel: Will you keep Mr. Chapman informed?

John Stoll: Yes.

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

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

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

Commissioner Jerrel: Yes.

Randy Chapman: Okay, I appreciate it. Thanks.

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

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

**Employee Assistance Program Agreement**

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

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

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

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

President Mourdock: It could very well be.

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

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

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

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

Cindy Mayo: I do not.

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

President Mourdock: I will second and so order.

**Insurance - Group Health letters**

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

been resolved?

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

President Mourdock: I will second and so order.

### **Burdette Board Appointments**

President Mourdock: Item J, Burdette Board Appointments.

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

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

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

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

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

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

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

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

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

President Mourdock: Great.

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

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

Randy Giles: Okay.

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

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

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

President Mourdock: Okay.

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

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

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

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

Commissioner Jerrel: Sure.

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

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

Randy Giles: I don't know.

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

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

Randy Giles: Under their professional services?

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

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

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

Randy Giles: Okay.

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

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

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

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

**John Stoll - County Engineer**

President Mourdock: John Stoll.

Commissioner Jerrel: What am I looking at?

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

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

President Mourdock: Do you see where it is at?

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

John Stoll: No.

Commissioner Jerrel: There are no other?

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

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

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

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

John Stoll: Right.

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

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

Commissioner Jerrel: Are you recommending the waiver?

John Stoll: Yes.

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Commissioner Jerrel: I'll so move.

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

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

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

President Mourdock: Second and so ordered.

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

John Stoll: Did you not receive it yet?

Commissioner Jerrel: No.

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

Commissioner Jerrel: I don't have it.

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

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

John Stoll: Yes.

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

John Stoll: Sure.

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

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

Commissioner Jerrel: No, I've been looking.

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

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

come back that you share that information with me.

John Stoll: Sure.

Commissioner Jerrel: Since I am learning.

John Stoll: Okay.

President Mourdock: I will second and so order.

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

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

John Stoll: Yes.

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

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

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

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

John Stoll: Long range transportation plan?

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

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

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

John Stoll: Okay.

Commissioner Jerrel: I would like to know that.

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

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

John Stoll: Okay.

Commissioner Jerrel: Thank you.

President Mourdock: Okay, thank you, John.

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

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

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

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

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

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

Commissioner Jerrel: Yes, I got it.

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

Commissioner Jerrel: Right.

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

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

President Mourdock: Right, okay.

**Joe Harrison - County Attorney**

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

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

President Mourdock: Any other questions for Joe?

**Cindy Mayo - Superintendent of County Buildings**

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

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

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

President Mourdock: Okay.

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

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

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

all being met.

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

Commissioner Jerrel: Yes, it was.

President Mourdock: Alright, anything else? Joe?

Joe Harrison, Jr.: No.

#### **Consent items**

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

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

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

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

President Mourdock: Second and so ordered.

#### **Scheduled meetings**

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

Commissioner Jerrel: Right.

#### **Old business**

Commissioner Jerrel: Is there any old business?

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

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

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

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

**New business**

President Mourdock: New business.

Commissioner Jerrel: I'll move adjournment.

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

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

**Those in attendance:**

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

VANDERBURGH COUNTY  
BOARD OF COMMISSIONERS

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Richard E. Mourdock, President

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Bettye Lou Jerrel, Vice President

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Recorded and transcribed by Charlene Timmons

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

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

**Introductions and Pledge of Allegiance**

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

**Approval of minutes**

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

Commissioner Jerrel: I would move approval of the minutes.

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

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

President Mourdock: January 13th.

Commissioner Jerrel: I mean January 13th.

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

**Certification of Executive Session**

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

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

Commissioner Tuley: So moved.

Commissioner Jerrel: Second.

President Mourdock: I will say so ordered.

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

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

Commissioner Jerrel: Do we need a motion?

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

Mike Shoulders: I will assist, John.

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

Commissioner Tuley: I will second.

President Mourdock: So ordered.

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

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

Michael Buente: Thank you, Mike.

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

Michael Buente: No.

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

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

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

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

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

President Mourdock: Right.

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

President Mourdock: Okay, I think--

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

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

Mike Shoulders: I'm just joking!

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

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

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

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

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

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

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

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

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

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

Mike Shoulders: Right.

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

President Mourdock: Did you give the third date?

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

Commissioner Jerrel: I don't have any questions.

President Mourdock: Pat?

Commissioner Tuley: No.

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

Mike Shoulders: Uh-huh.

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

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

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President Mourdock: That's fine.

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

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

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

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

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

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

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

Mike Shoulders: Yes.

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

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

Edward Moser: Of '99?

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

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

Mike Shoulders: Right.

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

Mike Shoulders: Right.

Edward Moser: Until we can get back in.

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

play that by ear.

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

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

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

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

(Inaudible comments made from audience)

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

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

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

Edward Moser: You mean the floor?

Mike Shoulders: On the floor.

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

Edward Moser: That takes place about July,--

Mike Shoulders: July the 7th.

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

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

President Mourdock: Okay.

Mike Shoulders: Of what we think it will be.

Edward Moser: The hardwood...

President Mourdock: Right, okay.

Edward Moser: Praise the Lord.

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

Mike Shoulders: One more thing that you brought up concerning

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

President Mourdock: Danny Spindler.

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

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

Mike Shoulders: This schedule shows--

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

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

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

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

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

Dan Spindler: Thank you.

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

Commissioner Jerrel: Uh-huh, yes.

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

Commissioner Tuley: I don't see Mike.

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

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

President Mourdock: Okay. Pat, any other comments?

Commissioner Tuley: No, not at this time.

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

Commissioner Tuley: So moved.

Commissioner Jerrel: Second.

President Mourdock: So ordered.

**Lynn Ellis - City/County Purchasing**

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

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

Commissioner Tuley: Are you ready for a motion then?

President Mourdock: Sure.

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

Commissioner Jerrel: Second.

President Mourdock: So ordered.

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

Lynn Ellis: Yes.

Commissioner Jerrel: Okay.

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

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

Commissioner Jerrel: Second.

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

Lynn Ellis: I'm sorry?

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

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

Commissioner Tuley: Usage?

Lynn Ellis: --usage for the year.

Commissioner Tuley: Okay.

Lynn Ellis: That is based on past usage.

President Mourdock: I had a motion--

Commissioner Jerrel: Second.

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

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

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

Commissioner Jerrel: Second.

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President Mourdock: So ordered.

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

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

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

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

Commissioner Jerrel: Second.

President Mourdock: So moved.

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

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

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

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

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

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

Lynn Ellis: Right.

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

Lynn Ellis: Right, well--

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

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

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

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

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

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

Lynn Ellis: Okay, thank you.

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

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

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

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

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

Lynn Ellis: Okay, thank you.

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

Lynn Ellis: Yes, ma'am.

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

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

President Mourdock: Okay, thank you very much.

Lynn Ellis: Okay, thank you.

**Joe Profaizer - Software service agreements**

President Mourdock: Joe Profaizer.

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

Commissioner Jerrel: Do you want to do these individually?

Joe Profaizer: Well, we can do--

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

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

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

Joe Profaizer: Okay.

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

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

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

Suzanne Crouch: Yes.

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

Commissioner Tuley: Joe, are these renewal contracts?

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

President Mourdock: That makes a difference in my mind.

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

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

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

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

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

Commissioner Jerrel: Which one?

Commissioner Tuley: FASBE.

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

Commissioner Jerrel: What was the previous term?

Joe Profaizer: The previous term was also three years.

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

Joe Profaizer: The other two are annual renewals.

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

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

Joe Profaizer: Okay.

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

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

President Mourdock: That, again, was a renewal.

Joe Profaizer: Anything else? That's it.

Commissioner Jerrel: Before you leave--

Joe Profaizer: Yes?

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

Joe Profaizer: Yes.

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

Joe Profaizer: Projects?

Commissioner Jerrel: --project that are ongoing.

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

Commissioner Jerrel: Okay, thank you.

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

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

Joe Profaizer: Yes.

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

Joe Profaizer: Absolutely.

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

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

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

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

President Mourdock: If you would, please.

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

Commissioner Tuley: Second.

President Mourdock: So ordered.

Commissioner Jerrel: I'll move approval of PDS.

Commissioner Tuley: Second.

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

ahead of me.

Commissioner Jerrel: Okay.

Joe Profaizer: Thank you.

President Mourdock: Thanks, Joe.

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

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

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

President Mourdock: Okay.

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

President Mourdock: Alright.

Commissioner Jerrel: Does that require a motion?

President Mourdock: Yes, it does.

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

Commissioner Tuley: I will second.

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

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

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

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

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

Andy Easley: Right, that's correct.

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

Commissioner Jerrel: Second.

President Mourdock: So ordered.

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

President Mourdock: It's the 11th.

Charlene Timmons: --to the 11th.

Commissioner Tuley: Oh, to the 11th?

Charlene Timmons: I'm sorry.

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

Andy Easley: That's fine.

Commissioner Tuley: I'll amend my motion then.

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

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

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

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

Andy Easley: We have a copy--

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

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

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

Commissioner Tuley: Charlene has them?

Andy Easley: Yes, they were filed.

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

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

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

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

Joe Harrison, Jr.: That's right.

Andy Easley: We understand that.

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

Commissioner Jerrel: Second.

President Mourdock: I will say so ordered.

Andy Easley: Thank you, sir.

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

Andy Easley: Thank you very much.

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

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

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

Commissioner Tuley: I will second.

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

**Weights & Measures - Lease agreement**

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

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

Commissioner Tuley: I will second.

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

**Gerald Bole - Veterans Service Appointment**

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

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

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

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

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

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

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

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

Commissioner Tuley: That's okay.

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

Commissioner Tuley: Right.

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

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

Commissioner Jerrel: I'll move approval.

Commissioner Tuley: I will second.

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

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

### **1998 Holiday schedule**

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

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

Commissioner Jerrel: Whatever dates?

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

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

Commissioner Tuley: I will second.

President Mourdock: So ordered.

### **Vision 2000 Report**

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

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

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

Cynthia Maasberg: My name is Cynthia Maasberg. Commissioners,

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

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

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

President Mourdock: Ping hit it to pong, Joe?

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

Cynthia Maasberg: Yes.

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

Cynthia Maasberg: By Friday?

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

Cynthia Maasberg: Yes, that will be fine.

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

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

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

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

Cynthia Maasberg: The 896.

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

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

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

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

Commissioner Tuley: Right.

Cynthia Maasberg: A list of just the 896 signatures.

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

Cynthia Maasberg: Correct.

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

Joe Harrison, Jr.: Which is fine.

Suzanne Crouch: Certainly we can do that.

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

Suzanne Crouch: Yeah.

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

Suzanne Crouch: Lunch time or thereabouts.

Commissioner Tuley: By noon. Is that fair enough?

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

Commissioner Tuley: Yeah.

Cynthia Maasberg: Which is?

Commissioner Tuley: One dollar a page...?

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

Commissioner Tuley: Is it a dollar a page?

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

Commissioner Jerrel: For thirty-five cents.

Commissioner Tuley: Okay.

Commissioner Jerrel: I'll second that motion.

President Mourdock: Okay, then I will so order.

Commissioner Tuley: By noon Friday.

Cynthia Maasberg: Thank you, Commissioners.

Commissioner Tuley: Okay.

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

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

President Mourdock: Thank you.

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

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

Priscilla Quinlin: The 51%?

Joe Harrison, Jr.: Yes.

Priscilla Quinlin: Is that what you are referring to?

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

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

Joe Harrison, Jr.: Yes.

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

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

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

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

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

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

Priscilla Quinlin: Of that 20%?

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

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

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

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

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

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

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

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

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

Priscilla Quinlin: Okay, thank you very much.

President Mourdock: Thank you.

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

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

Commissioner Jerrel: The budget of the district.

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

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

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

**John Stoll - County Engineer**

President Mourdock: John Stoll.

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

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

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or the feds?

John Stoll: It will be submitted--

President Mourdock: Oh, District Corps of Engineers.

John Stoll: Right.

President Mourdock: So it's a fed.

Commissioner Jerrel: This requires a motion?

President Mourdock: Yes.

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

Commissioner Tuley: Second.

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

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

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

John Stoll: No.

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

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

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

Commissioner Jerrel: Second.

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

John Stoll: Yeah.

President Mourdock: Yes.

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

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

Commissioner Tuley: So moved.

Commissioner Jerrel: Second.

President Mourdock: So ordered.

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

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

Commissioner Jerrel: Second.

President Mourdock: So ordered.

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

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

John Stoll: Probably late February.

Commissioner Tuley: Okay.

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

Commissioner Tuley: Okay.

John Stoll: That's all I have.

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

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

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

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

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

John Stoll: Greg Curtis.

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

John Stoll: Yes.

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

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

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

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

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

Commissioner Jerrel: Can I take that with me?

President Mourdock: Sure.

Commissioner Jerrel: Let Pat look at it.

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

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

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

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

Commissioner Jerrel: That's exactly right.

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

John Stoll: I can get that.

President Mourdock: Okay. Any other comments or questions?

Commissioner Tuley: That's the big picture.

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

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

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

Commissioner Jerrel: Let's do Milton.

President Mourdock: Yeah, let's do Milton.

Commissioner Jerrel: Because he's been here.

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

Commissioner Tuley: Hello, Milton.

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

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

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

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President Mourdock: Okay.

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

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

Commissioner Tuley: I will second.

President Mourdock: I will gladly say so ordered.

Milton Hayden: Thank you.

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

Milton Hayden: We'll try to.

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

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

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

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

Commissioner Jerrel: That depends.

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

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

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

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

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

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

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

Commissioner Jerrel: Who is this?

Milton Hayden: It's a Mr.--

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

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

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

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

Commissioner Jerrel: All the rest of them do?

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

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

Milton Hayden: I wish you could explain to him.

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

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

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

Milton Hayden: Yes, especially on that hill.

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

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

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

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

Milton Hayden: Oh, yes.

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

Milton Hayden: It's really an enjoyable ride.

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

Commissioner Tuley: Up on a snow plow?

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Commissioner Jerrel: No, the School Corporation county roads.

Commissioner Tuley: Oh, yeah, but I mean up in one of those plows. Those guys taking that 12 foot wide blade and pushing that snow to the edge of the road and not knocking down any more mailboxes than they do it is amazing.

Milton Hayden: They do an excellent job.

Commissioner Tuley: They do.

Milton Hayden: They put in a lot of hours, too. Anything else?

President Mourdock: I don't believe we have anything else.

Commissioner Tuley: I have nothing else for Milton.

President Mourdock: Yeah, thank you, Milton. I hope it never snows, but when it does please give me a call and I would like to do that.

Milton Hayden: Pleasures all mine.

President Mourdock: At this time we need to as a County Commission Board need to take a temporary recess because we have advertised a special rezoning meeting for 7:00 p.m. I would ask for a motion that we temporarily recess.

Commissioner Tuley: So moved.

Commissioner Jerrel: Second.

President Mourdock: So ordered.

The meeting was recessed at 7:05 p.m.

The meeting reconvened at 7:15 p.m.

President Mourdock: Okay, we'll call the Vanderburgh County Commission meeting of January 27 back to order at 7:15.

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

President Mourdock: We are at the point in the agenda for the County Attorney's report.

Joe Harrison, Jr.: I really don't have anything other than I have continued to meet with the past county attorneys and are going through the files that are out there. As we discussed before and I will provide you with as time goes on a list of those cases where the current or the past county attorneys are going to continue to handle and will keep you advised of that. Also, there are two other cases that I have discovered that our firm has a conflict in. One of the cases that I thought we did conflict in before that case was retained by Carl Heldt. So that case was not transferred to Jeff Ahlers pursuant to your motion back there on the 6th of January. There are two cases that are out there pending that involve the Weights & Measures Department. If agreeable, I would recommend that those two

particular cases be referred to Mr. Ahlers for his representation of the county at the litigation rate of \$70 per hour. Again, he did not receive that other case that we referred to before involving Jackie Trail, I think it was her lawsuit against the county. Carl Heldt is keeping that particular lawsuit. Other than that, I will keep you advised as time goes on with matters and it has been quite interesting so far and I have enjoyed to opportunity to serve you all.

Commissioner Jerrel: Do you want to...we need to initiate correcting our budget for `97?

President Mourdock: Yeah, with that item you mean?

Commissioner Jerrel: Yes.

President Mourdock: Yeah.

Commissioner Jerrel: Is that appropriate now?

President Mourdock: Sure, we can do that now.

Commissioner Jerrel: Okay, I would like to move approval of the agreement concerning compensation for Vanderburgh County Attorney and the salary would be the same as the county attorney's previous salary for 1997 which was \$45,022. The other salaries that are currently listed I would recommend that they be transferred into legal services account. I do not have the identification number for that account, but I would move that those be transferred into that account and I would pass the agreement down to Mr. Tuley to review.

Commissioner Tuley: I do not have a problem with this.

Commissioner Jerrel: This was the suggestion that you had made.

Commissioner Tuley: Right. That's why I don't have a problem with it!

President Mourdock: We had a motion.

Commissioner Tuley: I'm sorry. I will second.

President Mourdock: Okay, and I will say so ordered. Joe, in this agreement I have multiple copies. How many copies do you need executed of this?

Joe Harrison, Jr.: I think I gave you four copies or so, but the original is on top.

President Mourdock: Okay. I'll go ahead and sign those. Go ahead.

Joe Harrison, Jr.: Yeah. I think we need a motion regarding the two Weights & Measures cases and then also I have another matter that I need to make reference to with respect to the Auditor's Office.

President Mourdock: Okay, do I hear a motion for the

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reassignment or...well, how do I want to say this? A motion that the cases referenced by the County Attorney be handled by someone other than his firm given the potential for conflict of interest.

Commissioner Tuley: I would so move at this time.

Commissioner Jerrel: Second.

President Mourdock: So ordered.

Joe Harrison, Jr.: The other matter that I neglected a few minutes ago was the Statement of Receipts and Employee Compensation statement that needs to be advertised by the Auditor's Office. That particular document has been forwarded to me and pursuant to state statute it has to be published in the newspaper pursuant to state law. I have reviewed the document and it looks in order. I don't think this body needs to act upon it. It is something that the Commissioners need to do, but if they want to approve it they haven't look at it.

Charlene Timmons: That went through their meeting on January 13th and you guys accepted it.

Joe Harrison, Jr.: Right, but the document looks fine. Who knows what the cost of that will be. I'm sure it will be a pretty penny for the county, but I'm sure the newspapers will enjoy receiving the funds.

Charlene Timmons: I'm just looking for permission to advertise, basically.

Joe Harrison, Jr.: Is there a motion to that effect?

Commissioner Jerrel: So moved.

Commissioner Tuley: Second.

President Mourdock: So ordered. Anything else for Joe?

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

President Mourdock: Okay. A couple of items that I would bring to your attention. One is what you heard me mention to Lynn Ellis earlier this evening. I would like it if you and she could get together prior to the end of the week and I will try to be in that meeting regarding the Welfare to Work ordinance. The second thing is that we had as ongoing business from the prior commission the erosion control ordinance. I know the city has approved that. Have you had any discussions with Mr. Kissinger regarding that ordinance?

Joe Harrison, Jr.: No, but I do have a draft of the ordinance that I believe was faxed to me by the Auditor's Office that they had in their possession. I received it late last week and I have not had an opportunity to look at it yet, but I will be doing that.

President Mourdock: Okay, if you would perhaps by Thursday of

this week give Mike Wathen with the Soil and Conservation District a call. He has a couple of questions on that and certainly has an interest to move it along.

Joe Harrison, Jr.: Okay, no problem.

President Mourdock: So that would be the 31st.

### **Superintendent of County Buildings**

President Mourdock: The Superintendent of County Buildings is not here. Ms. Mayo having gone to work for the County Clerk's Office, but in here stead Tony do you have anything to bring to our attention?

Tony Greubel: I just wanted to say that I investigated how the Auditor's Office does their personnel policy with how the workers work through the week to make sure that the Commissioners' Office was following that line in case we put a time clock in we wanted to have questions done. I have a few questions that I am going to have to go over with you sometime on that about working hours. Sarah Crow who had been working...who works half for the County Council and half for the County Commission. The previous few years, as you know, she was doing work for another organization in place of the Commission, but that organization is to the point where they really don't need her. Their funding is fine now. Especially starting tomorrow she is going to come back and do more work for the Commission.

President Mourdock: Okay, very good. Questions or comments of Tony?

### **Consent items**

President Mourdock: Consent items. You have in your packet a very large list of consent items. One addition that I am aware of is a travel request item by Commissioner Jerrel to meet with INDOT this coming week, I believe...actually tomorrow.

Commissioner Jerrel: Tomorrow.

President Mourdock: We also have Veterans Service agreements, County Auditor's information, Health Department, Burdette Park, County Assessor and Weights & Measures. We have the Treasurer's monthly report included as a consent item. We have the leave of absence from the German Township Assessor pursuant to the Family and Medical Leave Act. We have the acceptance of the Knight Township Poor Relief guidelines and we have the acceptance of a drainage book which as I recall was simply something that we received from the state of Indiana regarding drainage.

Commissioner Jerrel: I'll move approval.

Commissioner Tuley: I've only got one question. Bettye, you said your going to INDOT to meet with the new director, Mr. Curt Wiley, right?

Commissioner Jerrel: Yes.

Commissioner Tuley: Okay. Because we had that discussion January 6th about prioritizing things and because of my absence we've not really had a chance to go back and discuss that. So you are going up there as Commissioner Jerrel not as this Board. Is that correct?

Commissioner Jerrel: The goal is to expedite information regarding the amount of money that we will be eligible for. There has been some discussion. John had indicated that INDOT had said the funding was not available because they did not have authorization from the federal funds. So what I have done is I have initiated a meeting with Rose, John and Senator Lugar's office to find out what was actually available in the form of appropriations from the federal government and then when I go tomorrow I am going to have all that information available, so that then when we speak we'll all be speaking with the same information. I have a critique of the history of Lynch Road, Burkhardt and any other projects that have been going on. It is my goal to find money.

Commissioner Tuley: Okay. At last week's meeting I know John had asked to go to some bridge seminar or something and you asked him to come back and share that information with you because you are new. I'm new too. Well, I've been here four years, but it would be nice if all that information could be shared with everybody. If you would come back and report that to the Board as well when you come back that would be great.

Commissioner Jerrel: That's exactly right.

Commissioner Tuley: So that we all, as you say, can be signing the same...to paraphrase you phrase.

Commissioner Jerrel: No, I want to be very visible...all of us to be very visible because I think we are more likely to receive recognition. For instance, I have a map from 1976 and a map from 1996. If you look at the 1976 map you will see that all of the major areas have built highway loops around them now. For instance, in the northwest which is Gary, South Bend, Elkhart, Fort Wayne and the area referred to as Louisville/New Albany. In 1996 ...none of them had it in '76. None of them had loops around them in 1976 and they all do now except us. That is just one of the pieces of information and I'm going to be nice. Real nice to start.

President Mourdock: Do I have a motion to approve the consent items as follows?

Commissioner Tuley: She made a motion, I think, so I will second.

President Mourdock: I will say so ordered.

**Scheduled meetings**

President Mourdock: We have a scheduled list of meetings attached as always which I am not going to read into the record

for the sake of time.

**Old business**

President Mourdock: Old business. The first item that I have listed is the appointment for the Burdette Park Advisory Board or Board of Trustees.

Commissioner Tuley: Let me try and do this right. I would like to move at this time then...the continued appointment, I guess is a better term, of Mr. Kent Reddington who presently serves in that capacity and I am looking through this for his address. It's the same address, he hasn't moved. It's 6024 Ohara Drive.

Commissioner Jerrel: I would like to move the appointment of Don Hess who lives on the 7000 block of Bayard Park.

President Mourdock: I will move as my appointment Mr. Jerry Schmits and that's S-c-h-m-i-t-s. Just one T. I am not sure of his address, but I can get it for you in the morning.

Commissioner Tuley: It's 3626 Richardt, according to this.

President Mourdock: That's it, Richardt. With all three of those suggestions I would accept one motion on behalf of those three people.

Commissioner Tuley: So moved.

Commissioner Jerrel: Second.

President Mourdock: So ordered. Do we have any other Board appointments open and vacant that we wish to fill this evening?

Commissioner Jerrel: I'm not sure if we were prepared to...the Land Evaluation is on hold.

President Mourdock: That's correct.

Commissioner Jerrel: So that one...and the Domestic and Sexual Violence.

President Mourdock: I think the one question there is the number of outstanding appointments. I know who I would like to appoint as a proxy, but perhaps we need to clarify the number of outstanding appointments.

Commissioner Jerrel: Would it be alright to defer these until next week?

President Mourdock: Sure.

Commissioner Tuley: Good idea.

President Mourdock: Okay, we will consider those deferred. Any other old business before the Board? Pat?

Commissioner Tuley: I'm sorry, no.

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President Mourdock: Any other old business, Bettye Lou?

Commissioner Jerrel: No.

President Mourdock: Okay, I'll bring up a couple of items just for the sake of getting them out here. One of the things that we talked about some months back was a county administrator. Now that the Superintendent of Buildings position is open, I would like to see if this Board is amenable to perhaps having some discussions with the idea of drafting a new job description for review that would include the duties of the Superintendent of County Buildings, but also be broadened to include many of the duties that are non-policy issues that we have to deal with. This past week, and I suspect that this is not unusual for the President of the Commission, but this past week I had 52 phone calls at my place of business regarding the business of the county. We definitely need, I think, someone in this office on a day-to-day basis with some experience in every area of county government that can help us deal with those sorts of non-policy issues. I'm open to discussion regarding that subject.

Commissioner Jerrel: I think that is fine, but you are not precluding somebody that doesn't have that experience from this building? Is that what you meant when you said that?

President Mourdock: Restate your question. I'm not sure I understood the question.

Commissioner Jerrel: Well, you said that I want to advertise a position with somebody that has knowledge of all aspects of our county government.

President Mourdock: Right.

Commissioner Jerrel: So if they don't know it right now they can't learn it?

President Mourdock: No, I am not necessarily saying that. My point of view is if given the choice between someone who has experience in all areas of county government or someone that we would have to train from scratch, I am heavily on the prior side not the latter.

Commissioner Jerrel: Alright.

Commissioner Tuley: We've had some discussion about that before. I think it is a move...I mean, we've talked about it. Right now all three of us have full-time other jobs and this job just becomes more and more overwhelming. I can sympathize with you to a certain degree for your 52 calls. As the minority member I no longer have to deal with that many phone calls, but I did last year so I can appreciate that. I think it is important that we get someone with some sense of background or understanding because there are so many different areas that we supposedly have to be experts on. So good luck in your search.

Commissioner Jerrel: Are you suggesting that we have...we do have a job study, so we do need to approach the job study representative to solicit input on what we want. I mean, I

think it might help if you would put down...

President Mourdock: My thought was to bring to this Board next week or get it to you before the meeting next week a draft job description of what at least I see that position would entail and then ask each of you to contribute to it or delete from it and then hopefully if we can reach some consensus we'll pass that on to the job study group as a starting point for them.

Commissioner Jerrel: You will list qualifications?

President Mourdock: I'll list what I feel they should be.

Commissioner Jerrel: Okay.

President Mourdock: But I am not bound.

Commissioner Tuley: You might consider treating this position almost like a Chief Deputy position and then they would be whatever classification where they don't have longevity and what have you where we can pay this individual their worth, so to speak, so we can get some quality people involved.

Commissioner Jerrel: Right.

President Mourdock: Excellent point.

Commissioner Jerrel: Do we need a motion to that effect or just do it?

President Mourdock: I don't think--

Commissioner Jerrel: Just do it and we'll look at it.

President Mourdock: I think to just do it will be sufficient on this one.

Commissioner Jerrel: Okay.

Commissioner Tuley: Under old business and I kind of said no, it's not, but we've had several, and it's been going on for a while I think, John said there are some people that live out in, I think it is Westwood Subdivision, some roads that have not been accepted by the county. I think there was an estimate done a year ago that approximately \$245,000 is what it would take to bring it up to county standards so that it would be accepted by the county for maintenance. There are 84 homes in that subdivision and I don't know if the Barrett Law is something that is a possibility to help them with the particular problem. The concern I have now as much as anything is one of the gentleman that continues to call me and talk to me about this says that the school buses now are no longer wanting to come in there because the road conditions are so bad particularly in periods of ice and snow when we cannot go in there and clean the roads and clear a path for them. We've got a lot of kids apparently who will be walking down maybe to the intersection of Boehne Camp and Upper or Middle Mount Vernon, whatever this is, so I will just kind of throw this on the table and get some thought or input on how we might address that situation, if we

can do anything at all.

Commissioner Jerrel: Have you...well, after the attorney looks at it if it is a possibility then I guess the next step would be to see if that is something that the homeowners want to participate in.

Commissioner Tuley: Right.

President Mourdock: Sure.

Commissioner Tuley: I agree. If Barrett is something that is an option to us, then we have to go through that process. Obviously, we can't go in and spend \$245,000 of the taxpayers money--

Commissioner Jerrel: No.

Commissioner Tuley: --to fix that up.

President Mourdock: That was Westwood Subdivision?

Commissioner Tuley: I believe it is called Westwood or Westwood Hills or Westwood Subdivision.

President Mourdock: I think where you are headed with that is to have Joe report back to us as to whether or not Barrett Law is applicable.

Joe Harrison, Jr.: Yeah, I'll take a look at that.

Commissioner Tuley: If that is not an option I don't know where it is going to go.

President Mourdock: Okay, alright. Will you be able to report next week, Joe, on what you've found?

Joe Harrison, Jr.: Yes.

President Mourdock: Okay, thank you. Any other old business?

**New business**

President Mourdock: New business. Commissioner Tuley?

Commissioner Tuley: I don't have anything.

Commissioner Jerrel: No.

President Mourdock: Okay, a couple of items here. One is a report or a resolution that the Indiana Association of County Commissioners forwarded to us. What it is in regards to is transportation and trying to get the General Assembly to address the local transportation issues. This has been circulated among the three of us. It came back to me tonight and it appears that both of you feel that we should support this, so I would ask for a motion to have this Board act to approve the resolution calling for transportation funding through the Indiana General Assembly for local county issues.

Commissioner Tuley: I will so move.

Commissioner Jerrel: Second.

President Mourdock: I will so order. One other issue that I have as a new issue. I don't know if tomorrow is the proper time to do it, Bettye Lou, since you will be in Indianapolis, but it has been in the papers at every level of government of late the issue of campaign funding. It has been in county campaigns, campaigns for County Commissioner and from there upwards to the Presidency of the United States. I know at one point the city and I believe county government and perhaps Suzanne can help me out on this one. I think when Mr. Harding was the Democratic Chairman and I believe when Suzanne was the Republican Chairman there was a move afoot to try to get a county ordinance to limit campaign funding or at least some agreement. Do you recall that Suzanne? I'm sorry to put you on the spot with that.

Suzanne Crouch: There is a vague recollection. I think if memory serves me correctly and don't quote me, but I believe it was something that was put forth by Mayor McDonald actually.

President Mourdock: Okay.

Suzanne Crouch: But that goes back a long time.

President Mourdock: Yeah, it does. The state of the campaigns being such that I would like to see us try if it is legal through the state to somehow determine what a reasonable limit for campaign funding would be. This is a non-election year which would seem to me to be the ideal time to do it. Quite honestly, I don't expect much leadership from the very top on this issue and I think it is time for us to lead from the bottom. Joe, could you research and let us know what our options are in that regard and perhaps, Bettye Lou, when you are in Indianapolis I know there is some legislation on the floor up there to see if somehow the county could be given the authority if it doesn't already have it to see if we could impose some sort of limits if it is the will of this Board to predicate that I guess.

Commissioner Jerrel: I'll find out. I'll ask Legislative Services. I know they've got a list of all the bills. I think it is even on the Internet. I haven't, to be honest with you, I haven't looked for it.

President Mourdock: Okay.

Joe Harrison, Jr.: Yeah, I'll take a look at that. I know there is some legislation pending and one of the authors may even be one of our own representatives here in this area. I think the limits that they might be proposing would certainly affect local races. It would affect statewide races and local races.

President Mourdock: By local do you mean county races?

Joe Harrison, Jr.: Yes. All the laws that are out there now that affect statewide candidates affect those running for County

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Auditor and County Commissioner as well.

President Mourdock: Let me restate when I raise that issue on the county. I understand that there may be a limit that they would wish to impose on counties by individuals, but I'll guarantee you that it is not reasonable to say that someone running for a county office in Hamilton County right outside of Indianapolis, a very wealthy area, should have the same sorts of spending limit as what the people who are Commissioners say in Orange or Crawford County would design. I guess what I am looking for is kind of that home rule authority. I think Boards like this are elected to deal with that type of responsibility. Certainly election stuff can come under the Clerk's Office, so it is a local issue in that regard. Again, I realize that I am speaking for myself and I may or may not represent the consensus of the Board, but I think it is an issue worthy of our investigation.

Commissioner Tuley: Having just gone through one of those elections and trying to raise that kind of money I think it is something worthwhile that we can do.

President Mourdock: Yes. Any other new business to come before us this evening?

Commissioner Tuley: Did the other Commissioners get...and I was looking for mine in my briefcase so it must still be at my house, but the notice from the Association of Indiana Commissioners about legislative day and a day set aside for Commissioners to meet with legislators and what have you the 24th or 25th of February?

Commissioner Jerrel: Oh, I think I did read that.

Suzanne Crouch: I wonder if it is the 26th maybe?

President Mourdock: I was going to say the 23rd.

Commissioner Tuley: Well, there is the regular AIC meet your legislator, but that's before. I think the Commissioners have got one set up just for Commissioners and the legislators. Now would be a good time for us to make our presence known up there.

President Mourdock: That's a very good suggestion. Tony, perhaps you can double-check on the date. I've got one at my house as well.

Joe Harrison, Jr.: I think we may have subscribed to that service. They were going to fax out...or the Commissioners I know were looking at that service. They were going to fax out their weekly legislative letter. I know that they have some information that they can provide to us probably on that if Tony gives them call.

President Mourdock: Any other new business to come before the Commission this evening? I will search, entertain...

Commissioner Tuley: So moved.

Commissioner Jerrel: Second.

President Mourdock: And we are adjourned.

The meeting was adjourned at 7:40 p.m.

**THOSE IN ATTENDANCE:**

Richard E. Mourdock  
Bettye Lou Jerrel  
Patrick Tuley  
Joe Harrison, Jr.  
Suzanne M. Crouch  
Charlene M. Timmons  
Tony Greubel  
Mike Shoulders  
Michael Buente  
Edward Moser  
Dan Spindler  
Lynn Ellis  
Joe Profaizer  
Andy Easley  
Cynthia Maasberg  
Priscilla Quinlin  
John Stoll  
Milton Hayden  
Others unidentified

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Members of the media

**VANDERBURGH COUNTY  
BOARD OF COMMISSIONERS**

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Richard E. Mourdock, President

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Betty Lou Jerrel, Vice President

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Patrick Tuley, Member

Recorded and transcribed by Charlene Timmons

**Vanderburgh County  
Board of Commissioners Meeting  
February 3, 1997**

The Vanderburgh County Board of Commissioners met in session this 3rd day of February, 1997 in the Commissioners' Hearing Room of the Civic Center Complex at 5:34 p.m. with President Richard E. Mourdock presiding.

**Introductions and Pledge of Allegiance**

President Mourdock: Good evening. Welcome to the February 3rd meeting of the Vanderburgh County Commission. We will get started with our introductions. To my far right is Mr. Tony Greubel, Administrative Assistant for the County Commission; to his immediate left is our County Attorney, Joe Harrison, Jr.; to Joe's left is Commissioner Patrick Tuley; to my left is Commissioner Bettye Lou Jerrel; to her left is Suzanne Crouch, the County Auditor; and to Suzanne's left is our Recording Secretary, Charlene Timmons. I will ask you to join us all as we do the Pledge of Allegiance. As a matter of general housekeeping, there are agendas published for this meeting. If you would like one they are on the far table over there if you did not get one coming in the door. We would ask you also to sign the attendance sheet we have this evening as this is an official meeting of the County Commission and we take all of our minutes verbatim and we would like to have your name and address for being in attendance. Also, as we get to that point in the program where you may wish to make some comments we ask you to make all comments at the microphone and, again, please state your name and address for the record.

**Certification of Executive Session**

President Mourdock: With that out of the way, we have several action items that we have to deal with. First of all, unlike most Monday nights, we did not have an Executive Session prior to this meeting as we met in a combined meeting with the City Council and the County Council regarding an issue that we will deal with in a few moments.

**Approval of minutes**

President Mourdock: With that out of the way, the first item on our agenda is the approval of minutes from the meeting of the County Commission on January 27, 1997.

Commissioner Jerrel: Move approval.

Commissioner Tuley: I will second.

President Mourdock: So ordered.

**Joint Resolution requesting Building Authority action**

President Mourdock: The second item that we have on our agenda is a joint resolution from the Building Authority regarding the purchase of certain property which is known as Lot 7 through 11

on Southeast Martin Luther King, Jr. Boulevard and the adjoining surface parking lot. That property is going to be used, if purchased by the Building Authority, to provide parking to help make up for some of the parking lot space that will be lost through the expansion of the auditorium and civic center. Commissioners, you were both with me at that meeting, any comments from that meeting or any issue you would like to discuss?

Commissioner Jerrel: I would just like to take this opportunity to indicate that I would like to compliment Mr. Leich on his presentation and would like to enter a motion to approve the resolution.

Commissioner Tuley: I will second your comments and your motion.

President Mourdock: I will third them, although I guess that is not proper protocol, but it does seem like it is the right property at the right time and I think it is going to be a good addition. Since this is a public meeting, are there any comments regarding this? Did anyone come to this meeting specifically on this issue? Seeing no hands raised, I will then say so ordered and we will be signing this with our documents later this evening.

<b>Lynn Ellis - City/County Purchasing</b>
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President Mourdock: Next on the agenda is Lynn Ellis from City/County Purchasing.

Lynn Ellis: Okay, we have several things and a couple of them I gave you late. The first is a follow-up from last week's meeting regarding the purchase of the Blazer for the Soil and Water Conservation District. I received a quote from Kenny Kent Chevrolet. Their quote was in the amount of \$24,710.00. North Side Chevrolet bid \$25,397.47 and Broerman Chevrolet bid \$25,575.00, so Kenny Kent is the low bidder.

Commissioner Jerrel: May I ask a question?

President Mourdock: Sure.

Commissioner Jerrel: Which department is this about? Which department are you talking about?

Lynn Ellis: This is the Soil and Water.

Commissioner Jerrel: Okay, Soil and Water.

Lynn Ellis: This is the purchase that is out of the Commissioners' CCD Fund. Because the county is not anticipated to purchase any other type utility vehicle during this year, then it would be appropriate to handle the purchase in this way.

Commissioner Jerrel: We don't require a motion on this?

President Mourdock: Yes, we do.

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Commissioner Jerrel: We do require a motion?

President Mourdock: Yes.

Commissioner Jerrel: Okay, move approval.

Commissioner Tuley: I'll second.

President Mourdock: So ordered.

Lynn Ellis: Okay, the next item is the award of bid number APA017-97 and that is for guard rail, end sections and pipe. There is a little bit of information that would need to be given to you so that you make an educated decision on this bid award. In the past the county has received typically one bid for each type of material. For example, PVC Plastics is the only bidder on plastic. Then we've purchased the guard rail from CPI, concrete pipe from M & W, the aluminized pipe and the aluminum pipe from CPI. This year we got additional bids from surrounding areas which is wonderful, the competition, but it complicated the bid process just a little bit due to the information that is on the agenda item. My recommendation is to award the plastic pipe to PVC Plastics. They are the low responsive and responsible bidder. The other bid that we received was from Sidenor Supply out of St. Louis. The cost savings is about \$0.29 per foot going with PVC Plastics as opposed to Sidenor. The guard rail, my recommendation is to award it to all three vendors submitting a bid for guard rail. That would be the Hoosier Company, M & W Concrete and CPI Supply. There was a problem with the guard rail. Hoosier Company is low, but on the first page of the bid summary I highlighted the guaranteed delivery schedule and that is indicated to be 30 days. Now if someone runs into the guard rail along one of the county maintained roads, then the county crews cannot wait 30 days to get guard rail in here to make a repair. It is just not reasonable. I contacted the company and the president and any persons in the company that could commit to lower than that are out of town and won't be back until Wednesday, I believe, so I wasn't able to get anything in writing to confirm that they could lower that. The other two bids, M & W Concrete is 14 days and CPI is seven to nine days which is more reasonable. According to County Highway, both of those vendors typically deliver in far less than that. They'll deliver sometimes the same day and usually within three or four days.

President Mourdock: Excuse me, Lynn. How can you do this with all three bidders though? I understand where...let's use asphalt for an example. You may have three people supplying asphalt. Depending on whose closest to the job it would save you money. How can you do that with the steel guard rail though? I don't understand.

Lynn Ellis: Well, the County Highway Superintendent or staff would have to contact the low bidder, which would be the Hoosier Company, and see first of all if their delivery were appropriate or acceptable. If they can wait the 30 days and that is what it is going to take for them to deliver that particular guard rail then they would proceed with that company. If it is a situation

where they cannot wait the 30 days and it is going to take them that long to get the guard rail to the county, then they would have to go with one of the other two bidders. The low bidder in that case.

President Mourdock: Okay.

Lynn Ellis: It is my understanding from talking with other counties that many counties do award it to all the vendors submitting a bid. That is not normally my recommendation and I don't like to do that. It makes it a little bit messy, but in this case because of the delivery schedule the county's option is to throw the bid out from the Hoosier Company because of the delivery schedule because it is unreasonable and then just make an award to the next low bidder. You can certainly do that.

Commissioner Jerrel: Would it be your intention to put those recommendations in writing that if you did go with all three that there would be a delay and unless that delay could be reversed...for instance, if there was an emergency and you had to put a rail back in right away, that you're recommending that the low bidder be used in all cases? Would that be what you would send to the...?

Lynn Ellis: To the vendors and to the department.

Commissioner Jerrel: Uh-huh, right.

Lynn Ellis: Yes, and I have done that in another situation where the vendor...well, for the printing of the tax bills where the vendor was put on notification that if you fail to perform in accordance with the bid that it will be rescinded, the award will be and you will basically be removed from the bid list for a while because of the problems that we had with them in the past. I would certainly put that in writing and include that with the award notification.

President Mourdock: When the situation comes up that we need to replace that section of guard rail, who will be calling the vendors? Would that be done through your office or would the Garage do it?

Lynn Ellis: Normally it would be with the Garage. I would not get involved with the purchase or the contact with the vendor unless there was a problem with it. Then the garage would contact me to make a contact with them, but if you would prefer for the phone call to come from Purchasing, I would be glad to do that.

Commissioner Tuley: My concern, and I was just asking Joe, if we followed using all three, then I would prefer it come from Lynn because of that documentation and what have you that we have to make sure that we are covered on it.

Commissioner Jerrel: That's right. Are you ready for a motion?

President Mourdock: I am if it includes the words about her doing a letter.

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Commissioner Jerrel: I think that I would like to move approval of PVC, Hoosier and CPI. Is that the three correct ones?

Lynn Ellis: For the guard rail.

Commissioner Jerrel: For the guard rails with the caveat that you send a letter to the Garage and to the three companies so that when the time comes if we need we can refer to the time element.

Lynn Ellis: Okay, and then the plastic pipe would go to PVC Plastics, the concrete to M & W. Aluminized, CPI was the only bidder. M & W was the only bidder on concrete. Similarly to the guard rail we have the aluminum pipe and, again, the delivery schedule is the problem. Well, Metal Culverts just has a problem period, but Metal Culverts and--

Commissioner Jerrel: Why don't we do this bid and then move to the next one because they're kind of overlapping. Let's make sure that we get them all with what you're exactly wanting. We've got one motion on the floor.

Commissioner Tuley: Let me make sure I understood your motion. For the plastic pipes you had PVC Plastics. Correct?

Commissioner Jerrel: Right.

Commissioner Tuley: Then for the guard rail, all three bidders as outlined--

Commissioner Jerrel: Right.

Commissioner Tuley: --by the procedure?

President Mourdock: Lynn, please say the three out loud again.

Lynn Ellis: The Hoosier Company, Incorporated, M & W Concrete Pipe & Supply, Incorporated and CPI Supply.

Commissioner Tuley: Okay. Is that where we are at?

Commissioner Jerrel: That's the motion.

Commissioner Tuley: I'll second.

Commissioner Jerrel: Okay.

President Mourdock: I will say so ordered.

Lynn Ellis: Then the bid for concrete pipe. The only bidder on that was M & W Concrete Supply.

Commissioner Jerrel: I'd move approval of M & W Concrete Supply for the concrete pipe.

Commissioner Tuley: I'll second.

President Mourdock: So ordered.

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Lynn Ellis: Okay, then the aluminized type 2 pipe the only bidder on that pipe was CPI Supply.

Commissioner Tuley: I'll so move.

Commissioner Jerrel: Second.

President Mourdock: So ordered.

Lynn Ellis: Then the aluminum pipe there is a very detailed description of their bid. Metal Culverts is the low bidder. They failed, however, to submit at the time of bid opening the bid forms that were requested. The Commissioners have the right to reject their bid. They're the low bidder. They have subsequently submitted those forms and the information submitted is acceptable, but it wasn't submitted with the bid. I do include the Form 95, which is a state required form to be filed, which is the form that you execute to enter into the contract. I also include a bid proposal form where they indicate information such as delivery terms, whether it is FOB, Vanderburgh County, or their plant or whatever, their delivery schedule, the terms for discounts, and those kinds of issues. They did not submit that with their bid at the time of bid opening. They did include Form 95. They did include their bid bond which are the two things that are required through the state statute, but they did not include our bid forms. The bid clearly states that if you fail to provide these forms or include them with your bid, that your bid is subject to being rejected.

Commissioner Jerrel: So what are you recommending?

Lynn Ellis: Well--

Commissioner Tuley: Let me take you off the hook, Lynn. You've still got the other two listed on there as well. You know, like the guard rail. Was there some delivery situation still? Even if you accept or throw them out we still have CPI and M & W listed on here.

Lynn Ellis: Right, and CPI has the best delivery schedule because theirs is seven to nine days. They are one vendor that has worked in the past with the county garage and meets their schedule and, again, typically delivers in fewer than that. The delivery schedule from Metal Culverts is two to three weeks, and the delivery schedule from St. Regis is two to six weeks. The six weeks is like that of the Hoosier Company and is unreasonable and we can't wait six weeks for pipe. To be perfectly honest, I have mixed feelings about it because on the one hand we are saving the county money if we go with Metal Culverts. It will save money in the purchase of the aluminum pipe, but they didn't follow the bid requirements. They received no information from my office or from anyone else. They weren't at the bid opening and so they didn't have access to any of the bids to know what any of the terms were from the other bidders, but they did submit that documentation after the fact.

Commissioner Tuley: Are they local?

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Lynn Ellis: No. Metal Culverts is in Jefferson City, Missouri.

President Mourdock: Speaking as one Commissioner here, and Pat has heard me say it enough and I suspect that Bettye Lou will, the word is consistent. Last week when we looked at dealing with the vehicle that we acted on a few minutes ago, we decided to put that off a week because the policy wasn't followed and we wanted to be consistent with the policy. It seems to me as a person who is sometimes on the other side of the fence submitting bids like this, the rules are what the rules are and if it's not considered...if the package isn't fully returned the way it is supposed to be it is considered a nonresponsive bid.

Commissioner Tuley: I tend to agree with you.

Lynn Ellis: I would prefer that. It makes it cleaner.

Commissioner Jerrel: So your recommendation is that is the policy...

Lynn Ellis: If that is agreeable to the Commissioners, then I would recommend that the aluminum pipe be awarded to CPI Supply and to M & W because they bid on the aluminum pipe as well with the preference going to CPI because they were significantly lower on the pipe price than M & W.

Commissioner Jerrel: How do you indicate that? I mean, if you put two bids in then they will just call whoever. If one phone is busy and then the other one answers...?

Lynn Ellis: Well, in this case just going straight with CPI would be fine because their delivery schedule is better than the other bidder, so if the Commissioner would prefer and that would suit me just fine and I would prefer that personally. The guard rails are going to be a problem because I'll have to get involved with every purchase that they make and it would be preferred that I not get involved with the aluminum pipe. If an award is just made to CPI then it would certainly be better.

Commissioner Tuley: Taking Metal Culverts out, they were lowest and most responsive?

Lynn Ellis: Yes.

President Mourdock: Well, not responsive.

Commissioner Tuley: CPI was most responsive.

President Mourdock: Oh, most. I thought you said Metal Culverts.

Commissioner Jerrel: Well, I don't care. Do you want to do the same thing that she did with the other three in that she sends a letter indicating or just go with the one?

Commissioner Tuley: Well, to me they both have worked with us in the past and they both apparently have done a good job, but if one is clearly the better and most responsive bid I think it

just bodes well for all of us to accept that.

Commissioner Jerrel: Okay, that is CPI?

Lynn Ellis: Yes, ma'am.

Commissioner Jerrel: Okay, I'll move approval of that contract to CPI Supply.

Commissioner Tuley: I will second.

President Mourdock: So ordered.

Lynn Ellis: Steel pipe would...the recommendation would be because we have rejected the bid from Metal Culverts would be St. Regis. The county does not have a history of purchasing steel pipe. I'm not real sure why we continue to include it in the bid although it has been requested from County Highway in the past, so it was again included in this year's bid. It would be unlikely that we would ever purchase it, but so that we don't have to bid it again I would just request that it be awarded with the unlikely nature that it would ever be used.

Commissioner Jerrel: To St. Regis?

Lynn Ellis: Yes, ma'am.

Commissioner Jerrel: I would like to move approval of the steel pipe bid being awarded to St. Regis.

Commissioner Tuley: Second.

President Mourdock: So ordered.

Lynn Ellis: Thank you and I am sorry for the confusion with that.

Commissioner Tuley: All you can do is give us a recommendation.

President Mourdock: Yeah.

Lynn Ellis: Well, I want to make sure that you are educated in that and you know what is going on so that if anybody comes back and says anything then I haven't appeared to mislead you.

Commissioner Tuley: That's the only thing that's important with these other ones and I think that we probably made the right decision in reference to your guard rail. I still feel strongly, though, that you should be the one doing that so that we can keep our documentation all in order in case there is a question.

Lynn Ellis: Okay, I'll give that message on to the County Highway so that they are aware of that. The last item that I have, and then I will be here to help Joe address a couple of items, is to approve the letting of bids for bid number VC97-02. This is to purchase semiautomatic handguns for the Vanderburgh County Sheriff's Department. The anticipated purchase will not exceed \$75,000, so I would not recommend that we advertise, but

that we do a formal bid. The bid is ready and I am waiting on the Sheriff's approval of it. He has the bid document, but I would request that we be allowed to bid this purchase.

Commissioner Tuley: I will so move.

Commissioner Jerrel: Second.

President Mourdock: So ordered.

**Joe Profazer - SCT Services**

President Mourdock: The next item on our agenda is Mr. Joe Profazer regarding some computer acquisitions.

Joe Profazer: Yes, Joe Profazer with Computer Services. I have some software and hardware acquisitions all of which are over \$10,000 in price which the formal requirements on the city side require BPW approval. Therefore, since they are joint purchases, it is going to require the Commissioners' approval also. The first item on the agenda is approval of a TZ887 network tape backup unit. The lowest and most responsive vendor was CPU Options for \$11,045.00. The city's expenditure was \$4,217.27. The county's expenditure was \$6,927.73. The hardware installation service from Digital Equipment Corporation is \$925.00. The city's expenditure of \$350.02, and the county's expenditure of \$547.98. This was approved by the Data Processing Review Board on January 22nd. These were all informal quotes to three vendors.

Commissioner Jerrel: I would like to move approval of the CPU Options for the county expenditures in the amount of \$6,927.73 and the hardware installation from DEC for \$574.98.

Commissioner Tuley: Second.

President Mourdock: So ordered.

Joe Profazer: The second item is the Public Safety Alpha and Layered Product software and hardware upgrade. This project was approved in Computer Service's budget for FY97. The Alpha system itself was quoted separately from the layered product hardware and software support due to the fact that I can get more competitive quotes for them rather than bundle them all up in one quote. The Alpha 4100 system expenditure was \$52,040.00. The city's expenditure was \$19,691.94, and the county's expenditure was \$32,348.06. The layered product hardware and software peripherals expenditure was \$67,407.45. The city's expenditure was \$25,506.98, and the county's expenditure \$41,900.47.

President Mourdock: Just a question before I hear a motion.

Joe Profazer: Yes.

President Mourdock: We consistently see about a 40/60 split with the city and county?

Joe Profazer: Correct.

President Mourdock: Do you want to mention why that is?

Joe Profaizer: That split is based on a percentage of hardware, software and CPU utilization. It is a formula derived and approved by the Data Processing Review Board. The county's expenditure right now is 61.38%, I believe, and the city's is 32.16. Those are approved in June of each year and they become effective January 1st of each year.

Commissioner Jerrel: Joe, do you actually have three approvals that you are seeking? This CLR Technology as well as the Alpha and the layered?

Joe Profaizer: Yes, I am.

Commissioner Jerrel: Okay, well I would like to move approval of the public safety, alpha and layered product software/hardware upgrade in the amount of \$119,447.45 and that is in your budget. Right?

Joe Profaizer: Absolutely.

Commissioner Jerrel: Okay, and the Alpha 4100 county share of \$32,348.06 and the layered product software in the county's budget for \$41,900.47.

Commissioner Tuley: Second.

President Mourdock: So ordered.

Joe Profaizer: Thank you.

Commissioner Tuley: Joe?

Joe Profaizer: Yes.

Commissioner Tuley: You also sent us a memo here talking about projections and what have you.

Joe Profaizer: Projects, yes.

Commissioner Tuley: If I read this there are some things going on, department heads and office holders and what have you, maybe buying some different software packages and everything to increase their efficiency and what have you. At one time, and Bettye as a Council member and being on the Data Board you might remember this, but at one time did we not have to get approval from the Data Board before we made these purchases for the reasons that you have outlined here? To find an impact and time involved and what have you to make sure that it would not have an overall effect on your ability to do your job under the current contract?

Joe Profaizer: I would like to say yes, the Data Processing Review Board as a recommendation Board to enter into contracts with vendors and approve projects as such. For lack of better terms, I think ad hoc project requests are coming to the computer services department and there has to be a wall, I guess, of where do you draw the line when you take it in front

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of the Data Board on a monthly request? Some are smaller and some are larger projects. It's really the day-to-day operations that are really eating us alive. People get computers and so forth of that nature, but they don't realize that behind the scenes day-to-day management and operations of it.

Commissioner Jerrel: Pat, we met this summer and last year also and I asked Joe, I said we have just so much money that we can commit to technology and all of us wish we had more, what are the priorities? The priorities have to be those things that protect safety, records and the integrity and accountability of government. Now that is where it gets kind of complicated, so the ones that we just voted on tonight were the priorities that Joe recommended the bids that we accepted. The courts, that was all number one priorities, those safeties. Now what you are saying is all of these are now in the loop?

Joe Profaizer: Those are all in the loop for FY97 and if we worked normal hours those would not be accomplished. It is the little ad hoc requests that are eating us alive.

Commissioner Tuley: That's where we need...I guess, what I am trying to get at is that we need some way to try to get a handle on that and put some sort of screening that determines what goes through that screening and gets done and what doesn't, I think, is what you are asking for as well.

Joe Profaizer: Yes.

President Mourdock: Do you have a recommendation, Joe?

Joe Profaizer: Well, I don't know if the structure of the Data Board should be reviewed and possibly revised or more frequent meetings of such. I hate to put off certain city and county department heads and officials who have their own projects which are number one priority to them. It's a tough call.

Commissioner Tuley: Sure.

Joe Profaizer: Right now I see the need for more manpower, but there has got to be a line drawn. Does everything have to come before Data Board or what? I don't know.

Commissioner Jerrel: I think the one key that we should try to encourage, and Joe is working on it, is we get, meaning SCT, gets numerous calls from offices for small things and this is a very typical way that it works. The goal should be to have a person in that office that can take care of most of that for the PC's. Isn't that the problem primarily?

Joe Profaizer: Well, it's a yes and no. You can have your departmental, let's say, computer liaison fix some problems, but then again they may mess...I don't want to say anything bad about anyone, but they mess up standardization features on our network on the PC's which then in turn will take more time for us to come down and evaluate and fix. It's a Catch-22.

Commissioner Jerrel: Would you like to share with us the cost that a new employee would be for you, or two? I mean, I think

that is something that is important for the Commissioners to hear.

Joe Profaizer: I'm not formally prepared to--

Commissioner Jerrel: Address that?

Joe Profaizer: --address that expenditure, but I will be glad to come back in an Executive Session or something like that.

Commissioner Tuley: It probably wouldn't be a bad idea to just kind of...everybody is aware that there is a situation that we need to be addressing and sit down and give you some time to think about it. Bettye, you're on the Data Board and you can meet with him or I can meet with him, but you are on the Data Board and I think you've probably got a little more insight to that big picture as far as the computers than I would have.

Joe Profaizer: We do have a meeting scheduled for February 18th and Bettye Lou is one of the attendees there. I think a lot of the issues will be brought up at that meeting.

Commissioner Jerrel: I can bring that back and share it.

Commissioner Tuley: I think your letter was kind of an FYI kind of thing to start with tonight, but to get us thinking in that mode that some way we need to get a handle on it.

Joe Profaizer: Yes. You know I've got a lot of dedicated employees who are actually working for their hobby! That's a good thing because they put in a lot of hours and I am kind of concerned about low morale here, too, so that is another issue and that's my problem.

Commissioner Tuley: Okay.

President Mourdock: Okay.

Joe Profaizer: Okay, I have one more agenda item. There is a possibility...it is not on the agenda, by the way. The Police and Sheriff Departments are going out for a jail mug shot video imaging system. It is potentially to be a sole source vendor due to the fact that they can integrate their mug shot and video imaging with the current public safety application. I guess the questions that I have for the Commissioners or for Joe how would we... do we have to bid to sole source vendors?

Joe Harrison, Jr.: My feeling is I have looked at...somebody else had a question for me. I think it was Suzanne regarding the time accrual. When you have something...I guess they're going to have to utilize a computer of some sort if they are going to use the imagery it is going to be going through a computer?

Joe Profaizer: Yes.

Joe Harrison, Jr.: --at some point? In these specialized software packages or hardware components that are necessary the thing that I have done some reading on or that some communities

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here are going to the RFP proposal just to cover ourselves knowing that there is obviously only a few out there that may be able to respond. I think the county would be better served if you sent out an RFP on these types of technical matters that involve sophisticated software and hardware even though knowing from what you are saying that there may only be one or two out there. There may be more, but we doubt it.

Joe Profazer: Okay.

Joe Harrison, Jr.: My recommendation would be to go that route.

Joe Profazer: Go out for bid or proposal?

Lynn Ellis: The only problem with the proposal is that we ran into that before with a prior county purchase and Alan, when he and I investigated the statute, his decision after his investigation was that an award could not be made from an RFP. That was actually a prior computer system that was for the City Clerk's Office. We had to bid that twice and it was a big fiasco, but the decision was at that time that an award could not be made from a proposal. The city attorney has agreed with that summary. We may find otherwise and that would be fine, but what the process is supposed to be is that you do an RFP to gather data in order to prepare a bid. You solicit professional information and technical support in order to put a bid document together and then you go out for bid. Well, if the process is that there is only one vendor, then the documentation wouldn't have to be there to support that. Joe and I talked about this today. The statute allows you to not formally bid software. If it is specialized software that you cannot get competition on, there is a section of the statute that allows you to bypass the purchasing formal bidding process. Hardware, it does not allow for that. You have to bid that. Joe's analysis is that the total system will cost approximately \$120,000. This is a joint system between the Sheriff's Department and the Police Department and it would be an equal split, so you would have \$60,000 for the county and \$60,000 for the city. Approximately half of the cost in that \$120,000 is software and half of that cost is hardware and so you are looking at a cost of for the county of \$30,000 for the hardware and likewise for the city. My problem is how much can you nitpick this to separate it? The statute says, you know, the government entity spending no more than \$75,000 in a fiscal year, but if this system is combined and it is purchasing one system despite the fact that it is being split between two separate government entities, I can't...I don't know. I don't even want to venture to answer that one because Joe might have to defend it in court and that would be my problem. If I make a recommendation that we not bid it and we just sole source it and go on with it because the hardware is only \$60,000 then he may have to answer to that later. I want to make sure that, and my response to Joe was that I want to make sure that they can do that because you are going to involve the county attorney and the city attorney possibly. There are ways to get around it, but I don't know how much we want to break it down and nitpick it.

Commissioner Jerrel: Is the mug shot funding in place also?

Joe Profazer: Yes. That is out of the...that's not out of computer service's budget. That is out of the Sheriff's budget and then out of the Police Department's budget.

Commissioner Jerrel: Did the Sheriff...I don't believe that was in the...was that in the budget this summer?

Joe Profazer: In my budget?

Commissioner Jerrel: No, the Sheriff's budget.

Joe Profazer: They say they have the money.

Commissioner Jerrel: I don't think Council voted--

Commissioner Tuley: Was anything out of CCD granted to it?

Commissioner Jerrel: No, Council didn't vote that in. We didn't hear anything about that.

Commissioner Tuley: I thought we appropriated some money to the Sheriff's Department for imaging and this is it.

Joe Profazer: It was CCD maybe.

Commissioner Tuley: That's what I am guessing. That's what I am asking. CCD money maybe?

President Mourdock: I think you are right.

Commissioner Tuley: I think we did provide them with some money for imaging and what have you.

Joe Profazer: Yeah, they assured me that they have the money and that's all I can go on.

Commissioner Tuley: I'm confused. Is the software...there is a sole provider for the software and is it hardware driven? I mean, where you can only get one hardware or can it run on several?

Joe Profazer: I plan to get the hardware locally to save expenses. I mean it is going to be on a PC server and they are going to use PC's for the end users to get into the mug shot imaging. The problem is the proprietary software whereas you can't compare apples to apples with another vendor because their software is different.

Commissioner Tuley: Okay.

Joe Profazer: It will not function with the public safety system.

Lynn Ellis: Right. The other point that he raised was that this system that he would like to recommend will interact with the current system that the Sheriff and Police have. If not, then it is going to have to be a stand alone system that may or may not interact with future systems.

Joe Profazer: Right.

Commissioner Tuley: I think there is some provision somewhere.

Joe Harrison, Jr.: Well, there is an exception. I mean, if that is the only software out there then you don't have to bid it out. I mean, if you are sure that is the only software out there. I mean, that is one of the exceptions in the code, so if that is what you are saying...I would just say if it is not--

Joe Profazer: Yeah, to my knowledge that is the only one, but I think I tend to be on your right shoulder there and do an RFP.

Joe Harrison, Jr.: Well, you can always do an RFP to get clarification like you are saying and if that is the only one that comes in...

Joe Profazer: Yeah, it is better to be safe than sorry, I guess.

Joe Harrison, Jr.: That's what I am thinking.

Joe Profazer: Okay, thank you.

**Cheryl Musgrave - County Assessor**

President Mourdock: Okay, the next item we have on the agenda then after Mr. Profazer is Ms. Cheryl Musgrave, the County Assessor.

Cheryl Musgrave: Good evening, Commissioners. I'm Cheryl Musgrave, County Assessor. I am here to ask you to take whatever action is required to allow payment of the dues for the County Assessor's Office to the Realtor's Association. For the second year in a row this claim has been returned to me from the Auditor's Office without explanation. As President of the Board of Review and President of the Land Commission, we frequently hear appeals on taxable value based on land valuation. If you will recall the rather major hearing we held about the valuation of downtown land. As President of the Land Commission we have to assign taxable value to land and all of these values regarding land are market value currently and have been for quite some time. It is important for me to understand the valuation of land in the county and the Realtor's Association membership is just one more place where I can learn what is happening in our county and why and where future developments might take place. I don't know what action is required on your part. Last year I did bring this to the Commissioners and it was passed, but I am not sure how or why again.

Commissioner Jerrel: Thank you. I have the letter that was sent to Mr. Kissinger. You might want to send it on down to Mr. Harrison.

Suzanne Crouch: May I speak to this issue?

President Mourdock: Yes, please.

Suzanne Crouch: In January of last year that claim was paid. In

April of '96, if the Commissioners, the current ones, recall it was brought to their attention and it was also brought to the counsel's attention, Joe Harrison, who was council attorney at the time, the fact that State Board of Accounts in April of '96 in their County Bulletin stated that we know of no statutory authority for the payment of dues or related expenses of public funds for individual memberships in professional organizations. We had asked on two separate meetings for Mr. Kissinger to address this issue and he was working on it. He also communicated with Council Attorney at the time, Joe Harrison, Jr., who also was working on that issue. In speaking to the State Board of Accounts today they said that I had no right to pay a claim for dues in a professional organization. Unless someone else has any other information that is kind of where we stand.

President Mourdock: I guess my question is one of definition. I hear what you just read, Suzanne, to say individual dues. Is that the word that you used?

Suzanne Crouch: Let me put on my glasses to see. Individual memberships in professional organizations.

President Mourdock: Okay, is the membership of the County Assessor the same thing as, to use the example, Cheryl Musgrave's?

Suzanne Crouch: No, and perhaps County Attorney Joe Harrison can speak to that issue.

Joe Harrison, Jr.: That is a good question. The memo from the State Board of Accounts and we may have to...I may have to look at this further. It came out in April of '96 that basically said that it should be further noted that dues and professional associations such as the Indiana State Bar Association, American Bar Association as well as disciplinary fees payable to the Supreme Court Disciplinary Commission are not payable from county funds. They talk about they know of no statutory authority for the payment of dues or related expenses from public funds for individual memberships in professional organizations. Obviously, if the Assessor belongs she is an individual, but you can say that it wouldn't pertain either because it is the office and not the person.

President Mourdock: If it is an Assessor's membership, and that happens to be Cheryl, and if she quits tomorrow then her successor would be the member.

Joe Harrison, Jr.: Sure, there is certainly no problem with any office, Cheryl's office, belonging to the Indiana Assessor's Association, you know, with her belonging to that or the judges belonging to the Judge's Association or any individual member because that relates to their own particular office. With the Township Assessors, the Township Assessor's Association, but they are talking about professional associations and I can see why they don't want--

Cheryl Musgrave: Mr. Harrison--

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Joe Harrison, Jr.: --those that are attorneys paying for the Evansville Bar Association dues or the State Bar Association or the American Bar Association dues.

Cheryl Musgrave: Is this the same thing though? The Realtor's Association, you know, with all due respect is it a profession? I always thought a profession was more limited.

Joe Harrison, Jr.: Well, that is probably why the Auditor mentioned that she had a problem with it. Just exactly what you are saying?

Cheryl Musgrave: Well, I think that realtors are different then say lawyers or doctors clearly recognizing--

Joe Harrison, Jr.: Well, it is still a professional association, but what she is saying is that it is not an individual membership it would be your office membership. That might be a different question. It is a professional association. I mean, I would consider that a professional association. What I would prefer that you all do is let me or the Auditor get back with the State Board of Accounts and ask them that specific question before you grant this today.

Suzanne Crouch: I did today.

Joe Harrison, Jr.: Did you--

Suzanne Crouch: Yes, we spoke to Tom Simpson, State Board of Accounts. In fact, Teri Woodward did, in my office who is the claims bookkeeper, and he said he would not authorize that claim.

Cheryl Musgrave: Is there a possibility that you could grant an authorizing ordinance if the county wishes to grant itself authority to continue these memberships? It is required that an authorizing ordinance be enacted by the Board of County Commissioners.

Joe Harrison, Jr.: Well, no. The thing is we can't do something that State won't allow.

Cheryl Musgrave: They're saying also that--

Joe Harrison, Jr.: That's just the way the law is.

Cheryl Musgrave: --the counties which do not have a home rule ordinance should adopt one immediately.

Joe Harrison, Jr.: That's what we are going to do with regard to you being in the Assessor's Association or a judge in the Judge's Association or something like that. These particular requests that are a little unusual would be where you would try to be in the Realtor's Association or a judge in the Evansville Bar Association that's not specifically related to that office. Now I can see where you would say well, assessors are related to realtors and that sort of thing, but if the recorder being a part of the Recorder's Association, the Township Assessor the Township Assessor's Association, the clerk the Clerk's

Association. Those seem to relate to that particular office and training and stuff comes from that particular office. They don't have a problem with those types of things. They're talking about different professional associations unrelated to the office.

Commissioner Tuley: I would agree to let you research it, but a couple of points. If she were a realtor that in order for her to maintain her realtor's license then I would say no. If you want to be a realtor and the assessor then pay your own realtors license, but I think this is a little different. Secondly, the Board of Accounts will tell you that their opinions are nothing more than audit opinions. They are not legal opinions, they are audit opinions. Have we ever been written up for paying any of these dues?

Commissioner Jerrel: I don't know, I don't know.

Commissioner Tuley: I think it is worthy of some research.

Cheryl Musgrave: I appreciate that.

Commissioner Jerrel: I don't know. I belong to numerous professional associations and I pay them and take them off of my two percent of my--

Commissioner Tuley: Taxes?

Commissioner Jerrel: --adjusted gross income.

Cheryl Musgrave: This isn't a hobby for me. I would never belong to the Realtor's Association if I were out of office. I never have before. If I get defeated in the next election I won't be. I do this for business purposes and that's it. When you get to the Perry Township Assessor may I make a comment?

President Mourdock: Sure. Okay we will take that under advisement then and, Joe, I made a note if you will report back on that issue next week?

Joe Harrison, Jr.: Sure, no problem.

President Mourdock: I cannot pass this up. Ms. Musgrave said there is a difference between realtors and auditors and obviously that's true because I have never heard a realtors joke.

**Stacy Hill - Welborn Health Plan update of services**

President Mourdock: With that, Ms. Stacy Hill, on Welborn Health Plan update of services.

Stacy Hill: Hi, I'm Stacy Hill with Welborn Health Plans. Thank you all for having me tonight. I am here mainly to explain the added benefit that has been added to your Welborn Health Plan Insurance. It is a free service, but due to Vanderburgh County being kind of a mixture of different employees of different areas, they told me that I needed to come to you all to make that decision if you all wanted to go with this program or not

and how you wanted to facilitate it. What the program includes it starts out with a health risk appraisal. Welborn took a stand on preventive health. As you know, we were third in the nation. A task force was formed with the people from Welborn Clinic, Welborn Health Plans and Welborn Hospital to evaluate a wellness program to be offered to the society. We decided...the task force decided that it should be a free added benefit to be added with your Welborn Health Plans, since we are a managed care organization. I was project leader of that task mainly because we key in on four health risk factors and of the four I've had three. I've lost over 200 pounds, so I am promoting this program very heavily because I know how much making yourself healthier can help. We start out with a health risk appraisal being kind of the cornerstone and the blue paper in your packet that is the health risk appraisal. A lot of health risk appraisals are very long. They are like ten pages long and they take like 30 minutes to fill out and employees do not like to do that because they have to do that on their own time. This one from start to finish you can fill it out in five minutes. We come onsite. Now since you have so many different sites I would suggest possibly one or two local sites like the courthouse possibly being one and bringing your people and filter them in. We come onsite and from start to finish we can do an employee in ten minutes. We key in on the four health risk factors of weight, blood pressure, cholesterol and smoking. Also a lot of times you have to wait and get your results some month or two later and they mail them in the mail. We give results immediately and give counsel. Kind of like striking while the fire is hot. So if we identify you with a problem of high cholesterol we immediately address it then and try to give that person counsel and tell them of upcoming events that may help them lower their cholesterol and give them educational material at that time also. We also give each employee a Health Wise Handbook guide which is a 325 page manual that one is given per household and these are given just for the employees. It is a guide so that if you have an emergency situation at home you have a reference tool. Our doctors have approved this and do agree with this book. We also have quarterly screenings on site. We'll come out and do a recheck of the cholesterol. We'll do another body comp analysis which measures the body fat and the calories burned if you do a particular activity. We'll do another blood pressure screening and then we will do a blood sugar screening. We will also offer each company a "Think Light" class which is weight management. We include smart cooking demonstrations if available and kind of alternate avenues to deal with stress rather than eating, to add your exercise and just try to learn how to read food labels and get you more conscious about what you are eating. We also provide a smoking cessation class. Now these two classes that I am speaking of those are offered free of charge. The one thing, the educational material for the employee, they have to buy their own educational material which is \$39 for the Think Light and \$51 for the smoking. Everything else though, if they are a Welborn Health Plan member, it is covered free of charge is the added benefit. The smoking cessation is eight classes long and those are taught on site. We'll also give educational counseling and follow-up to each of these members. Also, each member and their family, this goes to the entire family, that would be the gym discounts. We have the Mulberry Center which

is close downtown here. It has an indoor track, a swimming pool and aerobics. You'll see in your packet there is a price list for all of the gyms. We've contracted with all these facilities and you've gotten a pretty good discount. We've tried to make it geographically convenient. There's one in Newburgh which is The Edge, Fitness World on the east side, Tri-State Athletic Club will not give an individual, but they will give a corporate if you would like a corporate discount figure and then Bob's Gym on the west side and the Mack in Mount Vernon. We also track all of this to let you know how your people faired as far as absenteeism as far as how much they participated in each one of the programs and how it changed from year to year. Everything is confidential. We cannot show you what each employee did. Like John Smith smokes, but we can tell you that out of your 200 employees 25 of them smoke or this many have high cholesterol. There are examples in your packet of all the aggregate data there and what the printouts would look like. I did include a price list. That is because we do offer this to everyone, but it is free to the Welborn Health Plans. If there is an individual who would like to participate in this program also, we have listed everything at cost there and passed that along. That is pretty well the focus of the program. Do you have any questions for me?

President Mourdock: Questions?

Commissioner Jerrel: Stacy, I do. I think this is extremely well done, but I am just thinking in terms of how we would disseminate this and make it easy to understand. First of all, it is permissible for all employees to participate, however, it is free only to the Welborn members?

Stacy Hill: That's true.

Commissioner Jerrel: So we need something that says...you know what I mean? There needs to be something simple. Any kind of wellness program that helps the employees and improves their health improves the bottom line of the insurance program, but what we need is something that instead of it being listed in five or six different pieces of paper a real clear concise memo that could go to the members if the Commissioners would choose to participate. See what I am saying?

Stacy Hill: We could work that up for you. The main thing was we didn't know and it was going to be very difficult...I had went and talked to your agent when it was Mr. Feldhaus and you know we knew it was going to be very difficult to administer it to such a population, but we did not want to leave any companies out, of course. We are working special circumstances with special companies. We can work you up a memo so that it could be kind of universal to go out to all of your employees so that they know, you know, that it is available to them if they wish at a price and then notifying the Welborn people that it is free to them. Most of the Welborn people are going to know because I have put a lot out with the news releases and then Welborn has a newspaper that goes out to all of its members and it has been in that also. The gym discounts, you know, there is another article coming out about that, so they will be notified soon about that. I could definitely work up a memo.

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Commissioner Jerrel: I would recommend that we have something so that Mr. Greubel can have it in the office so if employees ask questions it would all be on one sheet of paper and then it would be easier to organize. Sometimes it helps if you say to your Welborn members that all those with initials beginning with A through M will be done on these days. I mean, there are ways to do this to make it work easier.

Stacy Hill: What we have asked, you know, we kind of do this as a joint thing with the companies because we kind of both reap the rewards. The company sees it as a decrease in absenteeism, increased job productivity. We hopefully see it as keeping our health care costs down and hopefully passing that along to you in future years. We do not do all the facilitating. It has to be kind of a joint effort.

Commissioner Jerrel: Right.

Stacy Hill: We would ask for...I don't know if there can be a person appointed to coordinate this with or kind of a central contact person, if that is a possibility or if that's totally out.

Commissioner Jerrel: Well, the Auditor has just reminded me, too, that our Insurance Committee meets next Tuesday and if you could have your memo there we could give them one in our packets and then you could send a recommending memo.

President Mourdock: Or would it not even be appropriate to have Stacy go to that?

Commissioner Jerrel: Yes, it probably would be.

Stacy Hill: I could have my assistant. I will be in Hawaii. That's my wellness retreat!

President Mourdock: In the cholesterol that you do, that is not a blood screening correct?

Stacy Hill: It is a finger stick.

President Mourdock: Oh, it is? Okay.

Stacy Hill: Yes, it is.

President Mourdock: Because I know that we are doing the same thing out at our company now and there was always some hesitation regarding what's being tested for.

Commissioner Jerrel: Could Mr. Greubel find out when that meeting is scheduled and the time and then you could communicate with him? Would that be fine?

Stacy Hill: My assistant Candy Harper, she can do the presentation then next week.

Commissioner Tuley: It is the 18th at 9:00 a.m.

President Mourdock: At 9:00 a.m.

Stacy Hill: Is that here?

Commissioner Jerrel: No, it's room--

Commissioner Tuley: It's 303. Is that what that is?

Commissioner Jerrel: I don't know.

President Mourdock: If you call the Commission Office we can get you the room number. We don't have it here in front of us, but it is here on the third floor somewhere and it will be posted downstairs on the bulletin board.

Stacy Hill: Okay. So if that...then they'll decide if they want to accept it or the next step after the memo? Is that how you want to do that?

President Mourdock: Right, that would be appropriate.

Commissioner Jerrel: That would be the best way to do it.

Stacy Hill: How many different...we have everything by numbers, you know, like the Sheriff's Department is one number. Do you know how many departments for Vanderburgh County?

President Mourdock: Total departments?

Stacy Hill: That's okay. I'll call the Commission Office.

President Mourdock: Okay.

Stacy Hill: Alright, thank you very much.

President Mourdock: Thank you.

<b>Perry Township Assessor - Lease agreement</b>
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President Mourdock: The next item on the agenda is the Perry Township Assessor's lease agreement. I think you have a letter in your packet regarding this and Ms. Musgrave I think you had something to say on that?

Cheryl Musgrave: Is this the lease agreement for their space on the west side?

President Mourdock: Yes, at 2926 Mount Vernon Avenue.

Cheryl Musgrave: For several years I have tried to convince the Perry Township Assessor that she needed to be in the building, but she just doesn't want to be in the building. I still think that for efficiency sake, for staff duplication services, that you all ought to sometime consider moving the Perry Township Assessor's Office back in the building.

President Mourdock: Thank you. Good question. Have you reviewed this lease agreement, Joe? Have you seen it?

Joe Harrison, Jr.: No.

President Mourdock: Just for the record, I have a letter from William Miller to Ms. Glen Koob who is the Perry Township Assessor.

"This letter will confirm our previous discussions regarding the lease agreement for 2926 Mount Vernon Avenue. It is agreed that you will lease these premises for the purposes of conducting the duties of Assessor. Monthly rental will be \$399.75 per month effective on 1/1/97 and due and payable in full on or before the first day of each month. The term expires 12/31/97 midnight. All prior written agreements remain in force and please see our letter to you dated January 1, 1996."

Which I do not have. Do you have anything else on this?

Joe Harrison, Jr.: No, I'm sorry. I have this letter, but that is it. I haven't seen their previous agreement. Is it around or has it always been on paper like this?

President Mourdock: I don't know. I don't recall this coming through before to be quite honest. Shall we take this under advisement and have the county attorney research this?

Commissioner Tuley: Yeah, just to make sure that everything is there and he is comfortable with it.

Commissioner Jerrel: Right.

Joe Harrison, Jr.: I would just prefer that you wait until next week.

President Mourdock: Okay.

Commissioner Jerrel: Do you need a motion to defer?

Commissioner Tuley: No, not necessary.

Commissioner Jerrel: Okay.

#### **Legal Aid Society - Board appointment**

President Mourdock: The next item we have is a board appointment for the Legal Aid Society. You have, again, a letter in your packet regarding Reverend Robert Tinner of the Evansville Rescue Mission who has consented to be on the Board of Directors.

Commissioner Jerrel: I'd move approval of the appointment of Reverend Tinner.

Commissioner Tuley: I'll second.

President Mourdock: So moved.

#### **Jeffrey Ahlers - Agreement for legal services**

President Mourdock: We have an agreement for legal services by and between Jeffrey W. Ahlers; Kahn, Dees, Donovan & Kahn and

Vanderburgh County. Joe, I think it is appropriate if you would make a comment or two.

Joe Harrison, Jr.: This agreement submitted by Mr. Ahlers relates to his compensation at the rate of \$70 per hour and his firms compensation at the rate of \$70 an hour for any work that they may do on behalf of the county. They've got a case or two now that they are working on behalf of the county pursuant to previous discussion from this body.

President Mourdock: Okay.

Commissioner Jerrel: I'd move approval of the agreement for legal services with Mr. Ahlers.

Commissioner Tuley: Yeah, just for clarification the \$70 an hour is the same rate that we have used in the past. There will be cases, I'm sure, where Bowers & Harrison as large as they are will have conflicts and we'll use him then. I guess the only other thing I just wanted to clarify normally it is in those cases I don't think we have to come back and get permission. If it is deferred and if it is for legal services and trial representation I think Joe needs to advise us that is what it is, but having said that I'll second your motion.

President Mourdock: With that understanding, I will say so ordered.

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

President Mourdock: We are at that point finally for all of you who are getting tired of sitting there. If your agenda item has not yet been discussed or is not on the agenda you are welcome to take the microphone and address the County Commission on any issue. Yes, sir. Again, I would ask that you state your name and address and try to be as brief as possible.

Jim Ackerman: My name is Jim Ackerman and I live at 1406 Westwood Hills Drive which is the Westwood Hills Subdivision. I am here to ask your assistance in getting our streets fixed on what procedures do we need to follow? Our streets have not been accepted by the county and we realize that and that we are going to be held responsible for part of or all of the costs. I had discussions with Mr. Tuley from time to time and he has sent me a copy of the Barrett Law and, hopefully,,possibly this could be used in getting our streets brought up to date so that the county would accept them. Mr. Tuley also has had the County Engineer get approximate costs. If I remember correctly it is in the neighborhood of \$220,000. Is that correct?

Commissioner Tuley: It's \$245,000.

Jim Ackerman: Oh, \$245,000. We have 84 houses in our subdivision so I am asking you as a Board to give me direction on what should we do, how do we approach the matter.

President Mourdock: Very good question and we will turn to the County Attorney who just handed us a memo in regards to the Barrett Law.

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Joe Harrison, Jr.: I just gave them a little snapshot of some of the uses that Barrett Law can be applied. Your question relates to the streets?

Jim Ackerman: That is correct.

Joe Harrison, Jr.: You're not talking about a sewer tap-in or something like that?

Jim Ackerman: No, we are talking strictly streets.

Joe Harrison, Jr.: The statute relating to the Barrett Law can be used for streets. The only restrictions placed on improvements by a county are laid out in the statute. It goes on to say and states that improvement may be made only in unincorporated areas that contain residential or business buildings.

Jim Ackerman: Okay, we're residential and as far as I know we are unincorporated.

Joe Harrison, Jr.: Okay. That is in the county?

Jim Ackerman: Yes.

Joe Harrison, Jr.: Section A2 of that same statute states that improvements may not be made on a tract of land that consists of at least 10 acres and contains only one building that is used for residential purposes or used solely for agricultural purpose. Well, I doubt if that is the case in your situation.

Jim Ackerman: No.

Joe Harrison, Jr.: Barrett Law can be used for improvements to privately owned streets in the county as long as the improvement is in an unincorporated area. The financing mechanism is the next question and how you go about soliciting those who live in your area to see if they want to buy into this situation or into this mechanism that will improve their streets. The statute does give a little guidance on that, but the thing is I think what we are going to have to do is at some point the county or you may have to try and determine what the cost may be to do what you want done out there. We've got a number of projects here within the county and I think it would be better to kind of group, if we could, some of these into one if there is ever a bond issued with respect to paying off and paying for these improvements and roads in your case. It might be a sewer tap-in in another case. That may not be possible, but my hope is that if there was a bond issued that we could take into consideration several needs out there that exist within the county. As far as the funding for this particular bond, it would have to come from you all. Although, the statute does go on to say if the county is unable to pay this amount from the General Fund it may issue bonds or certificates of indebtedness to the contractor for the difference. It goes on to say that any difference between the total assessments for an improvement and the cost of the improvement must be paid by the county. I mean, the statute does say that. I don't think the county is going to be too enthused about paying any difference should there be any

difference between the assessment and the final cost. I think that is going to be up for them to determine. That's me just sitting here giving you a little explanation. What I think we can do is that the Commissioners are going to have to start dialogue with not only you, but with others that may have similar requests and see if the interest is warranted out there in your neighborhood and those who want to take part in this situation.

Jim Ackerman: Okay, do I need to get a petition signed by, you know, everybody in the subdivision? The ones who are for it or against it?

Commissioner Jerrel: Would it be helpful to begin maybe by giving you a copy of this?

Jim Ackerman: I would appreciate that, yes.

Commissioner Jerrel: Maybe you could begin to share that because the more informed your neighbors are of the process, the more likely that you'll meet with success and in the end it is better if everybody knows everything before they make a decision.

Jim Ackerman: Well, we've made plans at this point and tomorrow evening we are having a meeting of about five people to set out an agenda. Then we are going to notify everyone in the subdivision as far as a public meeting and this is what we need to present to them to see if they're agreeable or not.

Joe Harrison, Jr.: Just as a thought, I mean, do you know of anyone who would ever...a contractor who would come out and give you all just an estimate as to what you think the cost would be?

Commissioner Tuley: Let me interject here. When Mr. Ackerman contacted me, when was it...last summer?

Jim Ackerman: Last summer, yes.

Commissioner Tuley: When we first realized that they were not county roads, the County Engineer, or staff members, went out and did do a preliminary check and that's where I got the \$245,000 figure that it would take to bring those up to county standards. In talking to John today, you know, there is someone else in your area who lives out there, one of your neighbors, who is checking into this too, came in and his belief is that it is much less than that. You know, John said they are willing to go out and mark everything that needs to be corrected and if you guys want to hire your own person to go out and give you an estimate, you are welcome to do that as well. I think that what we sent was a package, Tony sent out to Mr. Ackerman, was that the package prepared by Mr. Rounder, as one of the attorneys?

Tony Greubel: Yeah.

Commissioner Tuley: So Mr. Ackerman does have that, but then that just brought more questions as it did to us and it did to him as well. I think a couple of things need to come out of here which Bettye has already said a couple. One, you need to get with your neighbors. I don't care if it is just informally

before you get too far out here or get too much money spent you need to make sure, number one, that everybody or that percentage necessary to petition the Commissioners that you've got those. A personal request would be to get a spokesperson for that group. We don't need to be getting three, four or five different people calling us, so there needs to be a centralized spokesperson that we can deal with one on one and then you can relay whatever information or whoever that person be you or whoever. I think part of that requirement in the package that Tony sent him was that there was a need to get an engineer's estimate. I think that has already been done. So what if it comes in less than that. Then this Board would have to make the determination do we want to do this? Do they have the proper number of people and go through the legal procedure which I'm not, again, familiar enough? We've only been faced...this is the second one since I've been up here. The first one just came last year as well. I don't know the legal procedure. Does he go gather signatures and petition this Board and then this Board by resolution agrees to do it or whatever?

Jim Ackerman: That's the question we had and I am seeking right now.

Commissioner Tuley: Right.

Jim Ackerman: What is step number one?

President Mourdock: In reviewing, and you've read that document that Mr. Rounder prepared since I have, Mr. Ackerman, but I believe the first thing to do pursuant to what that document says is to get together a petition, basically, of the people out there. As Bettye Lou was saying, I think you need to explain it to everybody up front. While I know that we've had the County Engineer give you an estimate of sorts, I would recommend to you that as a group you go ahead and hire an engineer to give you a better review of it and I would say that for two reasons. Number one, just a double check of the number and number two, to test the level of commitment of everyone out there who is ultimately going to be involved with this. If they are afraid to pay for an engineer, then I think you are going to find out they're probably afraid to really get into the project in any kind of depth.

Jim Ackerman: Okay, so I'll go back and, like I say, we'll have a meeting of the subdivision and have some sort of a petition of yea or nay signatures and then from that we can look at this engineer situation. We can also have that on the petition, you know, we've got to bear that cost.

Commissioner Tuley: The people in German Township out there are going to appreciate this comment. Make sure when you are dealing with these people that you make them fully aware that the county is ...I mean, if we do this the county is fronting the money, okay, but there is a cost associated. I mean, there is a pay back. Joe, if I understand it, this is a special assessment? This is a tax increase?

Jim Ackerman: Right. In other words it is attached to our property tax.

Commissioner Tuley: We're not going to come out and spend \$245,000 or \$220,00 whatever it is and say, okay, there you are. We're going to expect to get the money back and it will be through a special assessment.

Commissioner Jerrel: So if anybody is renting we'd need the property owner.

Jim Ackerman: I don't think anybody is renting out there, but I can check that out. By this assessment are you saying is this over a period of ten years or...?

Commissioner Tuley: I think all of that would have to be determined by the total cost or whatever. I think at \$245,000 and 84 homes it came out at about \$3,000 a home and that's if it was a one time payment. Obviously, if we take it five years or ten years or whatever it is, obviously, there is going to be some interest tacked on to it. I think that would be up to maybe this body as well as trying to work with your neighbors. I mean, sure, they are not going to come in and pay it in one assessment. If they could do that they would already have the roads fixed.

Jim Ackerman: No, I don't think that would go over. That would go over like a lead balloon.

Commissioner Tuley: Right.

Jim Ackerman: But on say, a yearly tax assessment, why I think the majority of the people will go along with it because the streets are getting to the point that you know the bus drivers are complaining nowadays. They're threatening to the point of saying, hey, I'm not driving on them anymore.

President Mourdock: The situation as it is and, again, Commissioner Tuley and Commissioner Jerrel just made some very valid points here. I said a moment ago about getting an engineer and it might even be worthwhile as a group to hire an attorney to look over this documentation to put it together. The first question that I would have is the assessment going to be on a frontage basis? How many lineal feet you have along that road or is it going to be on the total acres?

Jim Ackerman: Are you talking about so much per household?

President Mourdock: Yes, how it is going to be figured. I'm sure the Barrett Law has some provision for that. If not then the group that is formed by the Barrett Law has to define that and, again, that's where you need to get with an attorney.

Commissioner Tuley: The person on that first lot as you come in that subdivision may have a small lot and may not want to pay as much as the guy who lives up on the top of the hill at the very back of it and has a very large lot. You'll have to work all that out somehow.

President Mourdock: I don't know. There may be provision whether it is by square footage or by frontage.

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Commissioner Tuley: If you do, and it is probably good advice in terms of the attorney and maybe your own estimate, but you would have to coordinate that through our engineer's office so that they can mark the areas where there is a problem because maybe there is a stretch of a whole block in there that they don't have to do anything. They'll need to know what has to be done.

Jim Ackerman: Okay, so then if we hire this engineer then he should contact your engineer and both of them go out at the same time?

Commissioner Tuley: Well, they wouldn't have to go out at the same time, but John or someone from our engineering staff would have to get out there prior to that because he is going to have to mark everything.

Jim Ackerman: Oh, mark everything.

Commissioner Tuley: They're going to have to coordinate it so that they know exactly what has to be done in order to bring it up to county standards.

President Mourdock: Yeah, the last thing you want to do is to pay for these improvements and have the improvements made and then find out that you're still not at county standards.

Jim Ackerman: Hey, when this is all over with we want signed documents that it's done.

President Mourdock: That's fair.

Jim Ackerman: We're not going to go through this again.

President Mourdock: Okay, alright.

Jim Ackerman: Okay.

Commissioner Jerrel: They're making a copy of what I had, so that can just be added to the other material if you'll wait just a second.

Jim Ackerman: Thank you very much.

President Mourdock: The County Engineer, John Stoll, has a comment to make regarding this.

John Stoll: We had planned on going back out there sometime this week to try and mark the areas that need replaced. There is one problem in these kind of contracts and that's you don't know how bad the concrete might be until you start tearing it out because we've run across that in Melody Hills several times that there might be quite a few voids underneath a slab that looked perfectly good from the top--

Commissioner Tuley: You couldn't see if from the top.

John Stoll: --but you have to turn around and remove what appears to be good for the simple fact that it is going to crack

and fall in a hole any way. It's an educated guess sometimes at best, but there may be some overruns depending on what they find once they start doing construction work.

Jim Ackerman: If there is an overrun like that we're going to be held responsible for that additional cost. Correct or not?

President Mourdock: I would presume so.

Commissioner Tuley: I would presume so, too. I think the best case scenario what we are getting is an estimate of the cost to do it.

Jim Ackerman: Thank you very much. You say you'll have someone out there next week?

John Stoll: We planned on Thursday or Friday.

Jim Ackerman: Okay.

President Mourdock: Okay, thank you.

Commissioner Tuley: John, wait a minute. Too many times I know what happens here. Something happens between Thursday and Friday and he is going to hold you accountable for being out there Thursday or Friday. Find a number where if it is not going to happen that you can reach him.

#### **TAPE CHANGE**

President Mourdock: Okay, are there any other individuals with specific items of business?

Phyllis Happe: My name is Phyllis Happe and I live at 7001 New Harmony Road. I am here as a resident of German Township and I am concerned about the fire district petition that was brought to you on January 13th by our volunteer fire department. I would like to go on record as saying I think we have an outstanding fire department. They told us in one of our public meetings that we have been holding the last two Saturdays, they told us that they look to us in German Township when the nation wants to find out about a volunteer fire department, so that tells me that we have an outstanding fire department. That also tells me we have a very well run and well supplied fire department and so I would wonder at any great need that we have for too much improvement. I'm not to say that we're not on the move and always improving, but I wonder a little bit at the great need that they are professing that they need out in our township. At my church in a meeting one Sunday afternoon right after the services, a very brief meeting, in fact, I wouldn't even call it a meeting, it was just a time to talk to Mr. Buckman, our Fire Chief. He presented a petition to us and said it would be a very small tax increase to us and the figures that he gave us did not add up to what I am figuring now as I am finding out what the tax rate is for the fire protection and all that kind of thing. The numbers are not the same. What he told me was a lie. It was simply a lie and I am troubled and offended by that. I have no problem with the fire department bringing their petition and making their request. I think that is the process that I understand. I understand that we have to

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overcome that. My problem is that as a rather naive taxpayer I feel very used and I feel like this is a false petition. As I have talked to my friends and my neighbors in my community I am finding out that they, too, signed under very false pretenses. I would like very much to have my name removed from that petition. That is one thing that I would like to know from you is how can I go about doing that? So I'll start with that question. How can get my name removed from that petition that I signed in favor of that fire district? I no longer am now that I have a little more accurate information about the taxing.

President Mourdock: Okay, for the record and I think there may be some other folks here from German Township, too, so I'll say this as I said to you prior to the meeting. Understand, please, that the County Commission has the policy of handling this petition defined for us by Indiana statutes. We do not in a sense do anything more than accept those petitions that the Auditor feels are acceptable. That means were they signed by a sufficient number of freeholders within German Township? The answer to that is clearly yes and if they are then we legally must act to accept them and that pertains to either petition. Either the one for or the one against. That is this body's role in this little play. Having said that, I will turn your question regarding taking your name off the list to the county attorney.

Joe Harrison, Jr.: It is difficult. I don't think you can take your name off, but I don't even know if your name counted as a signature for. I know that is something that the Auditor's Office can check and we can get back with you if you like to see if your name even counted as one who signed in favor for.

Phyllis Happe: For what reason would it not? I am a taxpayer, a landholder.

Joe Harrison, Jr.: I don't know. Are you married?

Phyllis Happe: Yes.

Joe Harrison, Jr.: Did your husband sign it?

Phyllis Happe: No.

Joe Harrison, Jr.: That is just some questions that I had to ask--

Phyllis Happe: Sure.

Joe Harrison, Jr.: --because maybe his did and yours didn't. Do you own that piece of property with anybody else that may have signed it?

Phyllis Happe: No.

Joe Harrison, Jr.: Okay, well your name probably counted, but I don't know that. Why don't I have the Auditor's Office check on that? As far as removing the name technically you had to come in before I believe it was January...what was the date? I

believe it was the 18th or the 24th.

President Mourdock: When we...?

Joe Harrison, Jr.: When they accepted the petition. You had to try to remove your name before the date that it was accepted by this body. It was January...what was it?

Commissioner Tuley: The 13th.

Joe Harrison, Jr.: The 13th. It was January 13th. So once your name is accepted it is accepted. That's just what the law says. If the name was obtained you think under some false pretense or something like that, then that is a matter for you to take up on your own in some other fashion, but I will have the Auditor's Office check to see if your name was counted and I will, if you don't mind giving them your phone number they can give you a call and at least tell you yes or no as far as that particular question is concerned.

Phyllis Happe: I'm troubled by your statement that once the petition is presented that is all the further you can go. I look to you for protection as a pretty naive taxpayer. When something...when you have...you're not deaf, you know what we are doing out there. You know how unhappy the people are. You've heard us, you've seen the crowds. How can you let something like this happen? There has got to be some avenue to stall this, to block this, to stop this. You're supposed to be representing us, the taxpayers. I'm sorry, right now when you say all you can do is accept a petition I don't find that a very acceptable answer.

President Mourdock: Well, I respectfully accept that point of view and I guess you'll need to talk to your state legislators who drafted the ordinance or, I'm sorry, the legislation, the statute because, again, the statute defines what our authority is. Our authority is in this matter what the General Assembly of the State of Indiana says it is and that's what they've said it is. I know you don't like that answer.

Phyllis Happe: No. So when our fire department presents this and they want this great increase in our tax dollar you are going to award this money to them. Is it your decision that they get this money or not?

Commissioner Jerrel: No, we don't award any money. Our role is to wait until the 18th and see, you know, what numbers come in on the other petition, but I can tell you the scenario for this was established by that piece of legislation that required only 20% for approval and 51% for the petition to be denied. That was done at the state legislator and it wouldn't hurt to call one of your legislators and ask them if there is any remedy in the amendment process that could be specifically designated for...you know, they are always defining boundaries in smaller increments or identifying areas like, you know, Indianapolis to set aside. The role that we'll play when it comes to the financing is we appoint the three trustees who will make the request and they will decide the amount of money, if there needs to be more money, if there doesn't need to be and, I mean, I

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think that is our important role is that we use every...that we're very careful that a very fair trustee appointment of people that are knowledgeable and people that you all will feel comfortable getting in touch with. It's done in a public session.

Phyllis Happe: Am I to understand though that these appointments that you folks will make for us that we don't know right now how big of a board that will be?

Commissioner Jerrel: I think it's--

Phyllis Happe: It says it must be three, but it could be a larger number. Is that correct?

Joe Harrison, Jr.: That's correct.

Phyllis Happe: So it could be a larger number. Only one of those people has to come from German Township I am told. That troubles me greatly. I mean, if we decided to have seven board people and only one of those was German Township and six were from somewhere else I really doubt that they have German Township's best interest at heart. I mean I have to be honest. I am doubtful.

Commissioner Jerrel: That's a good point to make to us, I think, that we consider making the majority of them or all of them German Township.

Commissioner Tuley: Yeah, it says at least one.

Phyllis Happe: The way we read the statute is only one has to be from German.

Commissioner Jerrel: But I think--

Joe Harrison, Jr.: That doesn't mean that they all won't be from German.

Commissioner Tuley: They could all be from German.

Phyllis Happe: Also my understanding is that they have to have fire experience. That is the requirement for them to be on this advisory board. That is very vague. What does fire experience mean? They can't be a volunteer fireman is my understanding.

Commissioner Jerrel: Right. Well, I'll be real honest with you, I have been asking anybody that I talk to from German Township do you have any safety experience or any background? We need a pool of names is what we need. That's something that we need help in. We don't need to just...we're not going to just come up with names. We need qualified people who would meet the statute's requirements and would give a comfort level to people in German Township.

Phyllis Happe: I don't mean to ask something that you've already answered, so forgive me if I do. We have no control of saying that you can't ask for that much of an increase?

Commissioner Jerrel: Well, I would think that the trustees would have a public hearing and at the public hearing the budget would be presented just like the County Council has a public hearing before all the budgets are presented and they have to defend what they want. Most people don't go to public hearings, but I have a feeling that you folks would go to your public hearing!

Phyllis Happe: We woke up, our eyes have opened considerably out in German Township.

Commissioner Jerrel: Okay, so you would go and if an unreasonable amount of money is wanted there is no way that those three trustees or five or seven or however many...they would listen to the people that are at that public hearing if there is valid information.

Phyllis Happe: The trustee would be our Township Trustee?

Commissioner Jerrel: No, they would be this Fire District Trustee that we appoint. As we said, we need a pool of names, you know.

Phyllis Happe: I was going to say our Township Trustee we're having a dickens of a time getting through to him. The other night when I finally was able to reach him and Ms. Maasberg tried to talk to him he hung up after a few minutes of talking with her, so I am not real impressed there.

Commissioner Jerrel: Well, we would welcome names.

President Mourdock: Okay.

Phyllis Happe: There seems to be some questions about the petition as to whether or not people can have their name removed. I know a gentleman that goes to my church is an attorney and he disagrees with this interpretation. The attorney that is working with us out there in our area disagrees with this interpretation. Is there an avenue that we can pursue to block this?

President Mourdock: Is it a Mr. Link? Is he an attorney?

Phyllis Happe: Yes.

President Mourdock: Then I would say that he is the guy that you need to point that question to.

Commissioner Tuley: The first thing that comes to my mind is something we hear all the time. If you have an attorney representing you and something is about to happen that you don't want to happen you can try to get into court and get some type of injunction to prevent the Board...I mean, that is why we have the courts. If he says you can't take your name off and your attorney says you can, then the next best step may be, and I am not one to push this thing to court, but you go and try in front of a judge and see if you can get an injunction.

President Mourdock: We would have no court system if we didn't have attorneys with differing points of view.

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Phyllis Happe: Of course, I can understand that.

Joe Harrison, Jr.: We don't agree on everything.

Phyllis Happe: I can understand that.

Joe Harrison, Jr.: But I wouldn't be so...you're assuming that this process is going to succeed.

Phyllis Happe: The fire districting?

Joe Harrison, Jr.: Yes.

Phyllis Happe: You know, we've got our work cut out. We basically have only 80% of the people that we can go to because you've already taken at least 20% of those names or more and said they're good. Some people won't sign any petition. You can't catch some people. We've got a mountainous task. We're trying, but we don't know.

Joe Harrison, Jr.: This Board will consider all the evidence and make its ruling from there. There is still time.

Commissioner Jerrel: Okay, I have a question. Okay, let's just assume both scenarios and then I want to ask my related question. Let's say that they get enough and then the issue is a moot point and that's it for two years. Let's say they do not. That budgeting process begins how quickly? Something about March 1st. What is the magical date?

Joe Harrison, Jr.: I have never seen the March 1st figure in any statute, so I don't know where that magical date is coming from.

Commissioner Jerrel: I would like to know what the budgeting process is for the fire district. Do they have to submit their budgets...I'm talking to her...and get them before the body that, you know, has to make a decision and they would hold public hearings and then the calculated tax on each property owner would be determined before this summer? It would have to be.

Joe Harrison, Jr.: I would assume that they would have the same budgeting-type deadline that the city and county have, but I don't know where this March 1st date has come in. I mean, it is not in the statute, so it is somebody that is interested in this district has communicated with up in Indianapolis, I guess, and someone has mentioned that date, but I have never seen it anywhere. No one has ever provided me with any information.

Commissioner Jerrel: You might ask your attorney if there is any significance to March 1st.

Phyllis Happe: I have another question. If this budget comes before the people at a budget meeting, then we have a chance to ask questions why?

Commissioner Jerrel: Sure.

Phyllis Happe: And ask for it not to happen? Okay, I think you've answered most of my questions at this point.

Commissioner Tuley: You've got a real monumental task as you've identified, but I think Ms. Jerrel's recommendation that this body needs to hear some names and recommendations for that.

Commissioner Jerrel: Yeah, that meet the criteria in some way.

Commissioner Tuley: That meet the criteria which you guys, I'm sure if you have an attorney you've got that criteria. Try to find some people that you have some influence with so if this does, in fact, go into effect who will listen from your point of view and can try to control how much money is actually generated by it.

Phyllis Happe: I do have one question about it. My understanding is that we can only get petition signatures of people that are real estate property owners, but the tax dollars are taken from personal property as well. For instance, we have Wells Mobile Home Trailer park out there. Those people that own their mobile homes, they have boats and RV's and all that is taxed and that tax dollar is taken to pay part of this fire protection. Isn't that taxation without representation and is that fair?

Commissioner Jerrel: This legislation was written--

Phyllis Happe: A long time ago we found out, 20 something years ago.

Commissioner Jerrel: --and it was written in such a way that you didn't get businesses.

President Mourdock: The last question is an excellent question. There have been revolutions fought over that point. Again, the statute is what the statute is as far as we are concerned.

Phyllis Happe: I understand that.

President Mourdock: Okay.

Phyllis Happe: I thank you for your time and those are my concerns.

President Mourdock: Alright, thank you. Yes, Councilman Bassemier.

Ed Bassemier: Hello, my name is Ed Bassemier and I am a County Councilman. I was just here tonight to observe, but there were some comments made with this fire district and I have been a professional firefighter for 25 years and there is a big misunderstanding with the comments about Mr. Buckman. I've known him for about 20 years. He is a very dedicated person. In fact, I have made a lot of runs with him. All I can say is this is just a big misunderstanding because I don't think he would ever lie about this. He has no personal gains for this. As far as I am concerned he is one of the best people I know. I just can't stand up here and call him a liar. I just can't

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take it and I just wanted to tell you all that.

President Mourdock: Thank you, Ed. Yes, sir. Please come forward.

Eddie Bowman: This feels kind of odd to me. My name is Eddie Bowman. I am a taxpayer and property owner in Vanderburgh County, German Township. I live at 10830 St. Wendal Road. Whenever I first learned of this I was one that signed at the polls. I do believe that I was misled also and since I attended these meetings I want to just kind of give you my feelings of being more or less having this waived over my head, this petition, okay, that everybody signed. Now I did read the statute and I read them all the way through and the final statutes in that...I don't have one with me, but I did read one at the meeting that they had up there Saturday afternoon. The 10% that they are putting this into effect with, okay, can also totally eliminate our fire department, okay? The same standards, if you read the statute, that is all that they require if a person wants to eliminate a fire consolidated German Township. After seeing my neighbors and all in such a turmoil I just cannot--

Commissioner Jerrel: Are you saying that what you are seeing--

Eddie Bowman: I believe from the people that I talked to...I never received and my wife never received anything pertaining to this whatsoever until all of a sudden it was just laid out in front of us and then kind of boom! We attended a meeting and there were questions asked that I thought personally why aren't these being answered? I come to find out because I kind of got disgusted and I went to Mr. Buckman and I asked him personally to have my name removed from this first thing because I thought I had been misrepresented. Come to find out he wasn't on the Board, okay, of our fire department. Now all them people that I heard talk to me up there was groups that were against this and then the fire department presenting their case in favor of, okay? I never did hear from any of the Board members who are in charge of our fire department. We had the Fire Chief. He stood up there and talked to us. The Assistant Fire Chief, but the people who do the guidelines Mr. Buckman informed me that he had nothing to do with this petition. I just can't believe it, you know. How do people talk about something and then they don't know nothing about it?

Commissioner Jerrel: They appeared before us, the Volunteer Firemen, and indicated that they had put flyers out all over the county, all over the township, and held two or three informational meetings.

Eddie Bowman: Ms. Jarboe, I'm going to tell you what, I was at two meetings Saturday and I'm going to tell you what if those people were informed I would hate to see what uninformed people really were.

Commissioner Jerrel: Right. We'll we are hearing from them, too.

Eddie Bowman: Well, I'll tell you what, whenever I walked into

the second meeting and I asked Mr. Buckman to take my name off that list I was very intimidated because the only thing that I seen in there were volunteer firemen that were not, the way I understood it, not a lot of them are from German Township, you know? I was standing up on top of the hill and there were some elderly people that pulled up in an automobile and they asked where the meeting were and they said there is a lot of volunteer fire people there and I said yeah, there are, you know, and I said it is pretty crowded down there. Well, about that time another couple come walking up the hill. They had gone down, looked in the door and seen that there was no place to sit because of the volunteer firemen and then they turned around and walked up the hill and they left. I don't know. You said that it's not your place to have to go out, and I can understand that you all are pretty busy, but somebody needs to investigate something about this petition. I'm sorry. I can't believe that we were buffaloes into this. There is too many people out there in our neighborhoods that are just totally upset. I know what the law as far as your thing says, but what stops somebody from two years from now coming back, waiting for election day, making a committee together and coming out there doing the same thing telling us that they are going to try to lower the taxes, okay? You sign the petition, you get 20%, they come to the Commission, they hand this you according to the laws and you dissolve the fire department and everything is sold off? That's the way I understand it. Is it not true?

President Mourdock: I don't know. Joe, do you have a comment on whether or not something like that can be done?

Joe Harrison, Jr.: Again, I would have them contact an attorney or whoever is out there.

Eddie Bowman: Well, it's in our statute and that is what I was just going by because I read it. I mean, you can get it at the public library. You know, it is just very upsetting to me and believe me there are a lot of people out there very upset.

Commissioner Jerrel: This one deals with establishing a fire district fund not--

Eddie Bowman: But the final one also refers you back to the one of establishing one that all they need is 20%. It follows the same guidelines as what we just got through doing.

Commissioner Jerrel: You ought to ask Mr. Link that question.

Eddie Bowman: I personally don't know him.

President Mourdock: I suspect the Happs might pass that question along.

Eddie Bowman: I mean I got up at 4:00 this morning and I went to work and I didn't want to miss this because I wanted to find out something and I still don't know anything. I'm sorry, you know...

Commissioner Jerrel: Are you clear on what we have to do?

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Eddie Bowman: Yeah, I understand that point now.

Commissioner Jerrel: The trustees are the ones that will make the decision on what the budget will be and that should be done at a public hearing and that is when people would...that is if it passes.

Eddie Bowman: Well, I had just never seen nothing that was presented out there. They didn't present nothing saying about the three individuals that would be running it.

Commissioner Jerrel: Three or more.

Eddie Bowman: Okay.

President Mourdock: I will go on record tonight, Mr. Bowman, that if this passes and I'm not certain that it is going to, but if does pass when it comes to appointing trustees who would ultimately run that Board that any trustee that I would appoint as an individual Commissioner...the way we normally do those is each Commissioner would pick one or each would pick two or something like that, and any appointment that I would look to make on there I would want a commitment from that person that they would have a public hearing along the lines of what Ms. Jerrel has outlined.

Eddie Bowman: So basically you all can set up the guidelines for which that is done?

President Mourdock: We choose, we appoint those people. I don't know that there is any reason why I cannot precondition my appointment in discussion with that individual and say I believe in the public process and I want to have a public hearing. I would hate to think I would be prohibited from doing that.

Eddie Bowman: Well, I hate to be skeptic, but I heard what I heard at the polls and then I turn around and I come and find out that everything I heard was--

Commissioner Jerrel: Well, we'll do all this in a very public way. It will be a matter of the record and I think you can count on that part of it.

Eddie Bowman: Well, I'll be honest with you. I am praying that it don't go through. I believe the people out there truly need some time. But if it does, you know...I've lived in German Township all my life practically. We farmed in Posey County and moved there at a young age.

President Mourdock: We would encourage you to find those people that agree with you and get some names on a piece of paper.

Commissioner Jerrel: Yeah, get some names to us.

President Mourdock: Okay.

Eddie Bowman: Well, I just wanted to let you know and thank you for listening to me.

President Mourdock: Thank you, Mr. Bowman. We appreciate your sense of frustration. Anyone else in the audience on this issue or any other issue? Okay, Lewis.

Unidentified: Yeah, Richard, I would like to address the Commissioners about the Teamsters 215 contract. We've presented it and I think it is in the final form and I need to get it signed.

President Mourdock: For the record this is Lewis Smith speaking.

Lewis Smith: Lewis Smith, excuse me, Lewis Smith from Teamster's Local 215.

Commissioner Jerrel: We have two corrections and I'll give you the pages.

President Mourdock: Is it typos?

Commissioner Jerrel: There are two of them. The one is on Page 5 and that is just a correction. The third shift should read 11:00 p.m. to 7:00 a.m. instead of 11:00 p.m. to 7:00 p.m. Page 22, the hourly rate should be \$12.6695.

Lewis Smith: Right, that is correct.

President Mourdock: That one is correct.

Commissioner Tuley: In the two copies that is correct. The two that he brought today.

Commissioner Jerrel: Yes.

Lewis Smith: I gave you two extra pages for that.

Commissioner Jerrel: Okay, I would move approval of that contract.

Commissioner Tuley: Second.

President Mourdock: I will say so ordered. Lewis, I have initialed this one change then for reference and would suggest that when you or Chuck execute you do the same. Then we will have identical copies.

Commissioner Jerrel: You think you see all those and then you don't. You think you see all of them and then you don't.

Commissioner Tuley: Yeah, looking at it so many times.

President Mourdock: We appreciate your patience on this, Lewis, because we know it has been somewhat extended. We need to send this with you to have Chuck sign this.

Commissioner Jerrel: He'll need to get them signed and bring them back.

President Mourdock: Yeah, I have a hunch he'll get that done.

Commissioner Tuley: Tomorrow, Lewis, or does it have to go to

your membership?

Lewis Smith: Chuck's signature.

Commissioner Tuley: I'll come get it if you want me to.

**John Stoll - County Engineer**

President Mourdock: Okay, mercifully we are at that point in the agenda here for department head reports. First up is John Stoll.

John Stoll: The first item that I've got is in regard to some reimbursements that the county received from the Department of Commerce for the Azteca projects. We received \$375,000 in reimbursements from the Department of Commerce for the Baseline Road railroad spur and frontage road projects. Of that \$375,000 there is \$367,000 currently left in an Azteca infrastructure account. There was \$8,000 spent for a tap-in fee, I believe it was, but of that remaining balance since there are no other costs that need to be paid out of that what I was requesting from the Commissioners was authorization to put that back into the Cumulative Bridge Fund and into the Local Road and Street Fund in the same percentage that it was spent originally. This would result in 53.2% of that money going to Cum Bridge and 46.8% going to Local Road and Street which results in \$195,244 going to Cum Bridge and \$171,756 to be transferred to the Local Road and Street Fund. Signatures on that claim would allow that transfer to happen.

Commissioner Tuley: I'll so move at this time.

Commissioner Jerrel: Second.

President Mourdock: So ordered.

John Stoll: The second item that I've got is a revised cost estimate from INDOT for the installation of signals and gates on the CSX tracks at Red Bank...on Red Bank at Upper Mount Vernon Road. The previous cost estimate was for \$84,657.78. The revised construction cost estimate is for \$24,830.69. The reason for the increase is the old cost estimate for this project was out of date and CSX, according to INDOT, has been routinely going back and updating all the cost estimates for their projects that have been on the books for a while.

President Mourdock: About 29%?

John Stoll: Right. Most of their increases were for labor and materials according to what INDOT is saying. Of that increase 10% or \$2,483.07 would be our cost. Given that we have already proceeded to this point and the signals and gates are necessary out there, I would recommend that we go ahead and proceed with the project in spite of the increase.

Commissioner Jerrel: Would you give the increase again, please?

John Stoll: It's for \$24,830.69. In conjunction with that I would need to come before County Council to get an additional

\$2,484 in funding for that project.

Commissioner Jerrel: It's \$2,484? I'll move approval.

Commissioner Tuley: Second.

President Mourdock: So ordered.

John Stoll: Next I would like to make a travel request for me to travel to Indianapolis on Wednesday with Keith Lochmueller and Rose Zigenfus. The reason being is to meet with Debbie Simmons of INDOT in regard to trying to get approval for the Cross Pointe and Morgan intersection. That is shown on those maps that I have passed out circled in green. As it stands now the state has been disputing the fact of whether or not they were going to allow this intersection to exist and given the traffic studies that have been done out there to this point there would be quite a bit of benefit to have this intersection due to the fact that it would divert traffic away from Morgan and Burkhardt over the long-term and minimize the problems that we could have there.

Commissioner Jerrel: This would be one of these nice maps to be looking at, you know, if we could. I think this is not only important, John, but it is important that we see if we can work to get these okays from INDOT in order to expand our transportation. I'm sure this is in our plan, but we need to have our plan where we can understand it and I know that Commissioner Mourdock has made that suggestion. What are their objections?

John Stoll: The main thing is that they don't want to have any new railroad crossings installed within 200 feet of an intersection. With the Norfolk/Southern line that runs parallel to Morgan Avenue this would be within that 200 foot distance.

Commissioner Jerrel: Is somebody going to approve...I mean, do they have the final approval or is there a legislative body other than INDOT that has the ability to say that the 50 feet or whatever it is?

John Stoll: The 200 feet requirement is not in effect as of yet the way I understand it. It is something that is supposed to come into effect this summer, but they've not implemented it as of yet and the way I understand it, it had something to do in regard to the school bus that was hit up in the Chicago area. They just don't want traffic to have the possibility of cuing up and sitting on the tracks, but there's no...I believe that criteria does not officially exist as of yet.

President Mourdock: I don't mean to belabor the point nor terminate a discussion here. That is a subject for an extensive discussion and certainly how it fits into that plan,--

Commissioner Jerrel: Yes, it is.

President Mourdock: --but your specific item right now though is just a travel request to go to a meeting to talk about that item. Is that correct?

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John Stoll: Correct.

Commissioner Jerrel: Will we get a report that says--

John Stoll: What the state is looking for?

Commissioner Jerrel: Yes, and also what the status is of that change and the number of feet and what Debbie says to you Wednesday so that we have some sense of what is going to happen?

John Stoll: Sure after we hold the meeting.

President Mourdock: I see part of that discussion...well, that being part of a larger discussion the first Monday of March. As we talked about last time of having a presentation with the maps and all those intersections and all those potential projects out there so that we can get a overview, if you will, of each one of them.

John Stoll: Okay.

Commissioner Jerrel: I have to ask a question just through lack of knowledge. If we're going to be making decisions that relate to zoning that is going to influence a lot of this traffic I would feel more comfortable if I had some input from you because if we are going to control growth by zoning or egress access to certain...I mean, I am not comfortable yet in this role. I guess there are so many different agencies; Rose, you, Area Plan and so many people involved. I would welcome a recommendation that represents all of you.

Commissioner Tuley: John, I'm sorry. Part of the package that we get from Area Plan, I believe, does include comments. It has EUTS' comments on it, it has the County Engineer's, if it is in the county and they sit there and make their comments about if you approve this the developer should be required to do these different things. You'll see it. You didn't see it in the one we had this month because there wasn't anything there, but you will see that information made available to you.

Commissioner Jerrel: I would like to be able to talk about these things in a bigger picture setting so that we look at everything that is going on out there instead of just little sections.

John Stoll: We try to make our comments according to the big picture whenever they come in, but the problem is that they keep coming in little segments so we can't win.

President Mourdock: We understand that, John. You've got the luxury of being...we would consider it a luxury, you may not, of being in the building 40 hours a week and knowing the big picture. I think what Bettye Lou is saying and certainly my point of view is one presentation from you with all those items would help us get the bigger picture as well.

John Stoll: Okay.

President Mourdock: Realizing that will change incrementally every time you get a letter from the folks in Indianapolis, or

DOT or whomever. Okay, coming back to the immediate point we have a travel request, which by the way, for future reference if you would get those to Tony and we will just do it with the other consent items where we have a lot of other travel requests.

Commissioner Jerrel: I'll move approval.

Commissioner Tuley: I'll second then.

President Mourdock: So ordered.

John Stoll: Last week when Mike Shoulders was here in regards to the environmental assessment at the Auditorium he recommended that Environmental Management Consultants be awarded the contract to do the environmental assessment of the building. I have the agreements between Environmental Management and the county. They have written the agreements in the name of the County Engineer, so at this time I was just going to request that the Commissioners authorize me to sign these agreements on behalf of the county. It is for an amount not to exceed \$900 and each asbestos inspection would be at \$15 per sample.

Commissioner Tuley: I'll move for approval.

Commissioner Jerrel: Second.

President Mourdock: So ordered.

John Stoll: The next item that I've got is in regard to our concrete repair contract. Since that contract was issued we found another broken slab of concrete out on Virginia Street between Metro Avenue and Royal Avenue. Given the fact that is a significant artery out on the east side and it gives you a pretty good jolt as you go across it we were wanting to go ahead and repair that with this contract. This would cost another \$6,000 to \$8,000 and I was requesting authorization to go ahead and overrun the contract by that amount. We don't have a change order as of yet because we don't know exactly how much rock and concrete it may take to fix it, but we are just requesting authorization to go ahead.

Commissioner Jerrel: Where is this?

John Stoll: It's on Virginia between Royal and Metro. It is a little bit east of the American General Building.

Commissioner Jerrel: Is that one of the access roads?

John Stoll: Yes.

Commissioner Jerrel: Is that the part that K-mart paid for?

John Stoll: No, that portion I believe was built by the developer of Metro Center Subdivision. It is not in the portion that the county built across the ditch. I think that was Metro Center.

President Mourdock: Obviously, the county has accepted them?

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John Stoll: Right, and it is beyond the one year time limit of making the developer responsible.

Commissioner Jerrel: Okay, I'll move approval of the repair on Virginia Street.

Commissioner Tuley: Second.

President Mourdock: So ordered.

John Stoll: The final item that I've got is an agreement between Vanderburgh County and Gary Williams in regards to Sycamore Hills Subdivision. You may recall that last summer the county, through Area Plan Commission, called in a letter of credit for Sections 1 through 3 of Sycamore Hills Subdivision. Those letters of credit that were called in were for amounts of, I believe it was, \$12,380.00. At that time there was not enough money. There currently is still not enough money to cover the repairs needed on those streets. Since that time Mr. Williams has proceeded with wanting to replat Section 4 of that subdivision. The replat is a good idea because it eliminates a proposed bridge that he was going to put across Schlensker Ditch. He is now going to cul-de-sac the road just short of reaching the ditch, so the replat in itself is a good idea because the bridge was not going to be built to the highest design standards, for lack of better terminology. In the agreement, Mr. Williams agrees to cover the cost of the repairs for Sections 1 through 3 in conjunction with the county letting his replat proceed to the Plan Commission this Wednesday. He is asking that we release the money that was called in on the letter of credit to a contractor who satisfactorily repairs the streets that have deteriorated now. That agreement calls for the repairs to be completed and all the resurfacing, not resurfacing, but original surface to be placed on the roads by October 1st of this year. As it stands now, we have no commitment from him as to when this might happen. He is going to put up a letter of credit to cover those costs as well for the full amount of the repairs plus the full amount of the asphalt surface required to finish the streets.

Commissioner Jerrel: Will you follow through on that to make of that?

John Stoll: Yes, we've been out there before. I was out there last fall marking bad areas where they needed to remove and replace the asphalt. We would have an inspector on site whenever they are out there doing the work to make sure it was all done to where the county could accept the roads.

President Mourdock: Joe, have you reviewed this document?

Joe Harrison, Jr.: Yeah, this was done between John and Cedric Hustace of my office and Les Shively who is the attorney for Williams. They, I guess, hashed it out today for the most part. You've been working on it for a week or so haven't you?

John Stoll: Right, we met with Shively and Williams last Friday to agree to the general terms of the agreement and then today between Cedric and Shively they have been preparing the actual

language in the agreement.

Commissioner Jerrel: So you are asking us, as Commissioners, to approve this agreement?

John Stoll: Yes, this would hopefully resolve this situation finally. These streets have been out there for over six years without being completed. The residents call and complain about the condition of the streets and rightfully so. Hopefully, it will get them finally fixed by this October to the point where the county can accept the streets.

Commissioner Jerrel: Are you comfortable with a motion to that effect?

President Mourdock: Yeah.

Commissioner Jerrel: I'd move approval of this agreement with Mr. Williams.

Commissioner Tuley: Second.

President Mourdock: So ordered.

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

President Mourdock: No, but I would just highlight again the first Monday in March.

John Stoll: I'll have it.

President Mourdock: Did you have that other copy I needed to sign?

Commissioner Jerrel: Here it is.

**County Garage - Progress report**

President Mourdock: We have a report on file for the record from the County Garage submitted by our acting supervisor, Milton Hayden. Any comments regarding that report? I didn't think there would be.

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

President Mourdock: The County Attorney's report.

Joe Harrison, Jr.: Well, I've got a couple of items. Let me start from the top, the Soil Erosion Control Ordinance. The last couple of days I have been speaking with Mike Wathen and also the Auditor's Office concerning the draft of the ordinance that was to be considered last fall. Anyway, we've been discussing that particular document as well as any comments by the Surveyor's Office. Bill Jeffers has made some comments concerning the content of this and I have been speaking to Mike Wathen concerning those comments. He is going to get back with us and then I can report back to you all, but, hopefully, within the next 30 days we'll be able to advertise that ordinance and

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have it for consideration by this body. There was an issue about codification in that discussion back last fall and we're going to be able to take care of that problem with having a more generic ordinance as far as what site, what code sites it relates to. We're just going to have it passed. If you all pass it, then that will be up to the Auditor's Office to determine what code sites it wants to give that particular ordinance. As far as the next issue is that Richard asked me to check on the welfare to work proposal. I have communicated with Lynn Ellis and we're still trying to find some more information from the state. Somewhere along the line I've read that there are some pilot programs that may be going on in some counties throughout the state and she is going to be also checking on that. She has called Indianapolis. She talked to them, I guess, today. We've got another contact up there in Indianapolis that we are going to utilize. A relative of Tony's that apparently is high up in that office, so that might also assist us. There have been apparently some pilot-type programs initiated. I know in Indianapolis, or at least in Hendricks County, there was a situation where they utilized one hundred or so people on the welfare to work program in that county and they are going to work for Pep Boys. I don't know if you've heard of that company. So at least there is some involvement with the state between some counties and it would be nice to find out, if you don't mind, how that is working. I think that might be of some assistance to us in seeing what sort of assistance the state is providing for counties.

President Mourdock: That is fine getting the information. However, I did express to Lynn today in a phone call while that type of information is helpful what is critical to us and what could be most important in coming back from those types of groups is how they define the private sector's role in that.

Joe Harrison, Jr.: Right.

President Mourdock: Effectively, what we've done with the gatekeeper position is set that person or body up outside of government to help move people toward a Pep Boys or towards something else, so let's stay focused on the mission of defining how the gatekeeper...what the RFP is for the gatekeeper and how that needs to be worked into the ordinance.

Joe Harrison, Jr.: Sure.

President Mourdock: But any other information is helpful. In fact, I think Tony may have put something in your packet as well. I think the name of the article was Welfare, Incorporated. A good source also.

Joe Harrison, Jr.: Also, I know you wanted me to look up the Barrett Law information--

President Mourdock: Excuse me. Before you go to that one, on the welfare to work issue give me a date. When are we going to have something ready to advertise ordinance-wise?

Commissioner Jerrel: May I ask a question before you respond to that?

President Mourdock: Sure.

Commissioner Jerrel: Perhaps it would be advantageous to contact Kathy Davis in Governor O'Bannon's Office who is the new liaison with the Welfare, Family and Children's Services. The more information we have the better decisions we are going to make down here.

Joe Harrison, Jr.: Yeah, we've got to do that and that is the relative of Tony's.

Commissioner Jerrel: Had you all been talking about that? I had been reading something, not listening.

Joe Harrison, Jr.: Yeah. Soon. I can't tell you if we can do it in 30 days because I don't know if that is possible, Richard, simply because I want to get some guidance from the state and make sure that we are not doing something that we shouldn't be doing.

President Mourdock: I appreciate that. I just know that people function, and I put myself in this group, but I function best when I have a date in front of me.

Joe Harrison, Jr.: I can't see why we couldn't have anything by April.

President Mourdock: April?

Joe Harrison, Jr.: Sometime in April.

President Mourdock: The first Monday in April would be April 7th.

Joe Harrison, Jr.: Okay, but I'll report back to you before then. Hopefully, every week I'll give you a little update. Also, you wanted me to look at the campaign finance issue. There was a city ordinance on that that has been repealed a couple of years ago. I had them fax me some information from the City Clerk's Office today, but I want to take a look at that particular ordinance. I've got the repeal of the ordinance, but I don't have that ordinance and as far as Representative Becker and some others I am then going to communicate with them on that issue. On the Barrett Law, the one thing that I want to determine is whether or not multiple projects can be stacked upon if there is a bond issue issued.

President Mourdock: You mentioned that during Mr. Ackerman's question.

Joe Harrison, Jr.: Yes.

President Mourdock: Do you see that in the sense of, and I am just going to make things up, if we have a sewage issue over on Oak Hill Road and we have Western Hills Subdivision that deals with streets and we've got something else that deals with curbs lumping all those into--

Joe Harrison, Jr.: Right.

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President Mourdock: --one regardless of whether there is any geographic continuity.

Joe Harrison, Jr.: Well as far as the bond issue, but I think segregating out from that their portion would have to pay for--

Commissioner Jerrel: Yeah, because they wouldn't want to be paying for--

President Mourdock: Right.

Commissioner Jerrel: I mean, that would be unfair.

Joe Harrison, Jr.: That would have to be part of the mix, but when you talk about bond issues you have associated costs and everything else.

Commissioner Tuley: I'm glad you're thinking that way, Joe, because that is reducing your costs.

Joe Harrison, Jr.: That's exactly right. Again, it would make sense that would be something that would be an option. That's what I am going to check on.

President Mourdock: Okay, that's a very good point.

Suzanne Crouch: You will try to get back with some information on the association dues? That is something that we've had out there for over six months and there are a number of claims that we are just kind of hand holding wanting some kind of direction.

Joe Harrison, Jr.: I'm going to ask a specific question that was really related to the question tonight. Not an individual membership, an office membership. As far as the other requirements by the State Board, their directives, it is my feeling that you have to comply with their wishes on that and as far as a home rule ordinance on what should be paid and what shouldn't be paid I will get something to this body for consideration, you know, a draft of it for you all to look at and then if you give me the okay we'll get that particular ordinance advertised within the next month. That is something that has got to be resolved.

Commissioner Jerrel: It needs to be resolved particularly before budget time because--

Joe Harrison, Jr.: Right.

Commissioner Jerrel: --every budget has something like this in it.

Joe Harrison, Jr.: Sure.

Commissioner Tuley: What all kind of...because I wasn't aware there were so many different organizations people were wanting to join. This is something that is pretty--

Commissioner Jerrel: They are proliferating.

Commissioner Tuley: Yeah, that's what I was getting at. There is quite a few of them already just continuing?

Suzanne Crouch: Would you like a list?

Commissioner Tuley: If you could. If that wouldn't be too much trouble.

Suzanne Crouch: No problem.

Commissioner Tuley: If you could just give it to Tony and Tony will give it to me.

Suzanne Crouch: Yeah.

Joe Harrison, Jr.: You know, again, there is certainly the memberships that relate to the office. The Clerk's Association and those type of things are not really in question. It's these other questions like Ms. Musgrave brought up this evening. Certainly the payment of judges for their dues for the Evansville Bar Association or State Bar Association or American Bar Association can't be paid. Also, disciplinary fees for judges, etc., to pay their State Supreme Court Disciplinary Fees can't be paid, but believe it or not after this directive came out about...what was it? About two months ago? A directive came out from the State Board of Accounts that said, oh, for prosecutors you can pay their state disciplinary fees and their deputies, but it didn't mention judges. I would assume that we might see another one coming out.

Suzanne Crouch: Would it be helpful if we just maybe compiled a listing of all the requests that we get and then you all can do whatever.

Commissioner Jerrel: I think this is just getting bigger and bigger and bigger.

Joe Harrison, Jr.: Yeah.

Commissioner Tuley: I'm just trying to think out loud, I mean to myself, I don't know what all these people should be asking for.

Commissioner Jerrel: We don't know either.

Joe Harrison, Jr.: The only way we are going to probably get a lot of feedback if I had to guess is just to pass something and then they will be coming before you saying well, this is something that we always did, can't this be an exception and then that will be for you guys to make a call on that. Certainly, those things that are prohibited by state we can't put in an ordinance, so a lot of these are not even going to be a part of the ordinance. It is just going to be the ones that are basically relating to their office.

President Mourdock: Okay, I have one other one that is...I've gotten several calls this week. At the first meeting this Commission had in January the issue on the adult control ordinance was brought up. The city has already put their

ordinance in place and basically we were trying to do something lockstep with them. Have you reviewed that ordinance yet, Joe?

Joe Harrison, Jr.: I have glanced at it and I have spoken with Barbara Cunningham from the Area Plan Commission. It's got to go through them first like the city ordinance did and she has a draft of it and they are looking at it as well.

President Mourdock: Okay, what do you think would be reasonable there before we would see that come from you with a recommendation?

Joe Harrison, Jr.: Oh, from me within a month, but before it comes here I don't know. It may be a couple of months before it gets through Area Plan and then gets here.

President Mourdock: Okay, but it would be--

Joe Harrison, Jr.: But as far as--

President Mourdock: --within a month?

Joe Harrison, Jr.: Yes, and then that process will have to begin with them, but you all certainly have to be comfortable with it initially.

President Mourdock: Okay, thank you. Any other questions for the County Attorney? Good report, Joe.

**Superintendent of County Buildings**

President Mourdock: Superintendent of County Buildings. Tony, do you have anything to add to this tonight?

Tony Greubel: I don't have anything I need to say tonight.

President Mourdock: Okay, anything for Tony? I have one item on the do list. Our bulletin board? I want the bulletin board for this room so we can stick up what our goals are.

Tony Greubel: I'll be almost guaranteed that it will be up on Tuesday for our next meeting. I won't promise, but I am 90% sure.

President Mourdock: Tony, bet his job...!

Commissioner Tuley: Our meeting is next Tuesday?

Commissioner Jerrel: Tuesday, the 11th.

Commissioner Tuley: For the next two Mondays?

Tony Greubel: Yeah.

Joe Harrison, Jr.: I thought the city was only off and the county wasn't.

President Mourdock: That's what we are showing. We are off the next two Mondays.

**Consent items**

President Mourdock: The next item on the agenda is our consent items. We have the consent items on the agenda and those are in regards to employment changes, travel requests from the County Assessor, the Health Department and the EMA. We have a EUTS approval to use Room 318. We have the local emergency...let's see. Local environment...?

(Inaudible)

President Mourdock: Planning Committee, thank you, for Jack Crawford's reappointment. Legal Aid Society, the acceptance of an annual report and the Auditor's acceptance of the monthly Time Accrual Report. Rose Zigenfus has sat here so patiently all through the evening that I suspect that at two minutes until eight we'll let her make her pitch here.

Rose Zigenfus: Tony also lied to me. He said we would be out of here in an hour tonight.

Commissioner Tuley: You should understand that Tony has only been here for about three meetings.

President Mourdock: Tony's inexperience showed!

Rose Zigenfus: Anyway, I had sent you all a memo a while back, probably the beginning of January, with regard to us encroaching into this office space that is adjacent to us in Room 318.

Commissioner Tuley: Ah, yes.

Rose Zigenfus: Cindy Mayo called me two weeks ago and said that you all had talked about it and was considering it if we could work it out with the Building Commission to get that information to you. I have gotten together with Roger Lehman and we've worked it out, so I guess I am here now for approval or discussion or something.

President Mourdock: Okay, let me just clarify one thing and this is neither pro nor con, but Cindy and I had a discussion and at one point I think my comment to her was I don't know much about this tell me more of what the options are. She got back to me later and said that you and Roger had the discussion. It wasn't necessarily that we were directing you or pushing you in that direction.

Rose Zigenfus: Oh, I misunderstood that.

President Mourdock: That's about as much as I know. Other comments about this issue at this point?

Commissioner Jerrel: I spoke to Steve Utley. He called me about wanting to keep that front room available for--

Rose Zigenfus: Conference?

Commissioner Jerrel: Yes, and that's the only thing that I had heard about it.

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Rose Zigenfus: Well, the way Roger and I had talked we're under the impression that we were going to be sharing it. I wanted the back half so that we could just knock a door through and then have access and it would all be one space and then the front half could be used for Roger or whoever you all decided. If you decide to leave it as a conference room that would be just wonderful. I think we need more conference space, but by the same token I know he needs space as well. So it is your call.

President Mourdock: Okay.

Commissioner Tuley: I think Councilman Hoy may want to speak to this issue. You've been real patient, but please don't leave before I get a chance to ask you a question unrelated to this.

Rose Zigenfus: Okay.

Phil Hoy: I'm Phil Hoy, Vice President of County Council. On the use of 318 I know that we have talked about this before and using that part of it. That may mix well with a couple of other ideas. Presently the County Council in our office over here we simply do not have enough space for the person working there, the Executive Assistant. Secondly, our records have been moved in there, as I am sure you all know. I am sure that you all either heard me make my speech or heard about it. I do not want to get off on that issue except to say that the only reason I brought that out in public is that I made, I think, a lot of efforts to get negotiations going and we could not seem to come to terms on a time for a meeting. Our problem now is that we are very crowded. Our Executive Assistant needs access to her records. I think since there are seven of us coming in and out of the building it might be time to consider not office space, not desks or anything like that, but our need to simply have a place to sit down and open our attache case up and sort some things out and have access to a telephone. Now sometimes we can access the telephone in this middle room in here and sometimes we can't, but it is not a dependable thing. In regards to Room 318 I would like to see us consider some usage of that room perhaps for County Council space or maybe even all of it. I know Rose has need of a room. A lot of offices do. We're in a pretty tight spot right now with boxes just stacked in Ms. Deig's office and things stacked on chairs. The other thing about that office that is not good where Ms. Deig is is that the circulation of the air in the room is not as good as it should be. I don't have an easy answer to this, but all I am here tonight for is to say to you all, you know, please consider the needs of the County Council. Ms. Jerrel has been a Council member and I am in my fifth year. It would be nice to have enough room. There is not enough for the records we need right now that were moved out of the Commissioner's Office we simply don't have enough room and Ms. Deig does need access to those. If we are going to do some moving around, then I think it would be a good time to consider the needs of Council members as well.

Commissioner Tuley: Phil, are you advocating maybe moving Ms. Deig completely down there to give you that space or leaving her where she is at and put part-time basis of having that room

available? I'm not sure what you are asking.

Phil Hoy: The best idea for us would not be the best idea for EUTS and I know that. I would prefer that we had all of our offices down there with Ms. Deig and perhaps a middle room for an office and the front part for meetings because we are, as we all know, shy on meeting spaces.

Commissioner Jerrel: Mr. Hinton indicated that they would kind of like to keep that front space for meetings for the building that they schedule.

Phil Hoy: That's correct. And/or making it somewhat flexible for meetings because we always have a shortage.

Commissioner Jerrel: They have control over this room as I understand it for--

Commissioner Tuley: Setting meetings or allowing meetings?

Commissioner Jerrel: --setting meetings and they would want that space to be--

Phil Hoy: Similar.

Commissioner Jerrel: Yeah, in other words EUTS wouldn't have control of that room.

Rose Zigenfus: I don't want control over the room.

Phil Hoy: We have, all of us, tried to work hard on this space issue and it is not an easy one to work on, but I think we have a space crisis on our hands and that's what I would like you all to consider.

President Mourdock: I couldn't interest you in an old courthouse building could I?

Phil Hoy: Well, actually, yeah. Especially if it has got central air conditioning.

Commissioner Tuley: It's going to have air conditioning!

Phil Hoy: You know, Richard, or Commissioner Mourdock, I always like to show respect for each other, hindsight is wonderful. I lived in Fort Wayne five years and their courthouse is still the Courts Building and then the new building is across the street and wallah, they have a multi-level parking garage behind that. I am sort of sorry that we didn't do that with that gorgeous building. I'm also happy with what we've done with the air conditioning because I think that will secure, certainly, it will make tenants happier. As a board member of RPE Theater I can't wait until we do the second floor so that, you know, we don't run those coolers and get it freezing cold and then after the first act we are burning up and that sort of thing. I'm not a real advocate of that kind of environmental theater. If you have any questions...we've have done some talking too with the Building Authority and they would like to, I think, work with all of us on trying to make the space work very well. Another

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option would be not to use that for a meeting room and perhaps reconfigure some space in here. I don't know whether those walls on Ms. Deig's office are permanent or not. I doubt that they are.

Commissioner Tuley: They're movable.

Phil Hoy: It might be possible to make a couple of meeting rooms right here and then move us down the hall. You want that back section I believe?

Rose Zigenfus: Yeah, where that wall is now.

Phil Hoy: I draw good lines, but I am not an architect. If you have any questions that is pretty much all I wanted to say really.

President Mourdock: Okay, thank you.

Commissioner Tuley: I want to apologize, too, if I offended you by calling you Phil instead of Councilman Hoy.

Phil Hoy: No, no. You know, it doesn't bother me as much when you do it as when I do it myself. It is just one of those things. No, you don't need to apologize for that.

President Mourdock: Alright, thank you.

Phil Hoy: Let me know when we are having (inaudible).

Commissioner Tuley: February 22nd, I think.

Phil Hoy: Yeah, I know.

Commissioner Tuley: You do know that one? Okay.

Phil Hoy: Yeah, I know that one. Thank you.

Rose Zigenfus: Do you have a copy of the floor plan?

Commissioner Jerrel: It would help if we did.

President Mourdock: Yeah, I have one, but not at my fingertips here.

Commissioner Jerrel: Another option that we could--

Rose Zigenfus: This is the space here and this is the EUTS office and this is where the wall exists. This was a plan that I put together a year or two ago showing a shared conference room with some small areas here as well (inaudible).

Commissioner Jerrel: But what they would like to do is to keep this available for meetings.

Rose Zigenfus: Meetings, yeah.

Commissioner Jerrel: Because there is never enough room for anybody to have meetings. I don't know.

President Mourdock: We have that, obviously, here as a consent item. Is the Board comfortable with one or the other options or do you wish to take this one under advisement and review the plans that Rose just presented and the options that Phil just presented?

Commissioner Jerrel: Yeah, I would like to take it under advisement and I would like to speak to the Building Authority.

President Mourdock: Okay.

Commissioner Tuley: I think that would be a good idea.

President Mourdock: Okay.

Commissioner Tuley: Steve Schmitt. Have we ever heard anything back from Mr. Lucas?

Rose Zigenfus: No. I saw him today at the Site Review Committee.

Commissioner Tuley: Steve?

Rose Zigenfus: Steve was there.

Commissioner Tuley: Yeah, I saw him last week and as soon as he sees me that is the first question I get.

Rose Zigenfus: I told him I would check on it. Thank you very much.

President Mourdock: Thank you, Rose and I appreciate your patience. It has been a long evening. Any other comments about the items listed as the consent items and if not with the exception of the EUTS request for the use of Room 318 which we will defer at this time I would--

Commissioner Jerrel: Just one comment. I did meet with Mr. Crawford and did go over the materials with him. I've brought some other things that he will be able to use and I think he is very conscientious in his role.

Commissioner Tuley: He was very happy about the meeting.

Commissioner Jerrel: The Auditor, do you have any comments you want to make about time accrual?

President Mourdock: Oh, yes. Thank you for stopping me on that. Thank you, Rose.

Suzanne Crouch: Well, I don't know if the County Commissioners have any kind of questions. This particular project came as a result of State Board of Accounts citing the county because accurate time records weren't kept.

Commissioner Jerrel: Can you hear her?

Commissioner Tuley: No.

Commissioner Jerrel: We can't hear you.

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Suzanne Crouch: Oh, could it be the lateness of the hour? You all wore me down! The time accrual project, as you all know, is a result of the 1993 State Board of Accounts report that stated a number of conditions and it is all included in a document that I supplied to County Commission and County Council at budget time regarding funding for this request. The State Board of Accounts states that all sick leave, which is nine days per year, is given at the beginning of the year. According to personnel policy sick leave is to be accrued at one and a half days per month up to a maximum of nine days. They also stated that vacation time in some offices is being accrued at year end. Policy states that vacation time is not to be accrued. In one department negative sick time was being allowed to accrue and employees were being paid for negative sick leave as well as excessive personal days. Then it states that at that time the policy allows for three personal days per year. It also said that the Form 99A was not being executed properly. It stated that in one office vacation time was not being earned in accordance with the personnel policy and went on to state what that policy was and stated then that in closing that officials were advised to follow the county personnel policy. So this project was initiated by the Auditor's Office in conjunction with the Commissioners in May of 1995. It was initiated by these two bodies to ensure that proper documentation on personnel records was in place. The county has the responsibility to taxpayers to one, pay employee wages per the Salary Ordinance enacted by the County Council. We also have the responsibility to pay employee benefits per the personnel policy as enacted by the County Commissioners. The funding for this project was approved unanimously by the County Commissioners and the County Council at budget time. It further stated in that report that I submitted to you all at budget time that funding would allow for there to be 40 separate sites using an automated time clock collection process. The time collection from the 40 sites would be automated through a PC in each office by the timekeeper. The input of data for the 40 sites would then go to the PDS system which would be automated and would be reflected on the employees payroll stub. The county wide timekeeping system is necessary to protect the county from potential lawsuits resulting from improper record keeping such as the recent Safe House lawsuit. This project is about accountability and it is about uniform accountability pure and simple. I don't know what else I can say regarding this project. I would be more than happy to entertain any questions on your behalf. I have been submitting monthly reports since May to County Commissioners and County Council.

Phil Hoy: Phil Hoy, County Council. I think at our last County Council meeting we certainly had a lack of clarity about the project. Perhaps we shouldn't have, but it was there. I think it would be helpful in moving it along if perhaps we had a presentation.

Suzanne Crouch: An explanation?

Phil Hoy: Uh-huh.

Suzanne Crouch: A similar explanation?

Phil Hoy: Sure, for the Council. I think, probably, that would, you know, put some things to rest.

Suzanne Crouch: Sure. As you well know, Councilman Hoy, you have been really outspoken on this issue--

Phil Hoy: I know.

Suzanne Crouch: --and I commend you for that, for the lack of proper record keeping. You know, that is commendable and you recognize that it is a delicate issue.

Phil Hoy: I had some misinformation in the meeting and that is not unusual for any of us. Yes, I am familiar with the lawsuit. More familiar than I would like to be.

President Mourdock: If I may add something, and the reason that I liked this idea when I first heard it is I have sat through enough Executive Sessions where we've had personnel, employees, retiring employees, people who have left the employ of the county who have come back, and quite honestly, I'm not pointing fingers because there have been the same kind of problems in Republican offices and in Democrat offices on what exactly those employees had really earned. Most of the people who work in this building stay here long after four year terms run out of those of us who are in the building now and they have been caught in a bind too often. They lose out if we don't do this. I think this is the best thing we can do to hold our officeholders, both parties, accountable.

Phil Hoy: I agree.

President Mourdock: I think it is to the betterment of the employees.

Phil Hoy: I've had...when the famous 60 days was in front of us and all that, you know, following that I've had, and I am sure everybody else has too, a number of phone calls from people who used to work for the county. I have a letter from an attorney saying, you know, that this person really deserves these days. I don't know.

President Mourdock: Yeah, who knows?

Phil Hoy: You know, there we are. Clarity, I think, would be very helpful.

Commissioner Jerrel: Excuse me, I was just going to say that one of the best ways is to...now there is a Chief Deputy in the back of the room and they are the people that are going to be inputting the information. I think the more people within the offices that get training and become familiar with it, and I met today with Carol at the County Garage and she said I've been reading about this. Well, they do most all of that anyway, but she said I am anxious to know too. So I think that is the solution. To get more and more people informed and we need to do some training session. Maybe the Commissioners can, perhaps, facilitate that with the Auditor and set up some training.

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Phil Hoy: I will say this, since I have some blank spots, you know, in this whole thing I may not like all of it, the plan, we may want to make some changes, you know, but I really do think the sharing of information is important. You and I sat in on an exit audit where, you know, Mr. Simpson said, well, you know if this person keeps this up the county is going to have a couple more lawsuits. Some of those, as you know, as the Auditor and all of us know, they're settled out of court. I can say legally, yes, the lawsuit was settled, but legally I cannot say for how much, but then these folks over here have wonderful ways...not from me...but finding out those settlements and then those figures float out. My point is why should we be wasting money on needless lawsuits when the rules are there, the book is there? We may want to make some changes. As I said in one meeting, and this is one man's opinion, but you know I would run the Food Bank broke if I could get sick days that way, but it is in the policy.

Commissioner Jerrel: Yeah.

Phil Hoy: I had read the thing and forgotten.

President Mourdock: One point that is very important here while...no, scratch the word while.

Phil Hoy: That's all I've got to say unless you've got some questions to me. That's pretty much the way I feel.

President Mourdock: Okay, thank you. Suzanne, I think you are to be commended for doing this. I think it is a great program. I said that a minute ago and now here is where there is a little embarrassment on my face because I noticed in the most recent report, in this report, there are still two County Commission offices--

Commissioner Jerrel: I'm working on them.

President Mourdock: I was just going to--

Commissioner Jerrel: No. We'll be doing it.

President Mourdock: I was going to ask to send a letter both to Burdette and was it the Garage?

Commissioner Jerrel: I'm going out. I've been to one and I'm going--

Commissioner Tuley: Why does Burdette keep coming up? Every time that comes up I keep asking. I did not think there was a problem at Burdette any more.

President Mourdock: Suzanne?

Suzanne Crouch: I think that their union employees...well, let me take that back.

President Mourdock: That's right. It was union was doing it and the others were not is what was noted in the report.

Suzanne Crouch: Yes, right.

Commissioner Jerrel: I went to the garage today and I'll go to Burdette before next Tuesday.

President Mourdock: Very good.

Suzanne Crouch: This project really not only protects the employees, but it protects the officeholders.

President Mourdock: Absolutely.

Suzanne Crouch: A lot of...I mean, that personnel policy, and I don't know it inside and out and I certainly don't know it as well as the Council and the Commission, but it is extremely complicated and you have to really be careful.

President Mourdock: Any other questions for Suzanne? Do I have a move to accept the consent items then with the exception of the EUTS use of Room 318.

Commissioner Tuley: So moved.

Commissioner Jerrel: Second.

President Mourdock: So ordered.

#### Scheduled meetings

President Mourdock: We have a list of scheduled meetings. As noted a few minutes ago, we will not meet next Monday, but we will meet on Tuesday. We have a Solid Waste Meeting at 4:00 p.m. Also, the 17th, which is President's Day, we will meet on Tuesday as well of that week.

Commissioner Jerrel: That is when our petition will be accepted.

President Mourdock: That is when the grant...yes, if the petition is properly done.

#### Old business

President Mourdock: Old business items.

Commissioner Jerrel: I can't remember if there were any!

President Mourdock: Okay, one old...Pat, do you have anything?

Commissioner Tuley: No, I figured you were going to get to what...

President Mourdock: Yeah, several I had listed. One we've already done which was the Teamster's contract. The second one as old business is that I have presented to both of you, I think you have in your packets, a draft job description of the Ozone Elimination Officer. We talked about that in October of last year and it was the consensus of this group to go forward with that. I bring it back to your attention now as a new Board. I

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would like to have you look that over and give me any comments next week. I will be meeting with the Mayor to discuss this issue further. As you know from reading the paper there is a lot of new EPA things in progress that none of us know where they are going to go even to the extent where I think as of yesterday or the day before they have extended the public comment time.

(Inaudible comments not made from microphone)

President Mourdock: Pardon?

(Inaudible comments not made from microphone)

President Mourdock: Yeah, that's right. It may not change anything. We are moving forward with this as I think I started to say a moment ago. I look forward to some conversations with the Mayor. He and I talked before this was drawn up and I am sure that we will be meeting in the future. Any comments from either of you at this point or Christine Terry who is here from the EPA? Do you have any comments regarding this or the whole situation please feel free. I appreciate your patience as well, it is now 8:20.

Christine Terry: That's okay. I'm just glad you finally got to it and I wasn't here for naught. I do have some concerns and I would like to discuss them with you, but since Mr. Tuley and Ms. Jerrel have not seen the job description, etc., I do not think that this would be the proper time to discuss that. I would like to come back because I do have some concerns about the separation of the education and audit as laid out in ACORN's proposal as separate from any type of enforcement of the ordinance. I do have some concerns and I some questions which you may or may not have answer to in your proposal of how this would be accomplished. I have some questions dealing with the amount of time that it will be necessary to carry out the duties that you are proposing for this person to do.

President Mourdock: For the Ozone Officer to do?

Christine Terry: Yes.

President Mourdock: Do you mean the hours in a week--

Christine Terry: Yes.

President Mourdock: --or the time period to get that person on board?

Christine Terry: No, the hours in a week to accomplish the tasks that you have laid out for this person. I would like to offer my assistance in any way that I can of telling you what our experience is as far as time frames and so forth. Even looking at the gas stations. There are 112 gas stations, so if you're going to be having someone go to each individual station if we have Stage One Vapor Recovery doing that takes a certain amount of time. If we were to have the low RVP Fuel this person would have to go and do actual samples and analysis. We are talking about something very time consuming if you are talking about

going and checking every spray paint booth at a body shop that uses HVLP guns. You are talking close to 100 stations again. The time is massive--

Commissioner Jerrel: Could I ask a question?

Christine Terry: --as far as report writing and so forth.

Commissioner Jerrel: Christine, have you ever tried to formulate some of these issues in a timetable? What would you recommend that these 112 or 28 filling stations--

Christine Terry: We would need to get that particular information from Loretta Townsend because she already has people that go to the stations and she could give us a much better idea of time frames. As far as going and doing inspections for body shops and things like that I can definitely offer you time frames on that.

Commissioner Jerrel: Do you have that information?

Christine Terry: We go there now.

Commissioner Jerrel: Uh-huh, so you could do that. Don't you think that all ought to be in the mix?

Christine Terry: Another concern is an overlap of duties and that we not be visiting the same place twice and doing the same work.

Commissioner Jerrel: Right.

Christine Terry: I have questions and I want to follow this closely to see how this develops because I think it is an extremely important issue for Vanderburgh County. It is one that I would like to offer whatever information that we have available at the office or any expertise or you know anything that we can possibly offer to you in making your decision on how to accomplish this task.

President Mourdock: Okay. Very good. I appreciate the comments.

Christine Terry: Should I come next week?

President Mourdock: Here is a copy of that for you as well if you like.

Christine Terry: Is that a new one or is that one that was...

President Mourdock: It's the one that was done in October.

Christine Terry: Okay, I have a copy of that. Will that be on the agenda next Tuesday?

President Mourdock: What I would like to do is ask the two of you if you could review that and have comments next week and with that also, Joe, we started down the road with the ozone ordinance and Mr. Kissinger put some language together and I

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don't know where that went. Could you report back next week as to where we are with that?

Joe Harrison, Jr.: I'll contact him and see if he has something that he can provide to me.

Christine Terry: Did you provide to him the copy that the city attorney...?

President Mourdock: No, that's what Alan had. In fact, what Alan ultimately sent to me--

Christine Terry: Oh, I can give it to you. I have it with me this evening. I have a copy.

Joe Harrison, Jr.: Good, that would be great.

Christine Terry: I can just give it to you now.

President Mourdock: I think Mr. Shaw and Mr. Kissinger were coordinating, but that draft that came from Mr. Shaw was about as far as it went on the county side. I think that's right. I don't think there were any changes made. After the draft that you have I don't think there were any changes. What I would like next week is to have a report from you on that, Joe, as far as what you think it is going to take in time to get it ready. I'm not asking you for that date, but if you can look at it.

Joe Harrison, Jr.: You're going to provide me with a copy?

Christine Terry: Right, and if you would like to meet to discuss it so I can explain to you where things came from and what they mean and so forth. I know that it is not probably real familiar to you.

Joe Harrison, Jr.: You're right. Thank you.

Christine Terry: You're welcome.

President Mourdock: The letters VOC's will take will take on new meaning, Joe. Your life will never be the same. One other item of somewhat old business. We have spoken in job descriptions of trying to somewhat redefine the Superintendent of Building position. About a year and a half ago we talked about a County Administrator and I also have given each of you in your packets tonight a draft position description for a County Administrator position. As I said, that includes what we presently do through the Superintendent of Buildings office, but I see that position as possibly combining some of the other duties. Commissioner Tuley forwarded to me this afternoon a draft advertisement for such a position and I was amazed at how closely everything fit together here. As with the ozone position, I would ask each of you to look that over this week and any comments or suggestion that you have next week so that we can begin to advertise.

Commissioner Jerrel: Will we need to submit that to Mr. Deisher?

Commissioner Tuley: Oh, yeah. Yeah.

President Mourdock: Yes, we will.

Commissioner Tuley: This is just our draft form--

Commissioner Jerrel: Okay, sure.

Commissioner Tuley: --that needs to be reviewed and approved.

President Mourdock: The same is true with the ozone position, but I presume we may as well be sure among ourselves of what we have before we send it on to Mr. Deisher.

Commissioner Tuley: It is amazing that we were right on target.

President Mourdock: Yeah, it looked like we read it out of the same book or stole it off the same software! One last issue. Appointments to the Domestic Violence Commission, a Domestic and Sexual Violence Commission. Are we ready to do that this evening?

Commissioner Tuley: There was a letter of clarification that came through, was there not?

President Mourdock: Yes, there was from Gail Rieken.

Commissioner Tuley: Yeah. I don't know if I have it in this folder, but I remember it.

President Mourdock: We need to switch tapes again so we'll take a break.

**TAPE CHANGE**

Commissioner Tuley: There are actually three Board appointments by this Board and then I guess Richard, as President, is a member, but can by proxy if he so desires.

Commissioner Jerrel: So the recommendations are Joanne Reid, Lori Carroll Bryant and Beth Campbell?

Commissioner Tuley: Right.

President Mourdock: Yes, and I would make a proxy as well.

Commissioner Jerrel: Do you want me to make a motion to that effect?

President Mourdock: Please do.

Commissioner Jerrel: I'll move approval of Joanne Reid, Lori Carroll Bryant and Beth Campbell.

Commissioner Tuley: Second.

President Mourdock: So moved. I would move as the Commission President's proxy that we appoint Dr. Elizabeth Kalb.

Commissioner Tuley: I would second.

President Mourdock: I will so order.

**New business**

President Mourdock: New business. I have one item which is a letter for the Commissioners to sign. Mr. Gary Heck, who is with Junior Achievement, has served and headed the Welfare to Work Committee for the last year and a half. Because he fears there may be a potential conflict of interest, he is interested in serving in the Gatekeeper position, he has tendered his resignation on the Welfare to Work Board. I have had Tony draft, and a very good letter by the way, Tony. Tony drafted a letter, basically, just thanking him for his service and I would ask that we all sign that. Is there any other business before the Commission this evening? I would ask for a motion--

Commissioner Tuley: So moved.

President Mourdock: Second.

Commissioner Tuley: I was looking for the letter to sign.

President Mourdock: Oh, okay.

The meeting was adjourned at 8:30 p.m.

**Those in attendance:**

Richard E. Mourdock  
Bettye Lou Jerrel  
Patrick Tuley  
Joe Harrison, Jr.  
Suzanne M. Crouch  
Charlene M. Timmons  
Tony Greubel  
Lynn Ellis  
Joe Profaizer  
Cheryl Musgrave  
Stacy Hill  
Jim Ackerman  
Phyllis Happe  
Eddie Bowman  
Lewis Smith  
John Stoll  
Rose Zigenfus  
Phil Hoy  
Christine Terry

Others unidentified  
Members of the media

VANDERBURGH COUNTY  
BOARD OF COMMISSIONERS

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Richard E. Mourdock, President

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Bettye Lou Jerrel, Vice President

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Patrick Tuley, Member

Recorded and transcribed by Charlene Timmons

**Vanderburgh County  
Board of Commissioners Meeting  
February 11, 1997**

The Vanderburgh County Board of Commissioners met in session this 11th day of February in the Commissioners' Hearing Room of the Civic Center Complex at 5:40 p.m. with President Richard Mourdock presiding.

**Introductions and Pledge of Allegiance**

President Mourdock: Good evening. I appreciate all of you being here in what is a crowded room and what will shortly become a very warm room. We'll try to move the meeting on as quickly as we can. This is the meeting of the Vanderburgh County Commissioners, so if you are looking for someone else now is your chance to exit. At my far right, by way of introductions, is our Office Assistant Administrator, Tony Greubel; to Tony's left is the County Attorney, Joe Harrison, Jr.; to my immediate right is Commissioner Pat Tuley; to my immediate left is Commissioner Bettye Lou Jerrel; to Bettye Lou's left is the County Auditor, who acts as our official secretary, Suzanne Crouch; and to Suzanne's left is our Recording Secretary, Charlene Timmons; and my name is Richard Mourdock. I would ask you to join us, please, for the Pledge of Allegiance. As we proceed through the agenda there will be several items I sense, given the crowd here, will be the center of some attention. All of our minutes for these meetings are taken verbatim and with that in mind when you come to the microphone I would ask you to state your name and your address for the record. Because there are quite a few of you here tonight, I would ask that no one take more than three or four minutes at the microphone. We do this not to cut you short, but just to give everyone, in a sense of fairness, the chance to make their comments. Also, if you are here to speak on a particular issue and five speakers before you have made the exact point that you wish to make, then we would ask you to defer and yield your time to someone else. We may only be politicians, but we generally get the point after we hear something once or twice so please bear with us.

**Approval of minutes**

President Mourdock: We will begin with a request for approval of the minutes of February 3, 1997.

Commissioner Jerrel: I'll move approval.

Commissioner Tuley: Second.

President Mourdock: So ordered.

**John Buckman - German Township Fire Department**

President Mourdock: The second item on our list tonight is the German Township Fire District. I suspect that Chief Buckman has some comments for us.

John Buckman: In a letter that was presented to the County Commissioners' Office and the County Auditor on this past Friday, on behalf of the Board of Directors of the German

Township Volunteer Fire Department we are requesting that the petition to form the German Township Fire Protection District be withdrawn.

President Mourdock: Okay. Any questions of Mr. Buckman by the Board?

Commissioner Jerrel: Does that require any action on our part?

Joe Harrison, Jr.: Yes. I would make a motion to that effect and someone ought to second it.

Commissioner Jerrel: I would like to make a motion that the petition be withdrawn for the German Township Fire District.

Commissioner Tuley: I will second.

President Mourdock: I will say so ordered. Are there any other members of the audience who would wish to speak to this particular issue? Very briefly, Chief Buckman, we understand that there has been a lot of voices raised about the creation of the district and quite honestly I think that what you are doing is a very honorable thing here in going back to the community and getting support. I personally feel the way the petition process is set up by statute you probably would of had more than the number you needed to put this district through, but rather than just do that and appear to be having the will of the minority dictate to the majority I think you are doing a very honorable thing in approaching it the way you are. I think German Township should appreciate that.

John Buckman: Thank you.

<b>Torian Hofmann &amp; Dillow - Review of County Insurance Program</b>
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President Mourdock: The second item on our agenda tonight is a report from the county--

Commissioner Tuley: I was going to say you might let them know that they don't have to stick around.

President Mourdock: Yeah, if any of you are here for German Township and wish to sit through our meeting as a civics lesson you are welcome to do so. The next item on our agenda then is a report from the county insurance agents, Torian, Hofmann & Dillow.

Bob Dillow: Thank you. I am Bob Dillow a partner of Torian, Hofmann & Dillow Insurance. My partner, Greg Hofmann, is passing out to you the information that we are going to discuss. I would also like to introduce Tony Flittner from our office who has been assigned and will be handling the group health insurance issues and will be the regular person from our firm attending the monthly Insurance Committee meetings for that issue. I will be very brief, which is unusual for an insurance agent, but we will obviously stay here to answer all of your questions. First of all I would like to say that we are renewing the insurance coverages through the PENCO Insurance Company that has been the insurance carrier since the mid '80's.

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The property limit has been increased to \$72,920,680 to be exact. That is the asset value of the building contents and vehicles. That is an increase of \$1,870,430. The worker's compensation premium and payroll has been increased. The payroll has been increased by \$394,610 to a total annual payroll of \$19,473,513. We increased at no charge to the county this year the employee dishonesty coverage and crime coverages from \$300,000 as it was on last year's policy to \$500,000. We also have instituted professional loss control services by PENCO at a cost that would normally be \$6,500 that they have agreed to include in the services that they will provide for us this year. It is built into the renewal premium. Their specialists will come in to Evansville a minimum of three times during the policy period and intend to stay what would amount to be a week each time to help us with loss control issues to improve the losses and help us lower the premiums for the county. The total annual premium this year for the items that we have discussed is \$572,195 which is a reduction of \$14,171. Again, the loss control services are included in that. We have at this time only one major recommendation. Six years ago when we handled the county's insurance we were able at that time to purchase full earthquake limits for the building and contents. During the early '90's and the Ivan Browning scare the insurance companies withdrew and substantially reduced the earthquake insurance that is offered. We can now purchase additional coverages over the amount that you have and they have agreed to extend the coverage by an additional \$10 million to \$46,000 which of course is still...or \$46 million which is still shy of the \$72 million that we would like to have in force. It is a cost of \$5,950 if you are interested. The savings would still be \$8,221 over last year's insurance costs if you wish this coverage. As a matter of a few comments, we have started a program working with the county attorney reviewing all contracts and leases that the county signs. Our hope is to review these prior to them being presented to you for signature to verify that the proper indemnification requirements that should exist for the benefit of the county are in place prior to signing the applications. This won't be necessary on all items and we will ask the county attorney to give us his viewpoint and judgement as to whether or not that should be in place. We are already successfully doing that. We are also reviewing all of the locations that county owns or leases through a discovery period to make certain that those locations, in fact, are covered under the county's insurance policies. We've found a few minor locations that aren't listed and we have talked to the insurance carrier about that and they pointed out to us that they will and have already added an endorsement that you have, I believe, in your packets that amounts to an Errors and Omissions Property Endorsement. If for some reason the county forgets to tell us about a new location where property coverage is required, the insurance contract will automatically extend to provide coverage for that property. Now that does have some limitations and I believe it is in the range of \$250,000 of automatic coverage. With the program that we have in place, if somebody forgets something we will catch it very, very quickly. That concludes our remarks. We're here for any questions.

President Mourdock: Any questions?

Commissioner Tuley: No, if I am following what you said you've increased coverage at a reduced cost. You can't ask for anything better than that.

Bob Dillow: Thank you. That was our goal.

Commissioner Jerrel: I would recommend that you go ahead with the earthquake coverage. Being in the area that we are even though it is \$46 million that would be more than nothing at all. If that is agreeable, I will make that in the form of a motion.

Commissioner Tuley: I'll second.

President Mourdock: So ordered.

Bob Dillow: Thank you.

Commissioner Jerrel: Thank you very much.

President Mourdock: I think I heard that motion specifically to the earthquake coverage. I think it would be appropriate to have another motion to accept this full report as an action item.

Commissioner Jerrel: Yes, even though Mr. Tuley did say the nice things that I think both of us feel, we would like to make a motion to accept this report and thank you for your work.

Bob Dillow: Thank you.

Commissioner Tuley: I'll second.

President Mourdock: So ordered. For the record, is this the same...the number at the bottom of this is the same as the claim you were showing me previously?

Bob Dillow: Yes.

President Mourdock: I would ask that the claim for this be included in with our consent items. Thanks very much.

Greg Hofmann: Mr. Mourdock, we will have to--

President Mourdock: You'll need to go to the microphone to get picked up here.

Greg Hofmann: Greg Hofmann, 812 South St. James Boulevard, Evansville, Indiana. We will have to do an additional billing for the earthquake endorsement for \$5,950 and we will have that prepared tomorrow morning and delivered to Tony for his attention.

President Mourdock: Okay, thank you.

**Mike Shoulders - Vanderburgh Auditorium update**

President Mourdock: Our next item on our agenda is the auditorium report from our architect, Mr. Mike Shoulders.

Mike Shoulders: Thank you, Commissioners. My name is Mike Shoulders, President of Veazey Parrott & Shoulders, 528 Main Street. I would like to give our two week status report. As you know, we are here every two weeks to talk about the Vanderburgh Auditorium and Convention Center project. We would like to discuss project budget and project schedule updates this evening. I have with me Mike Buente, at the back of the room, who is putting up a copy of our current schedule and we will take a look at that momentarily. First, I would like to pass out a budget update to you. This is based on a detailed cost take-off done by our costing consultant, Blundall Associates. As you will see on the cost breakdown, we are within the budget that has been established for the project. We are carrying a general contractor's overhead and profit figure of 7% and we are at this point carrying a design contingency of 5%. Now you'll recall the earlier update at the schematic design phase we were carrying a 9% design contingency. That will continue to decrease as we understand more about the project and do more of our engineering. At 80% of construction documents that will go down to 3%. Again, the rationale is that we understand more about what is in the project, the engineering, the systems and materials. Highlights, I suppose to draw to your attention on the second page, we have a list of pricing alternates which we will bid as alternate add-ons or deducts from the project. We will be establishing priorities for those elements to advise you. We haven't done that as of yet. We want to continue studying. You will see that we have items such as escalators for the meeting room portion as alternates. We feel that is an important one. We have, for example, clearspan structure in the exhibit space. As you know, we have four columns in the center of the exhibition hall that will save us, as you can see on the breakout, we think about 120,000 square feet. However, convention planners tell us that if there is ever a need to have an event such as a boxing match or something of that nature within the exhibit hall it would be preferable to have no columns instead of four right in the middle of the building, okay? So we are looking at that both ways. Moving down that list we have the ballroom wood flooring priced out. This is the amount to go to wood flooring above and beyond what it would be for carpet in the ballroom. We also have new stage wood flooring for the existing stage. Masonry parapets is just that we are doing some value engineering on that from an engineering standpoint. Then food service equipment, as you know or probably know, we can subcontract to a food service company to bill out food service equipment as part of their proposal or we can put it in ourselves. It will effect the lease price to them. That is an alternate and we want to see what that cost is when we bid the project. I would also like to transmit to the Commissioners, and I guess ultimately to the engineer, John Stoll, two items. One, is the notice that we have received the variance request from the State Fire Prevention Building Safety Commission as we requested. The other is a copy of the soil reports from our geotechnical consultants. I will pass these to you to go on to the engineer.

President Mourdock: Were there any surprises in the geotech report?

Mike Shoulders: There were no surprises. We will probably have

some piles in the project. We were pretty well aware from the original drawings of the building what we were up against and this just pretty well confirms that. I would like to move to an update on the schedule for this project. I would like to hand out copies of reduced versions of what Mike has put up at the back of the room. Anyone in the audience can take a look at the back wall if they desire. I wanted to give you some background on some benchmark dates. As you look at the schedule and I would like to say for starters that this is not a new chart. We have shown a version of this chart at several meetings down through the past few months. As you recall, we've also held public hearings, three public hearings, two of which are shown by the blue stars in '96. Well, there was one prior to '96 in late '95, so we've had three public hearings to hear the public and their input concerning this budget schedule and scope of this project. Again, what you are seeing today is by no means a new document. It has been refined recently to focus on some important dates. I would like to also suggest to you that we have worked for over a year with the city administration and the project personnel on the Victory Project and we have tried our best to coordinate our work with what is being done at the Victory. Let me sort of start a more detailed discussion of this schedule by saying that it is our understanding...well, it was our understanding about a year ago, in February of '95, that the targeted date for the Victory completion was September 15th of '97. As you begin to look at your schedule you will see that we have scheduled from the beginning to start our construction September 15th of '97. That is when the Victory originally was scheduled for completion. That date was given to us in February of '95. We have since learned that the Victory is about eight months behind its original schedule and will be...I think Mr. Hafer told me it was scheduled for completion on May 11th, which is about eight months past their original targeted date. What we have begun to take a look at is how many months can we stall off the closing of the existing Vanderburgh Auditorium and Gold Room without affecting the end date or completion time of our project. We believe there will be a mobilization period by the contractor. A period for ordering structural steel. A period wherein we need to beat the weather, if you will, on foundations. We do need to get this started in September so that earth work and concrete foundations will begin in a time period that we are not subject to freeze and thaw. Our original notion, and you will recall this date being discussed with you previously, was to forestall the closing of the auditorium from September 15th to November 17th. We have since taken a look at the revenue projections and the revenue histories at the Auditorium and Gold Room. We find that approximately 32% of the annual revenue in the Auditorium and Gold Room is derived in November/December. Two months represent about 16% of the total elapsed time in a calendar year. So what we are seeing is that November and December have been traditionally important months for parties and events in the Gold Room and as the auditorium. The nice thing about it is that it is not just one big show, it is a grouping of many folks in the community who have events during the holidays and thereby provide about 32% of the total revenue within a period of 16% of the elapsed one year calendar time. In also discussing the pros and cons of a closure anywhere from September 15th to November 17th and now my recommendation to you which is January 5th, I have discussed

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this with the Philharmonic, with the Dance Theater, with the Executive Inn and other users of the present facility. Again, what my recommendation is to you tonight is to give consideration to a full closure of the Vanderburgh Auditorium and Gold Room on the date of January 5, 1998. Let me say that beyond that date we will begin to suffer delays in our completion date. Should the Commissioners decide that for any reason they will close it later than January 5th, I think we should so inform the Convention and Visitors Bureau who are now beginning to try and book events on the end date, August 15th of '99 and any date beyond January 5th we should add to that end date and not do any bookings until we account for that lengthening of the schedule. I would be happy to answer any questions concerning this schedule tonight and I would welcome comments.

President Mourdock: Questions from the Commissioners for Mr. Shoulders?

Commissioner Jerrel: No.

Commissioner Tuley: Not at this time.

Mike Shoulders: I think Mr. Gene Hamme is here from the ballet, from the Dance Theater. I think he has signed up as one of the speakers and would like to make a comment.

President Mourdock: Yeah, I have at least six or seven people here, so, again, to be fair let me ask them to come to the mike. They'll have questions and we--

Mike Shoulders: I will be available for answering or helping to answer questions. Thank you very much.

President Mourdock: Yeah, don't leave. The first name on the list is Steve Parker.

Steve Parker: Thank you very much. Steve Parker, I live at 3 Lincolnwood Drive here in Evansville. I am here representing the Philharmonic Orchestra as President of that organization. That is my official reason for being here. I guess otherwise I would also like to say that I am employed by Old National Bank Corp., and we are a frequent user of the auditorium so I guess some of my comments or feelings would come from that position as well. First of all, I would like to say that the Philharmonic is very positive towards the overall project and what you are trying to do with the auditorium and the improvements. We looked at the improvements last week in a community meeting and they were very positive. Our new Executive Director, Jeffrey Berger attended that meeting and he was very pleased to see some of the changes that are going to be made. I think those will all be received very well. I do appreciate the attempt made just in the last few days to move back the timing. I think certainly getting us through December is a big improvement. Having said those things, we are still quite concerned with the timing of the project. As proposed, the Philharmonic will be able to at best be able to perform about 45% of its season in the auditorium next year. At that point, we would have to issue two sets of season tickets. We'll have to actually find a venue

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then for approximately six to seven months. I was surprised to hear that the Victory was only eight months behind. I would say from my recollection its probably further behind than that for some of us who have been working on it for several years. Since the Victory won't be completed at least until this summer, at least as I am told, that is a pretty significant gap for the Philharmonic and for really the entire downtown area. I think we've got a problem with what we would tell our 6,000 patrons. There is no good place to go in the community outside of the Vanderburgh Auditorium for that kind of performance. There will be a significant impact on the community. In the downtown area several businesses will be negatively impacted and also I think the community is going to be quite concerned about what they are going to perceive as a still less than positive cooperation between both the city and county on the project. As I said, I am quite concerned about the downtown. There will be several months...if we perform it is likely that we would not be performing downtown in that period of time assuming that we are able to find a suitable venue. The other organizations that also use the auditorium are going to be negatively impacted. Old National has their annual meetings typically scheduled there in April. That would be a major burden for us. As I said, there are very limited opportunities elsewhere in the community. I would suggest that attempts be made to further work with the city to try and stage the project even more. I know that will represent a bit of a burden to whoever gets the construction contracts and it may very well add to the costs. I think that is certainly a given. I think that some attempt should be made to look at that and consider staging and allowing the auditorium at a minimum to stay open through April or May. That would be a very positive expression to the community in terms of a further attempt to work together. I think it would enhance the integrity and visibility of this council and be received very positively. Thank you.

President Mourdock: Okay, thank you for your comments. Joan David.

Joan David: Thank you. I am Joan David representing Citizens Bank. My home address is 1109 Pretty Place Lane. I am here to speak and to ask your consideration for the adjusting of the schedule for the closing of the Vanderburgh County Auditorium. I am only the second one to speak, so I am going to go ahead and do this, and I hate to go on tape as an employee of Citizens Bank completely agreeing with what Steve Parker at Old National is doing, but that is about what I am about to do. I can stand up here speaking for Citizens Bank and I can also wear my hat for President of Center City Corporation and my hat for the Evansville Philharmonic Orchestra Board. We, too, at Citizens Bank use the auditorium for our annual meeting. Last year we had 1,200 people at that annual meeting and then we conclude our annual meeting with a sit down dinner for 1,000 people. There is no other place in Evansville to do that. I would ask your consideration for the economic impact to the downtown area, for the impact of our annual meetings and for the impact to the Philharmonic Orchestra to adjust the schedule so that the auditorium is not closed before the Victory is ready. Thank you.

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President Mourdock: Just one question, if I may. I didn't think of it when Steve was at the microphone, but I guess it would apply to both of you. The meetings that you are referring to, I think, Steve you said yours was in April and I don't know that you mentioned the dates, Joan, as far as your annual meeting--

Joan David: The shareholders meeting is in April as well.

President Mourdock: Do you expect those shareholder meetings to be going to the Victory or would that come back?

Joan David: We could.

President Mourdock: Well, no.

Joan David: We haven't made that decision yet. We would look for a facility where there is meeting space and a place to entertain our customers after that.

President Mourdock: Okay, thank you.

Steve Parker: If I could just say that we also feed between 900 and 1,000 people at our annual meeting and I think you would have to look pretty far to find a place to accommodate that kind of a crowd for a meal.

President Mourdock: For a meal, yeah. Certainly the Victory is not being set up for that.

Steve Parker: No.

President Mourdock: Okay, thank you. Is it Jaya Dodd? Did I come close?

Jaya Dodd: I'm Jaya Dodd. I live on 813 Southeast First Street. This is my honor to speak in front of such wonderful county officers here. I am here for myself as a downtown restaurant owner to delay the renovation of the auditorium until the Victory Theater is ready to host the Philharmonic Orchestra. I have operated downtown restaurant since 1980. During that time I have watched a slow demise of downtown retail activities. At the present time the Philharmonic activities are our single largest source of nighttime business for my restaurant. In the past year we have had to put up with the traffic interruptions as Riverside Drive, Third Street, Walnut, Locust and Court Streets have been totally or partially blocked. Sometimes all at the same time. I am resigned to not receiving any help from city or county government. All we ask is that you stop hurting us. Government has made the street impassable, taken away parking and now is about to evict an activity that generates more customers for me and others than any other single organization. I keep hearing that all this construction will benefit downtown merchants in the long run, but after a year of diminished parking and no auditorium events there may be ever fewer merchants to be of service as you know. If there is some increased cost in delaying the auditorium renovation at least it will be born by the community at large rather than falling on the shoulders of the small merchants who continue to try to make downtown a pleasant place to be. Again, we are not asking for

help. We are merely asking that you are not hurt us unnecessarily. Now there are a lot of nice activities for Dance Theater Group or Philharmonic. They try to do everything to bring downtown and yet you have to come up with one project after another. I wonder what is going to be happening to downtown merchants this next year. I really thank you so much I would like for you to reconsider about delay in renovation of auditorium. Thank you.

President Mourdock: Thank you. David Dunn.

David Dunn: My name is David Dunn and I live at 7144 Whiffletree Court. I come before you as the President of the Convention and Visitors Bureau. By our title we are charged with promoting both conventions and activities that would promote continued tourism in the community. We are very supportive of what the Philharmonic is doing, the Victory Theater as well as the convention center. I've got some numbers to share with you that illustrates the impact that the convention business has on our community. 1996 marked the worst year that we've had since 1998. The economic impact generated--

President Mourdock: Excuse me. You said the worst year since 1998. Do you mean--

David Dunn: Since 1988, I'm sorry. In 1988 convention business generated \$4.9 million in economic impact to the community. In 1993 we were at our height at \$11.6 million and in 1996 we finished at only \$4.1 million. The economic impact that we talk about is generated only from convention trade. When we look at 1996 we also enjoyed a very good year on the tourism side of our business as it relates to the impact that Aztar has had on our community. Overall our guest visits have increased by over 19% strictly from activities associated with Aztar and other related tourism business. In 1996 there were only 10,787 delegates that came to Evansville as compared to over 30,000 delegates in 1993. In 1993 marked the year that the Green Center closed. It was a slow demise and from the Convention and Visitors Bureau standpoint we saw it coming and it was the period that we had to refocus our sales efforts from conventions to small meetings. We hosted over 90 meetings in 1992. That number dropped to 67, but it was the delegate count that is most noticeable. We look at time lines and we've got three conventions that have already committed to us. We've got the American EX-POW's that have committed to us for September of 1999 with approximately 2,000 delegates over a six day period having an economic impact of \$1.5 million. Indiana Cities and Towns has committed to us for September of 2000 and the Pentecostal Church also of 2000 in the month of June. So as we look at delaying the project we already have verbal commitments with three groups so far. In our efforts to sell conventions the time line in which we do so is a two to five year period. We are actively pursuing those groups as we speak and you know it would be of grave concern to hear that the project is delayed any further as it relates to our sales efforts. We've already missed a tremendous opportunity as it relates to our ability to attract conventions to Evansville in the fact that we didn't have this facility finished when Aztar came on line. We had a perfect opportunity to market Evansville as the only city in the state of Indiana

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that would offer the attraction of gaming to convention delegates. Now as we look to the current completion there is a two year window of opportunity that has slipped through our fingers. We've enjoyed a 19% increase in tourism in the year of 1996, but our conservative estimates projected that to have been a 25% increase had we of had the convention center completed and available at that time. The only thing that I can do at this point is to urge the Commission to consider to move forward with this project on a fast-track timely basis and can only share with you the impact that it has on the entire community if we delay the project any further. The impact that it has affects not only hotels, but 25% of that impact does affect the hotel. Another 25% is affected by all the food and beverage industries, so as I listened to the speaker that preceded me, I would anticipate a tremendous amount of influx of business coming into the downtown area when you have an additional 20,000 delegates that will come into the community, specifically in the downtown area. Another 25% of our economic impact is related to the retail industry and the other final 25% is gas, entertainment and a sundry of others. Finally, I just would again reiterate a speedy completion of this project and request that there not be any further delays with it. Thank you.

President Mourdock: Thank you. Questions? I believe it is Edwin Lacy.

Edwin Lacy: My name is Edwin Lacy. I reside at 1011 Vann Avenue. I am speaking on behalf of the members of the Evansville Philharmonic Orchestra. By virtue of the fact that I have hung around longer than some other people, I happen to be the senior member of the Philharmonic. I played my first concert with the Philharmonic in 1959. I played the very first concert ever held in Vanderburgh Auditorium in September of 1967 and the Philharmonic has appreciated the opportunity to be the primary tenant of Vanderburgh Auditorium during all of that time. I didn't have the opportunity to be a party of any of the discussions that were held with executives of such corporations of Toyota and AK Steel when they came to this area, but I feel very certain that among the things that were pointed out to them as advantages of this area were the many cultural opportunities including the Philharmonic, the Dance Theater, traveling Broadway productions and many others. I wonder now how those executives would feel if all of those places suddenly had no place to perform, no home. I feel quite certain that it is within your authority to dump all of those groups in the street and tell them you have no place to go, that's too bad. I think you also must surely have it within your authority to take into account the construction schedule of the other facility that has been mentioned, the Victory Theater, and to articulate these plans with the plans for the Victory Theater in such a way that no one would be adversely affected. If you don't mind, I will relate one very brief incident. I had the opportunity once to attend a concert by the Detroit Symphony in their home auditorium. It was not one of their regular subscription concerts and so no one's tickets were in the place that they were accustomed to and no one's parking place was in the place that they were accustomed to. That concert started 40 minutes late and the hall was chaotic as people tried to find out where they were supposed to be. That is the kind of thing that might

happen to the Philharmonic if we had to try to move in the middle of the season. There are 6,000 subscribers. They are accustomed to know where to go, where their seats are and where to park and so on. Assuming that we could find some facility to have those concerts, it is not certain that we could, but assuming that we could, moving in the middle of the year would be almost impossible. It would essentially mean that we would have to have two seasons in the same season. Print different tickets and there would be different ticket locations for everyone. The economic impact on the Philharmonic would be significant to say nothing of the many subscribers to the Philharmonic and the other events that are held in the auditorium being inconvenienced. Thank you.

President Mourdock: Okay, thank you. Mr. Jim Keck.

Jim Keck: I'm Jim Keck. I am the general manager of the Executive Inn and I live at 609 Southeast First Street. I'll be brief because David Dunn took all my numbers I was going to give you. I just wanted to come here and give you the position of my hotel on the convention center as a whole. Our owner, Alvin Granoff, purchased the hotel a couple of years ago with the understanding that we would have a convention center and knowing full well, as all of you probably do, that hotel is designed to have a convention center either around it or attached to it. Five hundred rooms in this market is not easy to fill to say the least and it certainly will not fill without a convention center. I believe very strongly in the Philharmonic. I hope we can make some kind of compromise for them as well, but our main goal at the Executive Inn is to make sure that convention center opens as soon as possible because in the interim we will be not only struggling to stay open after we have put the millions of dollars into this building, but we will be taking business from the other hotels and all that serves is to dilute the market. There will be no tax base, extra tax base, generated from our existence. It will just come from a different source. There is no demand generated into the area. The demand will come from booking conventions. We've got a good idea of what our boat will bring us. Those folks will stay at the boat hotel. We need to generate revenue into the market by attracting associations and conventions into our area. We have a lot of great things to offer and yet we have no place to house large groups of delegates. Thanks.

President Mourdock: Thank you. Eugene Hamme.

Gene Hamme: Good afternoon. I'm Gene Hamme. I live at 10306 Browning Road in Evansville. I am the President of the Board of Directors of the Evansville Dance Theater and I am speaking to you tonight on their behalf. We are asking you to keep Vanderburgh Auditorium open throughout this calendar year and to close it in early 1998 as Mr. Shoulders has suggested. The Dance Theater uses the auditorium for our annual holiday presentation of the Nutcracker and this is our largest production in every performance season. The production requires a venue that has a large stage, significant back stage and overhead space and an orchestra pit. We have not found another auditorium in the county that offers comparable facilities. In the past we have also used the auditorium for other

performances, but the Nutcracker is really our most important with the largest audience drawing power throughout the tri-state. The Nutcracker is also a family oriented ballet which appeals to Vanderburgh County children, their parents and their grandparents. Due to the seating capacity of the auditorium we can offer good seats at prices as low as \$5 per seat so that entire families of moderate means as well as senior citizens can enjoy this ballet. A smaller facility may not permit us that kind of flexibility with our seat pricing. This past year we seated approximately 3,000 patrons during our two day production on December 21st and December 22nd. In case you didn't see that performance with our Ohio River Dance Project and the Philharmonic, it was hailed by the Evansville Courier as quote:

"The most polished production of the holiday ballet that Vanderburgh Auditorium has seen in the last decade."

Because of the growing attendance we are considering adding more Nutcracker performances to the auditorium for 1997 which could add significantly to our revenue base. This is most desirable from the Board's standpoint. Should you decide to close the auditorium earlier in November and due to advanced scheduling of other performance venues it will practically be impossible for us to obtain an alternate facility that has a large enough stage, a back stage and an orchestra pit for a December 1997 production. We have been anticipating the need for an alternate site for 1998. Obviously, we have sufficient lead time to try to make those arrangements. We don't have that for '97. I appreciate the opportunity to discuss the Dance Theater's issues with you and we hope you give some serious consideration to our needs during your deliberations. Thank you for taking the time to listen to our requests.

President Mourdock: Okay, thank you. That is the last of those who chose to speak on our list. Oh, yes, Mr. Shoulders please come back.

Mike Shoulders: In wrapping up I failed to mention that the costs we gave you are based on this closing date of January 5, 1998. Should we elect to extend the schedule we would anticipate cost increases. We would expect potentially bond interest increases. I can't quantify that precisely, but we know there will be some. We would ask that on both sides of the table that alternatives be looked at which we have done on the Vanderburgh. We would ask that the Victory Theater begin to look at a fast-track program of double shifts which would allow in a way similar to the Roberts Stadium project an early opening prior to May 11th. That may entail some extra costs for that facility. We will probably incur extra costs in deferring this to January 5th, but I feel strongly that we have extended both the schedule and our budget to its breaking point. I hope you will give consideration to the importance of the project and the community needs. Thank you very much.

President Mourdock: Questions? Oh, sure.

Unidentified: Can I speak, please?

President Mourdock: Sure.

Jeffrey Berger: I'm Jeffrey Berger. I am the Executive Director of the Evansville Philharmonic. I reside at 1119 Southeast Riverside Drive. A couple of things that I just want to add to my colleagues who spoke today. For those of you who aren't aware, the orchestra does close to 25 performance a year downtown at Vanderburgh Auditorium, at Trinity Church and bringing in over 50,000 people a year to the downtown area. Those individuals come downtown, they park in the city, they go down and have dinner before a concert. They also enjoy themselves by dining after. At the same time we also bring in close to 50 musicians from outside of the Evansville area who need a place to stay. We house them at the Executive Inn. They also eat and take advantage of what the city has to offer. Because they do not have cars they are restricted to dining within an area that allows them to provide with walking distance adding an additional couple thousand people who come down on an annual basis to take advantage of what our downtown has to offer. One of the disadvantages with the city is that there is not another venue currently, other than Vanderburgh Auditorium, that does have a large enough stage to hold an 80 piece orchestra which is approximately what we use for most of our performances not including when we add chorus which is an additional 150 members. This would cause the orchestra to restructure its entire programming for next year and not provide the high quality level of large programming that we have been offering our patrons for over 63 years. We would have to reissue tickets for over 6,000 patrons within a very short time. This orchestra has a reputation of having a very lean staff who are not only overworked as it is, but this would cause an incredible expense to the orchestra to do this. It would also have a very large...we are afraid of what it would do to our patrons knowing that they would have to one, be in one auditorium for six months, move to another venue for six months and then move to another venue in September only to move to the Victory Theater. We try and take very great pride realizing that our patrons are very important to us and they are. By moving them three times we are afraid it is going to jeopardize some of our dedicated patrons and have a financial impact on the orchestra. The other thing is a story that I just want to let you know of. For those of you who might not be aware, the San Francisco Symphony was on strike for the past two months. I called a colleague there where I used to work and said how is everything going? I know the strike has had a significant impact on the city. I asked her about a favorite restaurant that I would dine at quite frequently right around the corner from the theater. She said, oh, most of those restaurants have closed because of the strike. There was that much business that was taken away from the downtown area over a two month period. Those restaurants and those downtown venues relied so heavily on the orchestra that without having them there for a two month period they were forced to shut down. I don't think we want that to happen to our downtown restaurants and businesses who have made a very strong investment in our community to make the extra effort to stay here instead of moving out east or out west or to another part of our city, for them to be completely lost forever. It is going to be nice to have a wonderful convention center in 1999. However, if you are going to have restaurants

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at all during that time it is going to make it very difficult to have it be a very exciting place because they've had to leave early because of what is going to be happening by closing the Vanderburgh Auditorium early. I do urge you to please keep this...at least the theater and the Gold Room open until May of 1998. Thank you very much.

President Mourdock: Yes.

Tony Carroll: My name is Tony Carroll and I am the owner of the Jungle Restaurant and Fat Cats Bar in downtown Evansville. I reside there as well at 415 Main Street. I'm in a lousy position. I'm for both of these as most people are. This city desperately needs convention business. There isn't a person in this room that doesn't believe that. Mr. Keck is right. His hotel is so vital to the survival of downtown and the revitalization of downtown and he needs customers. Also, Jaya Dodd is also correct. She may not survive without those Philharmonic patrons. When we get our new book every year for all of our reservations, the very first thing we do is we go through it and we mark Philharmonic. That is so important to our business. I cannot tell you how important that is to the Jungle Restaurant. It is the single largest customer draw that we've got bar none, end of statement. I am also concerned about the impact of where does Evansville's community stand on the arts? How strongly do we support them? How important is that to us as a community in terms of selling ourselves to the major corporations and so forth? I think that something desperately needs to be looked at and worked out to try to help coordinate this schedule more successfully to fill the needs of the Philharmonic and the Dance Theater, but also aggressively pursue and attract this construction on the convention center so we can start selling those convention shows. I mean, in the long run I know that conventions are going to do more business for me than the Philharmonic. In the short run I want to be able to get there. I want to survive long enough to see it happen. I came in 1994 and bought a building and redid it because someone told me there was going to be this gambling boat and there was going to be 2.1 million visitors. Where has everybody else been? I must of had the only subscription to the newspaper! I think we should move quicker, we should coordinate our efforts better as a community. I am not admonishing anybody and I am admonishing everybody. I think we need to work more closely and we need to get a little bit more proactive in terms of planning for this city because right now we're under a huge opportunity, dynamic growth, but we cannot penalize those people who have worked so hard to try to make things happen and taking risks and who are down there in the trenches every day. I just ask you...I like what Mr. Shoulders said regarding putting the Victory on a fast-track program and perhaps speeding up that timetable a little bit. I think it is an excellent idea. Maybe if we could shave another month or two on the closing of the auditorium. Like I say, I'm in a terrible position because I agree with both parties. We need both of these things, but I just ask you on behalf of...I can tell you, statistics in terms of the tourist benefits of Aztar. Aztar has definitely brought more tourist in and our statistics show that, but do you think that any of that is coming down to the downtown restaurants? The answer is no. Again, I am not against Aztar. They're a

great company. I like dealing with them. I like working with them, but they're doing what they said they would do. They are running a tight ship and they are keeping their customers on their property. I can conclusively say for Angelo's, Jaya's, for Jungle, for Shing Lee, for the existing p.m. restaurants in downtown Evansville, we are not getting any of that. I don't think Jim Keck's restaurants are getting any of that. Again, that is not against Aztar. They are doing a great job. I love having them here. They are a part of what we need to do, but don't let those statistics deceive you. We are struggling to keep our noses above water until we can see these good things happen. Jaya is right. The streets have been all torn up. Fourth Street is cut off. Fifth Street is cut off. Locust is cut off and I am right in the middle of it. Jaya is in the same boat. We have struggled through these situations and all we are asking is for you to creatively look and talk to the city and talk to the convention versus the Victory Board and try to accelerate schedules and look for opportunities that we can work this out without having a severely negative impact on those existing businesses that do depend so heavily on the trade from the Philharmonic and the Dance Theater. Thank you.

President Mourdock: Yes, sir.

Cal Robinson: My name is Cal Robinson and I am a psychologist in Evansville. I have been here 10 years. I want to speak to one other thing. I know you've heard all the statistics and all the reasons to remain open because of business realities. I want to speak to something that happened about two weeks ago with the Philharmonic. Something that Roger McBain has written about consistently since it happened, which is pretty rare. Typically, there is only one review and there have been several in the paper. There was a gospel concert at the Philharmonic around two weeks ago. This was a joint venture between the Philharmonic, between the black and white communities. One of the things that came out of that was a promise of something to continue. The environment was just incredibly wonderful to see people working together at many levels. I know that statistics mean a lot. I'm a clinical psychologist and that is what our profession is based on, but I also know the power of music and I know that the Philharmonic is an incredible social powerful reality in our community. I would hate to see something happen to that. One of the promises that was made was that there would be an annual gospel concert. The community has grasped this and I want people to recognize that music clearly helps the soul and it helps us heal social problems. I would just like to endorse that we need to remain in Vanderburgh and that the things that we are trying to measure like the impact on business is not even near the impact on how people relate with each other and how music can be a very positive tool in that regard. Thank you.

Commissioner Tuley: One more, you have another one.

President Mourdock: Okay. New information here, I hope.

Theo Boots: I'm Theo Boots. I'm the Director of Center City Corporation and our address is 209 Main Street. I did not sign up because I wasn't sure if I was going to speak or not. I just want to real quickly give you a little bit of input from Center City's board members. I found out yesterday that this meeting

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was going to happen, so I took the time and faxed everyone with a little bit of information. To be quite honest, some of my information was a little different than I found out tonight and that is why I wasn't sure if I was going to speak until after I listened to everything. My board members represent a variety of groups. Many of them called to say that they also are concerned with the closing of the convention center until the Victory Theater is opened because they do not know where they will go, where their groups or organizations will go to find an event. At the same time I had board members call with a concern of what it will do to the convention center...or to the bookings that the convention center has already achieved and is still trying to do. I think the best thing is to...first of all, it is a very difficult decision for you all, but I would urge you to some how work out with the Victory Theater so that there is not a gap so that there will be some place for these groups and these organizations to hold their meetings. Thanks.

President Mourdock: Comments from the Commission Members to any of the speakers or any comments?

Commissioner Jerrel: I'm just going to make a couple of comments. To those of you who have not been attending the auditorium meetings for the last two and a half years, we thought this delay had been achieved. We thought we had delayed our construction an adequate amount of time. We've got a lot of money sitting out there that we have hired bond counsel to issue these bonds and if we put a delay in now we are talking about exceeding perhaps our own budget for the construction of this convention center. Is there no way...I mean, I'm in perfect agreement. We don't want to interfere with your December programs because up through the fifth we do not want to interfere with the Nutcracker and the best of your seasons. There has to be some way. We have waited and waited and waited. We have issued these bonds. These bonds are ready to go. They are sold so we can begin. We're going to find ourselves in a very costly endeavor if we wait past January 5th. Is there no way that you can take advantage of any of the other facilities for a temporary basis between January and June? I think that we've been the ones to say we'll wait, but I, you know, there is a limit to the amount of money that the county can afford to lose on this project because you are some of the taxpayers, but there are a whole lot more out there.

Commissioner Tuley: There has been a lot of--

Jeffrey Berger: I'm sorry. If I could just answer your question or try to--

Commissioner Jerrel: Uh-huh.

Jeffrey Berger: --maybe with another question. Where do you suggest? What venues do you think that are--

Commissioner Jerrel: Well, I don't know what would be exactly, but I did take the liberty of checking. We have an all new, and I know the facility is not large enough, but you don't always fill the auditorium for every performance or you could have two performances. I did take the liberty of checking. Harrison

High School has a new, completely new, auditorium, sound and lighting, and it will seat 1,000. That would take two performances--

Jeffrey Berger: Our average concerts have attendance of close to 1,900 people. For us to do two concerts would probably add an additional \$150,000 to \$200,000 to the orchestra's operating budget which is currently \$1.3 million.

Commissioner Jerrel: Well, I don't know what you pay for the auditorium, but you could rent Harrison for \$80 for four hours, \$20 for each additional hour, \$24 for any rehearsal, \$6 for any additional rehearsal. The coliseum seats 2,700. The cost is \$1,100 minimum plus \$1 per person per ticket and the rehearsal costs are negotiable. I don't know if there are any new music theaters in this radius of five miles or ten that you could use.

Jeffrey Berger: Well, there isn't. There is nothing that is as large as the Vanderburgh Auditorium.

Commissioner Jerrel: Yeah, I know, but--

Jeffrey Berger: With regard to the coliseum, it is a very old facility--

Commissioner Jerrel: Yes.

Jeffrey Berger: --and it is very much in disrepair. I don't know if our patrons would feel that would be an appropriate place to do a performance.

Commissioner Jerrel: Well, I was trying at least to put forth an effort to see.

Commissioner Tuley: Let me start off by saying that there has been very many good speakers, good comments, good concerns. If I come across as "Joe Six Pack" please forgive me. That building serves many functions, many groups and many activities and has for a number of years. That's point one. Two, we've had as many as three, I think, or I know three and maybe as many as five different public hearings moving about this thing slowly starting with which building was the best building to go with and getting as much input as we could from people in terms of consultants and local groups to provide the best and the finest facility that we could given the money we had to work with. Granted, that building has not been good for many years, however, the county has not had any money in order to do what we are trying to undertake now. I believe many of you are aware of as soon as the Food and Beverage was about to sunset there was a bipartisan County Council/County Commissioners move on the statehouse to continue it solely for the benefit of renovating and improving the auditorium and convention center. The auditorium and convention center does have, and I realize it may be disrupted for a while, but it does have a very positive impact on the downtown when we can bring many hundred people in here, several hundred people in here, over several days. I have been actively involved in bringing several conventions to this community over the last several years and I know from talking to people who are not from Evansville, but from around the state of

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Indiana who have gone downtown and shopped and ate and what have you as they are here. It is important to get those people back in this community. People who will not come into this community solely for going on to the boat at Aztar and spending their money there and staying there. People who will come down in this community for other reasons as well and visit the other fine restaurants and shops that we have in this town. I do want to make it clear that the Philharmonic was not thrown out of the auditorium. That was a decision that was made apparently by the board members or whomever to move to the Victory Theater project and it is unfortunate and I am sorry that project has not moved along as quickly as originally had been planned. We've moved very, very slow in terms of trying to come up with the right idea, the right plan for this building. I think it does not behoove this Board or this community as a whole to set it back beyond that January 5th closing date as recommended by our architect. In regard to the question about is this community supportive of the arts? I think we have two facilities within, forgive me, spitting distance of each other, but that shows to me pretty strong support for the arts in this community. That's about all I've got to say.

President Mourdock: Okay, let me just add a couple of comments and then I will ask for a motion. I thought Mr. Lacy's comments were particularly poignant in that he said:

"As a Commission you have it in your authority to dump those people in the streets or to not dump those people in the streets. You can do it in a way that no one is adversely affected."

I hope, Mr. Lacy, you recognize that after some of the other speakers, no, we don't have that as an option. Somebody is going to lose in the vote we are about to take. One of my comments Pat just made which is that I think we are committed. This community is about to spend \$50 million between these two projects very much for the arts. Probably the best comment of the night, Tony Carroll, you ought to run for Commission because then you'll know what it's like to be quote:

"I'm in a lousy position."

We get to do this every Monday or Tuesday night. With that maybe just one other thought. I think there is a position that could be worse than the one we're in right now and that is if we delay this project further and the Victory project still gets further delayed. We have a letter in our file from the Philharmonic which we very much appreciate from earlier...well, mid '96, thanking us for the commitment to keep the facility open for the '96/97 season. It was quite a nice letter and we appreciate the fact that it was sent to us and we've kept that commitment. Mike Shoulders and I have already spoken about what we can do with this project to expedite it with double shifts, with offering an incentive to get done before the scheduled date, so we are certainly going to fast-track and I hope the city and the folks with the Victory do the same. So with that the presentation that was made by Mr. Shoulders called for the closing date for the auditorium...let me back up, for the construction date to commence September 15, 1997 and for the

closing date for the auditorium complex to be January 5, 1998. With that I would ask for a motion of acceptance of that recommendation.

Commissioner Tuley: I will so move.

Commissioner Jerrel: I'll second.

President Mourdock: I will say so ordered.

Commissioner Jerrel: In closing, I hope that you will understand Mr. Mourdock's comment. We have kept our word about keeping our facility open for the '96/97 season.

President Mourdock: I know there are a lot of unhappy people here and a lot of you now feel lousy and I apologize for that.

#### **TAPE CHANGE**

President Mourdock: Okay, we appreciate the patience of those of you who have sat through that discussion without that being your main issue tonight.

<b>Harris Howerton - Grant request</b>
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President Mourdock: The next item for an action item is Harris Howerton, from the Community Corrections Center, with a grant request.

Harris Howerton: Harris Howerton, Executive Director of the Vanderburgh County Community Corrections. Last Thursday the Community Corrections Advisory Board met and they passed a resolution, voted unanimously, to send me here tonight to tell you about our new grant application that will be in effect for fiscal year 1997/1998. The state is on a fiscal calendar beginning July 1 and ending June 30. The grant application includes adult components of the Alcohol and Drug Intensive Supervision Program, Community Service Restitution Program, House Arrest/Electronic Monitoring Program and the Jobs Program Training and Education component and the Work Release component. This year, I think, a feature that is a long time coming is three juvenile components that are offered by Chuck Halbrook from the Youth Service Bureau and Mr. Roger Mason. These programs are the Hearth, the House Arrest and the West Program. The Hearth Program has to do with family unity and these types of things, keeping the juvenile offenders in the homes as does the House Arrest Program, of course. Those items were explained to the board by Mr. Halbrook. The West Program is kind of an outreach program whereby the juvenile offenders are taken out into the elements camping and fending on their own and that sort of thing. I'm not a juvenile authority. I only deal with adults, so I'm not real sure how they intend on handling all those things, but Judge Lensing was pleased with those components. The entire request is \$696,721.

Commissioner Jerrel: I'm just going to comment that I am doing a critique for the other two Commissioners concerning that and also an overview of the costs of what the juvenile center is and

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impacts our budget. I'll get that to you. I had hoped that I would have it tonight, but I don't. I'll try to have it to you next week.

President Mourdock: Okay.

Commissioner Tuley: Bettye, you were at the board meeting that he was talking to?

Commissioner Jerrel: Yes, I was.

Commissioner Tuley: Oh, okay, good.

Commissioner Jerrel: Yes, I was. I also asked Mr. Howerton to bring us the report on the Safe House. That was done before my joining this Board, but the Commissioners had asked for an inspection report. Would you want to explain that to us, please?

Harris Howerton: Basically, the original problem in the female dorm has been fixed. I think on the very front page there about middle of the way through it refers to the south end of the building. That is the female dormitory. It quite frankly says that the workmanship was excellent and the hopes are that the balance of whatever work needs to be done in the other portions of the building, if they follow suit, the repairs should be done very well. Beyond that, Mr. Hart has accepted the responsibility for the cost of this. He has entered a contract with Morley & Associates so the county will not be footing the bill for any of this. Mr. Hart will be. There are certain portions I know that have already been repaired and there are several other locations that are in need of repair according to Morley & Associates, but there is no place that is so severe that there is any danger for anybody, so we don't intend on shutting down for any purpose like that.

Commissioner Tuley: Harris, I saw something I started to read in the paper the other night and it was in reference to your discussion at your last board meeting. Something it think that was headlined or referred to as the--

Harris Howerton: Safe House Stomp!

Commissioner Tuley: --Safe House Stomp.

Commissioner Jerrel: It was true. I was sitting right underneath it.

Commissioner Tuley: You were there?

Commissioner Jerrel: I thought they were going to stomp through the floor.

Commissioner Tuley: People trying to stomp through the floors. I don't know where I am going with this, but is it a problem judicially that we can deal with? I mean, we are talking about people who are deliberately trying to cause themselves to be injured to bring bad light to the facility and the program.

Harris Howerton: What can I say?

Commissioner Tuley: Are there legal remedies to transfer those people to a secure jail?

Harris Howerton: Yeah, when we find someone doing something like that we, of course, reprimand them or file petitions to revoke. I would like for you to understand though that there are 100 males in that particular part of the building. That was the male dormitory over the top of the room that we were in. Out of 100 people there might be 10 or 12 of them that are complete idiots that want to do something like this. The rest of the folks do behave themselves.

Commissioner Jerrel: Help me out.

Harris Howerton: Uh-huh.

Commissioner Jerrel: A lot of this looks like duplications. What did you actually give us? I mean, there is about four sheets that are exactly the same.

Harris Howerton: Mr. Hart ran those off for me. I don't know.

Commissioner Jerrel: I can't tell what constitutes the report.

Commissioner Tuley: You can have mine for now.

Commissioner Jerrel: These three sheets and then if this all stays together...some of it is a duplication.

Harris Howerton: It could very well be that they were not. I'll have to check and see if maybe they didn't--

Commissioner Jerrel: Are there any corrections to the building that Mr. Hart is going to undertake?

Harris Howerton: That he is what?

Commissioner Jerrel: Going to undertake?

Harris Howerton: Yes.

Commissioner Jerrel: Are they spelled out in this?

Harris Howerton: I presume so. I didn't look at this. I asked for this information and it was given to me this afternoon. I'll be glad to look at it again in the morning.

Commissioner Tuley: Just looking through it, and Richard you're more the engineering-type person, but I mean it looks like to me what we have here is an engineer's layout and plan for what should happen, but I don't see any construction or--

Commissioner Jerrel: I don't either.

Commissioner Tuley: --agreement to the actual procedure that needs to be...I mean, this lays out what they need to do, but who is going to do it and when is it going to be done and those kind of questions I think is what we are trying to find out.

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Commissioner Jerrel: Yeah, right.

Harris Howerton: Okay, I'll be glad--

President Mourdock: Everything here that I've seen with a dollar figure on it is engineering costs.

Harris Howerton: Okay.

Commissioner Jerrel: What kind of discussion did you have with Mr. Hart about this?

Harris Howerton: Just that he is responsible to do the repairs. I know that Judge Young had talked to Mr. Harrison, I think, briefly about the payment and that sort of thing as far who would be responsible. At least that is my understanding.

Commissioner Tuley: That is Mr. Hart, correct?

Harris Howerton: Yes.

Commissioner Tuley: I ran into him one day outside, whatever side of the civic center that goes down over to the auditorium, and he had indicated to me, you know, nothing in writing obviously, but that he understood that corrections would have to be made and that he would bear the responsibility financially of seeing that it does get done.

President Mourdock: Did that, I presume it did, but did that also included these engineering costs?

Harris Howerton: Yes.

President Mourdock: Not just the materials and labor costs for doing the repairs?

Harris Howerton: Yes.

Commissioner Tuley: That is addressed to Mr. Hart. Well, it says Assistant Director of Court Services, so you're right.

President Mourdock: I think given the little confusion, Harris, it would probably be appropriate if I give you my stack back and perhaps you can sort through those and let us know which ones are the appropriate ones. Also, even though Mr. Hart is paying for it, I would be interested in knowing what the cost of those repairs would be for materials and labor.

Harris Howerton: Okay.

President Mourdock: Then coming back to the initial issue to move us along a little bit, Harris did come to us with a grant request in the amount of roughly \$691,000.

Commissioner Tuley: It's \$691,000, roughly?

Commissioner Jerrel: Yes, I would like to move approval of that grant request. We went through it thoroughly the other evening and it was well done.

Commissioner Tuley: I'll second.

President Mourdock: So ordered. Also on your agenda request you had the Misdemeanor Offender Fund.

Harris Howerton: Yes, each year as you might remember Vanderburgh County opts to keep its misdemeanor offenders in the community. Quite frankly, no judge would send a misdemeanor to prison anyway in Vanderburgh County. The lawmakers provided that since we do that, since we do keep the misdemeanor offenders in the county, that we can provide an ordinance to the state and it establishes a County Corrections Fund. I have done this year after year and I have taken the liberty, as I have each year, to provide you with that ordinance. That is \$161,000 that the Department of Corrections will send to this community and Community Corrections shares that with the--

Commissioner Tuley: Sheriff's Department, okay.

Harris Howerton: --Sheriff's Department, right, equally.

President Mourdock: Do I have a motion for approval of this ordinance?

Commissioner Jerrel: I'll move approval.

Commissioner Tuley: I'll second.

President Mourdock: So ordered.

Joe Harrison, Jr.: That ordinance will need to be published, Charlene, after. What I am saying is since it is adopted it has to be published down the road. It's got to be published within 30 days.

Harris Howerton: You have plenty of time. That is not due until May 1. I always get it in good and early so--

Commissioner Jerrel: Who did this document?

Harris Howerton: I did.

Commissioner Jerrel: You did. Okay, not a big consideration, but will you take one of those L's off of my name?

Harris Howerton: I'll fire the person that did that.

Commissioner Jerrel: No, no, no. It's not a big deal, but it is correct on the stationery.

Harris Howerton: Okay, I'm sorry.

Commissioner Jerrel: It's not a big deal. I would like to ask though that you get the information that we've requested about the facility because that has been an issue that we would like to put to rest and we have a lease that has not been completed because of this issue.

Harris Howerton: I understand and I am sorry that this--

Commissioner Jerrel: When do you think you might be able to get it?

Harris Howerton: I'll look at it first thing in the morning and I'll get it to you tomorrow yet.

Commissioner Jerrel: Well, at least have it by the next meeting.

Harris Howerton: That's the soonest that I can, yeah.

President Mourdock: Okay, thank you, Harris.

Harris Howerton: Thank you very much.

**Bill Bivens - Petition to vacate easement**

President Mourdock: The next couple of items on the agenda are to vacate easements and Bill Bivens has sat here very, very patiently and listened to the Philharmonic and all, so I'll jump the order a little bit here. Perhaps you were in the hallway, Andy. Oh, I'm sorry. I thought you knew our normal business and figured we were running late anyway.

Bill Bivens: I'm Bill Bivens of 503 State Street, Newburgh, Indiana. I am the engineer for West Haven Hills 2, Section E. It was a subdivision that was approved in 1979, but was not constructed until this year. During the process this year the owners decided to eliminate two lots and increase the frontage on the lots. In the process we had a drainage and utility easement which then fell in the middle of a new lot. So what we are basically doing is asking you to vacate that public utility and drainage easement and we have furnished another one along the new lot lines.

President Mourdock: Questions?

Commissioner Tuley: John has a comment.

President Mourdock: Oh, okay.

John Stoll: Yes, my only comment would be whether or not this could be vacated given the fact that the subdivision wasn't replatted so do these lot lines really exist as Mr. Bivens was talking about with revising the number of lots to drop what did you say? Two of them off there? Wouldn't it have to be replatted first before the easement could be vacated or just the replat would eliminate the easement as it stands?

Bill Bivens: I presented this to the Planning Commission and they allow you to reduce the number of lots. You cannot increase lots, but you can reduce the lots and change the lot lines.

John Stoll: I thought that was only on commercial when they did commercial zonings that they allowed that on rather than residential.

President Mourdock: Joe, do you have a comment?

Joe Harrison, Jr.: Yeah, the question I had really had to do with the petition. In reading the petition, it appears that the dividing line that you are referring to you don't have it stopping at the drainage easement. It is not reflected in the documents that way. I understand maybe that is what you are intending, but that is not what it says.

Bill Bivens: Yes, on the east end it stops.

Joe Harrison, Jr.: Because of that you would have to notify Lot 13's landowner. They are an abutting landowner and you would have to notify them with respect to the documents that you filed. Now if you modify this and put in there that the line goes to the drainage easement, then you would be okay, but that is not what the documents say.

Bill Bivens: That was the intent.

Joe Harrison, Jr.: I understand what you are saying, but that is not what it says. I would be reluctant to permit them to consider this unless that modification is made or if, in fact, you intend to have it go all the way beyond the drainage easement then to notify the property owner, but I don't think that is your intent.

President Mourdock: Either of those options requires renounce?

Joe Harrison, Jr.: Well, there is no notice. I would prefer that you have a revised petition, okay? As well as a proposed ordinance. They have already signed the petition and I would prefer that you get their signatures and come back whenever you can get it done. As far as John's comment or concerns, I would feel comfortable if you could just get something in writing from Barbara Cunningham's office addressing that particular issue on the replat as to whether that was needed or not. Is that okay?

Bill Bivens: That's fine, yeah.

Charlene Timmons: I have a question.

President Mourdock: Yes.

Charlene Timmons: Would it need to be readvertised also?

Joe Harrison, Jr.: Well, yeah. It is because you are going to be doing a new petition.

Bill Bivens: So you have to readvertise?

Joe Harrison, Jr.: Yeah.

Bill Bivens: Okay, will do then.

President Mourdock: Okay, thank you, Bill.

**Andy Easley - Petition to vacate easement**

President Mourdock: Andy.

Andy Easley: I'm here on behalf of Gene Warren, Jack Rogers and Bob Jarrett to vacate a public utility and drainage easement that is near the northwest corner of Red Bank and the Lloyd Expressway. I've got three of these if you want a closer look at it. This is the west 12 feet of Lot 1 of what is known as Expressway Commercial Subdivision. They're going to build a new Revco building over it. There is nothing that has been installed. We've filed letters from all of the utilities and they have no objections to wiping out the drainage and public utilities easement which I have shaded in yellow.

Commissioner Tuley: Andy, is this the one that we gave you preliminary approval on subject to that verification?

Commissioner Jerrel: Uh-huh, yeah, right.

Andy Easley: That is correct.

Commissioner Tuley: I'll move the petition to vacate the easement as requested be approved.

Commissioner Jerrel: Second.

President Mourdock: So ordered.

Andy Easley: Thank you very much.

President Mourdock: Thank you, Andy. Again, I'm sorry--

Andy Easley: This is the final hearing isn't it?

President Mourdock: It would be, yes. Again, I apologize for bumping you in the order there. I didn't know you were here earlier.

Andy Easley: No problem.

**Cheryl Musgrave - Contractual Services Agreement**

President Mourdock: I have on my agenda Cheryl Musgrave's contractual services agreement.

Joe Harrison, Jr.: That was an agreement to hire an individual, I think, for \$750 to assist her with I think it is not for profit type assessing.

President Mourdock: Yeah:

"To provide assistance in analyzing applications for the exemption for property taxes. The assistance will include review of documents, telephone discussions, on-site meetings and other duties as reasonably determined by the County Assessor."

Commissioner Tuley: We've done this before.

Commissioner Jerrel: I would like to move approval of that agreement.

Commissioner Tuley: I'll second.

President Mourdock: So ordered.

Commissioner Tuley: I guess you have the original.

President Mourdock: I believe this is the original.

Commissioner Tuley: Okay.

**PFC/USI Run - Permission to use county roads**

President Mourdock: We have a request and Tony will you be speaking on this one on the USI PFC/USI run?

Tony Greubel: Every year USI wants to close off some of the roads on the west side to have a 15K run. The request is brought to us from Bill Stegemoller, the Cross Country Coach at USI. At least according to him we have been doing this for the last few years, so it is nothing out of the ordinary.

President Mourdock: Was there any comments in his discussion about indemnification insurance?

Tony Greubel: No.

President Mourdock: Because I know that came up in past years in working with the Sheriff's Department and also we wanted to make sure they were indemnifying the county for any injury. The fuse on this is fairly short for March 15th.

Joe Harrison, Jr.: Can you check on that?

Tony Greubel: Yes.

Joe Harrison, Jr.: To see if they can provide a certificate or some language to that effect?

Tony Greubel: Yes.

President Mourdock: I think probably the best way is I would ask that perhaps we approve this on a contingent basis of receiving within ten days an indemnification statement.

Commissioner Tuley: So moved.

Commissioner Jerrel: Second.

President Mourdock: So ordered. We are at that point in the agenda any--

Commissioner Tuley: Whoops! Did I miss something? What happened to C.S.D. Construction, Coliseum Work? Is that tabled?

President Mourdock: Yes.

Tony Greubel: I'm going to put that off.

President Mourdock: That was tabled. We do not have much

information on that. Did you have anything?

Commissioner Tuley: No, it was just some of the stuff that they talked about doing, but that is fine.

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

President Mourdock: Any group or individual wishing to address the Commission whose matters have not yet been heard this evening?

**John Stoll - County Engineer**

President Mourdock: Okay, department head reports. John Stoll, you're up first.

John Stoll: First of all, I've got the Lynch Road Construction Engineering Agreements with Bernardin Lochmueller & Associates. They are for an amount not to exceed \$397,972. These will be on an 80/20 split. The feds will pay 80% and we pay 20%. The agreements have been previously reviewed and they were submitted to INDOT for their review. INDOT sent them back and now it is time for the Commissioners to sign off on them. I would recommend that they be approved.

President Mourdock: Any questions of John?

John Stoll: The bid letting is slated for March 11th for the project as it stands now.

President Mourdock: A little louder. March 11th?

John Stoll: March 11, 1997.

President Mourdock: For the bidding? Of 1997?

Commissioner Tuley: I'll move for approval of the request.

President Mourdock: I have a motion.

Commissioner Jerrel: Pardon me?

President Mourdock: We have a motion.

Commissioner Jerrel: I'll second.

President Mourdock: So ordered.

John Stoll: The next item that I've got is a memo that summarized what went on with the meeting with INDOT last week concerning the Cross Pointe and Morgan intersection. They had four main issues that they wanted us to look into in regards to whether or not that intersection and railroad crossing should be allowed. One, was whether or not an expansion of transit service would eliminate the need for the intersection. The second one was in regard to the county's plan for access control along the arterial streets. Another issue was the county's commitment to get Cross Pointe connected between Virginia and

Oak Grove. The fourth was the county's willingness to participate in the cost of additional protection devices at the railroad crossing if they do decide to grant the new at grade rail crossing.

President Mourdock: Time out for a second. Your item number three was the state was questioning the county's commitment to do Cross Pointe Boulevard from Virginia to basically the railroad tracks?

John Stoll: They weren't questioning it. They were just wanting to make sure that the county was committed to putting that street through there and I guess their main question was in regard to whether or not TIF funds could be used to construct that portion between Virginia and Oak Grove. We told them at that time that the TIF district as it stands now doesn't have enough development in it to support another bond issue to construct that portion at this time, but that the county was committed to have developers construct that as development comes in on that segment between Oak Grove and Virginia.

President Mourdock: Okay, but pardon my attention to detail here, but why do they care? The question from their point of view ought to be does the plan to cross the railroad track work for safety purposes? Shouldn't it? Am I missing something?

Commissioner Tuley: I missed it too, then.

John Stoll: The overall network for that area was set up to try to disburse the traffic as much as possible. In so doing they are wanting to make sure that if Cross Pointe is connected that it would take some of the traffic away from Burkhardt and unless that connection between Virginia and Oak Grove is made then it limits the amount of traffic that would be diverted.

Commissioner Tuley: Why would we petition for a crossing if we weren't going to build a road there and take it some place?

President Mourdock: So are you suggesting that the state isn't so much interested in the issue of safety on the railroad crossing as they are the traffic count?

John Stoll: They were--

President Mourdock: That's what I understood the issue was about was safety at that railroad crossing.

John Stoll: Right, but they're wanting to make sure that we are diverting traffic away from Burkhardt and reducing the safety problems at that intersection and really spreading the traffic across two intersections as opposed to compounding it all in one. Without the connection between Oak Grove and Virginia then a lot of that through traffic is still going to be over on Burkhardt.

Commissioner Tuley: Wait a minute, I'm looking the wrong way. He is taking Oak Grove and going south.

President Mourdock: Not Oak Grove and going south, but he is

taking Cross Pointe and going south of Oak Grove.

Commissioner Tuley: From Oak Grove to Virginia?

President Mourdock: Right, going south.

Commissioner Jerrel: We really need those maps and we need them up here so that we know what we are talking about.

President Mourdock: You're still on schedule for the first Monday of March to give us that presentation?

John Stoll: Right.

Commissioner Tuley: I know we're committed if we are going to do the crossing to get it to Oak Grove from Morgan, but you are saying they're questioning that middle segment?

John Stoll: Right.

Commissioner Tuley: I'm sorry, I wasn't with you there for a second.

President Mourdock: It would seem to me the issue still is safety.

Commissioner Tuley: Well, yeah.

President Mourdock: Whether it is on Burkhardt or whether it is on Cross Pointe that ought to be the issue and I guess I am just baffled that the state questions our commitment to that.

Commissioner Jerrel: Would you do one, two, three, four for me like one liners so that I can write them down. I have been trying to extrapolate from these paragraphs. Could you tell me their first concern--

President Mourdock: Go through the four you mentioned a moment ago.

John Stoll: One was increased transit service.

President Mourdock: Meaning mass transit?

John Stoll: Right, METS bus service. The second was access control measures on the arterial streets. The third was connection of Cross Pointe between Virginia and Oak Grove. The fourth was the county's willingness to fund additional protection devices at the railroad crossing if they would allow it.

President Mourdock: Define that.

John Stoll: They didn't define it that well at the meeting. They said that they were going to send some additional documentation down as far as what that might entail, but I haven't received anything as of yet. They were talking additional gates and things like that above and beyond what signals and gates might typically be required.

President Mourdock: State of the art of highway engineering, what is there beyond gates?

John Stoll: That I am not sure.

President Mourdock: That's what I hear in that.

John Stoll: That's what basically they were saying.

President Mourdock: There is a gate a Burkhardt, right?

John Stoll: No, there is not.

Commissioner Tuley: Amazing.

Commissioner Jerrel: What did you tell them?

John Stoll: That we didn't feel that transit was the only answer. That the expansion of transit service would not take enough people out of cars that it would negate the need for this road network. That the access control is being implemented through rezonings, through site review and through subdivision review to try and restrict any development that has alternate access other than Burkhardt Road to that alternate access. No development would have access directly to Morgan Avenue because the ditch and the railroad crossing are going to prevent that. That one is not going to have any additional driveways. I told them that the county was committed to making sure that Cross Pointe was connected through developments. As they come out and rezone the property and develop the property we would make that connection go through, but we didn't have enough TIF funding available to build the whole thing at this time. The fourth issue, oh, on the railroad crossing, I told them within reason as long as it was within the budgets the county could look at providing additional funding for additional protection devices as they see fit. They said that they would evaluate the petition for the new railroad crossing in the next three or four weeks and we should get a response at that time. If they deny it, then we could appeal it, but they didn't give us any indication at that time as far as what they planned on doing.

Commissioner Tuley: Who do we repeal something like that to?

John Stoll: Back to INDOT.

Commissioner Tuley: That's what I was afraid you were going to say.

Commissioner Tuley: Does that fall under the auspices of due process? Don't even need to respond!

John Stoll: After you get a chance to go through that if you've got any questions call me because I am going to send this response back to Debbie Wilson and let her know where the county stands on these issues and just reiterate the points that were brought up at the meeting. If you see something in there that is missed or incorrect let me know and I will change it before I send the response back to the state.

President Mourdock: That would be fine. If you would, give me

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a call first thing in the morning. Maybe as early as tomorrow afternoon we can get together over lunch and talk about this.

John Stoll: Okay.

President Mourdock: I need to know more than what you've got here I'm sure.

John Stoll: Okay.

President Mourdock: Anything else, John?

John Stoll: Yes, a few more things. One, I received a request from Dave Savage who is working on an industrial park off of St. Joe Avenue to be able to construct a street within his subdivision to have open ditches rather than curb and gutter. Given the problems that we've had with residential properties piping the open ditches with the wrong sized pipes or just filling in the ditches, we've not typically allowed the open ditches. We've required curb and gutter. Since this is in an industrial park, I felt that this wouldn't be a problem, but before I told Dave Savage to proceed with that design I wanted to bring it before the Commission to make sure that you didn't see it as a problem.

President Mourdock: Why do you think it is less likely to be a problem commercially?

John Stoll: They maintain the open ditches. They'll be more inclined to mow instead of somebody going out there and saying I don't want a ditch in front of my house.

President Mourdock: What was the location again? I'm sorry.

John Stoll: This is off of St. Joe Avenue. This would be consistent with what the county constructed out at Azteca because we went with an open ditch drainage system with sealed shoulders.

President Mourdock: Do you have a formal waiver that you are looking for us to act upon?

John Stoll: There is no waiver required. It is allowed according to the design standards for county roads, but it is just something we haven't approved on residential streets because of the problem with people going out and putting inadequate sized pipes or filling in the ditches.

President Mourdock: Okay. Can I have a motion in this regard?

Commissioner Jerrel: I can't determine from what you are saying what you are recommending.

John Stoll: I recommend that it be allowed. That is consistent with what we did on Azteca and it is allowed within county standards. It is just not something that we have approved in the past, so given the fact that it is something that has been done and we haven't had problems with it, I would recommend that he be allowed to go ahead and design it that way.

Commissioner Jerrel: I'll move approval.

Commissioner Tuley: Second.

President Mourdock: So ordered.

John Stoll: Next I've got a notice to bidders and a cover sheet for the Strawberry Hill Road bridge. I would recommend that they both be signed off on by the Commissioners so we can get that project out for bid.

President Mourdock: We were funding this through CCD?

John Stoll: No, it was bond surplus.

President Mourdock: Oh, okay.

Commissioner Jerrel: I'd move approval.

Commissioner Tuley: Second.

President Mourdock: So ordered.

John Stoll: The next item, Tom Goodman and I went out to Westwood Hills and met with Mr. Ackerman last week and Mr. Bob Kinney to go over the areas that needed repaired. We measured it all up and as you can see the cost is lower than the previous estimate of \$240,000. I am going to send a copy of that to Mr. Ackerman and to Mr. Kinney so they can discuss it with the other people in their neighborhood and their Homeowners' Association if they have one, so they can determine whether or not they want to proceed with the repairs.

Commissioner Jerrel: I was just going to say, did he say there were 84 residents, but it would be nice to know that the freeholders, the owners, who will be assessed the property taxes if, in fact, something like this occurs we ought to be sure.

Commissioner Tuley: Yeah, I think in the procedures there has to be some sort of signed petition verified by the property owners.

Commissioner Jerrel: By the property owners?

Commissioner Tuley: I'm sorry, are you done?

Commissioner Jerrel: Uh-huh.

Commissioner Tuley: There was an individual outside the names that you just mentioned that called you a week or two ago and basically was giving you a lot of grief over this.

John Stoll: Mr. Kinney was the one who was the most critical of it.

Commissioner Tuley: Mr. Kinney?

John Stoll: He was assuming that the work could be done for about \$40,000.

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Commissioner Tuley: Okay.

President Mourdock: Was he critical of our handling of it or just the fact that it was going to cost him some money if this happens?

John Stoll: I think he was being critical of it in regard to the way it came about back in 1978 or whenever the subdivision was built, saying that the county should of made sure that the roads were built according to standards, but at that time there were no requirements for a letter of credit which prevented anybody from holding the contractor's feet to the fire.

President Mourdock: Okay.

Commissioner Tuley: John, I'll say this politely. I don't know how else to say this, but ask them in dealing with them and I know that they can't put a strangle hold on some people, but ask them to work together on this. I got a call from television yesterday and someone had called them and they were all up in arms about this situation. It was a case where the county had accepted those roads already and that was our responsibility and their taxes pay for the upkeep and we are not cooperating with them. If you have any contact with Mr. Ackerman ask him to do the best he can to kind of keep that group together in working with us because that goes contrary to what we are trying to do here.

Commissioner Jerrel: There is some misinformation.

Commissioner Tuley: Yeah.

John Stoll: Right. We've had several people call with those same complaints saying they pay their property taxes and they demand that we fix their street. They don't know that property taxes aren't going to fund street repairs and things like that. You're right, there are plenty of them that have called with criticism similar to that.

Commissioner Jerrel: Perhaps if we had a standard letter prepared that describes how street repairs are paid for that you could send to people that describes the funding source--

Commissioner Tuley: Probably a good idea.

Commissioner Jerrel: --so that they don't feel like they're not--

President Mourdock: Are you referring to that, though specifically through the funding of the Barrett Law application?

Commissioner Jerrel: No, no. I'm talking about how we pay for streets.

Commissioner Tuley: People don't understand that it is not property taxes that pay for their roads and stuff.

President Mourdock: Oh, okay.

Commissioner Tuley: It's not property taxes that pave their roads and stuff.

Commissioner Jerrel: Yeah, I just think that is one more way to give people accurate information is to come up with something and then that would also be a way after you talk to them to say, we'll send this to you in the mail.

John Stoll: Okay, we can get with Suzanne and get the revenues as far as what the gas tax brings in and then take it from there.

Commissioner Jerrel: People feel better the more they know.

John Stoll: A lot of the times when we've told people that gas tax revenues are funding the streets primarily they say, well, I buy gas so my street should be fixed.

Commissioner Tuley: I wish it were that simple.

President Mourdock: Any other items, John?

John Stoll: One other thing and it is in regards to Burkhardt Road. I received a request from Mr. Buzz Weisiger of Gershman Brown regarding his concern for traffic problems that will exist on Burkhardt Road when they open Kohl's and Home Depot. He was requesting whether or not they would be allowed to have off duty deputies flag traffic in and out of that driveway on Burkhardt Road for safety's sake. I spoke with the Sheriff's Department and they said that would be something that they would consider doing with their off duty Sheriff Deputies, but the developer would have to foot the bill for any deputies that would be out there trying to direct traffic. The drawback to that is it could cause some congestion. Since they are going to be stopping northbound traffic it could cause congestion to extend as far back out on the Lloyd Expressway. There is no good solution to it because no matter which way you go it is going to be bad until the project is completed, but Mr. Weisiger was requesting that they be allowed to do that. I have never been presented with a request like that since I have been here and I didn't know if legally if ordinances and laws allow them to direct traffic into a private development like that stopping traffic on the main county thoroughfare. If so, what procedures would have to be followed?

President Mourdock: Is the concern...you said when Home Depot opens. Does he mean that in a grand opening rush one time thing or is he talking every day at 3:30 to 6:30?

John Stoll: He is talking consistently, I believe. The problem would exist for whatever hours that the deputies aren't there, so without being in place the entire time that the stores are open, then they could potentially have the traffic problems. I have no idea what their peak times would be and I don't know if they would at this point.

President Mourdock: About the best we can do, it sounds to me, is to take it under advisement at this point because if he doesn't know what the traffic is going to be, we don't know what

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the traffic is going to be so is there any action that we could take?

John Stoll: Not at this time. I don't know if maybe Joe could check into it?

Commissioner Tuley: Yeah, he wants to take it under advisement.

John Stoll: Just whether or not it could be allowed. If you could tell me because I didn't know where to take it.

President Mourdock: Okay.

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

President Mourdock: The first Monday in March, the presentation.

John Stoll: If not sooner.

President Mourdock: That's fine, too. If you can get it sooner just let us know.

John Stoll: Do you just want the proposed projects that we know are on the books right now? I mean, I know we've got the Eichoff/Koressel and I know we got the Cross Pointe and things like that. Do you want culvert replacements and bridge replacements and everything that we know of at this point plus potential needs?

President Mourdock: Yeah. I want to know what you know, John.

John Stoll: Okay.

President Mourdock: I don't mean to be glib, but certainly you don't need to put the amount of detail in Koressel that some of these others would. I mean that is maybe distant and out there.

John Stoll: Way down the road.

Commissioner Tuley: The major areas of construction right now. The key ones.

President Mourdock: Yeah, that you know that you've got coming up. Those are first priority and just kind of go from there backwards.

John Stoll: Do you want anything in there in regard to the projects that EUTS has listed in their long-range plan as far as proposed future federal aid jobs?

President Mourdock: Sure.

Commissioner Jerrel: To me I am interested in the current projects. I think you need to speak to them, but I am interested in what you're recommending to us as the best way to resolve some of our traffic problems in your opinion. In that case, Eichoff/Koressel, if it is nothing more than a line, if you view that as something long-term, a need, a beltway need perhaps you need to say it or show it. If it isn't important to you, you know, what you think.

John Stoll: Okay.

President Mourdock: Okay, thanks, John.

**County Garage**

President Mourdock: Milton was here.

Commissioner Jerrel: He didn't stay.

President Mourdock: He didn't look like he was feeling well.

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

President Mourdock: Joe Harrison, County Attorney's report.

Joe Harrison, Jr.: Well, let's see. A couple of things from last week. You may recall, Cheryl Musgrave came before us and asked for the county to pay her dues for the Realtor's Association, the Evansville Realtor's Association. I checked with the State Board of Accounts on that particular request and they didn't see any problem in the county approving that request because it is the Assessor's Office request. It would be their membership, not her individual membership. They didn't have any problem with that. I think that the Auditor's Office...I sent a letter to them and Ms. Musgrave and I think that is being processed.

President Mourdock: Before you move off that one I think we need to act on that.

Joe Harrison, Jr.: Yeah, go ahead.

President Mourdock: I would ask for a motion to accept payment of the Assessor's dues to the Realtor's Association.

Commissioner Jerrel: I move approval.

Commissioner Tuley: Second.

President Mourdock: So ordered.

Joe Harrison, Jr.: The next thing that I was asked to look at was the Perry Township Assessor Lease Agreement. I got a copy of the old lease agreement and looked at the letter that they sent to the county. It is William L. Miller who is the landlord out there. The agreement looks fine. I don't have any problem with that particular lease agreement. The county would be paying \$399.75 a month and it would go from January 1st through the end of this year.

President Mourdock: Okay. Again, that was presented to us last week for action.

Joe Harrison, Jr.: Right.

President Mourdock: So I would look for a motion at this point.

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Commissioner Jerrel: Yes, and before I make the motion I did speak to Greg Hofmann and he did address that a little bit tonight. He looked at that lease and he is looking at all of them to assure that when they have an insurance obligation that they do, in fact, give them a statement indicating that they have provided that, so I will approve that.

Commissioner Tuley: I'll second.

President Mourdock: So ordered.

Joe Harrison, Jr.: Let me see here. Oh, the Erosion and Sediment Control Ordinance. I have drafted an ordinance similar to that passed by the city of Evansville. I have been speaking with Mike Wathen on several occasions over the last several days and he is comfortable with the draft that I have prepared. I think you all have a copy of it in front of you. I may have made a little change to it since that time, but I think that is it. I would ask that you permit the Auditor's Office to advertise this ordinance for the March 3rd meeting. It would need to be advertised twice, a week apart and the last time would be at least three days prior to the date. If that is possible. Does that give you enough time? For the March 3rd meeting. It's got to be advertised twice, a week apart with the second time three days prior to March 3rd. Would that give us enough time? Today is the 11th. Okay.

Commissioner Tuley: I'll move that it be advertised.

Commissioner Jerrel: Second.

President Mourdock: So ordered.

Commissioner Tuley: Will there be...you know, what we've done in the past with these is solicited the input, since you have been talking to Mike, with developers and different ones. Does he still want to do that through this office or did he get to you on that? Seeing if there are any changes since--

Joe Harrison, Jr.: Well, he has faxed this draft to all of them and asked for their comments.

Commissioner Tuley: Okay.

Joe Harrison, Jr.: Apparently he didn't get any back. Really a draft of this ordinance was out there. There were some changes made to it because of the codification issue and some of that.

Commissioner Tuley: Substance-wise there really isn't--

Joe Harrison, Jr.: Basically, no. There were just some minor little changes here and there. They were comfortable with it. Also, it will be a public hearing on the ordinance, so if there are any individuals who want to address the Commissioners at that time they will be able to.

Charlene Timmons: Will it be a final reading? Or like the final hearing?

Joe Harrison, Jr.: Yes.

Charlene Timmons: Okay. My other question is does this whole thing need to be advertised?

Joe Harrison, Jr.: Yes.

Charlene Timmons: Okay.

Suzanne Crouch: Do you have a disk at your office?

Joe Harrison, Jr.: I don't know. We'll see. Maybe.

President Mourdock: I'll bet it's in there.

Joe Harrison, Jr.: I bet we do. Yeah, we can probably handle that.

Let me see, I've got a couple of other things. On the Welfare to Work proposal, I don't know, Richard, if you got my E-Mail today?

President Mourdock: No, I didn't. Bettye Lou sent some E-Mail and I didn't get it either.

Joe Harrison, Jr.: Basically, I spoke with Jim Morovich who is the Director of the State Family and Service Welfare Department. I can't remember what it is called now. Apparently, he has spoken with you, Richard. I indicated what we were talking about doing down here in Vanderburgh County and he was aware of some interest in having our own Welfare to Work Program down here. Apparently, there are some other counties in the state, he said Scott and Elkhardt, that are in the process of doing something, but from what he gathered from what I was telling him we're ahead of the game. He would like to meet with you and I as soon as possible and indicated that they would provide whatever assistance they can and will make sure that everyone cooperates with us and there may even be some funds available which might be nice.

President Mourdock: That is excellent news because I think a lot of folks all through the Welfare to Work process had hoped that this would be number one, ahead of everyone else just because we had the inertia behind us and secondly, it might be the first seed to generate other funds beyond the fairly small funds that we are dedicating to it.

Commissioner Tuley: Oh, from state. You're talking about what we are contributing to it?

President Mourdock: Right, yeah, to make it work. So, excellent report.

Joe Harrison, Jr.: Anyway, if you and I can get together maybe we can get up to Indianapolis soon. If not, he can come down here. I think we might be able to speed things up if we go up there.

President Mourdock: Excellent, excellent.

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Commissioner Tuley: Can I butt in on that type of thing? Which reminds me when you are talking about Indianapolis. Tony, were you able to find out anything about the "Commissioners Meet Your Legislature Day?" Remember we brought that up a couple of weeks ago?

Tony Greubel: Yeah.

Commissioner Tuley: Is that part of your report tonight?

Tony Greubel: I wasn't planning on it, but I can bring a little bit into that.

Commissioner Tuley: Well, time is getting short, so if we need to send in reservations or something I would like to know what I need to know.

Tony Greubel: Yeah. It's February 24th for the Commissioners.

Commissioner Jerrel: I think it's the 24th, 25th and 26th.

Tony Greubel: Yeah.

Commissioner Jerrel: I read it today. The 24th and 25th are full days and the 26th is 8:30 to 11:30.

Commissioner Tuley: The 24th? There are an awful lot of County Commissioner meetings on Monday. That kind of surprises me.

Commissioner Jerrel: I think the 25th and the 26th--

Commissioner Tuley: Are the main...

Commissioner Jerrel: The 25th is the all day and it is half a day on the 26th. Is that right?

Tony Greubel: Yeah.

President Mourdock: The 25th is a Tuesday.

Commissioner Tuley: I would like to get permission to travel though.

Tony Greubel: Actually on Monday it is 4:00 to 11:30; 4:00 p.m. to 11:30 p.m.

Commissioner Tuley: Is there a registration fee or anything like that involved?

Tony Greubel: Um, no, that is something else I'll check on. I'll call them tomorrow.

Commissioner Jerrel: Do you want to approve travel for that?

Commissioner Tuley: Yeah, if that would be alright.

President Mourdock: Let's save that until we get to the consent items and then we'll throw it in there. You're right, we need to do that.

Commissioner Tuley: Joe made me think about it when he said something about going to Indianapolis.

Joe Harrison, Jr.: Oh, next week for the Rezoning Hearing that is going to be at 7:00, I will not be able to attend the Rezoning Hearing next Tuesday. I have spoke with Tim Born about the possibility of filling in for me at that particular hearing and if you all are agreeable to that then I will get back with him.

Commissioner Tuley: That's fine with me.

President Mourdock: I think that is appropriate. I believe we have two items.

Joe Harrison, Jr.: Could you make a motion to that effect?

Commissioner Tuley: I'll so move.

Commissioner Jerrel: Second.

President Mourdock: So ordered.

Joe Harrison, Jr.: I think that may be it. There are a number of things that I am beginning to review, some of the ozone information, and one of the attorneys in my office is assisting me with that. There is also additional work. There is going to be a petition to vacate on the auditorium some area there and we will be working on that as well. I think that is about it for now. There might be some other things you all can think of that I may have forgotten. I do have a letter that I need to give you also.

Commissioner Jerrel: I would like to just advise you and either if you're gone and you're here and you would like to go before Council, but we do have a number of transfers in order to comply with contracts that we have already approved. The money is there, but we do need to go to Council, so one of us needs to be there at the Personnel and Finance meeting on the 26th. If it's not necessary...I mean, if you choose to go I'll stay in town, but someone needs to go and present those.

President Mourdock: Okay, we'll check our schedules and see how that works. That's at 11:00?

Commissioner Jerrel: Yes.

President Mourdock: Okay. Joe, you said you had a letter to add to your report, too?

Joe Harrison, Jr.: Yeah, I'll just pass this out and you can take a look at it whenever you want. Also, there is some information on campaign finance, the update on what is pending in the legislature, and there is a copy of an article that I have that gives you kind of a little synopsis of what actually is going on as far as proposed changes. Again, these changes would impact local races, so they would impact city, county and township races as well as state races. Maybe at some point you can have one of our local representatives come in front of you,

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too, and give an update. The media has been keeping us advised a little bit on what is going on also.

President Mourdock: From what I have followed through the media most of the changes would be how much an individual can contribute which is sort of a different direction, at least than what we discussed the night we brought it up, which was to limited the total amount. Any kind of change in this case almost any is good in my opinion.

Joe Harrison, Jr.: Also, I think I did give you, Richard, a copy, and you probably haven't seen it yet, but a copy of the old ordinance that was passed by the city in 1987. I found out it was subsequently repealed in 1990 based upon the Attorney General's opinion. In that ordinance they did have caps on the amount that the Mayor could raise, a City Council person could raise, etc. It was kind of interesting to read. Again, state statute is not going to permit those types of local initiatives, but, again, that will be good reading for you to take a look at.

President Mourdock: Alright, excellent report.

Charlene Timmons: If I can catch the ad for the German Township Fire Petition that is supposed to be in there on Friday, can I go ahead and cancel that?

Joe Harrison, Jr.: Yes.

Charlene Timmons: Okay.

Joe Harrison, Jr.: Yeah, I don't think it is necessary to say that has been canceled.

Charlene Timmons: I just wanted to catch it before it ran again and save some money.

Joe Harrison, Jr.: Right, sure. Yeah, it will save us some money.

Charlene Timmons: Okay.

Joe Harrison, Jr.: You can use that to publish this ordinance.

President Mourdock: Okay, any other questions or items for Joe?

**Tony Greubel - County Commissioners' Office**

President Mourdock: Tony, do you have anything to report from the county building perspective or other issues?

Tony Greubel: You have your bulletin board now right behind me.

President Mourdock: Yes, and I was striking off the notes, Tony's last week!

Tony Greubel: Does that mean I still have my job?

President Mourdock: Yes.

Tony Greubel: Also, the County Auditor gave us a travel request before I could put it in your folders.

President Mourdock: Anything else, Tony?

Tony Greubel: I'll have to check with Ameritech, but they were supposed to install an analog line today.

President Mourdock: Okay.

Tony Greubel: I assume that VanAusdall will hook it up tomorrow.

### Consent items

President Mourdock: Alright, we'll move to consent items which consist of employment changes, travel requests, the EUTS request for the approval of Room 318, County Council surplus property additions, the County Auditor submitting accounts payable vouchers, Area Plan Commission with the acceptance of their annual report and Mercy Ambulance acceptance of a fourth quarter report. I would ask that we add on consent here the consent item that Commissioner Tuley brought up regarding travel requests for the Commissioners to Indianapolis during the week of February 24th.

Commissioner Tuley: More specifically, I would request to travel on the 25th with lodging on the 25th and return on the 26th. I won't ask for per diem and I may not need a hotel.

President Mourdock: Okay. Bettye Lou, do you wish the same type of provision?

Commissioner Jerrel: No, I won't be able to go because I can't get back in time to go to Council and one of us has to be there.

President Mourdock: Okay. With those as the consent items--

Commissioner Jerrel: I'd move approval.

Commissioner Tuley: Second.

President Mourdock: So ordered.

### Scheduled meetings

President Mourdock: We have in our packet a list of scheduled meetings which you may each review.

### Old business

President Mourdock: Any old business to discuss tonight?

Commissioner Jerrel: There has been no final decision on the SCT contract, but I will keep you posted when we have the meeting. That's all I have to report.

Commissioner Tuley: I don't have anything. No new news on old

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business.

President Mourdock: Okay. Several items, just as an update. Pursuant to our discussion, I did send a letter to Ms. Townsend informing her of the Teamster contract.

Commissioner Tuley: Oh, Tony has the signed contracts in his possession now.

President Mourdock: Okay.

Commissioner Jerrel: Okay.

President Mourdock: Do we need to accept those then?

Commissioner Tuley: I think what we did last week was move for the approval and we signed them last week just subject to the president of the Teamster signing them.

Commissioner Jerrel: You're right.

Commissioner Tuley: He signed them and sent them back to us.

President Mourdock: Yeah, but just for the record we will acknowledge that we received signed copies.

Commissioner Jerrel: I'll move approval.

Commissioner Tuley: Second.

President Mourdock: So ordered. Other old business items, a couple of them. Last week we talked about a County Administrator position. I have you job descriptions that I had drafted up. Pat gave me some comments relative to that. What is your pleasure in our next step with that issue?

Commissioner Tuley: I really didn't have any additional recommendations on the job description that you gave. I guess I would move at this time then that we move it to the Job Study Committee for review and their recommendations in terms of salary and what have you.

Commissioner Jerrel: Did you compare this one with the existing job description?

President Mourdock: The existing one?

Commissioner Jerrel: The existing Superintendent of Buildings.

President Mourdock: Oh, I have not. I have not seen the Superintendent of Buildings.

Commissioner Jerrel: Well, I think we ought to at least look because if we do go before Job Study we ought to be able to say this is the difference between the job that is currently advertised and what we would like to change it to.

Commissioner Tuley: Yeah, that Superintendent of County Building title is such a misnomer.

Commissioner Jerrel: A misnomer.

Commissioner Tuley: Yeah, because that is just a very minute part of what the real job is.

Commissioner Jerrel: Right.

Commissioner Tuley: Well, it is just whatever you guys want to do. I just think it is an important move to move in that direction.

Commissioner Jerrel: I do too. I'll get the copy of the job description from Mr. Deisher and send it to each of you.

President Mourdock: Okay.

Commissioner Jerrel: That way you can take a look at it just so that you're clear. If there is something that you've left out--

Commissioner Tuley: I want strong emphasis on the classification, because I think it needs to be almost to a Chief Deputy-type position.

President Mourdock: I certainly agree with that.

Commissioner Jerrel: So the motion is to move forward.

Commissioner Tuley: Yes.

President Mourdock: I don't know that we need a formal motion.

Commissioner Jerrel: No, we don't.

President Mourdock: Second under our old business, an action item from last time is a similar discussion regarding our County Ozone Officer. As a bit of an update, I met with Mayor McDonald today to talk about, again, how that position would work with the current city EPA Board and the Mayor is going to attempt to schedule a meeting probably later this week with both the EPA board members, the head of the EPA and myself and either of you who would like to attend to discuss that issue.

Commissioner Jerrel: Will you tell us when the meeting is?

President Mourdock: Yes, as soon as I find out. Again, in reviewing the job description I gave you last week, any comments or anything pertinent at this point?

Commissioner Tuley: No, I don't have anything real pertinent with regard to the job description. I was reading Christine's letter and there is some concerns in terms of timing and checking and all that stuff. We will have to address them somewhere, but it may not be in that job description.

President Mourdock: Yeah, and that letter was basically the substance of the Mayor's discussion with the Mayor and I. The discussion that the Mayor and I had today just to make sure that we are not being inefficient.

Commissioner Tuley: Okay.

President Mourdock: The next item that I had was the ozone ordinance review which Joe mentioned in his report. I had the Assessor's Realtor's membership which we have taken care of. The Perry Township, the bulletin board which we have taken care of and the EUTS discussion. So that takes care of my old business items.

**New business**

President Mourdock: Any new business? I would ask for a motion to adjourn.

Commissioner Jerrel: So moved.

Commissioner Tuley: I will second.

President Mourdock: And I will say so ordered.

The meeting was adjourned at 7:52 p.m.

**Those in attendance:**

Richard E. Mourdock  
Bettye Lou Jerrel  
Patrick Tuley  
Joe Harrison, Jr.  
Suzanne M. Crouch  
Charlene M. Timmons  
Tony Greubel  
John Buckman  
Bob Dillow  
Greg Hofmann  
Mike Shoulders  
Mike Buente  
Steve Parker  
Joan David  
Jaya Dodd  
David Dunn  
Edwin Lacy  
Jim Keck  
Gene Hamme  
Jeffrey Berger  
Tony Carroll  
Cal Robinson  
Theo Boots  
Harris Howerton  
Bill Bivens  
Andy Easley  
John Stoll  
Others unidentified  
Members of the media

VANDERBURGH COUNTY  
BOARD OF COMMISSIONERS

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Richard E. Mourdock, President

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Bettye Lou Jerrel, Vice President

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Patrick Tuley, Member



**Vanderburgh County  
Board of Commissioners Meeting  
February 18, 1997**

The Vanderburgh County Board of Commissioners met in session this 18th day of February in the Commissioners' Hearing Room, Civic Center Complex, at 5:36 p.m. with President Richard E. Mourdock presiding.

**Introductions and Pledge of Allegiance**

President Mourdock: Good evening. Thank you all for joining us. You're at the meeting of the Vanderburgh County Commissioners. If you think you're at the County Council or the City Council, you're in the wrong room and now is your chance to escape. As we begin tonight, by way of introductions I will start at my left. To my far left is Charlene Timmons, who acts as our Recording Secretary; to Charlene's right is the County Auditor, Suzanne Crouch, who by statute is the Secretary for the County Commission; to my immediate left is Commissioner Bettye Lou Jerrel; to my immediate right County Commissioner Pat Tuley; to Pat's right the County Attorney, Joe Harrison, Jr.; and to Joe's right our Administrative Assistant, Tony Greubel and my name is Richard Mourdock. As we get started, we would ask that you join us in the Pledge of Allegiance.

**Certification of Executive Session**

President Mourdock: As we get under way this evening we need to announce that we had an Executive Session of the County Commission prior to this meeting. At that session we talked specifically about county personnel matters and the initiation or litigation... pending or threatened litigation against the county. All three Commissioners were present at that meeting, as was the County Attorney and the County Auditor.

**Approval of minutes**

President Mourdock: The second item on our list is the approval of the minutes from the County Commission meeting of February 11, 1997.

Commissioner Jerrel: I'll move approval.

Commissioner Tuley: Second.

President Mourdock: I will say so ordered.

**Joe Profaizer - SCT**

President Mourdock: The third item on our action list tonight is a report from Mr. Joe Profaizer at SCT.

Joe Profaizer: Thank you. My name is Joe Profaizer with SCT Computer Services. I have three maintenance expenditures up for approval this evening. The first of which is to Digital Equipment Corporation for digital hardware, software and recoverall services for the calendar year of January 1st through December 31st of 1997. The total expenditure is \$27,376.03.

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The county's expenditure or share of that is \$17,016.94. Do you want me to continue with all three?

Commissioner Jerrel: I'll make the motion to approve that particular Digital Equipment Corporation claim.

Commissioner Tuley: I'll second.

President Mourdock: So ordered.

Joe Profaizer: The second is to Advanced Micro Electronics for a quarterly invoice for DEC peripheral maintenance. The total expenditure is \$12,096.50. The county's share is \$7,519.18.

Commissioner Jerrel: I move approval of the Advanced Micro Electronics maintenance program for the quarterly invoice.

Commissioner Tuley: I'll second.

President Mourdock: So ordered.

Joe Profaizer: The third is to Executive Software Incorporated. It's disk defragmentation software annual maintenance. The total expenditure is \$1,222.50. The county's expenditure is \$759.91.

Commissioner Jerrel: I'd move approval of Executive Software Inc.

Commissioner Tuley: I'll second.

President Mourdock: So ordered and what does defragmentation do? Does it put broken files back together?

Joe Profaizer: Yes, it does. Your files on your hard drive become fragmented and when you write the files to the hard drive space it can go anywhere on the disk drive. Fragmentation clumps them all together for faster access time.

Commissioner Jerrel: May I?

President Mourdock: Sure.

Commissioner Jerrel: Very briefly, I did speak a little bit about our afternoon meeting today to the Commissioners.

Joe Profaizer: Yes.

Commissioner Jerrel: I indicated that we were meeting again in about a week and a half or two weeks. I have spoken to the Auditor--

Joe Profaizer: Yes.

Commissioner Jerrel: --a little bit about part of the discussion about the prioritizing of the program. Perhaps you and the Auditor could talk a little bit maybe tomorrow to just go over the general tenor of our meeting.

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Joe Profaizer: Okay.

Commissioner Jerrel: When I get back from Indianapolis we'll get together again because I want the Commissioners to be aware of this.

Joe Profaizer: Yes, absolutely.

Commissioner Jerrel: Okay.

Joe Profaizer: I'll be glad to. I'll get in touch with you in the morning.

President Mourdock: I don't mean to put you on the spot, Joe, but we had kind of a duplication here in our agenda. Item B and Item G, effectively, these two topics, and just to go ahead and conclude Item G, did you have any other comments about your personnel request or anything at this point? If you don't, like I said, I'm not trying to put you on the spot.

Joe Profaizer: In our meeting today we are requesting three additional personnel. We've talked over our current needs for service. We talked over the future and current project plans. I can go ahead and elaborate or if Bettye Lou would rather defer and discuss that with you that is fine too.

President Mourdock: Not too long ago, within the past 30 days, you were talking about two people were you not?

Joe Profaizer: Yes, I was.

President Mourdock: Okay.

Joe Profaizer: Since then we've went back and have looked at industry standards for additional staffing. For instance, how many people, staffing people, per number of PC's is industry standard? Well, industry standard is 150 PC's per person. Right now we have 400 PC's and we have one person handling those 400. The industry standard also is one person per five or per six file servers. We have two people handling 16 file servers right now, so the total request is going to be for three additional staff members and potentially maybe something in the contract as an amendment for future planning purposes. When we go over this next level, you know, we're going to have to figure additional manpower in the background to keep up on these PC's.

President Mourdock: What, by definition, does industry standard mean? Does that mean as pertains to governmental-type entities or is that commercial industry and everything all together?

Joe Profaizer: It's everything under the sun, basically.

President Mourdock: Okay.

Commissioner Jerrel: I will say to you that we have 45 file servers at the Evansville-Vanderburgh School Corporation, 1800 PC's and 700 of the stand alone and six and a half people for all that management, so the standards...we are negotiating this and Leslie is doing some research and we want to sit down with

Joe later. We've got some bigger issues if we are going to use these standards or any other standards, and if they are going to drive what happens then we need to determine what the purchasing is going to be for the whole county instead of just putting things in budgets.

Joe Profaizer: Correct, correct.

Commissioner Jerrel: Okay.

Joe Profaizer: Is that all?

President Mourdock: Any other questions for Joe? That's it then. Thank you, Joe.

Joe Profaizer: Thank you.

**Dan Spindler - Given & Spindler**

President Mourdock: The next action item that we have is Mr. Dan Spindler, who I think we've...yeah, with a report on the auditorium.

Dan Spindler: Members of the Commission, my name is Dan Spindler and I am President of Given & Spindler Company. Our company, along with Aiken Management, has the contract to manage the Vanderburgh County Auditorium and I want to thank you for giving us the time this evening to give our annual report of operations for the year of 1996. Before I get into that I would like to introduce Nina Cox, our General Manager at the Vanderburgh County Auditorium, and send apologies for Larry Aiken who normally would have attended this meeting for our annual report, but has been out with surgery and is still recovering. There are a couple of other housekeeping items that I would like to quickly cover prior to getting into the report itself. One is that we would like to have approval from the Board to go before Council Call in that now that the Board has taken action on setting the affirmative date, being January 5th, I believe, in 1998, and the result of that being the operations of the Vanderburgh Auditorium and Gold Room will be open for the entire year. We need to go back to Council to look at a request for additional appropriations for our budget for 1997 in order to finish funding the operations for the year itself.

Commissioner Jerrel: I would like to add a caveat to that. I would like to meet with you first and go over your requests since I am the one who worked with you on your budget last year.

Dan Spindler: Certainly, we would welcome that opportunity. We certainly would.

Commissioner Jerrel: I'll move approval that I meet with them and then we will take the request to Council.

Commissioner Tuley: I'll second.

President Mourdock: So ordered.

Dan Spindler: Thank you.

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President Mourdock: Just by way of background, as I recall, originally when you worked on the budget you looked at six months?

Commissioner Jerrel: Uh-huh.

President Mourdock: Then we extended the period--

Dan Spindler: For a year.

President Mourdock: --to keep it open?

Dan Spindler: Right.

President Mourdock: Okay.

Dan Spindler: The other housekeeping item is that I have a returned insurance premium check to turn over, I guess, to the Auditor. Jesse Stock Insurance Company has refunded \$2,171 on last year's insurance premium. For whatever reason, the check was made out to Given and Spindler as well as Aiken Management. It has been endorsed and I would like to turn it back over to the county.

President Mourdock: Okay.

Dan Spindler: Our report for 1996 has good news and bad news. Hopefully, by the end of the report you will see that we have more good news to report than bad news. I would like to call your attention to the poster or the board over to my left-hand side and talk first of all about the overall expenses for 1996. As you can see, the area in green reflects the operations in terms of operating expenses from the years of 1991 through 1996. Expenses have been increasing. In fact, the 1996 overall operating expenses ran \$491,560 which is \$9,875 or a 4% increase over the previous year's operation. Utilities were the largest contributing factor in that they had a \$20,000 increase alone just in the fact of utilities in 1996 over the 1995 operations. However, in looking at this, in the year of 1992 is when professional management went in to the overall operations, and even though we've had an increase in operating expenses, if you'll look at the bottom line under the deficits you'll be able to see that the actual deficit itself has at least somewhat stabilized during this time period. The overall 1996 operating deficit ran \$241,639. In 1996 we had an increase in the deficit, the first time since 1993. I would like to point out that our operating deficit is still 7% less than the deficit to the year prior to professional management. The next item deals with the aspect of income. Again, the poster to the left, and there are copies in each of your folders, reflects the revenues from 1980 through 1996. Again, with 1992 being the first year of professional management. Our operations in 1996 resulted in an actual decrease in revenue and this is the first time in four years, or actually almost five years I guess now, that revenue has decreased. From 1992, 1993, 1994, 1995 operations were all record year's income for this particular facility. Our income was actually down in '96 compared to 1995 by \$278. The total income was \$249,921. This income is still, for the 1996 operations, 42% higher than the year prior to professional

management being in place. Part of the factors that we believe have contributed or had a major contribution to the income not being up again in 1996 is the uncertainty of when construction would begin. We had to operate for most of 1996 and even in 1995 booking into '96 under the premise that we could offer a particular customer...we could market to a particular customer saying yes, that date is available in the building, however, if the Commission or the county would decide to commence construction, then, in fact, that date would no longer be available. When you are dealing with meeting planners, conventions, Broadway series and all the various types of uses that go into the facility that makes it very, very difficult to try and market that kind of a facility with people on guaranteed dates in advance. We think the fact that we now have a firm decision by the County Commission that it will be open all of 1996...or all of 1997 rather, that we should be able to have a better marketing tool to be able to guarantee patrons and customers of the Auditorium and Gold Room that, yes, their date is available for their particular booking as well as tell them that the construction has been decided upon and that there is a firm date. In fact, our contracts, as you know, have included in the last year, basically, a caveat that said that should the county start construction that the contract is basically, null and void. That contributed, I think, had a very negative impact on our overall income. Our Ticketmaster Box Office location; the Ticketmaster Box Office continues to increase sales as more people in the downtown area become aware of its location. This provides a service to people living and/or working downtown and also provides a revenue source for the facility as well as a major tool to help attract performances to the Auditorium itself. We opened the Ticketmaster Box Office after beginning management of this facility, so we've had just a few short years to really try to promote that and we see that as promotions for people being aware of that particular location. Even though we may not be open every evening or every weekend like many retail establishments, it certainly is playing a major role. The results of operations for 1996 with the Ticketmaster Box Office we sold 15,799 tickets through that box office for Vanderburgh County Auditorium events. We sold 5,234 tickets for events through the Ticketmaster system of events held outside of the auditorium. The total tickets sold is 21,033. Our volunteer program is, we feel, a major success story for 1996. In 1994 our company established a volunteer program. The majority of the volunteers are retired individuals who donate their time by servicing this facility as greeters, ushers, ticket takers, coat checks, concession and floor managers. One in depth training session was held in October of last year and several other abbreviated sessions were also held throughout the year. Most of our training commenced with review as well as looking at specific needs for specialized types of events themselves. The volunteers assisted in a total of 49 events. The total man-hours donated were 2,491 hours representing a 34% increase in donated hours over the previous year. I believe that a great deal of gratitude needs to be expressed to all of those volunteers. Their time not only in '96, but in the previous couple of years, has saved the county tens of thousands of dollars as well as provide a very viable service to patrons of this facility and created a much better image for the overall facility itself. Our facility usage; 149,730 individuals

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enjoyed themselves while attending 214 different functions in the facility. There were 91 events in the auditorium with attendance at 93,178. There were 97 events in the Gold Room, 26 events using our meeting rooms, and the total attendance for the Gold Room and the Meeting rooms for the year was 56,552. While patrons of the auditorium watched three Broadway shows in 1996, the highlight of the year certainly was in May with the performance of Les Mis. I don't know if you're aware of this and maybe even many of the folks living in our county, but Evansville, Indiana, Vanderburgh County was the smallest city that Les Mis has ever performed in. We feel very, very fortunate in having the ability to attract them not only to our area, but also being able to utilize this facility. There were a wide array of functions. Everything from conventions, wedding receptions, Philharmonic events, dance recitals, talent shows, shareholder meetings, holiday parties, craft shows, expo events, Broadway, proms and a whole host of other events were held in this multipurpose facility. 1997 is also shaping up to also be a very good year in that we now have three Broadway shows booked for this year: Singing in the Rain, Joseph and the Amazing Technicolor Dreamcoat and Stomp will all play in 1997. We have 186 event days consisting of 61 separate events already booked. Again, as I said earlier, I think with your decision to have the facility open where we can guarantee individuals the right to use that facility and that it will be open this year will greatly assist us in being able to continue to promote the facility for more bookings for this year. The last item is a contingency plan. As we approach the construction period closing of this facility a new concern becomes very apparent. At this time we have 118 event days booked for 68 separate events in 1998 while the facility will be closed. There are 57 event days booked for an additional 28 events in the year of 1999. We believe that good stewardship of this facility calls for a contingency plan to be developed to assist those loyal customers who have bookings in the facility while it is under construction. While I realize that there may not be a legal responsibility on the part of the county to accommodate and assist those individuals, we believe that there is a moral and ethical obligation as well as simply good business sense to assist those individuals that have in good faith booked in '98 and '99 and we even have at this time two tentative holds for the year 2000, but to assist them where possible in trying to find other accommodations and working with them and other locations to accomodate them so that, hopefully, through those effort we've not only provided a good service, but we can also turn around and hope to see their usage come back into the facility once it is finished. We would also like and request some guidance from the County Commission in regards to how far out at this point in time you would like for us to look at bookings? We are constantly, at this point in time, being contacted as well as our marketing efforts from previous years as well as current marketing efforts and are getting requests to look at bookings. Obviously, we wouldn't book anything now that we at least have some tentative construction dates, but for the time period beyond that. As you are well aware, Broadway, wedding receptions, conventions and those types of uses are booking a year, two years, three years and in some cases even five years out. While we may not know exactly what the marketing pieces will look like, nor has anyone established what

kind of rental rates and specific facilities will be available once construction is completed, we think that it is important that we either turn the tap off and say forget it for a while or at least take the initiative to go ahead and start holding dates for a time period once construction has commenced. I thank you again for your time this evening. I would be more than happy to answer any questions that you may have.

President Mourdock: Okay, thank you, Dan. Any questions for Mr. Spindler?

Commissioner Tuley: More of just a comment, Dan. I do recognize and appreciate that you recognize the need to keep as many of our potential customers happy as we can in working with them to help find them alternate places to hold their facility, so that once we get our facility up and going again that they will not of had a bad taste in their mouth for us and will want to come back and do business with us. It is important that you recognize that and I am glad that you did.

Dan Spindler: Thank you.

President Mourdock: Yeah, I will ditto that and then ask for a suggestion from you as well, Dan. Your comments about the contingency plan, if you will, everyone's nightmare scenario that we start down our construction path and then something happens and, in fact, we are 60 days or 90 days or four months, whatever, behind schedule. Do you have any thoughts? Again, you don't necessarily have to have them off the top of your head at this moment, but any thoughts?

Dan Spindler: I do just from other experiences in working with all types of facilities.

President Mourdock: Other than hang the Commissioners responsible?!

Dan Spindler: No, not that. I think that just like the architects, I'm sure, will build in a contingency factor for some cost overruns and adjustments, you need to do the same thing in the schedule. That's good planning. We build that window in from the beginning whether it is say a suggested 90 day period, but you build that window in initially and say that we are not taking bookings beyond this point. As you start through the construction phase then it is very important that the window, that lag time, in there also becomes adjusted. You may have a firm date of saying we won't book anything...I think at this point in time tentatively August 15--

Commissioner Jerrel: Of '99?

Dan Spindler: --of '99 is the target date. So as a suggestion we may say, okay, for 60 days beyond that or 90 days depending on, obviously, working with the architects we won't agree to book anything under a firm hold hypothetically let's say December 1st. As you move through construction you may adjust that. You would also take another period of time where you would book, let's say hypothetically, from December 1st to January 1st or February 1st and you may go ahead and accept

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reservations for that date with the caveat that this far out, basically two years out, as we progress through construction your date although firm if construction is complete still may have to be adjusted. So you build that into your scheduling.

President Mourdock: I understand that.

Dan Spindler: Okay.

President Mourdock: I guess my question is that we tell somebody that the facility is going to be ready on August 30, 1999 and they say, fine, we're going to come in and be ready to have an event in the Gold Room, or whatever we rename the Gold Room, on September 1st and then we don't make our date. Do you have any suggestion as to how we might work with the Coliseum or some place else? That's what I read when I read the words contingency plan.

Dan Spindler: Oh, as far as the contingency plan during construction?

President Mourdock: For when it should be finished, but it is still during construction.

Dan Spindler: I think that if we spent the time wisely in developing relationships for contingency plans with coliseums, hotels, I mean, all the other facilities around, 4-H Centers or whatever, and granted those facilities may not offer the exact same accommodations that are here, but the difference is having no accommodations versus something that is slightly inconvenient. If we develop those relationships certainly that should carry over then from that contingency plan in to the fact that say the construction didn't get completed on time.

President Mourdock: Okay. Alright, thank you. Any other questions?

Commissioner Jerrel: No, I'm not willing to accept that we are going to take that long to build that facility because most of it is remodeling and I think that if our architect gets those design plans ready that they should clearly have those deadline dates in. I mean, I can't imagine that facility is going to take any longer than that to be finished.

President Mourdock: As Danny said, there is already some contingency in here for scheduling, but the bulk of your discussion or the bulk of the question obviously needs to be dealt with beyond the presentation here.

Commissioner Jerrel: But not here.

President Mourdock: Right.

Dan Spindler: I guess I still would like the consideration whether you would like for us to start developing a contingency plan and start working with those individuals at this time? The second questions is at this point in time we basically have not booked anything beyond the year 2000, okay?

President Mourdock: Right, and this says you've booked 57 event days for 28 events in 1999.

Dan Spindler: Yes. Even last year we would not take an event booked beyond the year 2000.

President Mourdock: I understand.

Dan Spindler: As we've approached that time period and now have some more reasonable expectations, I guess I am asking the Commission if it is alright if we look to continue to keep marketing and try to book those conventions and so forth beyond that time period?

President Mourdock: I understand your question. Quite honestly, there is something that we need to do. It is kind of both ways and the note that I made myself was to take it under advisement at this point and to get back to you and direct it so that we can have some discussions to deal with Bettye Lou's issue on the schedule.

Dan Spindler: Sure.

President Mourdock: So that we might be better able to do that--

Commissioner Tuley: Yeah, we can have whatever discussions, but the bottom line is because none of us can guarantee and know, we do need to plan for that. The greatest thing in the world would be that we don't ever have to do it and everything falls in line, but you've got to plan for it. We can have the discussions and that goes beyond what we can do here tonight.

Dan Spindler: Right. We can certainly work with that. I mean, we had to work with that in 1996. We've had to kind of dance on one foot and say yes, please come to our facility and use it. We're going to do everything we can and oh, by the way, if it is under construction you can't have the event. We've been able to work and live, I guess, under those kind of accommodations and we can certainly give some guidance and thoughts to assist you in those decisions.

President Mourdock: Okay, just by way of a suggestion to my fellow Commissioners, I've made a note here for March 17th which is effectively a month to get back and decide how, in fact, we want to do that.

Commissioner Tuley: We'll have more information by then.

President Mourdock: Okay, thank you, Dan.

Dan Spindler: Thank you, again.

**Bruce Ungethiem - Darmstadt Ambulance Service**

President Mourdock: Our next action item is Mr. Bruce Ungethiem, with Darmstadt Ambulance Service. As Bruce walks to the microphone, I suspect there are several people here who wish to address this issue? To speak to this issue? Very good. I was

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going to put a time limit in effect, but since there is just one speaker we will make it easy.

Bruce Ungethiem: I won't be that long! Good evening, thank you. My name is Bruce Ungethiem and I am a resident of Vanderburgh County and a resident of the Town of Darmstadt. I am here tonight representing the citizens of Darmstadt on a matter that is very serious to us and could, in fact, be a matter of life or death. Before I begin, I would like to introduce a couple of people here so that you know who these people are. We do have two Town Board members here. Teena Preske, who is the President of the Town Board, and Bill Smith, who is a Town Board member. In addition, I would like the residents of Darmstadt who are in attendance just to stand so that you know how many people here are involved in this issue.

President Mourdock: Okay. I should stand, but I'll remain seated.

Bruce Ungethiem: I noticed you didn't stand. We have a resident of Darmstadt up in the front. Let's get right to the issue. The action that we are asking the Commission to take tonight is to reinstate Mercy Ambulance Service to the Town of Darmstadt. The reason for that is emergency medical service is very vital to our community and our town and no one should be denied access to that proper medical service. Now to give you a little bit of background to how we got to this position, in the past, prior to 1997, the town has always been covered under the county ambulance's contract with Mercy, and before Mercy with Alexanders. Last year the Scott Township Trustee came to the Commissioners and asked the Commissioners to not provide ambulance service to the Town of Darmstadt inclusive. The problem with that being the town...excuse me, with the township, Scott Township, inclusive. The problem with that is most of Darmstadt lies in Scott Township and that was a little bit out of his jurisdiction to do that because he didn't have authority to make that statement for the Town of Darmstadt. He had no request from the Town Board to do that. On the 28th of January a lot of the people in Scott Township received a letter with a statement in it that the Scott Fire Department, who is a separate private non-profit organization and not associated with the Trustee, but, in fact, a separate company, would discontinue emergency medical coverage in the Town of Darmstadt effective March 30th leaving Darmstadt without ambulance service. To date the town has attempted to talk with the Scott Fire Department, and on three different occasions have set up meetings to try and talk with the fire department and resolve this issue. On all three occasions the fire department has canceled that meeting. To my knowledge, unless Teena corrects me, they have not sat down and talked about this issue at this point. March 30th is approaching quickly. Our position as residents of the Town of Darmstadt is that we already pay county tax that goes into the General Fund which then provides Mercy Ambulance Service. Since emergency medical service is vital to our community, and the reason for that is that we have a school within the town limits that has over 100 kids in it, we have a day care center that has over 50 kids in it, we have the Vanderburgh County 4-H Fairgrounds which has a lot of annual events that will require emergency medical service and we have a lot of residents in the

Town of Darmstadt who are of retirement age and the probability of them needing emergency medical service is probably higher than people who are younger. We cannot count on a resolution of this situation with the fire department before the 30th of March. We have come here today to try to resolve our ambulance needs in a different manner. Even if we did come to a resolution there are a couple of other things that we are concerned with and that is the quality and the cost of the service that we're getting. Scott Fire Department does not fully staff both of their ambulances on 24 hour a day/seven day a week basis with fully paid paramedics. Therefore, there will be times when they are not available. Mercy does fully staff their ambulance service. They have somewhere between four and eight ambulances on staff around the clock 24 hours a day with paramedics on board. There is always going to be somebody there when you call to respond to an emergency. There is some concern, and I know some people in the Town of Darmstadt have some concerns about Scott Township responding to fire runs and there has been an issue with an emergency medical run up on Highway 41 North. I don't have all the details on that, but it appears as though Scott Township did not make the run and Mercy did. We have reason to be concerned that they may not be making the runs out all of the time. From a financial standpoint, Scott's EMS budget with the Township Trustee is \$72,500. That's their contract with the Trustee. There are some additional funds that put that figure over \$100,000. Of that, several thousand dollars of that depending upon how much the final contract actually is with the Town of Darmstadt and the fire department, Darmstadt will be required to pay as EMS service, okay? Mercy's annual cost to the county is a maximum of \$197,000 a year. Mercy indicated to me that there would be no additional charge to the county or to the Town of Darmstadt to add Darmstadt into their coverage. So if we are looking at this strictly from a business perspective, we're looking at Mercy's Ambulance Service at no additional costs to us versus Scott's Fire Department service at some cost to us which we don't know what it is now and we have limited ability to control that. Some additional information is that I talked with Mercy Ambulance Service, Mr. Jerry Key. He did indicate that he would be happy to provide the Town of Darmstadt ambulance service. They would have a posted position at Highway 41 and Mount Pleasant Road. They would also have another posted position at St. Joe and Diamond Avenue, and they have a third posted position and he didn't know exactly where it is, but somewhere in North Park. From those three posted positions they could respond to Darmstadt. They would even consider posting an ambulance in Darmstadt periodically if the run load warranted it. I assured him that if he decided to do that we will find a spot for him to park. Jerry also indicated that, as I stated before, the ambulance service contract with the county is \$197,000. There would be no charge to extend that in Darmstadt. In fact, he indicated that the \$197,000 has been that way for several years. It has not changed. It did not change when the Commissioners reduced the coverage area and took Scott Township out of the coverage and he indicated, basically, what that did to him from a business standpoint is it didn't reduce his expenses because he still has to have the same number of ambulances, but what it did is cut his revenue out because he makes money on the runs he makes to the county and then gets

reimbursed by the insurance companies on those medical runs. Actually, he lost revenue. Now he did not say this, but my guess is if he sees that in 1997 the cost of that contract may go up in future years to recover some of those revenues that he is losing. The way we see this is that it's a win, win, win situation. The residents of Darmstadt win because they receive the best medical service available for their children, their spouses, their parents and friends who live in Darmstadt. The service is full-time, fully staffed Mercy Ambulance Service. Just to give you an idea, from personal experience I was a former volunteer firefighter and an EMT. I would much prefer to have somebody come to my house when I call them who does this on a daily basis and whose skill level is at a higher level than somebody who does it once a week or once a month. From a medical standpoint I am really concerned with that. I know as an EMT if I didn't make a run for three or four weeks when I got to the scene I'm thinking okay, what is it I've got to do? How did I do this? If you don't use those skills those skills tend to diminish. Mercy uses those skills every day. Scott does not. Scott Fire Department does not. It's a win for Mercy Ambulance because they can generate more revenue from runs in Darmstadt without increasing their expenses. It's a win for the County Commissioners because they can provide valuable service to more county residents at absolutely no cost to the county. The contract is \$197,000 now and it will be \$197,000 if we include Darmstadt into that, okay? That is basically what we would like to propose to the council and what we would like to do is answer any questions that you might have at this time.

President Mourdock: Questions?

Commissioner Tuley: Bruce, let me make sure I understand. Are you currently under...you, as in the Town of Darmstadt...under contract with Scott Township for providing you fire and/or emergency?

Bruce Ungethiem: Let me answer that by saying the Town of Darmstadt believes that we have a contract with the Scott Fire Department for fire and emergency service until 1998. There is records in the minutes of the Town Board meeting and records in the minutes of the Fire Department that in 1993 an agreement was made between the Town of Darmstadt and the Fire Department for a five year contract to begin in 1994 and run through 1998 at 10% increase per year. We are three years into that contract and now the Fire Department says that they do not have a contract and they want to up the ante.

Commissioner Tuley: But that was for fire and emergency medical?

Bruce Ungethiem: It was for fire and first response EMS service. It was not for ambulance service for 1994, '95 and '96 because Scott didn't have ambulance service until this year, okay? They have made a decision, the Scott Fire Department and the Trustee of Scott Township, have made a decision to go into the ambulance service in Scott Township.

Commissioner Tuley: When? Do you remember when that started?

Bruce Ungethiem: I think that started...what? The middle of

last year? About the middle of last year they got their first ambulance. They now have a second ambulance and they've got one stationed at each station. One is in Darmstadt and one is in Daylight. It is kind of a side issue, but if you look at that the Town of Darmstadt's position is that we still have a contract with you for two more years. The fire department's position is no, we don't have a contract. There is no signed document, but there are three canceled checks for '94, '95 and '96 which indicates that the gentleman's agreement is in effect and does run for two more years. That's not an issue to be discussed here necessarily because that is a separate issue outside of this group. What we are basically talking about now is providing ambulance service to the citizens of Darmstadt.

President Mourdock: That's right. They are two separate issues. Obviously, we don't have a county fire department and there is no way the Commissioners can deal with the fire issue at all.

Bruce Ungethiem: Right.

President Mourdock: Just by way of history, and I think a couple of the folks who are in the room now might have been here last year at one time we had a question that came up over the drainage issue in one of the new subdivisions. Much to our surprise, the County Commission found out that we could not rule as a Drainage Board on that issue because the Town Board of Darmstadt had never basically yielded their inherent authority to do so. It appears, and I'll let the County Attorney speak to this since he is the attorney and I'm not, but it would appear to us that we may not have the authority within the Town of Darmstadt to institute the ambulance service. However, having said that if the Town Board of Darmstadt wants to pursue that certainly we could facilitate, as you said, with Mr. Key to try to tie something on to the original contract that we have for the rest of the county. We don't have a problem with that, but as far as the actual authority to do it even though it was done in the past, and I know that is about what you were going to say--

Bruce Ungethiem: No, that's not what I was going to say.

President Mourdock: Oh, okay.

Bruce Ungethiem: What I was going to say is we have the same situation with law enforcement protection in the Town of Darmstadt. We used to have a Town Marshall. He retired and we couldn't find anybody else to take the job, so what we have done is through a contract with the county contracted the Sheriff's Department to provide that law enforcement protection for our town. It appears to me that's a similar situation here. We do not have the capability to provide our own ambulance service, but we could contract with the county to have them assist us in that. I'm not sure what the mechanism was at that point in time, if it was a letter, a request or a small contract or whatever that mechanism was, but it is my understanding that we pay a nominal \$4,000 or \$5,000 a year to the County General Fund for police protection, sheriff protection. What we are attempting to say here is can we do that same kind of thing for ambulance service? It is imperative that if you are familiar

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with how these runs get dispatched, it is imperative that we don't have two or three different ambulance services overlapping one another because invariably where that seam is somebody is going to get missed. We're going to wind up with either two ambulances there or worse than that no ambulance there and somebody dies.

President Mourdock: Are you suggesting with that statement that we not do anything until 1998 because you just said you think you have a contract with Scott for fire and ambulance?

Bruce Ungethiem: No, because earlier I said this situation with the fire department is likely not going to be resolved before the 30th of March. The fire department has told us that they will pull fire and medical service on March 30th and we cannot do without medical service. The fire service we are going to deal with on separate issue. To give you an idea, I would much prefer to have medical service than I would fire service. If my house burns down I've got insurance to replace that. If my child goes down and chokes and dies there is no amount of insurance that will stop that.

Commissioner Tuley: Right, right.

Bruce Ungethiem: Okay. We must have medical coverage.

Joe Harrison, Jr.: Can I ask you this, Bruce? Obviously, in '93 or '94 when the Town of Darmstadt entered into the contract for the fire protection since Scott didn't have ambulance service at all then that couldn't have been part of the contract wherever the contract is. Are you saying that really there is no agreement between the Town Board and Scott regarding ambulance service?

Bruce Ungethiem: That is true.

Joe Harrison, Jr.: But they are providing it, but you're saying there was no approval at any meeting or anything like that?

Bruce Ungethiem: The fire department never came to the Town Board and requested that they provide ambulance service.

Joe Harrison, Jr.: Okay. Commissioner Mourdock made a good point. The City of Evansville has a contract with Mercy. The Commissioners can't contract for the city. The county has a contract with Mercy, but Darmstadt really needs to contract with Mercy. Darmstadt is a town. They chose to be a town and they have the ability to contract with Mercy for that service. Now maybe it can be in the form of an addendum maybe to our agreement because you've had some discussions with Mr. Key. From what you are saying you don't know of any contract that you all have with Scott at this time for ambulance service. Is that correct?

Bruce Ungethiem: Well, at the time that the contract was negotiated in 1993 they did not provide that service.

Joe Harrison, Jr.: I understand.

Bruce Ungethiem: So it was basic firefighting and first response EMS.

Joe Harrison, Jr.: I understand, but transporting of patients--

Bruce Ungethiem: At that time it was probably the responsibility of Alexander's.

Joe Harrison, Jr.: Right. But since last year when they started their ambulance...when Scott started their ambulance service you're saying that there is no agreement that you are aware of between the Town of Darmstadt and Scott?

Bruce Ungethiem: No.

Joe Harrison, Jr.: Township, fire department or whatever?

Bruce Ungethiem: No, not for ambulance service.

President Mourdock: Where are we?

Joe Harrison, Jr.: What I would suggest you do is get with your counsel for the Town of Darmstadt and discuss what you are talking about tonight and speak with Mercy if that is what you want to do.

President Mourdock: Again, we will certainly facilitate, as the County Attorney said, if it is an addendum to our existing contract which by the way only runs through this calendar year.

Bruce Ungethiem: Right.

President Mourdock: It runs through December 31, 1997. If, in fact, the Town Board chose to be part of that contract as an addendum we're willing to use the current contract as a vehicle to do that and certainly look at it in the same fashion again in '98 as we consider things. At this point, clearly, I think it needs to come from the Town Board for the entire Town of Darmstadt, meaning that part in Scott Township and that part of Darmstadt in Center Township as well.

Bruce Ungethiem: Right, and you also have German and Armstrong.

Joe Harrison, Jr.: Yeah, that's what I was afraid of.

President Mourdock: I live in Center.

Bruce Ungethiem: There are actually four townships in the Town of Darmstadt.

President Mourdock: Right, yeah.

Bruce Ungethiem: There's not much, but there is--

Joe Harrison, Jr.: Keep in mind that this is just Darmstadt.

Bruce Ungethiem: Right.

Joe Harrison, Jr.: It's not Scott, so everybody outside of Darmstadt--

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Bruce Ungethiem: That is true.

Joe Harrison, Jr.: --the same deal that's there now.

Bruce Ungethiem: We don't have jurisdiction. That's the Trustee's responsibility. Now, is what I am hearing from you is that you would like something in writing from the Town Board to you or to Mercy or to both?

Joe Harrison, Jr.: Well, I think the first thing...again, you need to get with Mercy. Between the Town Board and Mercy you need to start talking.

Bruce Ungethiem: Okay.

Joe Harrison, Jr.: Whether that's in the form of a separate contract that has nothing to do with the county...that would probably be preferable. If that is not the case, then maybe it can be something that you all sign off on and the Commissioners can also sign off on as well. The Town of Darmstadt has, just like the City of Evansville and the County has, they have the ability to contract with whomever they want to provide their ambulance service.

Bruce Ungethiem: Right, right.

Commissioner Jerrel: When is the next Board meeting?

Bruce Ungethiem: It's every second Tuesday of the month.

Commissioner Jerrel: Now you're not a member of the Town Board?

Bruce Ungethiem: No, I'm not.

Commissioner Jerrel: Well,--

Bruce Ungethiem: Teena is the President.

Commissioner Jerrel: This is something that you are going to have to initiate in a public meeting.

Teena Preske: Right.

Commissioner Jerrel: I mean, you need to maybe call a special meeting. I don't want to give you any advice, but I am just saying that you can't do it because you don't really represent...I mean, you're not...she's the President.

Bruce Ungethiem: I wanted her to speak, but she told--

Commissioner Jerrel: I'm just saying that you need to call a special meeting and it all needs to be done in a public meeting authorizing it and there needs to be a contract drawn up that is a legal contract and you need to take action in a legal meeting because--

Joe Harrison, Jr.: Because that's the law.

Commissioner Jerrel: Yeah, it's the law.

Bruce Ungethiem: We understand that. What we're trying to determine at this point in time is that a legal contract between the Town of Darmstadt and the County or between the Town of Darmstadt and Mercy?

Commissioner Jerrel: And Mercy, that's what you need to do.

Bruce Ungethiem: Or a combination of the two?

President Mourdock: It is basically a contract between the Town of Darmstadt and Mercy, but, again, if we can facilitate using our contract that is fine.

Bruce Ungethiem: The last thing I want to do is have the Town of Darmstadt contracted with one ambulance service, the county contracted with somebody else and the Township contracted with a third.

President Mourdock: Right.

Bruce Ungethiem: I mean, that just gets to the point when you never know who is going to come.

President Mourdock: Okay.

Bruce Ungethiem: From the standpoint of coordination the reason that we are coming here is we would prefer to have the county coordinate that instead of having three ambulance services have one basically to serve--

President Mourdock: Yeah, Mercy's--

Bruce Ungethiem: --because the dispatchers are going to have a heck of a time when they get a phone call in--

Commissioner Tuley: Knowing who...

Bruce Ungethiem: --and it's 14300 St. Joe Avenue. Well, is that in Darmstadt, is that in Scott Township, is that in Armstrong Township and who do I dispatch? I really feel sorry for the dispatchers.

President Mourdock: Yeah, that will have to be worked out by Scott and Mercy. Those are the two entities. All we can deal with here is the legality of it.

Bruce Ungethiem: Okay.

President Mourdock: Alright, thank you.

Bruce Ungethiem: Any other questions? Thank you.

President Mourdock: Oh, Bruce before I forget. I think I forgot to do this at the start. Did you state your address when you were up?

Bruce Ungethiem: No, I didn't, 2037 Fleener Road.

President Mourdock: It's 2037 Fleener Road for the record.

Okay, sorry. I forgot to ask you for that.

**E.P. Goad - Coliseum renovations**

President Mourdock: The next action that we have is for coliseum renovations and a bid by E.P. Goad.

Commissioner Jerrel: That was asked to be withdrawn until the Purchasing Department can go through the bid process with the Coliseum and bring back a recommendation.

Tony Greubel: Mr. Goad? Are you Mr. Goad?

Mr. Goad: Yes.

Tony Greubel: Commissioner Jerrel, he was invited to come here if you had any questions. Do you have any questions for Mr. Goad at the moment?

Commissioner Jerrel: Well, the questions came from the Purchasing Department and they had...I mean they were wanting to facilitate this. Probably the best advice is if you could give him the telephone number of the Purchasing Department and ask him to get a hold of them first thing in the morning.

President Mourdock: Okay. That is deferred one week?

Commissioner Jerrel: Yeah, uh-huh.

President Mourdock: The next item on our agenda...

Commissioner Jerrel: Did we need to approve his contract with the auditorium?

President Mourdock: With the coliseum?

Commissioner Jerrel: I mean, the coliseum.

Joe Harrison, Jr.: Oh, what was just before us?

Commissioner Jerrel: Uh-huh.

Joe Harrison, Jr.: No, they want to take a look at that to see if it followed the right bidding RFP procedure.

President Mourdock: Yeah, that project was funded out of CCD Funds and clearly it ought to be handled by County Purchasing.

Commissioner Jerrel: That's right.

Joe Harrison, Jr.: Lynn just wants to take a look at it and then come back.

President Mourdock: Right, and I think that is prudent.

**County Corrections Fund - Roll call vote**

President Mourdock: The next item on the agenda is for a roll

call vote for the County Corrections Fund which last week came before us and we did by motion, but I guess technically since it is an ordinance we should of had a roll call vote.

Joe Harrison, Jr.: Yes, that is correct. Even though it was unanimous you don't need a second reading, but a second reading never hurts anyway, so if you would just have a roll call vote on that, that will take care of it.

President Mourdock: First I would ask for a motion for approval of the County Corrections Fund, the ordinance establishing same.

Commissioner Tuley: So moved.

Commissioner Jerrel: Second.

President Mourdock: I'll ask for a roll call vote. Commissioner Tuley?

Commissioner Tuley: Yes.

President Mourdock: Commissioner Jerrel?

Commissioner Jerrel: Yes.

President Mourdock: I'll vote yes. It is approved.

<b>Old business</b>
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President Mourdock: We have several items on the agenda that are actually old business, but I think we can deal with them very quickly. Commissioner Jerrel has already talked about the SCT item as part of Joe Profaizer's report. Regarding the ozone meeting with the Mayor that was supposed to have occurred last Friday, that got delayed. One of the EPA Board member's father passed away, so that meeting did not take place. Joe, regarding the Barrett Law application, do you want to deal with that now or in your county attorney report?

Joe Harrison, Jr.: I'll just deal with it then.

President Mourdock: Okay.

Joe Harrison, Jr.: If that is fine?

President Mourdock: On the job description updates, last week I gave you to somewhat reconcile, I guess, the posted information or the prepared information on the job description I put together for the County Administrator. Any comments on that?

Commissioner Tuley: No, I thought you did a very thorough job, quite honestly.

President Mourdock: Okay.

Commissioner Tuley: We were on the same wave length only you took it in much more detail than I did.

President Mourdock: Okay.

Commissioner Tuley: I have no problem with what you put together.

President Mourdock: Is it appropriate...go ahead, Bettye Lou.

Commissioner Jerrel: It is very appropriate, but there is some overlap because you didn't match it with the Administrative Assistant's position.

President Mourdock: Do you mean Superintendent of County Buildings?

Commissioner Jerrel: No. No, a lot of those same...see the Administrative Assistant's position does cover some of this, so that is a second position.

President Mourdock: Right. Is that a problem that they overlap?

Commissioner Jerrel: No, but you would want to people assigned to do one duty.

President Mourdock: Well, a job description is not a job assignment.

Commissioner Jerrel: Okay, well if that doesn't bother you then it is fine.

President Mourdock: Are we at the point were we can begin to carry that to the Job Study Committee?

Commissioner Jerrel: Yes.

Commissioner Tuley: I'll so move.

Commissioner Jerrel: I'll second.

President Mourdock: Alright, so ordered.

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

President Mourdock: At this point, any group or individual wishing to address the County Commission, and I see all of you here, I think, for the zoning meeting which will actually convene at 7:00, so if you are here for zoning I would ask you to stay calm for a minute. Any one else here to speak on Commission issues?

**John Stoll - County Engineer**

President Mourdock: Department head reports, the County Engineer, John Stoll.

John Stoll: The street plan that you have in front of you is for Sycamore Hills, Phase 4 replat. It would be an asphalt street--

Commissioner Jerrel: John?

John Stoll: Yes?

Commissioner Jerrel: I can't hear you.

John Stoll: Is that any better?

President Mourdock: A little bit.

John Stoll: The street plan is for Sycamore Hills, Phase 4 replat. It is a roll curb and gutter with asphalt streets. I have reviewed the plans and would recommend that they be approved. This is just an extension of the previous sections of Sycamore Hills that have been in various stages of construction for several years.

Commissioner Jerrel: I'll move approval.

Commissioner Tuley: Second.

President Mourdock: So ordered.

John Stoll: The next item that I've got is in regard to the Stringtown Road Bridge project. It currently has a completion date of June 3rd and the contract calls for an 18 day road closure time to replace the deck on that bridge. If we would give an extension to the completion date, then the road closure time could occur after the school has let out which would minimize disruption to the school bus routes. Since the only viable detour route is Buena Vista to First Avenue to Diamond Avenue it is a rather long detour route, so this would help eliminate any problems in getting those kids to school. It will still have some problems because it is a high volume bridge, but all and all if the time extension could be granted this would at least eliminate one problem. I would recommend that we grant a time extension to allow that.

Commissioner Jerrel: Do you know the last day of school when the buses will run?

John Stoll: Not right off the top of my head.

Commissioner Jerrel: I think it is June 4th.

President Mourdock: And I'll bet Bettye Lou knows.

John Stoll: Much better than I would!

President Mourdock: We need a motion then to accept or do something other than the County Engineer's recommendation for the closing of Stringtown Road Bridge.

Commissioner Jerrel: I'll recommend the closing of Stringtown Road Bridge predicated upon a correct closing date for school buses.

Commissioner Tuley: Second.

President Mourdock: So ordered. Just to clarify that, you are saying that you don't want it closed before the end of school?

Commissioner Jerrel: Right.

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John Stoll: Okay, I'll get all the correct dates and let you know next week. The final item that I have got is just for your information. A couple of weeks ago you authorized a change order for the concrete repair contract to repair a section of Virginia Street out on the east side between Metro Avenue and Royal Avenue. As it stands now we think there might be a sanitary sewer that has a leak out there, so we have not pursued that as of yet. We are waiting to see if the sanitary sewer has caused the problem and if so then they will be responsible for fixing it. It may be something that we might have to add on to next year's contract rather than doing a change order on this year's contract depending on when the sewer department does all their inspection of the sewer.

President Mourdock: Is "they" in this case, the "they" that might be responsible, is that the sewer?

John Stoll: The Water and Sewer Department, yes.

President Mourdock: Are you saying that if they are responsible that they would pay our part?

John Stoll: Right. They would have to go down and fix the sewer and in turn when they backfill it they will have to repair the pavement.

President Mourdock: Okay.

John Stoll: That's all I have.

President Mourdock: Any other questions for John?

Commissioner Tuley: Well, John, Joe is getting ready to get into this Barrett Law thing again. Do we have conclusive records somewhere that shows that those roads in Westwood Hills Subdivision have not been accepted by the county and never were built to county standards? Do we have any kind of documentation?

John Stoll: There is no documentation that says they specifically weren't accepted, but if they would have been accepted--

Commissioner Tuley: There is not documentation that says they ever were then?

John Stoll: Right. We would have a record if they would have been.

Commissioner Tuley: Okay, the next question. Is there documentation that would show any conversation or that possibly they were built to county standards or anything?

John Stoll: No, the only notes that we've seen on the plans showed that some sections of the streets were four inches thick which is a sidewalk standard not a street standard and there is no record of acceptance that we've ever seen anywhere.

Commissioner Tuley: Okay, thank you.

President Mourdock: Thank you, John.

John Stoll: Thanks.

**County Garage**

President Mourdock: Do we have a report from the County Garage tonight? Did you get a written report.

Commissioner Tuley: It is in the packet somewhere.

President Mourdock: Okay, we have a written report submitted.

Commissioner Tuley: I'll move acceptance of the report as presented.

Commissioner Jerrel: Second.

President Mourdock: So ordered.

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

President Mourdock: Joe Harrison, Jr., County Attorney, with the attorney's report.

Joe Harrison, Jr.: I just have a couple of things. The Soil and Erosion Control ordinance, Charlene, has that been advertised? That hasn't been advertised yet is that correct?

Charlene Timmons: I sent it to the paper today and it will be in the paper Friday and then the following Friday.

Joe Harrison, Jr.: Okay. There was one change made to that. I took out the Town...or excepted the Town of Darmstadt from that, so if they want to adopt the same ordinance, which I am sure they would want to, they could do the same.

President Mourdock: Did you send anything to them?

Joe Harrison, Jr.: Well, I have communicated with Mike Wathen and he agreed that is something that should not have been in there. I am going to be communicating with Tom Bodkin, their counsel. I know that they will want to go through with it and approve the same. I will speak with Tom Bodkin, their counsel for Darmstadt, regarding that. Also, concerning the Barrett Law, I've done some research and I still don't have the answers yet. I've spoken with bond counsel up in Indianapolis regarding whether we can group several different Barrett-type Law projects together. I am going to receive a response back regarding that questions. I have not received response back on that. I am still doing some other research. John Stoll has communicated with me regarding some questions that he has regarding the procedures and the statute is not exactly clear on some of the motions that have to be followed regarding the preliminary resolutuion and construction estimates. I'm going to be seeking some guidance if I can on that statute. It's not exactly clear on what has to be done. What I am going to do though...whatever

we do I am going to err on the side caution as opposed to being loose with it. We may go a little too far on what we're going to do, but we're not going to go loosey-goosey on the laws on that. Welfare to work initiative; there is an attorney in my office that is helping me out with the Gatekeeper RFP and, hopefully, you and I, Richard, can go up to Indianapolis within the next couple of weeks and meet with them, with the Department of Family and Children's Services or the Department of Welfare, up there. I will get back with you on that. The ozone ordinance I really haven't done anything substantial yet but I've reviewed the information. I am trying to get some ordinances from some other counties and apparently you have provided me one from Lake County. I'm in the process of trying to get some information from Clark County as well and I also have the draft that the city is working on. I just want to get as much as information as I can.

President Mourdock: Just FYI there is also out on the NACO, the National Association of Counties home page, they have some sample ordinances regarding environmental issues and I think they have one on ozone, so you might want to check that also.

Joe Harrison, Jr.: National Association of ...?

Commissioner Tuley: Counties.

Joe Harrison, Jr.: Counties?

President Mourdock: Yeah, NACO. I think it is NACO.ORG, I would guess.

Joe Harrison, Jr.: I think that is it.

President Mourdock: Okay, any other questions for the County Attorney?

Commissioner Tuley: Nope.

**Tony Greubel - County Commission Office**

President Mourdock: The last of our department head reports is the Superintendent of County Buildings. Tony is sitting in for that spot. Do you have anything to report?

Tony Greubel: I talked with the Chief Deputy in the Auditor's Office today and also with the tax person in charge of tax sales for some of our county surplus property. That has been a lingering issue for the past few years. We've gone over certain options which we might be able to do that I would like to run past the attorney who is handling the surplus property issue.

President Mourdock: Who is that?

Joe Harrison, Jr.: It's my sister.

Tony Greubel: Sara Harrison.

Joe Harrison, Jr.: Yeah, that's a...I shouldn't say a nightmare, but it kind of is. Anyway, we've been working with the

Auditor's Office and whatever Tony wants to learn about that whole process would be great because I think it would help because there are a lot of calls that come in from people who are interested in purchasing these properties. It gets them off the county's roll.

Tony Greubel: That's almost everyday. I would like to at least send them a letter saying what our options are.

Commissioner Jerrel: I have a question. I recall through Council that we appropriated a sum of money to do all of the research on the deeds. Remember? You entered into some kind of contract?

President Mourdock: Yeah, we bid that.

Commissioner Jerrel: Right. Is there a date when those that have been completed no longer are valid. I mean, does that have an expiration date on that research?

President Mourdock: You're talking on the contract itself?

Commissioner Jerrel: No. I'm talking about--

Commissioner Tuley: The findings?

Commissioner Jerrel: --the findings of that. If we have those different properties, and I am not using the correct language,--

Joe Harrison, Jr.: The abstracts?

Commissioner Jerrel: Yes, the abstracts researched and that is done and you pay \$200 for each one of those and there is a date when that expires or whatever happens to it--

Joe Harrison, Jr.: You're wanting to know do you need a title update before we get rid of a surplus property? Maybe. The thing is the property is ours right now. I mean the surplus property is ours. Now, the property that is in the redemption stage and the tax sale stage that's a whole different issue because that hasn't come to the county yet. Once it's the county's it's ours and we can't have judgement against us like individuals can. I mean, I guess we can, but you know what I am saying. It is not the same.

Commissioner Jerrel: I don't want to pay for that again.

Joe Harrison, Jr.: Well, what we've got to pay for is that initial step that gets us to the point where the property comes to the county. I don't believe that is a problem because there would be a title search up to the point where we got it and it is our property. It is unlike an individuals--

Commissioner Jerrel: I don't want to pay for it again.

Joe Harrison, Jr.: Right, I don't blame you.

Commissioner Jerrel: Okay.

Joe Harrison, Jr.: Neither does the county.

President Mourdock: Good question. Anything for Tony? Anything else?

#### Consent items

President Mourdock: We'll move to our consent items then which consist of employment changes, travel requests and an approval of claims. I believe, Tony, do you have those in front of you?

Tony Greubel: Yes.

President Mourdock: Okay, and those are as they were Saturday morning?

Commissioner Tuley: I'll move approval then.

Commissioner Jerrel: Second.

President Mourdock: So ordered.

#### Scheduled meetings

President Mourdock: We have a list of scheduled meetings on the back of the agenda. Next week we will again be meeting at 4:00 in Executive Session with our 5:30 Commissioners meeting. Next week we have Drainage Board. Personnel and Finance meeting on the 26th at 3:30 and a Steering Committee meeting on the 20th at 9:00. Any other additions or deletions that anyone knows of for that?

#### Old business

President Mourdock: Any old business for the Board this evening?

Commissioner Tuley: You covered it.

President Mourdock: Pardon?

Commissioner Tuley: I think you covered it unless there is additional--

President Mourdock: Bettye Lou, do you have any old business?

Commissioner Jerrel: No.

#### New business

President Mourdock: Any new business before the Board this evening? With that I will move for a brief recess with the Rezoning Meeting to recovene at 7:00.

Joe Harrison, Jr.: You should adjourn this meeting.

Commissioner Tuley: Yeah.

President Mourdock: Yeah, I guess that is a better word. I will formally move that we adjourn this meeting.

Commissioner Tuley: So moved.

Commissioner Jerrel: Second.

President Mourdock: We are adjourned.

The meeting was adjourned at 6:47 p.m.

**THOSE IN ATTENDANCE:**

- Richard E. Mourdock
- Bettye Lou Jerrel
- Patrick Tuley
- Joe Harrison, Jr.
- Suzanne M. Crouch
- Charlene M. Timmons
- Tony Greubel
- Joe Profaizer
- Dan Spindler
- Bruce Ungethiem
- Teena Preske
- Mr. Goad
- John Stoll
- Others unidentified
- Members of the media

VANDERBURGH COUNTY  
BOARD OF COMMISSIONERS

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Richard E. Mourdock, President

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Bettye Lou Jerrel, Vice President

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Patrick Tuley, Member

**Vanderburgh County  
Board of Commissioners Meeting  
March 3, 1997**

The Vanderburgh County Board of Commissioners met in session this 3rd day of March in the Commissioners' Hearing Room of the Civic Center Complex at 5:39 p.m. with President Richard Mourdock presiding.

**Introduction and Pledge of Allegiance**

President Mourdock: Good evening. Welcome to the March 3rd meeting of the Vanderburgh County Commissioners. If you are looking for the City Council, they're down the hall. If not, you're in the right room. As we get started we would ask you to join us with our Pledge of Allegiance. As we get started this evening, first to make some introductions at my far right is Mr. Tony Greubel, our Administrative Assistant in the Commissioners Office; to his left is the County Attorney, Joe Harrison, Jr.; to my immediate right is County Commissioner Pat Tuley; to my immediate left is County Commissioner Bettye Lou Jerrel; to Bettye Lou's left the County Auditor, Suzanne Crouch, who functions as the official Recording Secretary; and to Suzanne's left is Charlene Timmons, who is our hardworking truly Recording Secretary, I guess. If you did not when you walked in the room tonight, there are agendas for the meeting over here on the far table. We have a number of action items to go through and at one point we will call for anyone who is not on the agenda to speak, so if you don't show up on the agenda you are still welcome to come to the microphone. Because all of our minutes are taken verbatim off of tape, if you are going to speak you must be at the microphone and also, please state your name and address for the record.

**Approval of minutes**

President Mourdock: Having said all that, we will begin through our action items with the first item being the approval of minutes from the meeting of March...I'm sorry, February 24th.

Commissioner Jerrel: I'd move approval.

Commissioner Tuley: Second.

President Mourdock: So ordered.

**Certification of Executive Session**

President Mourdock: The second item on our list is certification of the Executive Session just prior to this meeting. Beginning at 4:40 today there was an Executive Session of the County Commission. During that meeting no final decisions were made, no votes were taken and the subjects discussed were pending or threatened litigation against the county and also county personnel matters. So, we will sign and execute that document.

**Erosion and Sediment Control Ordinance - First reading**

President Mourdock: Next on our action items we have the first reading of the Erosion and Sediment Control Ordinance. Joe, do you have some comments on that one? Or, I saw Mike Wathen, I think. Mike, do you have any comments to make?

Joe Harrison, Jr.: I don't have any comments right now. I think Mike may want to address the Commissioners and I believe there are probably some individuals in the audience that would like to address the Commissioners regarding the proposed ordinance. Again, this would be the first reading.

President Mourdock: Okay.

Mike Wathen: Mike Wathen, Soil and Conservation District. I'm here basically to answer questions and serve as an information source. I know there are several people in audience, I think, who would like to speak.

President Mourdock: Anyone wishing to speak on the Erosion and Control Ordinance on its first reading? Please come forward.

Richard Steedman: My name is Richard Steedman and I am an attorney here in Evansville. I represent Bill Wittekindt who is a developer who develops property primarily on the north side of Evansville and the McCutchanville area. I just did want to address very briefly the Erosion and Sediment Control Ordinance. I wanted to let you know that we are very much in favor of this ordinance and the general thrust of it. We feel that this places the burden in the proper spot and that is with each individual property owner as they acquire ownership of their property as it is developed. We know that a lot of work has gone into the language and the ideas behind this ordinance. As with any ordinance we do have some concerns about individual sections. We're concerned that it does not specifically address the situation of public and private utilities as they engage in land disturbing activities which are fairly substantial and over which most property owners have little or no control, so we are concerned that the ordinance does not address that. We would like to see some tightening up, perhaps, of the due process sections of enforcement in that we would like to see notice required to be in detail and written when it is given to the property owner and that there be a specified time within which the property owner is given notice that he must take corrective action before any penalty is imposed. Also, we would note that the penalty is imposed in the statute or in the ordinance prior to the property owner having any time to speak to the validity of those charges or the corrective action that he may feel he has undertaken in compliance. So, we are concerned that there is no opportunity for the property owner to address the problem until after the penalty is imposed by the Building Commissioner and the situation would go to actual litigation. We realize that there are other concerns that we and others may have as this ordinance is implemented and the bugs are worked out. I guess we would just urge that, assuming the Commission does adopt this, that it remain open to amendment as we work through this. Again, we are very much in favor of it and we feel that this is a good ordinance, that it is a great step forward over what we have at present and we would urge your adoption with a

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mind open towards making appropriate amendments as we work through it.

President Mourdock: Okay, thank you, Mr. Steedman. Others wishing to speak on the Erosion Control Ordinance? Shirley.

William Smith: My name is William Smith and I live at 745 West Boonville-New Harmony Road in Darmstadt. I am on the Town Council in Darmstadt and I wanted to let you know that I have a copy of this and our attorney is preparing the proper wording in it, you know, so that we can be a part of this thing. We are in favor of it also, so as soon as we get our papers back, which we have a meeting next Tuesday, a week from tomorrow, and we should have this copied by then and we will proceed from there. If that's okay?

President Mourdock: That's more than fine with us, the Town of Darmstadt. Shirley.

Shirley James: I'm Shirley James and I'm pres...I almost said president! I swear, it is such a habit! Anyway I represent West Side Improvement Association and I am standing in for the President this evening, Steve McCallister. We, the Westside Improvement Association, strongly support this ordinance. In December 18, 1992 we requested that such an ordinance be developed at that time. We're happy to see it here. We'll do everything we can to help enforce it. As you know, we have two very severe problems where this is really causing some devastation at the present time because of siltation and everything into Carpenter Creek. We are looking forward to this and we are very happy about it. Thank you.

President Mourdock: When did you say, Shirley, that you first approached the...?

Shirley James: December 18, 1992.

President Mourdock: `92, okay.

Commissioner Tuley: And they say the wheels of government turn slowly!

President Mourdock: Yes, yes, but they do turn.

Shirley James: It was the Center West people came in and when they cleared out the trees a whole neighborhood was wiped out. So that was the time. Thank you.

President Mourdock: Okay, very good. Thank you. Anyone else wishing to speak to this particular issue?

Bud Bussing: My name is Bud Bussing and I am land developer. I would like to say that I think this is a good ordinance. It places the burden of maintaining the erosion control on the property owner rather than the developer. It is impossible sometimes for the developer to do anything once he has sold the lot, so I think it is a very good ordinance. Thank you.

President Mourdock: Thank you, Mr. Bussing. Anyone else wishing

to address the Commission regarding this particular ordinance?

Joe Harrison, Jr.: For your information, the City of Evansville did adopt a similar ordinance on, I believe it was November 20...hang on a second here. November 25, 1996. Basically, the same ordinance, so it has been in effect within the city of Evansville for the last two months, three months. Also, the Town Board of Darmstadt is considering the same ordinance and thereby it will be hopefully in effect within the whole county. The Soil Conservation District will be, which Mike Wathen is here for, will be basically monitoring and enforcing the ordinance for both the city and the county and the Town of Darmstadt. This is, again, a first reading this evening with respect to the ordinance. This is the time for the public hearing with respect to the ordinance. Also, I may add that the Genesis, I think, for this ordinance was the result of a number of meetings over the past year or so that Mike Wathen and others, including developers and homeowners have had and they have basically come up with this particular ordinance. The standards and specifications, I believe, for this particular ordinance are set forth in the Indiana Handbook for Erosion Control in Developing Areas. So, there is a handbook out there that sets forth most of the language that is in the ordinance. Again, it is published by the Natural...Indiana Natural Resources. That is available, I presume, and I am sure that Mike has a copy of that and I think the Commissioners do as well.

President Mourdock: Any comments from the Board regarding the ordinance?

Commissioner Tuley: Mike, in reference to Mr. Steedman's questions, it does talk about notice and what have you, but it does not specifically state that it would be in writing.

Mike Wathen: The one point that he made reference to under enforcement and violations if you look at Sections 1 and 2:

"SWCD or their representatives or authorized agents of Vanderburgh County are authorized to enter the site for purposes of investigating non-compliance reports and to verify compliance measures. If entry is denied by property owner, a court order may be sought and obtained by SWCD or their representatives to permit such entry on property."

Item 2:

"SWCD representative will investigate the incident at the site, make corrective recommendations to the property owner or the property owner's agent."

Our first role, if I understood what he said correctly, that was what he wanted to see in writing, that second Item 2. Is that correct?

Commissioner Tuley: That's my understanding, yeah.

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Joe Harrison, Jr.: Well, do you have any problem with putting that in writing? It doesn't say it has to be in writing, but it doesn't say it can't be in writing. I mean, you don't have any problem putting that in writing?

Mike Wathen: I think the reason that we did it the way that we did is just from a time standpoint and the huge volume of incidents that we are going to be dealing with. We've had 11 today.

Joe Harrison, Jr.: I understand, but you don't have a problem with doing that? If you have put it in writing you don't have a problem with doing that?

Mike Wathen: I don't have a problem with doing it.

Joe Harrison, Jr.: Okay, I think what Mr. Steedman is saying is sometimes people get their messages crossed and I think that if you speak with someone orally, you know, in person that you ought to follow it up with a letter. Not only does it protect you, but it may protect them as well if they have a misunderstanding with what might have been told to them. I think that is the prudent thing to do and I would urge you to put anything in writing if you're asking someone to make some corrective measure.

President Mourdock: As a matter of practice, it would be no more complicated, I presume, then having a very basic form letter that you would send out 11 times today.

Mike Wathen: We'll put something together.

President Mourdock: Okay. Mr. Steedman's comments also about having something that can be amended in the future, I think are pertinent. Certainly any ordinance can be amended down the road, but I think the key there is being sensitive to whether it works or whether it doesn't work. I see that perhaps as a given, but it is always good to be reminded of it.

Joe Harrison, Jr.: I think if there are going to be changes and there probably will be some changes or modifications, but they will need to be made to the city's ordinance as well as the county's and the Town of Darmstadt's. I think you want to be uniform, but since the city has already passed their particular ordinance I think the prudent thing would be to consider this particular document and then move forward if things have to be changed then make the changes.

President Mourdock: Any other discussion?

Commissioner Jerrel: Are you ready for a motion?

President Mourdock: Hearing none, I would ask for a motion for approval on first reading and publication.

Commissioner Jerrel: I would like to move that the ordinance concerning Erosion and Sediment Control be approved by the Board of Commissioners of Vanderburgh County.

Commissioner Tuley: On the first reading.

Commissioner Jerrel: On first reading.

Commissioner Tuley: Second.

President Mourdock: So ordered.

Joe Harrison, Jr.: You all need to...technically, you probably need to take a vote.

Commissioner Jerrel: Okay, a roll call?

President Mourdock: A roll call even on first reading?

Joe Harrison, Jr.: Yeah.

President Mourdock: Alright, I'll ask for a roll call vote then for the Erosion and Sediment Control Ordinance. Commissioner Jerrel?

Commissioner Jerrel: Yes.

President Mourdock: Commissioner Tuley?

Commissioner Tuley: On first reading, again, just because I think we need to make at least the initial indication that those citations or recommendations will be in writing. I'll second. I mean, yes.

President Mourdock: I will vote yes.

<b>Jayne Berry-Bland - County Treasurer</b>
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President Mourdock: The next item we have...I see our County Engineer is in the hallway, so we will move to the County Treasurer for credit card use for tax payments. Now he is in the room. I just skipped you, John. Well, it's time for the Strawberry Hill.

Commissioner Jerrel: Do you think we ought to do that then or do it --

President Mourdock: Let's move you down here and do it all at once. Okay, we'll get to that when we do it. We'll set that aside for the moment. If we could, let's move to the County Treasurer's comments on credit card use for tax payments.

Jayne Berry-Bland: Jerry Berry-Bland, Vanderburgh County Treasurer. Actually, I have a couple of things. We got our reports done that we just give to the County Commissioners on a monthly basis. Both the fund investment and the General Fund investments. I would like to leave those with you tonight.

President Mourdock: I'll ask for a motion, I guess, for acceptance of the monthly Treasurer's Report.

Commissioner Jerrel: Move approval.

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Commissioner Tuley: Second.

President Mourdock: So ordered.

Jayne Berry-Bland: Okay, I got that one out of the way. The next thing that I have is I'm going to leave the best for last the credit card. I would like to make a statement on the timekeeping issue. I would like to make a statement regarding the timekeeping proposal by the Auditor's Office. Not at any time has Mrs. Crouch questioned the personnel policy. Instead, she has questioned the actual timekeeping by the individual officeholders. I called an officeholders meeting on February 19, 1997 to discuss the concerns of all the offices regarding the timekeeping proposal. The consensus by the officeholders was that immediate changes need to be made to the County's Personnel Policy. Since my meeting of February 19, 1997 Mrs. Crouch has taken it upon herself to notify the Commissioners of some of the things that were discussed at that memo...or at that meeting. Her memo dated February 24, which I am sure that you have a copy of, addresses the way she interprets the county's personnel policy. I would like to say on behalf of all the officeholders that attended the February 19th meeting that we appreciate the four meetings scheduled in March by the Commissioners to discuss the personnel policy even though a bit premature. We will be prepared though to question many of the issues in our County Personnel Policy. I would also like to request that the Commissioners establish a committee from the officeholders of Vanderburgh County to ensure that all of the officeholders are informed of all the discussions regarding the personnel policy and timekeeping by the Auditor's Office. I don't think that is too much to ask since we have been approaching this subject for several years now. Because a lot of the officeholders felt like that they were uninformed, we still feel like that we're not in the midst of what is happening. We do want you to know that we appreciate you setting up these meetings for us to discuss the many, many problems that we've found to be true from our February meeting. We did have a very nice showing. I see that Mr. Byrne is here from the County Clerk's Office. I'm like him, I don't even like to use the word bipartisan. In no way did it have anything to do with politics. We had a great showing. We did discuss a lot of the issues and the consensus was it is not really the officeholders it is really establishing a new personnel policy. I don't think it is out of the question to form a committee to help get some of these things worked out with the policy.

President Mourdock: Okay. Questions from the Commission at this point?

Commissioner Tuley: I'll be the bad guy. The only thing that I would say, Jayne, is no problem. We welcome the input, but at the same time we would like compliance from the officeholders as to whatever policy comes out that they agree that whatever comes out of there in terms of a policy is adhered to across the board.

Jayne Berry-Bland: I can't speak for every officeholder.

Commissioner Tuley: I know you can't.

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Jayne Berry-Bland: I am one officeholder of many, but of the officeholders, and Mr. Byrne can attest to this, that attended that meeting that day there wasn't one officeholder that does not try to follow that personnel policy. As you are all very much aware, that personnel policy is very, very gray and even contradictory in some areas. It's totally unfair to the employee in my personal opinion.

Commissioner Tuley: Well, I don't disagree with your comments and I know you can't speak for all of them. Probably the ones who will show up to have the input will be the ones who are already doing it as best they can. I guess the word needs to go back that's fine, but everybody across the board needs adhere to whatever policy we come up with. Again,--

Jayne Berry-Bland: I think the majority of them will.

Commissioner Tuley: --I'm sure the only ones that will be there will be the ones who are doing so will be the ones that will show up at the meeting.

Jayne Berry-Bland: I would like to make a statement right now. The majority of officeholders right now are following that personnel policy to the best of their ability. Trust me, the majority are and even I would say the majority of the officeholders have time clocks in their offices.

Commissioner Jerrel: Excuse me. It will help all of us during these four hearings if you write down those things where there are gray areas. We've had for the last couple of years Irwin and Scheele have come in and they've worked with the Commissioners, but it is the Commissioners...the buck stops here in terms of developing a personnel policy.

Jayne Berry-Bland: There are some federal things, I feel that are not being followed.

Commissioner Jerrel: Yes, well put them down because that is what we need, Jayne. There will be one of us of at each meeting and we are very anxious to get the input, but we are going to have to come up with something because that is the responsibility of this Board.

Jayne Berry-Bland: We are only asking for a policy that is workable--

Commissioner Jerrel: Sure.

Jayne Berry-Bland: --for everyone not just for a couple of offices.

Commissioner Jerrel: Well, and I do think in all fairness I want to say that, you know, the issue is not Ms. Crouch's issue in terms of compliance. That was an issue raised by the State Board of Accounts and she responded to that at our wishes, so we are going to proceed to work with everybody.

Jayne Berry-Bland: And I understand that. The State Board of Accounts also has informed me that they in no way asked that her

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office take over the timekeeping. They still feel that it is the individual officeholders' responsibility.

Commissioner Jerrel: For the 40 hours?

Jayne Berry-Bland: And it is. We're elected officials. We are to run that office according to federal and state regulations and to that personnel policy.

Commissioner Jerrel: But, again, when it happens that there is some issue that arises it doesn't end up on your plate it ends up on ours.

Jayne Berry-Bland: That's right.

Commissioner Jerrel: So that is why we want it straightened out.

Jayne Berry-Bland: We do appreciate all that you have...we feel like we have really made some big strides here just with these meetings that have been set up. We are very appreciative of that.

President Mourdock: Okay, well, let me make a couple of comments here. First of all, and perhaps ironically, we had a discussion today out in my business office somewhat in a similar nature about the use of a consultant because sometimes you wonder if you ever get the complete product from a consultant because as long as they keep coming back and fixing the product the meter is running. I wonder sometimes with any consultant, especially in something as gray area as this is, if that isn't the case. You're right, it is the officeholder's duty to administer the policies and stick to them, but as Ms. Jerrel just said, the problem has been in the past your name isn't on the lawsuit, but Mr. Tuley is, Ms. Jerrel is and mine is. We are trying to do the right thing in the right way which is why the meetings were scheduled. Let me also say that Ms. Crouch in response to the meeting you had said perhaps the best way to do that is to schedule a series of meetings, so I'll give her--

Jayne Berry-Bland: Right, but that's not what she agreed to when we had the meeting, but that's okay. We're prepared. We are prepared to...we have the questions written down and the gray areas and the problems in that policy. There won't be one officeholder there that is not prepared. Trust me.

President Mourdock: Okay, well I'm sure that's right. We do want to make a personnel policy that works for everybody. That's our goal. It sounds like we have the same goal and that is a very nonpartisan goal, to use that word.

Jayne Berry-Bland: Thank you.

President Mourdock: So, we'll look forward to the series of meetings coming and, hopefully, we can start to make a little better--

Jayne Berry-Bland: Please don't forget the request from all of the officeholders that attended still feel that it would be nice to have a committee set up of bipartisan officeholders.

President Mourdock: Okay.

Jayne Berry-Bland: To help keep everyone informed because obviously every officeholder probably is not going to make it to every meeting.

President Mourdock: Yeah and I don't know that it is necessarily necessary for every officeholder to make every meeting--

Jayne Berry-Bland: Right.

President Mourdock: --as long as we get input, written or verbal, from those who feel a need to do that. Okay, and regarding the question for the committee that is certainly something that we will keep in mind. Hopefully, maybe this series of meetings will kind of move us beyond even that point.

Jayne Berry-Bland: Thank you.

President Mourdock: You bet.

Jayne Berry-Bland: Next, credit card payments. I have a little memo that I would like to pass out first. Well, once again I am up to something that no other Indiana County Treasurer has done yet. We have a law since 1994 that provides that we can accept credit card payments for our local taxes. The problem that the Treasurers have run into is the law also states that if there is a merchant fee from the credit card company we cannot pass that on to the taxpayer. So, Visa and Mastercard will not forego the merchant fee, but Discover Card will. Discover Card has an entirely different plan for governmental entities that is totally separate then from any other that they have. They do not have a merchant fee. As you can see by the second page of what I just handed you they have what they call a transaction fee. By this law we are entitled to pass this transaction fee on to the taxpayer or the consumer. Before I go any further, if I had a hat on I would take it off to Mr. Harrison. I got him information on Friday. He got right back with me and helped me with this tremendously and I appreciate his very quick response.

President Mourdock: Another nonpartisan comment.

Jayne Berry-Bland: Exactly. Don't hold it against me! As you can see on the transaction fees it is tiered because we have never ever tried a credit card payment system. I have to guess that our average tax bill is going to be over \$200 so I am looking at the first tier there. The first group of numbers. That is how the fees would break down. The taxpayer, as they call in or mail in, when they get a receipt returned to them they will be told what that transaction fee is and it will be passed directly onto their charge slip. Now in order for us to do this we have to have equipment which is terminals and printers. On the last page I have included what the terminals and printers costs. I have talked with the lady from Novus and she feels like for the first year we can get by with four terminals and four printers. Two each being in the Treasurer's Office and two each being at Citizens Bank which handles our local tax payments. They handle

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probably 90% of all mail in payments. They are ran through Citizens Bank. She also told me that these prices are negotiable for the equipment. Now, she did not go into any other detail, so I am not sure how negotiable, but I think we can be pretty pushy because they obviously want Indiana's business. I would like for you to take into consideration of this credit card payment I think it is another option for the taxpayer to pay their tax bills. I had a question today, well, what about the credit card debt? So many people are getting into credit card debt. How do you feel this is an advantage to the average homeowner? I feel like it is much better to have some credit card debt than to have your house sold on tax sale or to lose your property. We are also looking into automatic debit accounts which has not been finalized yet where you sign a form through our office or through the bank and they will actually debit your checking or savings account which we hope to have another option available by spring payment. I'm really going to have to push both of these in order to get them implemented. Mr. Harrison has looked over the contract that she sent. Are there any questions?

Commissioner Tuley: Any legal questions?

Joe Harrison, Jr.: No, the only thing that I was going to say is that the statute is 36-2-10-23 that says:

"A Treasurer may contract with a bank card or credit card vendor for acceptance of bank or credit cards. However, if there is a vendor transaction charge (which is what she is talking about) or discount fee whether billed to the Treasurer or charged directly to the Treasurer's account, the Treasurer shall collect from the person using the card an official fee that may not exceed the highest transaction charge or discount fee charged to the Treasurer by the bank or credit card company."

So that is what you are referring to in your memo would be the transaction fee that would be charged to you that you would pass on to the individual charging to his or her credit card.

Jayne Berry-Bland: That's correct.

Joe Harrison, Jr.: As far as the contract, the one thing I didn't have, and maybe the Commissioners have it, I just didn't have the last page of the contract. I had up through page--

Jayne Berry-Bland: I did not make them a copy of the contract.

Joe Harrison, Jr.: Oh, okay.

Jayne Berry-Bland: I apologize for that. That's my fault. I do have that.

Joe Harrison, Jr.: The term of the contract is it can be terminated by either party given 30 days written notice. Again, there is no other fee other than the transaction fee on the particular transaction.

Jayne Berry-Bland: Right, and according to law we would only charge what the credit card company is charging on that transaction fee. It would be not less. It would not be more. It would be exactly what the credit card company charges.

Joe Harrison, Jr.: As we discussed, prior to someone charging anything they would have to be told up front, either they walk into your office or on the phone, and I guess if it is mailed out and you say it can be charged you are going to have to tell them when they call in on the phone exactly what that charge will be up front before you actually handle the transaction.

Commissioner Tuley: That was going to be my question. Jayne, you may of answered it when you were giving your presentation and maybe I didn't hear when you were reading it. For the people that mail those in how are you going to notify them how much it is? I mean, if they don't call?

Jayne Berry-Bland: When they request for a credit card payment we will have a form that shows them that there is a transaction fee. What I am planning to do or there is a couple of options here and, obviously, I haven't gotten quite this far. There is another option that we could do inserts with the tax bill explaining that this is an option. Obviously, I'm going to have a hard time this short of notice trying to get this information to the public. So I am not so sure that we couldn't just do an insert within the tax bill saying that the Discover Card is an option to pay your taxes and here is the tier of fees.

Commissioner Tuley: Okay, well, this is not partisan, although it may be hard for some people to believe that, I appreciate your innovation in that Vanderburgh County gets to be the first to try something instead of me too later. Its a novel idea.

President Mourdock: I have a couple of questions. I salute your innovativeness here, too. I guess the first question, do I understand correctly that the only card you would be accepting would be Discover Card?

Jayne Berry-Bland: Yes, that is part of the contract.

President Mourdock: Okay, second question. You're going to make notice of this through the tax mailings with an insert in such a way that if people wanted to do it by mail by credit card that would be a possibility?

Jayne Berry-Bland: Yes.

President Mourdock: Okay, this next question is for Joe, then.

President Mourdock: Given the status of the state law that does permit this to happen are we simply or will we in a moment be voting on, basically, the mechanism or whether we should or shouldn't? In other words, are we approving here...let me say it in the inverse. Can we say we choose not to have Vanderburgh County do credit card payments given that the state law says that it can be done that way?

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Joe Harrison, Jr.: Oh, well, yeah--

Jayne Berry-Bland: Yes.

Joe Harrison, Jr.: --because it hasn't happened yet. I mean, apparently from what you just said no county in the state has been taking advantage of this even though they could of. I'm a little uncomfortable. I thought there was one page missing, but there was two that I still haven't looked at so we may have...I may have to glance at it before they consider that tonight. No, this body can agree to do this or not. I think I need nine. I need nine, too, nine, ten and eleven.

Jayne Berry-Bland: It's the cheap fax machine I have in my office.

Joe Harrison, Jr.: The fact that it's available and hadn't been taken advantage of I guess just means that there haven't been any credit cards, I think, out there possibly that have been like Discover, where they had, I think, the other credit cards probably have other fees attached to it that just weren't permissible under state law.

Jayne Berry-Bland: That's correct.

Joe Harrison, Jr.: This is one that doesn't have another fee other than this transaction fee attached to it. So, it's up to you all whether you want to consider this mechanism.

President Mourdock: Well, I understand the answer to this question. I know the answer to this question, but I can already hear the call saying how come I didn't get \$35 knocked off my bill because I paid with a check? I understand the answer to that question, but I know it is going to be asked.

Jayne Berry-Bland: What...?

Commissioner Tuley: I'm confused by the question, too.

Jayne Berry-Bland: Could you say that again?

President Mourdock: Sure. Let's say somebody, and I am going to use your table here, you send out the billing and you say that someone's tax statement is \$3000 and they can pay by credit card and then there will be...actually they will pay \$3,025. You're going to get questions and I know the answer, but you're going to get questions, hey, how about if I only pay \$2,925 because I am going to pay mine by cash, this isn't fair. Again, I understand the answer.

Jayne Berry-Bland: That's pretty simple. Yeah. That's pretty simple.

President Mourdock: Well, I know the answer.

Jayne Berry-Bland: I'll be happy, Mr. Mourdock, for you to send those people to me. I would be happy to answer those.

President Mourdock: Those probably won't come to me. They will probably go directly to you anyway, Jayne.

Jayne Berry-Bland: I think it's worth it and I realize that any time that you implement something new there are going to be some problems and some bugs and probably something we might not have necessarily thought of. I think it's a grand idea. The license branch, as you all know, take Visa and I don't know what other credit cards. They do take other credit cards. Apparently they operate under a different law. I think many people take advantage of that.

President Mourdock: How so?

Jayne Berry-Bland: By paying by credit card.

President Mourdock: Oh, you just mean utilize?

Jayne Berry-Bland: Right, because they don't have to stand in those long lines which is the same problem we have in our office.

Commissioner Jerrel: May I read something to you and see if you can kind of help me think this one through? This is called the charge back rights. Did you go over that carefully?

Jayne Berry-Bland: No.

Commissioner Jerrel: If you do not follow all...this is your office--

Jayne Berry-Bland: Oh, I did go over that.

Commissioner Jerrel: --and the county. So, you all are comfortable with that or do you want me to read it?

Commissioner Tuley: Read it because I don't know what you are talking about.

Commissioner Jerrel:

"If you do not follow all of the terms of this agreement an operating guide with respect to a card sale made by you or if a card sale which is the subject of a billing dispute is subject to a charge back."

So they could have our charges on a bill with another dispute.

"We may refuse to pay you for the card sale or disputed portion of it and if we have already paid you we may at our option debit the settlement account in the amount in question or deduct it from future payments we owe you."

These return charges are called charge backs. Any charge backs that are not paid by the foregoing means shall be due and payable by you on demand. We will notify you of card sales that are subject to charge back as they arise, but in some instances charge backs will be processed prior to the notification as

specified in the operating guide.

If charge backs exceed 2% of the total number of card sales submitted by you in any calendar quarter, we may reserve the right to charge you and you agree to pay a fee of \$5 for each charge in excess of such 2% limit.

If you and a card member resolve a billing inquiry or dispute on a card sale which has been charged back and the bank is permitted by law to rebill the card member for all or a portion of the disputed amount we will reimburse you for the charge or that portion for which the bank can bill the card member.

If due to federal and/or state consumer laws the bank is not able to bill a card member for a disputed transaction we will not be required to reimburse you for the charge or non-billable portion of it even if you complied with the terms of this agreement."

I wish I knew this and you don't, but I would like to know what is the status of credit card collections? If we, you know, accept this what kind of turn around time and what kind of non-payment do banks typically have?

Commissioner Tuley: Don't you thought...I mean you'll have approval, right, just like anybody else? If you go to the store--

Jayne Berry-Bland: I have two remarks to make regarding her issues.

Commissioner Jerrel: Yeah, that's why I wanted to ask you.

Jayne Berry-Bland: Number one is, because we are a governmental entity we are not allowed to take a credit card payment without authorization. If we can't get through for some reason, if the terminal is down or whatever the case may be, we cannot absolutely take that payment. Now, if it becomes a dispute regarding the amount, etc., we by law can charge back the taxes. It's not like I am going to have to say, okay, the county is out \$100, they're not going to pay this bill. The taxes can be charged back and I hope that we operate at an efficient level that we will have slim or none of charge backs.

Commissioner Tuley: That's no different than a check.

Jayne Berry-Bland: Right.

Commissioner Tuley: If we get a bad check you've got to turn around and charge back.

Jayne Berry-Bland: We get many bad checks. As unbelievable as this is, we get a lot of returned checks.

President Mourdock: Do you have any idea, Jayne, what percentage of your checks are bad checks?

Jayne Berry-Bland: It's small compared to how many we actually collect.

President Mourdock: Do you have in researching this, even though no other state or no other county in Indiana has done it, I presume you probably researched other areas where it has been done. Any comparison between the checks, bad checks, and the problems here? I have a hunch, and forgive me here, but anybody who stands on that side of the microphone always tells us all the good things--

Jayne Berry-Bland: Right, and not the bad.

President Mourdock: I have a feeling that you know some bad things that you are not telling us that we need to consider.

Jayne Berry-Bland: I really don't. I wish I did. I'll tell you where this all started. Joe, back here from Computer Services--

Commissioner Tuley: Joe, you get blamed!

President Mourdock: All the usual suspects!

Jayne Berry-Bland: Actually it started several years ago at one of our Treasurer's Conferences. It was questioned. We got this law, but can't use it, why? You know, nobody could use the law because Visa and Mastercard charged a merchants fee which we could not pass on to the taxpayer. Joe happens to find through one of his, I guess it was one of his computer magazines, an article from California, I don't remember the county in California, that had been using the Discover Card for two years. Although they had not had a huge response, they felt like it was very workable and they were very happy with it and was staying with it. They had no problems with charge backs. They had a minimal amount, but the percentage was under 1%. It was very minimal. They felt like it was very feasible to use this system and they've been very happy with it. They said from one year to the second year, now this article was written with their second year of it being used, they had increased the amount of people actually using the card, I believe she said, by 3%. Does that sound right? It's been a long time.

President Mourdock: Increased by or increased to?

Jayne Berry-Bland: Increased more from the previous year which may sound minimal, but if you look at it from my point of view I'm here trying to collect every nickel, every fifty cents that I can get because the more that I can collect the less the rest of us taxpayers are going to have to pay in the future from the delinquencies. I like to look at every option that I may be able to collect money without expense to the county and I realize that this initial setup will be some expense to the county for the equipment, but I feel like if we give it a chance the overall picture is going to be good.

Commissioner Jerrel: I have a question, Joe. On Page 6 it says, and maybe I am being too particular, but it says:

"Billing Inquiries: From time-to-time we or the bank

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may receive a request from a card member for information regarding a card sale transacted by a card member with you."

Are they saying only the person that has charged...this isn't a card member that, for instance, another business can't call up and ask about card members of--

Joe Harrison, Jr.: No, it would be that particular.

Commissioner Jerrel: Okay, that's all I wanted to know.

Joe Harrison, Jr.: Again, I didn't realize that you all hadn't seen this agreement.

Commissioner Jerrel: No, we haven't seen it.

Joe Harrison, Jr.: They may not want to consider this tonight. I mean, I wouldn't blame them if they didn't want to just because they haven't had a chance to look at it.

Commissioner Tuley: Jayne, okay, so you'll go ahead and process it...you've got to remember that I've been gone from there for going on the start of five years now. Will there be a computer change that you are going to have to make to reflect as your receipts come out that this was...how are you going to separate the \$4 to \$25 from the rest of your money? How are you going to do that? Or how are you going to track it so that you know how much?

Jayne Berry-Bland: Their system on their terminals keep separate the taxes and the fee.

Commissioner Tuley: Okay.

Jayne Berry-Bland: They actually wire the money in to us daily.

Commissioner Tuley: So you really don't have to require any kind of computer changes on our end at all?

Jayne Berry-Bland: Right, and it is also a state law that...I don't know if you remember this or not, but it is a state law that mail in payments have to be processed in a 24 hour period and they are well aware of that. So, it would work the same way if we run that credit card through and this is a credit card payment they will have to wire in the money for that particular payment by the following business day.

Commissioner Tuley: They'll keep their \$4 to \$25 and mail you the difference?

Jayne Berry-Bland: That's exactly correct.

Commissioner Tuley: The individual's receipt will just reflect the actual taxes paid?

Jayne Berry-Bland: Yes, and that's an option that I asked for. She gave me several options where they could like bill the county. We would collect the money and they would bill us and then we would pay them back. I didn't like that idea. I felt

like it was much cleaner if we only get the amount of taxes collected on a daily basis.

President Mourdock: Just to clear something up though, a moment ago you said that the receipt the people get will only show the amount of taxes they paid. Do you mean by that the receipt that comes back--

Jayne Berry-Bland: I did not say that.

President Mourdock: I thought that was what you said.

Commissioner Tuley: Yeah, I thought that was how you responded to my question. The receipt that is given to them from your office--

Jayne Berry-Bland: The receipt from our office, excuse me, the receipt from our office will only show the tax amount paid. They will also receive the receipt that is ran through Discover Card's terminal and printer. That is why we need a printer. If it is a mail in they don't have to sign it or phone in, but, obviously, if they come they have to sign that little slip of paper, but they actually would receive just like you do at the department store, you get the sales slip plus your slip that you sign for the credit card purchase. They actually would receive two slips. One showing the receipt of the taxes and the other showing both the taxes and the processing fee. She said that is divided out and then at the end of the day they also print out a report for us that comes strictly through our printer there in our office that shows how much was taken in which would be great because we'll need these stats to see if this is going to be something that we want to continue if we are lucky enough to do this. It shows on a daily basis how many came in and paid with a credit card and it says total taxes, total fees and then the grand total.

Commissioner Jerrel: I think this sounds very interesting. I would hope that if you don't object we could put it back on the agenda next week for a vote. I would like to share it with the Council also.

Jayne Berry-Bland: I'm going before the Council on Wednesday regarding this because obviously I'll need an appropriation if the Commissioners agree.

Commissioner Tuley: The only other question that I have, Jayne, because today is March 3rd. We've already signed the contract to get your bills printed. I mean, if you're going to put an insert how are you going to do that? Are you going to do that where they are being printed or...because they don't come back to you.

Jayne Berry-Bland: They do not come back to us.

Commissioner Tuley: So, if we are going to do this, I mean, absolutely we need to have an answer by next week.

Jayne Berry-Bland: And that is pushing it. That's why I've been trying to...and I do appreciate Mr. Harrison's quick response on

this and he knew that I was trying to get this done for the spring payment. We mail our tax bills the first week of April, or try to. Our tape will be ready to go on March 12th to the printers. If this is approved by the Commissioners I will have to, obviously, have an insert printed and shipped to the printer in Rochester, New York in order to get this insert in.

President Mourdock: Alright, well, we will, and I just added a note to make sure that we have it on the agenda for next week so you may get some calls from the three of us.

Jayne Berry-Bland: Okay.

President Mourdock: I, along with the other members here, support your innovativeness. I'm not sure I support the idea, but I support the fact that you are looking at it differently and trying to find a new way. It is a very interesting proposal.

Jayne Berry-Bland: Thank you.

**Joe Profazer - SCT**

President Mourdock: Joe Profazer.

Joe Profazer: My name is Joe Profazer and I am with SCT Computer Services. I have two items of business on tonight's agenda. The first of which is a payment of an invoice to Comdisco Mobile Disaster Recovery Services from January 1, 1997 through June 30, 1997. Total expenditure is \$3,360.00. The County's expenditure is \$2,080.58. I would recommend approval for that.

Commissioner Jerrel: I'll move approval of the Comdisco Disaster Recovery Service invoice. The county's share is \$2,080.58.

Commissioner Tuley: Second.

President Mourdock: So ordered.

Joe Profazer: The second item of business tonight I just handed Commissioner Mourdock a three year extension agreement with the City of Evansville and Vanderburgh County with Comdisco Disaster Recovery Services and also an amendment for disaster recovery testing. I will explain a little bit here what this is all about. The disaster testing expenditure will be proposed in fiscal year '98's budget. This is just an agreement to sign the amendment this evening for a three year extension.

Commissioner Jerrel: Now say that again.

Joe Profazer: There is an amendment to the three year extension. The amendment is for disaster recovery testing. The disaster recovery testing will not take place until 1998 if monies are approved for it. I would just like to stress that disaster recovery testing is pretty much 80% of disaster recovery, 20% is writing the plan.

Commissioner Jerrel: Well now, wait a minute then. What kind of

costs are you talking about that they're going to come in and test us on?

Joe Profazer: Okay, the testing...it's a mutually agreed upon date and it will be \$3,000 a day for testing, plus--

Commissioner Jerrel: What is it? \$3,000...?

Joe Profazer: It would be \$3,000 a day for testing and the estimate for mobilization expenses which mean they're bringing us a 600 square foot trailer, UPS power supplies, the proper equipment we have in our computer room is estimated at \$11,200 plus 15% mobilization expenses. Those are the estimates.

Commissioner Jerrel: And then how many days are they going to be in here?

Joe Profazer: That's agreed between us and Comdisco. I would think that they would be here no longer than two days.

Commissioner Jerrel: What are they going to test?

Joe Profazer: Well, it is a mock disaster recovery or a mock disaster, say a natural disaster comes in here. We have mocked our computer room with this company. They would test...we would recover data and we would also tap into the network here and there are four locations where we could have this 600 square foot unit. The first of which is right out front here. If that doesn't...I mean, if that is unavailable we'd go to Vanderburgh Auditorium. If that is unavailable we'll go to the Dispatch Center and if that's unavailable we'll go to the Sheriff's Command Post. They'll test just to get us minimally so we can we operate until we can rebuild.

Commissioner Jerrel: Where have they done this?

Joe Profazer: They've done this in the Carolinas.

Commissioner Jerrel: I'd like...excuse me, but this is just another example. I would like to...companies like this are springing up all over everywhere that have special programs that they come in and do for counties. Not just for this disaster testing, but for other issues and then it becomes real money and it may be an excellent program, but, you know, it may also be something that is not something that we actually need because we already have in place certain procedures for disaster. Maybe we don't have enough, but I would like to talk, before we agree to any recovery service agreement, I would like to have the names of communities where this has been performed so I can call and speak to the administrators of either the county or city and find out what the value of this program was and what the end cost was. I just don't want to agree to something--

Joe Profazer: It's a dead expense. It's a necessary evil in my opinion. I mean, you're not going to get anything out of it right now.

Commissioner Jerrel: Well, then I am not sure I would have made that motion if I hadn't heard...I mean, I wouldn't have made a motion to approve it until I had talked to those people in some

counties.

Joe Profazer: I mean, we've done reference checks. We've had an agreement with this company for the last three years.

Commissioner Jerrel: Well then tell me where this has been done and how successful? You just say South Carolina, but where?

Joe Profazer: Well, I'll have to get the actual references for you. I mean, they're a very reputable company. We were going with Digital Equipment Corporations, but since then this company has bought that business unit of Digital, so this is who we're going with now.

Commissioner Jerrel: The replacement company?

Joe Profazer: Yeah, and they've been in business I would say for at least 25 years.

Commissioner Jerrel: I don't know how the other two Commissioners, but I would like to be able to call and talk to a county or city official and say, what advantages did you receive or glean from this? Was it valuable? What did it accomplish? Is that--

Commissioner Tuley: Joe, just so I am clear because this is not new?

Joe Profazer: No, it's not. It is something that we've had in the past since 1993.

Commissioner Jerrel: Digital came in here with van and did it?

Joe Profazer: No, we didn't do the disaster recover testing.

Commissioner Jerrel: That's what I am saying. We haven't done this.

Commissioner Tuley: You haven't done the testing, but the actual service agreement that would provide for those services in the event that we would have a natural disaster has been in effect? Am I understanding that correctly?

Joe Profazer: Yes, yes.

Commissioner Jerrel: Right.

Commissioner Tuley: So what are you hesitating on? The actual test?

Joe Profazer: You're wanting to question the amendment for the testing, I believe.

Commissioner Jerrel: Yeah, I want to talk about that.

Commissioner Tuley: But actually coming in and doing the \$3,000 a day testing, is that right?

Commissioner Jerrel: And \$11,200 plus 15%. I mean, there is more to it than \$3,000.

Joe Profaizer: Right, but the service agreement here, like you said, has been in place since 1993 with a three year agreement.

Commissioner Tuley: It's insurance?

Joe Profaizer: It's basically insurance, absolutely. But if we go down--

President Mourdock: Let me be sure I understand it then. The item that we acted on a moment ago, basically, was the insurance policy.

Joe Profaizer: Yes.

Commissioner Mourdock: And that, as you're saying, we've been doing all along?

Joe Profaizer: Yes.

President Mourdock: And we just did it again?

Joe Profaizer: Yes.

President Mourdock: But Ms. Jerrel's point is regarding the mock emergency and all of that.

Joe Profaizer: That is the amendment--

President Mourdock: That's really the question.

Joe Profaizer: --to the insurance, if you will.

Commissioner Tuley: That part is what you are questioning?

Commissioner Jerrel: I want to hear from somebody that has done this mock and see what the value has been to them.

Joe Profaizer: Okay.

President Mourdock: Joe, did you have a question or comment?

Joe Harrison, Jr.: Yeah, I, and, again, I'm sorry I didn't even realize that you passed...the first thing that was passed was the business continue service master. Was that approved?

Commissioner Jerrel: Yes.

President Mourdock: Yes, and that was actually acting on an invoice from the prior agreement.

Joe Profaizer: That was an invoice.

Joe Harrison, Jr.: I was--

Joe Profaizer: The second item of which is actually two pieces. One, to sum it up, is a three year insurance agreement and there

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is also an amendment for disaster recovery testing. We can approve the three year services agreement and pend the disaster recovery testing until reference checks are made.

Joe Harrison, Jr.: What I would like to see is the original agreement. It says addendum to...is this it right here?

Joe Profaizer: Those are copies of the original. I just have three originals.

President Mourdock: Just for future reference, I think that's the key right there. If you would make sure you get those kind of agreements in to us prior to just handing them to me and I realize it's not always possible to do that.

Joe Profaizer: I made six copies of that. Are you saying you'd like originals ahead of time?

President Mourdock: No.

Commissioner Jerrel: We have a Data Board in the morning or Wednesday.

Joe Profaizer: Wednesday morning, yes.

Commissioner Jerrel: Could you have that ready Wednesday morning and I'll make those calls?

Joe Profaizer: Yes.

President Mourdock: Let me be sure, because this agenda requests says that the entire package, meaning both the invoice and the mock disaster was approved by the Data Board on January 22nd? Is that right?

Joe Profaizer: Yes, uh-huh.

Commissioner Jerrel: Did the Data Board realize that these were all new additional charges for this mock testing?

Joe Profaizer: Uh--

Commissioner Jerrel: Did they know...I mean did they ask any questions?

Joe Profaizer: No, they didn't ask any questions.

President Mourdock: I don't think it's fair--

Commissioner Jerrel: Well I want to ask some questions.

Joe Profaizer: Absolutely.

Commissioner Jerrel: Okay.

Joe Harrison, Jr.: If I could go back, I'm sorry, that is why I asked this originally, the agreement has a provision in it that I know you all approved, but maybe you can revisit it, that this agreement will be governed by the laws of the State of Illinois.

As long as I am County Attorney, I don't want any provision like that in any contract that comes before this body. So, if possible, what I would like for this Board to do would be to take a look at what they just passed and maybe have this contract come back to us with language that says this agreement will be governed by the laws of the State of Indiana, not State of Illinois. If we lived in Illinois it would be different, but I am not going to recommend them approve any agreement ever from any other state other than Indiana.

Joe Profaizer: Okay.

Joe Harrison, Jr.: I know there is an invoice that's got to be paid according to what you were just saying and that is understandable, but as far as this contract is concerned I will ask for them to reconsider their previous approval of this and then have it come back and we can look at it later.

Joe Profaizer: Okay.

President Mourdock: Wait a minute. It must be a full moon tonight. The invoice that we approved, I think, is subject to a prior agreement. Is that correct?

Joe Profaizer: Yes.

Joe Harrison, Jr.: Okay.

President Mourdock: I don't know that there is anything that we can do with what we approved a moment ago since the money is due and owing. However, your comment regarding the State of Illinois is very pertinent for any additional Business Continuity Service Master Agreements which is what this is. Are we in agreement there?

Joe Profaizer: Yes. I will get that taken care of.

President Mourdock: Alright.

Commissioner Jerrel: I'll talk to you Wednesday and get the names.

President Mourdock: I'll give these back to you at this point and the invoice was approved for payment.

Joe Profaizer: Thank you.

President Mourdock: Okay, thanks, Joe.

**Lynn Ellis - City/County Purchasing**

President Mourdock: Lynn Ellis.

Lynn Ellis: I was hiding behind the podium.

Commissioner Tuley: Step right up.

Lynn Ellis: Alright, we have a few items this evening. Just simple items to request permission to bid. The first is

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advertising of bids for a pay loader or wheel loader for County Highway. The request is to advertise on March 13 and 20th and open bids on March 31st.

President Mourdock: Was this part of their approved budget?

Lynn Ellis: Yes.

Commissioner Jerrel: It's in the Cum Bridge budget.

President Mourdock: I just wanted that for the record.

Commissioner Tuley: I'll move that the bid be advertised for the pay loader/wheel loader for County Highway being advertised the 13th and 20th of March and bids being opened on the 31st.

Commissioner Jerrel: Second.

President Mourdock: So ordered.

Lynn Ellis: The next item is to approve the bidding of the concession food bid for Burdette Park. Bids would be opened March 24th and hopefully awarded March 31st in order to get ready for the summer that is hopefully coming soon.

Commissioner Jerrel: I would like to move approval.

Commissioner Tuley: Second.

President Mourdock: So ordered.

Lynn Ellis: The third is the advertising...not advertising. It is just a request for bids for shirts and hats and that is in relation to Burdette Park summer day program. Bids will be opened March 24th and hopefully awarded March 31st.

Commissioner Jerrel: I would like to move approval.

Commissioner Tuley: Second.

President Mourdock: So ordered.

Lynn Ellis: Okay, thank you. You all have a nice evening.

**Joyce Moers - Burdette Park**

President Mourdock: Joyce Moers.

Commissioner Jerrel: Moers. I would like to propose a couple of things. Joyce is not here and I spoke to both Mark and Joyce two or three times. She has recommended, and Mark agrees, that we should increase the day camp fee. I would like to read you very briefly her comments:

"I am submitting the fee rates of the Day Camp programs to you for your review and either approval as they are currently increased. I have prepared an evaluation for you to consider and help you to be informed of changes that will occur this year.

First, due to the change in the Vanderburgh County School schedule our Day Camp program will run one week less than last year and our Discovery Camp will run two weeks less than last year. This will decrease the income significantly from last year. Secondly, we have had an increase in the minimum wage rates since last summer, so the cost of labor will also increase. While these programs have been profitable for the county in the past few years, the basic rate has changed very little. The demand for increased enrollment has escalated each year to what is now maximum capacity in our facilities. We have a waiting list of usually 30 to 40 campers. The list does not include the ones that have had to make other arrangements. I do not feel comfortable increasing our enrollment due to a lack of space."

Joyce has presented to us to help cover the increase due to labor costs you would consider the Day Camp fee increase of \$10 per two week session and Discovery Camp \$5 per two week session which would make both program fees the same. This increase would result in approximately an \$8,000 increase this year and that would be off-set by the approximate \$8,000 increase in wages. I would like to make that motion that we accept the recommendation of the Burdette Park staff.

Commissioner Tuley: Bettye, what about the \$10 discount that's mentioned in that letter?

Commissioner Jerrel: Oh, yeah. They would include that for the Bristol Myers employees the \$10 discount. They do assist us with a grant.

Commissioner Tuley: Every year?

Commissioner Jerrel: Every year.

Commissioner Tuley: Yeah, okay. I'll second your motion.

President Mourdock: So ordered.

Commissioner Jerrel: The second item there were concerning...we entered into a contract with the Concession Managers a year ago and Joyce Moers suggested perhaps we go back to a line item. We talked today and she said she would be willing to defer that until she had a chance to talk to the County Attorney.

President Mourdock: Okay, that's deferred. Any other items regarding Burdette Park?

Commissioner Jerrel: Yes, I did talk to Mark and the same issue came up that he would like to move the assistant guards, some that are now listed in a line item to the payroll. I think his idea is good, but I want to run that by Joe, also. He had a good recommendation.

President Mourdock: Okay, so you'll report back next week on that?

Commissioner Jerrel: Monday, we can act upon it.

President Mourdock: The next item I have--

Commissioner Jerrel: Did we vote? On the Day Camp?

Commissioner Tuley: We did do that.

President Mourdock: Yeah, we did that.

Commissioner Jerrel: Oh, okay.

### **Vanderburgh County Drug & Alcohol Deferral Service**

President Mourdock: Okay, there is a full moon. The next item, we have two contracts for approval for the Vanderburgh County Drug and Alcohol Deferral Service. Any one here to address those issues? Joe?

Commissioner Jerrel: I spoke to Mr. Campbell today. This is a line item in their budget that is called Client Treatment and it is \$8,000 or \$9,000 and they have a list of state certified alcohol counselors and these are two more being added to the list. They use them and the one lady, Connie Grubstein, does speak Spanish and they wanted someone that was bilingual so that if the issue arose that they would have someone. The other one is Martin Graham and they are both state certified alcohol counselors. I would move approval.

Commissioner Tuley: I'll second.

President Mourdock: So ordered.

### **Health Department**

President Mourdock: The last item we have is two contracts for Health Services.

Joe Harrison, Jr.: I met with Sam Elder last week and these contracts, one is with Dr. Art Bentsen regarding services that he provides once a week on Tuesday from 9:00 to 12:00 noon, from the TB Clinic and that is for his services for providing those medical needs. It is \$75.20 an hour. This agreement has been signed by Dr. Bentsen and Dr. Heidingsfelder and it needs to be approved by the Commissioners. The second one is, I think, with the Pharmacist, Don Gries. It is, again, for payment of \$27.50 per hour. That agreement has been signed again by Mr. Gries and Dr. Heidingsfelder and it needs to be approved by the County Commissioners.

President Mourdock: I would add that both of those items come to us with the recommendation of Mr. Elder.

Joe Harrison, Jr.: Yes, that's correct.

Commissioner Jerrel: I would like to move approval of the two contracts for services.

Commissioner Tuley: Second.

President Mourdock: So ordered. That takes care of our action items for this evening.

**Any group or individual wishing to the Commission**

President Mourdock: Is there anyone in the audience wishing to address the Commission on any subject not on the agenda?

**John Stoll - County Engineer**

President Mourdock: Okay, we're at the department head reports. County Engineer, John Stoll.

Commissioner Tuley: He's got bids to be opened. We should of gave him permission a long time ago, so he can start looking those over.

President Mourdock: That's for the Strawberry Hill?

John Stoll: Yes.

President Mourdock: Okay, why don't we do that as the first item here under the engineering report is to move approval of the opening of those bids.

Commissioner Jerrel: I would like to move approval of the opening of bids for VC97-02-01, construction of Bridge 2015 on Strawberry Hill Road.

Commissioner Tuley: Second.

President Mourdock: So ordered. The County Attorney has the bids.

John Stoll: The first item there is a change order on the Burkhardt project. This is the change order that was authorized last week. This is the actual change order form that needs the signatures of the Commissioners. The amount on the change order is \$408,727.13. This is \$30,000 less than what was stated last week because we haven't received any invoices as of yet for the gas line relocation. That will be billed separate.

President Mourdock: Okay, and I guess officially since we acted to approve this last week...I think we acted to approve it, did we not?

John Stoll: Yes.

President Mourdock: I don't know that we need to vote to approve it tonight, but at least act to sign it. Tony, could you help him set that up on an easel somewhere?

**County Garage**

President Mourdock: While we are doing that do we have a County Highway report? I know Milton is not in the audience. Did he forward something to you?

Commissioner Jerrel: No.

President Mourdock: Okay.

**John Stoll - County Engineer (continued)**

Commissioner Jerrel: Good thing I'm not helping. I'm not tall enough to reach anything.

President Mourdock: Okay, you're on John.

John Stoll: Okay, what I tried to do in the documents that I handed to you there was outline where the funding comes from and what our local sources are, what we've gotten in federal funds as well as what has been spent and what is needed on future projects. The first sheet that you have in front of you there is just annual revenues that we received in the Cumulative Bridge and Road and Street Funds. This is just our local source of funding for local matches and construction and things like that. I just left the County Highway Fund off of that simply because that fund primarily has the salaries and equipment and things like that in that. That's all taken out of that account rather than any kind of actual construction funding. So, this is on an annual basis what we've received in Cum Bridge and Road and Street. The next two sheets that I've got are in here--

Commissioner Tuley: Joe...John, I'm sorry. Bridge, I know there is a tax rate for. Road and Street, is that a...?

John Stoll: Gas tax.

Commissioner Tuley: Gas tax? Okay. Is that part of the MVH distribution?

John Stoll: Yes.

Commissioner Tuley: Okay, sorry.

Commissioner Jerrel: What's your rate? It's 15 cents?

Commissioner Tuley: That's 15 cents Cum Bridge, yes.

John Stoll: It's 15 cents, yes. The next two sheets that are in there I put in there to show exactly how much of the Road and Street and Cum Bridge Funds actually go to actual construction compared to the actual total revenues that we've gotten each year. This just shows that the entire fund doesn't go to construction. There are things like equipment and salaries and things like that come off of these two accounts. Road and Street does not have any salaries in it that I can think of off the top of my head, so that is primarily road equipment and repairs and things like that which are making up the difference there. Cum Bridge does have salaries taken out of it.

President Mourdock: Obvious question looking at the graph, why was there such a huge expense in '95 disproportionate to the other years?

John Stoll: That year there was an extra \$3.5 million revenue in

the Cum Bridge Fund on the basis of investment income because that caught my eye right off the bat whenever I got those numbers from the first sheet from the EUTS Transportation Improvement Program because it put a big spike in the graph there.

President Mourdock: But if the money didn't go for construction where was it utilized? In other words, this is the page I'm looking at.

John Stoll: Uh-huh.

President Mourdock: If it didn't go to the construction budget was it utilized somewhere else because you showed a big surge of revenue coming in and if my eyes are right it looks like we actually spent less in construction in '95 and '96 then we did in '94? What does that mean?

John Stoll: Right, just slightly less. I didn't go back and get the actual expenditures on every account. I mean, on these accounts. This is just what was originally budgeted. The original budget requests versus the total revenues, so I didn't check line item by line item what was actually spent. I could check into that and let you know.

Commissioner Jerrel: Has the gas tax stayed...I ought to know this, but I don't, constant?

Commissioner Tuley: Yes.

President Mourdock: And the revenues are actually down because we are getting such better gas mileage out of all of those vehicles these days.

Commissioner Jerrel: Okay, I was wondering about that. Now is there legislation proposed this year for increasing it?

Commissioner Tuley: No, not at this point in time. One of the things last week that I learned up there that there is a lot of politicking going on both sides. Nobody wants to raise taxes. Okay, so we can't get more money for roads from gasoline tax because they won't raise it, plus something in the bill and the budget this year that hasn't been adopted yet is taking \$11 million out of that MVH Distribution Funds and using that other money to buy \$70 million worth of computer equipment for the Bureau of Motor Vehicles, so that would be even less money coming back to counties if that happens. At the time it has not been approved yet, but our Association will be working on that. They'll probably, if that continues to head in that direction, will be asking us for resolutions from all 92 counties from the Commissioners saying we're not going to accept that, don't do that. So it is just something that we need to stay on top of and work closely with Don Michaels, our Association Chair.

President Mourdock: Uh-huh.

Commissioner Tuley: We're getting less money as you indicated.

President Mourdock: Yeah.

John Stoll: The fourth graph that I put in there is just a chart of the average annual revenues that we've received. Not "we've received", but the Evansville MPO which consists of Vanderburgh, Warrick and the City of Evansville. That is the funding, STP Funding, goes to each of those...I shouldn't say each of those. STP Funds are allocated to the MPO, so the revenues that you see there, the \$1.4 million to the \$2.7 million, will go to the MPO in general not to a specific governmental agency of the MPO. So the projects with the City of Evansville, Warrick County and Vanderburgh County are somewhat in competition with each other to get these funds.

Commissioner Tuley: Is Henderson in our MPO?

John Stoll: Yes, but they're not part of this funding.

Commissioner Tuley: But they are not part of this funding? Okay.

John Stoll: Right. This is what has actually been received by the Evansville MPO, EUTS, over the past highway bill. I put a line in there showing the average annual funding just to show on an annual basis we get about \$1.75 million per year in STP Funds. I only showed the STP Funds because those are the only funds that are somewhat guaranteed to be received by the MPO. The Minimum Allocation, the MA Funds, are not guaranteed as such. Each governmental agency is eligible for \$3 million of the life of the last highway bill, but you couldn't spend any MA Funds until your STP Funds were already spent on a given year.

Commissioner Tuley: Would you a...we've heard MPO, STP, MA and all this kind of stuff--

John Stoll: M-O-U-S-E!

Commissioner Tuley: --could you kind of talk in English for the rest of us that don't know exactly what all this is?

John Stoll: The STP Funds are Surface Transportation Program. MA, like I said, is Minimum Allocation and MPO, that is the Metropolitan Planning Organization.

Commissioner Jerrel: Do you have your CMAQ Funds included?

John Stoll: No, I do not.

President Mourdock: Because those are federal and these are only state?

John Stoll: They're all federal.

Commissioner Jerrel: They're all federal, but they come to us in a block grant.

President Mourdock: Through the state?

Commissioner Jerrel: Yes, the feds give them to the state.

President Mourdock: I know, I know.

Commissioner Jerrel: Including the CMAQ.

President Mourdock: Why is CMAQ not in here then if it is all coming down the same railroad track from the same depot, why is CMAQ not here?

John Stoll: CMAQ is similar to the Bridge and the Minimum Allocation Funding in that there is no specific amount guaranteed to go to the MPO. If we weren't non-attainment we would get that money. We don't have a pending project set up that locks in that funding. We're not guaranteed to get that for a Vanderburgh County project at this time.

President Mourdock: Let me just repeat back what you said because it almost went over my head. If we are deemed under attainment, then we lose money?

John Stoll: Yes.

President Mourdock: We do the right thing with air quality therefore we get punished?

John Stoll: Yes.

Commissioner Jerrel: We get a lot less CMAQ money anyway then the Level 1--

John Stoll: Right, since we are just marginal rather then--

President Mourdock: It seems totally insane, so I must be starting to understand it! Okay, keep going.

John Stoll: You should have seen the printouts that Rose gave me from the state that outlined this. It makes this seem really sensible. Those were crazy.

President Mourdock: What was...the big jump you show here from '96 to '97, what's causing the big jump? What projects? I'm assuming Lynch.

John Stoll: Lynch is it, yes. That entire \$2.7 is going to go to Lynch and you can see some of it was carried over from '95 to '96 where we dropped off from \$1.6 million to about \$1.4 give or take, so some of it was carry over and I don't know if some of it might have been left over from previous years. I am not on top of all that funding distribution on how that all is allocated to this area. That is something that EUTS has traditionally handled, so I don't know exactly where the breakdown comes from as far as how they get the exact dollar figure each year.

Commissioner Jerrel: That is a point that we need to become better informed about because a lot of money is allocated to these areas and if they don't use it it's supposed to go back into the mix to be redistributed to projects that are ready. We would be well served to be ready and then make a real case for having those dollars that are not spent sent in our direction.

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Commissioner Tuley: Be allocated?

Commissioner Jerrel: That's right.

John Stoll: The thing you mentioned about the CMAQ Funds not being in here the same thing pretty much applies on the Minimum Allocation and the Bridge Funds because we are not guaranteed to get Bridge Funds because INDOT's policy is that they don't traditionally allocate Bridge Funds to urban areas. It was somewhat of a bonus that we did get the Bridge Funds for Franklin Street and Ohio Street because they are not obligated to give us that money, so that is why the Bridge Funds weren't included in here because there are no guarantees on that funding source and the same with Minimum Allocation. The Minimum Allocation Funds are set up by the highway bill to give each governmental agency up to \$3 million for the life of the highway bill, so we were eligible for \$3 million total. We're in competition again with all the other cities 200,000 and under and the total Minimum Allocation Funding available in the state over this highway bill has been \$6 to \$9 million, so you've got all these different agencies trying to get their share of \$6 to \$9 million, so it is pretty tough to get your \$3 million share because there is just not enough to go around. They treat that on a first come first serve basis as well. There again, there is no guarantees that you'll get that. You're eligible for up to \$3 million, but they don't guarantee that you'll get it.

President Mourdock: When is the allocation decision made? In other words, you just said we don't know when we would get it or we don't know how much we would get in any given year?

John Stoll: We have to have a request in for using so much of the Minimum Allocation money.

President Mourdock: When is it likely that we would be notified as to how much we did or didn't get?

John Stoll: It varies. The original request for Lynch went in last April and that has been going back and forth until now.

President Mourdock: Okay, so the state doesn't say, as in the budget process, as of January 1 this is the amount that would go for this calendar year or for this fiscal year to any given group?

Commissioner Jerrel: If I may insert a comment? It is all based on federal authorization. The budget is defined, but the authorization by the federal government for the expenditure of STP money and all the different funds must be received by the State of Indiana. The State of Indiana, due to the fact that we don't have a lot of dollars and we are a donor state, for every dollar we get only 82 cents, then they are reluctant to authorize local projects not knowing how much we are going to get, so it truly, simply, highlights how important it is that we have a real presence at the Department of Transportation because these funds come in and they don't always alert the MPO's.

John Stoll: For the past year they've been telling us basically that there wasn't funding available for Lynch and now it's

there.

Commissioner Jerrel: It appeared.

John Stoll: It's one of those things with enough persistence, yeah, they'll finally find the money is what it comes down to.

Commissioner Tuley: What trade-off was there here? We got the money for Lynch, but what...Fulton?

John Stoll: Yes.

Commissioner Tuley: Yeah, Fulton Avenue. So we gain in one area, but we lost somewhere else.

Commissioner Jerrel: Well, but, you know, to the average taxpayer this is one community they never know where the boundaries stop between city projects and--

Commissioner Tuley: Oh, no. Yeah, I'm not thinking that.

Commissioner Jerrel: I think we need to be partners with the city and they need to know we're partners.

John Stoll: All in all it worked out fairly well because the city didn't want to start Fulton Avenue and get everything torn up around the Lloyd Expressway since the Lloyd Expressway bridges are going to be rebuilt. All in all it isn't as bad as it might of been if it wasn't for that bridge project.

Commissioner Tuley: I'm grateful for the money, but my point is it wasn't extra money.

John Stoll: No.

President Mourdock: Let me go back to my question again because I hear an answer, but I am not sure I heard the answer. I realize that the state will only issue money as the feds issue it to the state. Is there a quarterly process by which the feds allocate money to the state? Surely there is some calendar schedule of some type?

Commissioner Jerrel: The fiscal federal--

President Mourdock: Okay, October 1st?

Commissioner Jerrel: Right, that's the calendar. They tell Indiana, I don't have it with me, they have an amount and this is your appropriation, but they don't give them full authorization at that time. This is what you're going to get.

John Stoll: They go on a quarterly basis on that.

President Mourdock: Oh, okay. That's quarterly?

John Stoll: Yes.

Commissioner Tuley: Distribution is quarterly?

John Stoll: Yes.

Commissioner Jerrel: And then the authorization kind of comes along.

President Mourdock: Okay.

John Stoll: When they were pushing the Lynch project off they had originally said letting in the first quarter of fiscal year '97 and then they pushed that off and put it in the second quarter and then they kept jumping the month around from January to February to March, but they were treating it on a quarterly basis. The next table that is in there is just a summary funds that we have received for our projects here in Vanderburgh County. You can see that we will get about \$2.3 million in the Minimum Allocation Funding, so even though it is not a full \$3 million we didn't do too bad on that. There again on the bridge projects as well since we weren't guaranteed bridge funding too bad for that since we got \$3 million in that funding source. These are all on the basis...the Lynch Road paving items are on the basis of estimates on what we think they will be on the basis of the engineer's estimate, so those figures might not be 100% accurate, but they are close to what we will end up getting in those two funding categories. The next page, the next two pages actually, show the current federal aid road projects, local projects, local bridge projects, and culvert projects. You can see real quick that if we were to receive an average of \$1.75 million per year we wouldn't come anywhere close to funding these projects. The current federal aid projects on the books right now with Fulton, Lynch Road, Eickhoff/Koressel you can see totals \$53 million on the basis of the estimates. So, \$1.7 million a year is not going to get that. The next chart there shows the projects that are in the EUTS 2015 Plan at a price of another \$35 million.

#### **Tape Change**

President Mourdock: Are you ready, Charlene?

Commissioner Jerrel: I would like to just make a suggestion, and I have talked to John about this, I would like for us to start looking at a way to finance the Burkhardt Road project because--

President Mourdock: Define Burkhardt Road, first of all.

Commissioner Jerrel: Well, as far as we can go. At least to Morgan and, hopefully, all the way to Lynch. I think that makes the most sense and if you are looking at \$9.9 million, let's just say that's an accurate figure to complete that entire project making a loop. The TIF is not going to generate that kind of money, so we would be waiting, as Commissioner Tuley said, forever. I think that we need to take a look at our resources and examine our Cumulative Capital Development Fund because that is certainly a project that would have long-term benefit for everyone and I think we need to look at money that we have that perhaps will not need to be committed from the County Unappropriated Funds this year and that, of course, would have to be something we would work very closely with the County Council on, but I think we need to look at some of our own

resources and speak to our local banks and see if we can develop a plan and do this funding and do it quickly. I'm not talking a bond issue, I'm talking about utilizing our resources and I think this is a priority that is high enough that we could work out with our banks perhaps a way to finance this and do it on a short-term cash basis and get it done.

Commissioner Tuley: If Lynch Road goes through Burkhardt, you're right, it has to be done.

Commissioner Jerrel: Yes, I think does and I think it is something that we ought to look at financing. I know that it is nice to do a lot of small projects, but this is something that would benefit everyone in our community.

President Mourdock: John, Pat just said "if" Lynch Road goes through? I don't, I mean, from the current schedule--

Commissioner Jerrel: In 28 weeks.

President Mourdock: --with the bidding of that project it is going to be bid when?

John Stoll: March 11th.

Commissioner Tuley: The 11th.

President Mourdock: March 11th?

John Stoll: Yeah, a week from tomorrow.

President Mourdock: I say it is somewhat euphemistically if, it's going to happen.

Commissioner Tuley: Yeah.

President Mourdock: I think the die is cast on that one.

Commissioner Jerrel: In 28 weeks.

Commissioner Tuley: I'm just one of these...I'm going to say if.

Commissioner Mourdock: Yeah.

Commissioner Tuley: It is going to happen. Does it happen this year? I hope! But if it does then we need to do exactly what you are saying. We need to look at CCD, any unappropriated funds. We set aside \$1.2 million out of '96 Riverboat Revenue to be expended for capital improvements, infrastructure improvements.

Commissioner Jerrel: Then we need to start talking to the banks.

Commissioner Tuley: Oh, I'm just looking at revenue sources to pay back the banks.

Commissioner Jerrel: I think we can do it. I've been talking to John about this for several weeks, so I think we can do it.

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John Stoll: Another option that we are trying to pursue right now as well is to try and get some CMAQ Funding at the Morgan and Burkhardt intersection. Rose and her staff have put together an environmental study to try and document that as far as getting the CMAQ money and the environmental study, I believe, was approved last week, so it sounds like we'll be eligible for some CMAQ funds at that intersection which would help offset the \$10 million that we are looking at for the rest of the project.

President Mourdock: Again, maybe it is the full moon or just the night of innovation here. This is the second one tonight, but the idea of doing something on a short-term cash basis with the local banks, I think, is something that is rather novel. At least it sounds like it to me and I think it is something very much worth pursuing. The \$1.2 million of funding from the Riverboat obviously never worked to back a bond because bond people wouldn't recognize it, but it makes me wonder if the people whose windows generally look out on that riverboat, local folks, may not have greater faith in that institution than what the bonding people do. Councilman Hoy is snickering back there, but obviously the County Council very much needs to be involved with this type of discussion as well.

Commissioner Jerrel: Just think there would be no bond costs and attorney's fees and all that interest rate.

President Mourdock: For that reason it will probably be a legal hurdle!

Phil Hoy: I think talking to the banks is a very good idea. This comment may seem out of order. I have two major concerns about the expansion projects, commercial projects. One of them ties in with roads. In this county we have absolutely no adequate way of transporting hazardous materials through our county via the highway system. If we're going to do planning, it seems to me for the safety of our citizens that is something that we need to look at. The second comment is I am sort of glad that I am not from the northwest side or representing the northwest side of this county in regards to Fulton Avenue. That promise has been broken many, many times. My third concern is the large picture and I know that I am probably whistling in the wind, but I think that at some point we need to look at what we call economic development particularly in the retail realm when I think you can establish that much of the east side development is not the creation of new jobs, but it is the lateral transfer of jobs from other parts of the city and county. K-Mart is a good example. One major store, three stores closed. My other concern is in the larger picture and that has to do with agriculture. I do deal in the area of food. I'm wondering how much longer, you know, we are going to be able to use up good farmland. We talked about on the federal level the deficit. The country to whom we export the most in agricultural goods is Japan, \$14.5 billion dollars of ag products. They can't grow anything over there. The next country is either Canada or part of the European market and they are all the way down to \$6.5 billion and we are a place who can grow food. The final concern is this. It has been raining a lot lately. Now, I'm no genius at

drainage, but the more we pave the more problems we're going to have getting rid of the water. I am not antidevelopment, but I also live and my food bank sits in a section of the city where I think we could find some places or at least warehousing and things like that. There's a lot of vacant space. I think it might behoove us as a city and county, again, to use both of us together to look at the whole picture in our county. We really do not have much land left, you know, that is not in a 100 year flood plain. You said you may not live long enough to see that project, I some days hope I don't live long enough to get the revenge of my grandkids who say there is no place that you can build where your basement or your first floor is not flooded. That's sort of a general broad statement, but I do think if we are going to talk about planning we need to look at that because I think we just keep going and going with the coverage of land and maybe it is time to look at it a different way. Thank you.

President Mourdock: Those comments are from Phil Hoy, for the record. John, do you want to continue on? Before we do that, as an action item from this meeting would it be appropriate, Bettye Lou, to ask you perhaps to report back in a month or something less on discussions you may have--

Commissioner Jerrel: I'd be happy to.

President Mourdock: --and to present alternatives to us for funding?

Commissioner Jerrel: Yes, and I want to interact with County Council, the Auditor's Office and John. We've talked a little bit about these costs, but I would be happy to do that and report back.

President Mourdock: Okay. Continue on John, now that you are getting us more and more frustrated when we see big numbers.

John Stoll: Well the next page doesn't have any numbers on it except for the bridge projects, so not as many big numbers at least. The culvert replacement repair and widening projects there are just the ones that are too big for the county crews to handle in-house and would likely have to be contracted out. We don't have costs on all those as of yet because we just got the inventory done last summer and we are just being able to start figuring out which ones we need to replace and prioritize things accordingly. We'll get some costs on those, but we don't have them as of yet. The bridge projects listed below there are the projects that we are planning on pursuing in '97 as well as the bridge projects that are listed in the Bridge Inspection Report for being needed in 1998. The ones in 1998 could change simply because we'll have a new bridge inspection done later this year and that has a tendency to shuffle the priorities around. It is identified more critical problems in the past which would push some of these potentially back a couple of years. They're just shown as what is needed at the current time. The last sheet is just a draft copy of the tentative road paving list for this year. I have been working with the County Highway Department and with my staff and we've come up with this list tentatively. There are a couple of things that were omitted mainly in the concrete repair areas like Ohara Drive and Burch Park Drive. We

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know of several areas that need concrete repairs, but this is the asphalt resurfacing list. It can be modified with any other ones that you know that we might of missed on this list?

President Mourdock: Yeah, I was just going to say one comment. We had previously mentioned that next week, the 10th, would be our evening for public input on these lists so I would suggest--

Commissioner Jerrel: The 10th of March?

President Mourdock: Yeah, what did I say? Yeah, next week the 10th, so that Tony, perhaps you could put out a media advisory this coming week that this will be our annual...next week will be our annual meeting for input for the road hearings, yeah.

Charlene Timmons: Excuse me. In the past we've put a legal ad in the newspaper concerning a public hearing. Do we need to do that?

President Mourdock: Are we required to do a legal ad?

Joe Harrison, Jr.: Well, if you are going to phrase it...if you've had a public hearing in the past and you want to have a public hearing I think that would be appropriate. You wanted to do it...yeah, I understand, but I still think it would be nice to--

President Mourdock: I have no hesitancy in running the ad. The question is there a legal notice requirement that we are otherwise not going to meet?

Joe Harrison, Jr.: Oh, no. We're going to be having a meeting regardless. And you want to do it next...?

Commissioner Tuley: Monday.

Joe Harrison, Jr.: Monday.

Charlene Timmons: I can get it in the paper for Friday if you want.

Joe Harrison, Jr.: That's fine. That would be great.

Charlene Timmons: Is that okay? Can I just use last year's and change the date?

Commissioner Tuley: Yeah.

President Mourdock: Sure, I guess I would ask then for a formal motion to advertise the annual County Highway Hearing for March 10, 1997, so that we can advertise that.

Commissioner Jerrel: I'm sorry.

President Mourdock: We need a motion to--

Commissioner Tuley: So moved. I'm sorry.

Commissioner Jerrel: I would like to second that. I appreciate the information.

President Mourdock: So ordered. Now, you've got a map, John. Keep going here while you're on a roll.

John Stoll: The map up there just identifies the projects that are listed on the...not the paving list, but the second...let's see. The current federal aid projects sheet and the 97/98 bridge and culvert project sheets in the information that I handed to you. The culverts on that map are identified with the red dots. Those dots have a project number on them that are keyed into the legend that is up there on the right side of the map. The bridge projects are the yellow dots and the road projects shown in red are the current federal aid projects and the road projects shown in green are the proposed federal aid projects. The proposed east side road network with Vogel, Virginia, Cross Pointe and Columbia is shown in blue out there just simply because there is no designated funding source earmarked for those projects. They may be built by developers. So anyway I just showed those in a different color than the other two projects, the other two types of projects.

President Mourdock: Okay. You're going to leave that map with us, correct?

John Stoll: Yes.

Commissioner Tuley: Of course, that wasn't a question.

President Mourdock: Yes, that wasn't a question. That's right. Anything else, John?

John Stoll: Other than the bids for Strawberry Hill, no I don't have anything else.

<b>Joe Harrison, Jr. - County Attorney</b>
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President Mourdock: Joe, are you ready to report on the bids?

Joe Harrison, Jr.: Yes. We received three bids regarding the Strawberry Hill Bridge Project 2015. The three bids were as follows:

- |                             |             |
|-----------------------------|-------------|
| 1. Phoenix Construction Co. | \$60,927.50 |
| 2. CLR, Inc.                | \$52,087.00 |
| 3. CCC of Evansville, Inc.  | \$58,822.01 |

Those were the three bids that were received on this particular project. I presume that John and does Lynn take a look at these to make sure that the requirements of the specifications are met and then we'll come back within the next week or two?

President Mourdock: Yeah, it is normally done that we take those under advisement and then report back.

Joe Harrison, Jr.: And see whether the low bid is both responsible and responsive.

Commissioner Jerrel: I would like to move that these bids be taken under advisement.

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Commissioner Tuley: I will second.

President Mourdock: So ordered.

President Mourdock: Joe Harrison, Jr., County Attorney's report.

Joe Harrison, Jr.: Last week Mike Robling was here regarding a change order on the culvert out on Petersburg Road where the golf course is going to be developed. There was a question as to whether the developer of that project should be responsible for paying that particular change order. The minutes from the meeting of November 25, 1996 seem to indicate that the developer would be responsible for the relocation of that sewer since it is for the benefit of the developer and wouldn't of had to of been relocated anyway but for that specific purpose. I have talked with Mike Robling and he is going to get in touch with either Jim Morley or BSH and see if they can recoup that cost.

President Mourdock: Okay.

Joe Harrison, Jr.: As far as any other matters at this time, I'm not too sure that I have anything else. If you all have any questions I'll be happy to...I can tell you this. I am in the process of drafting an ordinance regarding dues that will be permitted to be paid by the county with county funds for county officeholders and county employees. Suzanne has expressed that desire a couple of times to me and believe it or not I did that over the weekend I just didn't have a draft to bring in today, but I will have that available for you all to review next week and let you look at and then if it is something that you want to proceed with the following week we can do that or the week after or whatever you want to do, but I want you all to look at the draft first.

Commissioner Jerrel: That will be very helpful for Council at budget time too.

Joe Harrison, Jr.: Also, County Council will be required to designate which specific membership dues that are permitted that they will want to budget, but there are certain things that can't be paid and those will be set forth in the ordinance, but then those that are going to be up to the Council's discretion that will be up to them to decide what they want to pay, but those they can't pay that will be set forth in the ordinance. That's all I have.

President Mourdock: Just one comment. I know you and I are planning, not this coming Friday but the following Friday, to go to Indianapolis on a little research on the Welfare to Work issue.

Joe Harrison, Jr.: Yes. In fact, I spoke with their office again today and they want me to fax them some information prior to going up there and gave me the spelling of Mr. Hmurovich's name. I would of never guessed--

President Mourdock: It starts with an H.

Joe Harrison, Jr.: It starts with an H and I would of never guessed that. Anyway, we are to meet up there at 11:15 Indianapolis time on the 14th of March.

President Mourdock: Okay. You have now from Lynn, I think, the RFP draft for the gatekeeper position.

Joe Harrison, Jr.: Yes, I do and I am refining that a little bit and then I want to speak with you on some other information that we may want to send up there as well.

President Mourdock: I understand that they do have some level of interest in what we're doing.

Joe Harrison, Jr.: Yes, they do.

President Mourdock: That's very exciting.

Joe Harrison, Jr.: They're very interested in speaking with us and want to help us in any way they can.

Commissioner Jerrel: I would like for you to take that bill, Senate Bill 509, and ask them what implications that would have for us.

President Mourdock: Okay.

**Tony Greubel - County Commission Office**

President Mourdock: Tony. Tony?

Joe Harrison, Jr.: I think he had a report to give you.

President Mourdock: For the record, did you get one, Charlene? We have a written report from the Superintendent of Buildings, from Tony Greubel, regarding some surplus properties and appointing a Commissioner to the Metropolitan Small Business Association. I'm not familiar with that group are you?

Commissioner Tuley: Metro Small Business?

President Mourdock: Last year Commissioner Borries represented the Board of Commission, this note says. Where did he go?

Commissioner Tuley: You're losing control of your meeting!

President Mourdock: I'm losing control. It is the moon. I'm telling you it's the phase of the moon!

Suzanne Crouch: Skip him and move on.

President Mourdock: Yeah, I am more than ready to skip him, but the next thing on the agenda though is the consent items and we're missing...there he is. Okay. Tony, quickly summarize, if you would, your report regarding county buildings.

Tony Greubel: First of all, I gave you a summary of our travel expenses that we've incurred, but I am going to have to amend that. We actually have a little bit more money than we show

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because there are some called meetings.

President Mourdock: More money expended than this shows?

Commissioner Tuley: No.

Tony Greubel: The same amount of money was expended, but out of this particular account perhaps I shouldn't of deducted some of the money from that particular account because they're from called meetings, but this still gets the general idea of the money that we've spent. For example, 64% of our current expenditures have been for called meetings.

President Mourdock: Again, the significance of a called meeting is that it's not out of our budget?

Commissioner Jerrel: Yes, it is. It's an unappropriated account line item in the Commissioners' budget and then there is a travel account in the Commissioners' budget. Some of the approvals we give come out of the Commissioners'...sort of like taking the money off of the top. The called ones cost us also, but those funds are distributed when the settlement is made. It's a complicated process.

President Mourdock: I'm sure it is.

Tony Greubel: Every time I think I know what I am doing I learn something else.

President Mourdock: You ought to serve as President of this Board!

Commissioner Jerrel: I don't think you want to hear all this. I've already been told it's boring!

President Mourdock: Okay, you will revise this?

Tony Greubel: I'll resubmit it next week, but we have spent that many dollars. The second item is more on surplus property. I had a meeting last week with Mr. Wes Vaughn, he's the Regional Director for SRI, Incorporated and they specialize in tax sales and surplus property sales for local government. I think with the knowledge that he has and through investigating this matter with officials in the Auditor's Office with the county's surplus property maybe we can start selling some property in the near future. If nothing else, I think we ought to at least start making a...getting the ball rolling somewhere. You know we've been waiting the last few years because we thought maybe the legal system would change its mind, but we've been keeping on thinking that, so we might as well start doing something and then we are one step closer.

President Mourdock: You definitely need to confer with Joe on that because the legal problem in the past was a ruling of a judge, I think, up in Orange...?

Tony Greubel: Lake County, I think.

President Mourdock: Okay, Lake County, and he basically caused

the whole state timetable to change so properties had to be held for longer periods. Work with Joe on that then.

Commissioner Jerrel: I would suggest that you contact the Commissioners Association and ask them what is happening around the state. That would be helpful for us.

Tony Greubel: I'll do that.

Commissioner Tuley: This company here too can provide you with a whole lot of counties that they are doing business with. I used to be associated with them.

Tony Greubel: The final item, is that the Metro Small Business Association called me up today. They're a part of DMD. They're needing a Commissioner to be appointed to their advisory board. There is only one meeting a year and last year Commissioner Borries represented the Commission. I don't know if that is an action that you want to take up tonight or discuss it and do it next week?

President Mourdock: Given that last year the Vice President of the Commission was Commissioner Borries, would it seem appropriate that the Vice President of the Commission this year serve on that board?

Commissioner Tuley: Makes all the sense to me!

Commissioner Jerrel: You're sure there is only one meeting?

Tony Greubel: No comment.

President Mourdock: Do I hear a motion?

Commissioner Tuley: So moved.

Commissioner Jerrel: Second.

President Mourdock: So ordered. Thank you.

Tony Greubel: That concludes my report unless you have any questions.

President Mourdock: Alright. Thank you.

<b>Consent items</b>
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President Mourdock: Consent items. We have in our packets consent items regarding employment changes; travel requests: County Assessor, Health Department, Burdette Park; Vanderburgh Auditorium; Emergency Management Agency acceptance of Survival Kit Guide and Proclamation; and a lady is requesting family leave. Do I hear a motion for approval of the consent items as submitted?

Commissioner Jerrel: So moved.

Commissioner Tuley: Second.

President Mourdock: So ordered.

#### Scheduled meetings

President Mourdock: Scheduled meetings. You have in your packet a list of meetings. There is one other meeting that I would bring to your attention. I received a letter from Sheriff Hamner, you may have gotten copies also, calling some interested and involved folks together on March 14, 1997 at 2:00 in Room 303. I am going to attempt to attend that meeting, but I might as you to attend also.

Commissioner Jerrel: Would you mind repeating that again? The 14th?

President Mourdock: Yeah, March 14th, Room 303, 2:00 p.m. It is regarding overall capacity questions at the county jail.

Commissioner Jerrel: I did send a letter to Sheriff Hamner requesting that he give us the number of prisoners who were sentenced in November of '96, December of '96 and January of '97 since those were the three months he referenced how many were sentenced and how many we are receiving funding for because they couldn't be placed in the Indiana penal system or the federal penal system, so we have an idea of those bigger issues.

Commissioner Tuley: Richard, I know you already said this, but what time again? Two what, 2:30?

President Mourdock: Yes, 2:00 in this room. Oh, Room 303 actually.

#### Old business

President Mourdock: Old business before the Commission this evening?

Commissioner Tuley: No.

President Mourdock: Any old business, Bettye Lou?

Commissioner Jerrel: No.

#### New business

President Mourdock: New business?

Commissioner Tuley: No, I'm sorry.

President Mourdock: Bettye Lou?

Commissioner Jerrel: No.

President Mourdock: Okay, I have two items just to bring to your attention. One is some information on I-169 that came through my office and I thought I brought with me, but I didn't. Just by way of suggestion, it seems we are at a critical time from speaking with the folks for Voices for I-69. I think I remember

that this Board is now and even for several past Boards have been very supportive of I-69. We see what it would do for this county. I don't know that we've ever tried to organize the other County Commissioners in the counties along the route, but I was wondering if the two of you would be interested perhaps if we did a resolution on behalf of this Commission to send it up to Indianapolis and also send a draft of that resolution to Warrick, Pike, Gibson, Greene, Martin, Daviess and Monroe Counties for their Commissions to consider. I think that kind of regional impact certainly has something to be said for it. I don't know that they...I would be they haven't done such a thing in the past, but I think it might be a good regional bit of symbolism.

Commissioner Tuley: Agreed.

President Mourdock: Okay, Bettye Lou?

Commissioner Jerrel: Right, do you want a motion to that effect?

President Mourdock: Yeah, and if we could...well, go ahead and make your motion.

Commissioner Jerrel: Do you want to...

President Mourdock: Yeah, what I was going to suggest is perhaps we could have Tony draft something up for this coming week and then we can--

Commissioner Jerrel: Pass it then?

President Mourdock: --officially act on it next week.

Commissioner Jerrel: Okay, fine.

President Mourdock: One other item on a somewhat similar but different note. I also received this week from something called the Henderson Futures Initiative, Your Choice/Our Future. I won't read this to you, but basically it is saying that the City of Henderson is forming what is going to be somewhat similar, I think, to our Vision 2000. Clearly economic development is a regional thing, more than it is just a local thing. The benefits will even go across the widest river in the world, which is the Ohio River, if they are successful and I was wondering if you thought it would be appropriate on behalf of the County Commission to send a letter wishing them well in the venture. I have a hunch this is the first letter prior to the fund-raising letter. We may stop short of going to the County Council to ask for funding for Henderson!

Commissioner Jerrel: I hope!

President Mourdock: I hope so, too, but nonetheless as a show of good we talk about regionalism in every thing from air quality issues to overall economic development and I think it would be fully appropriate and if you would concur I will draft such a letter.

Commissioner Tuley: Lots of good will, but no money.

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President Mourdock: The best kind! Alright, I will do that. Any other new business before the Commission this evening?

Commissioner Tuley: Remember at one time and this goes back to Toyota, we started to meet with this group of Commissioners. Now, you've expanded a little bit on this one particular project, but the one thing that came out of last week's meeting when we were up there for County Government Day everybody was sitting there pointing their finger at the Governor and the legislators and why we are having trouble getting road funds and gas tax included and the Commissoiner from Vigo County got up and said let's quit pointing fingers at everybody and start pointing them back at ourselves. That's part of our problem. We're not organized as a statewide organization as strong as we should be and he is right.

I think it would help if we could put that group back together and start maybe some of those meetings. You started this which was a great idea and I think we just need to see if we can rekindle that and at least get southwest Indiana as a cohesive group.

President Mourdock: I would be delighted to do that. I've had one conversation back in January with Bill Sipes, who is a County Commissioner from Greene County and Bill is currently the President of the Southwest or actually the 8th District Association of County Commissioners. Perhaps that would be the best venue to do that. I am certainly willing.

Commissioner Jerrel: I wonder if they would come down here?

Commissioner Tuley: Who is that? The other counties?

Commissioner Jerrel: Uh-huh.

Commissioner Tuley: Oh, I'm sure.

President Mourdock: When we did this previously we had...well, we invited Warrick, Posey and Gibson and did it here at the airport at the meeting room. We could certainly suggest that. I don't know at this point and perhaps you have a specific issue in mind or series?

Commissioner Tuley: Well, basically, it goes back and John's chart showed it tonight why with MVH money being taken or at least be proposed to be taken away from us that shouldn't even be on the table. There is another bill being introduced and some of this stuff isn't going to happen, but we at least need to be aware of it and stay in contact so that we can watch for it to exempt fire protection rates out of the TIF and if that would happen to go through, then next year it might be schools or whatever and all I see is us finding less and less money available to us to do our roads. I think as a group at least of southwest if we can find adopt resolutions county by county and by district and forward those to each of our Legislators within that district and get them as a strong body to say...one of the other things that came out, too, was don't just call your legislator and say vote no on House Bill 1246 or whatever. Sit down take a few minutes and put it in writing and say this is why you should

vote no or this is why you should support a bill. I think this is a good way to get that dialogue started.

President Mourdock: Okay.

Commissioner Tuley: If we can start something down in here in the southwest then maybe it will spread.

Commissioner Jerrel: Do we have all their names and addresses and everything?

Commissioner Tuley: We sure can get them.

President Mourdock: Yeah, if we don't have them I'm certain the County Commissioners Association will make them. I haven't seen an updated list, but--

Commissioner Jerrel: Let's get them and let's get a letter drafted for next week and see if we can't organize something.

Commissioner Tuley: Okay.

President Mourdock: Okay.

Commissioner Jerrel: It's a good idea. May I move to adjourn?

President Mourdock: You certainly may.

Commissioner Tuley: I will second.

President Mourdock: And I will say so ordered.

The meeting was adjourned at 7:47 p.m.

**THOSE IN ATTENDANCE:**

Richard E. Mourdock  
Bettye Lou Jerrel  
Patrick Tuley  
Joe Harrison, Jr.  
Suzanne M. Crouch  
Charlene Timmons  
Tony Greubel  
Mike Wathen  
Richard Steedman  
William Smith  
Shirley James  
Bud Bussing  
Jayne Berry-Bland  
Joe Profaizer  
Lynn Ellis  
John Stoll  
Phil Hoy  
Other unidentified  
Members of the media

VANDERBURGH COUNTY  
BOARD OF COMMISSIONERS

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Richard E. Mourdock, President

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Bettye Lou Jerrel, Vice President

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Patrick Tuley, Member

**Vanderburgh County  
Board of Commissioners Meeting  
March 10, 1997**

The Vanderburgh County Board of Commissioners met in session this 10th day of March in the Commissioners' Hearing Room of the Civic Center Complex at 5:30 p.m. with President Richard Mourdock presiding.

**Introduction & Pledge of Allegiance**

President Mourdock: Good evening. We will start the Commissioners meeting exactly at 5:30. Let the record show we're going to get started tonight, members of the press, please note that; it's such an unusual event. Welcome to the Vanderburgh County Commissioners meeting. If you are looking for County Council, City Council or somebody other than the County Commissioners, you're in the wrong place. By way of introductions tonight, at my far right is our Administrative Assistant in the Commission Office, Mr. Tony Greubel; to his left is the County Attorney, Joe Harrison, Jr.; to my immediate right is County Commissioner Pat Tuley; to my immediate left is County Commissioner Bettye Lou Jerrel; to her left the County Auditor, Suzanne Crouch, who serves as our official secretary; and to Suzanne's left is our Recording Secretary, Charlene Timmons. As is our custom, would you join us for the Pledge of Allegiance? If you have not picked up an agenda of this meeting, they're present over here on the table. If you are addressing the Commission, because we do all of our notes verbatim, we would ask you to come to the microphone, state your name and address for the record.

**Certification of Executive Session**

President Mourdock: The first couple of items on our action list for today. Just for the record, we did not have an Executive Session prior to this meeting. We had a Solid Waste Board meeting instead.

**Approval of minutes**

President Mourdock: We do have, however, this evening the minutes of the March 3rd meeting of the Vanderburgh County Commission.

Commissioner Jerrel: I would like to move approval.

Commissioner Tuley: Second.

President Mourdock: So ordered.

**Public Road Hearing**

President Mourdock: The second item on our list is the official county road hearing that we do each week. I see the previous minutes and the other ones got changed, so I am going to go with what is on the computer. We would ask for the public road hearing to take place and I saw Milton Hayden, our County Garage Superintendent. Milton, if you would, please come to the

microphone and tell us what all you've got in store.

Milton Hayden: Good afternoon. I have...these are the last reports from last week which you did not receive, so I am bringing those for the week of February 28 through March 6. I did the reports.

President Mourdock: Okay, we'll enter those into the record. Charlene, did you get copies? Okay.

Milton Hayden: If you read those and if there is anything else that you see that needs to be done or changed get those corrections back to me.

President Mourdock: Okay, we certainly will.

Milton Hayden: Is there anything else?

President Mourdock: As far as the county road hearing that we've got coming up or that we are having, I know John gave us last week the list of roads for improvement. John, maybe you would care to comment on that.

Milton Hayden: I also have a list on that, too.

President Mourdock: Okay, go ahead.

Milton Hayden: John and I have gotten together with those. I do have the roads that need to be repaved this year. You want me to read all these roads off?

President Mourdock: That's not necessary. We do need to make sure that we get a copy of that for the record, too.

Milton Hayden: I will see that you get a copy of that. Then the necessary roads that you have during the road hearing, we will be glad to add those.

President Mourdock: Okay.

Milton Hayden: I think you will have some that you also had recommended to do.

President Mourdock: For the record, Milton, the roads that you have listed on this schedule, are these in order by priority? In other words, if the weather were perfect today would you start working on these roads as listed?

Milton Hayden: No, we don't have them set as we are going to run them yet. We try to wait until we have all the lists, all the roads and then we will sit down and get those in order.

President Mourdock: Okay, when do you need to have that list completed?

Milton Hayden: We would like to have them by the first time in May. At least the middle of May where we can assume to start at that time if the weather permits us.

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President Mourdock: Is it likely that you would start any earlier?

Historically, have you started earlier?

Milton Hayden: Yes, if the weather, you know, if the weather permits it.

President Mourdock: Okay.

Milton Hayden: We would start. I know the first road that we are going to do. The first road we're going to do is Hogue Road from Tekoppel to Red Bank Road.

President Mourdock: Okay.

Milton Hayden: From there I know we're going over to the chalets and Burdette Park to get those out of our way because...of course, you know the park will be opening and we want to try to get out of their way and they do have a lot of people that have rented those buildings and we will try to get them ready for those.

Commissioner Tuley: I have a list here right now.

Milton Hayden: They're pretty bad. Some of the roads out there are pretty bad and especially the main drive. Of course, he is not going to have enough money to, you know, put in all that out there, but we can get what we can get and make quite a bit of improvement.

Commissioner Tuley: Milton, is Vanness...does that intersect with Hogue out there some place? I got a question on that--

Milton Hayden: Yes, it does.

Commissioner Tuley: --because of that intersection being...it needs to be widened or something is what they're saying. It is real difficult to make turns in and out of there because of the width of the road.

Milton Hayden: Well, we've got a telephone pole that has been there and we've been asking for that to get moved for years. We're waiting on SIGECO to do that.

Commissioner Tuley: Would it help if--

Milton Hayden: If they ever move that or when they can get around to moving it, we will widen that intersection there.

Commissioner Tuley: Okay. Perhaps a letter from the Commissioners might encourage them to do that as opposed to just dialogue from the Highway Department?

Commissioner Jerrel: I spoke to the same person you did today, I'm sure.

Commissioner Tuley: Yeah, I'm sure you did.

Milton Hayden: Well, it's been coming for a long time. It is

very short access on that road going out to Hogue Road and it really needs to be widened.

President Mourdock: Again, I'm sorry I was putting some notes in, the approximate location of that pole is on Hogue Road where?

Commissioner Tuley: Hogue at the intersection of...is it Vanness?

Milton Hayden: It's Vanness.

Commissioner Tuley: Vanness. You probably actually got to speak to the person, I got to speak to the wife.

Tony Greubel: I have documentation from that person.

Commissioner Tuley: A letter?

President Mourdock: Bettye Lou, did you start to say something?

Commissioner Jerrel: No.

President Mourdock: As a general criteria, Milton, what do you use to set your priority list? In other words, why do you do one road over another?

Milton Hayden: Well, we don't set a priority list. Mostly we try to stay in the same area because this priority...I mean, I don't see where any road should be a special priority. I mean, I am just being frank with you. They all have to be done, but if we are in one area then we have to lose so much time in traffic and that kills a lot of time in paving season. So we like to stay in the same area and then move into another area.

Commissioner Tuley: Right. Let me interject something though. I mean, there has got to be some criteria. I'm going to assume that it is condition of the road.

Milton Hayden: The road, see--

Commissioner Tuley: Hogue Road is a fine example.

Milton Hayden: Yeah, Hogue Road is because the Water Works tore that road up and we really have to go do that again. Plus, there is a great deal of traffic there.

Commissioner Tuley: I wonder if we can...just to avoid any confusion, if we could identify them basically as areas as opposed to individual streets--

Milton Hayden: Yeah, we can go in areas.

Commissioner Tuley: --that way we can say "this area bounded by" would be the first priority.

Milton Hayden: Yes.

Commissioner Tuley: Just do it that way. Maybe that would make

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more sense.

Milton Hayden: I've always suggested that we would go by areas.

President Mourdock: You're the expert, so we're looking to you for advice here, Milton.

Milton Hayden: Well, areas would be better to go by. After Johnny and I go out and look at the roads, then we will put the roads that, you know, that need to be done in that area first and then we will get the other roads and then we will move to another area and get those roads. It is more simple that way.

President Mourdock: Okay. Just so that we can have it for the record, the first Monday that we meet in May is May 5th. Let's use as a target that date to receive the final listing and please put it together, as Commissioner Tuley just said, area by area in a priority and then the roads within that area that you know are coming up.

Milton Hayden: We'll do so.

President Mourdock: If you would get that to us by May 5th.

Milton Hayden: I'll have it by May 5th.

President Mourdock: Okay. Are there any other people here in the audience who wish to address the issue of roads? Yes, sir. Please come forward.

Commissioner Tuley: There are several people.

President Mourdock: Yeah. I'm sorry?

Unidentified: Are you talking about his particular...

President Mourdock: No, I am talking about any road you have. Come on up.

Jerry Jones: Okay, thanks. My name is Jerry Jones. My address is 2253 Cherry Lane. I have a twin brother and he and I are school teachers. We are both math teachers. We lived on Lyle Road all of our lives which is on the west side of Evansville. It is about two or three blocks before you get to Burdette Park. It runs perpendicular from Nurrenbern to Bayou Creek Road. My parents purchased their home about 50 years ago and every time this creek, Lilly Creek, it runs into the Ohio River and when the river gets up around...it used to be 38 feet, but the county when it put rock on every year, you know, it builds up. Now, actually the water gets on the road around 40 feet and at 41 feet you have to take your car out because you might not make it out in the morning. There are three homes back there and these people...it's terrible. I mean...dad died last summer, but my mom still owns the home and I talked to John Stoll last summer about it when my dad was still alive and I was hoping something could be done. Maybe build this road up four or five feet and they thought maybe I should approach the Commissioners and talk about it. I know there is a lot of water out there now, but it

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happens all the time. If there is a two or three inch rain in a short period of time it cannot escape quick enough and you might be blocked in in the morning to go to work. Of course, it is headwater. It will run off. The river doesn't have to be no 35 feet, it can just stop you. So that is what my intent of today is to share some information. I think Mrs. Cecil probably gave you guys a letter about Lyle Road. I checked with Floyd Staub, Incorporated, who owns the east side of Lyle Road. I talked to Tony, Gary and Don Staub and they all said if they have to widen Lyle Road to build it up four or five feet it would not be any problem if they had to take part of their land, so there would be no problem. They said that they would give the county an estimate for the dirt or that they would give an estimate to do the job completely. They said they would have to know the specs of what the county would have to be done. They said there would be no problem, so that is what I am here for. There is a young couple out there and an older couple. They're related. The older couple are in their upper 70's and I always thought if there was a health problem and couldn't get out it would be pretty sad maybe or a fire hazard. The young couple, they've got two children. One is in college and one is a junior at Reitz and they have to boat out now or walk across the field about a mile. It's very inconvenient and I just thought...I know there is a lot of priorities. I just thought if there was any money available they would really appreciate it. It's a very well traveled road. A lot of times people think that old Lyle Road is not traveled much, but it is a short cut to lot of the people who live down in the bottoms of Union Township. They really travel that road a lot. It would benefit a lot of people, but especially with Toyota coming in town there is a lot of ground out there. I know people would build, but they could not build with a possibility of not being able to get to work. I have some...you don't need to know this, but here are some records of the last three years alone that shows how many times the water had gotten up and forced the people out from four days up to two weeks. I know last winter, a year ago, the ice froze and when the water did drop down below the banks, but it wouldn't run off the roads because it was frozen about one foot thick, so this prevented, you know, them to get in and out. That's about it and I hope you give it some thought. I appreciate it. Did you want to ask me anything?

President Mourdock: Any questions for Mr. Jones?

Commissioner Tuley: I know where he is talking about.

President Mourdock: Okay, thank you very much.

Jerry Jones: Does it have to go through a discussion meeting later and decide what to do?

President Mourdock: Yes, as a road hearing what we want to do is to take whatever comments from the public and add those to the comments that you just heard Milton Hayden make and then we will ask Milton and John Stoll to get together on requests like yours and to come back to us at that same May 5th meeting, I think it would be appropriate, and make a recommendation to us.

Jerry Jones: I wanted to add that the other neighbors would of

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been here, but they are behind the water and it would be past dark before they might get back across, so they were wanting to be here even of their age.

President Mourdock: Okay.

Jerry Jones: Thank you.

President Mourdock: Thank you very much. Yes, either one of you come on up.

Unidentified: I just wanted to ask, in McCutchanville we've got a short road, Sharon Place--

President Mourdock: Excuse me. State your name and address please.

Tom Wolf: Oh, Tom Wolf, 2410 Sharon Place. What it is the Water Department, the pipe keeps breaking so they keep digging it up and they throw a little tar in it and that's it and they leave and the road really could even stand widening. You can't pass on it. It's like big confusion when the mailman comes that day. Everybody is pulling in different driveways. It just needs resurfacing and every time you've been to McCutchanville it seems like you missed that road and it could be because nobody has said anything about it.

President Mourdock: What stretch of road? From where to where?

Tom Wolf: Sharon Place. It is right off of Whetstone. It's a little short street there, but it is at the bottom of a hill. Some places you can pass a car and when you get some place where you can pass a car you can fall into one of the ruts or you about hit the mailbox because it jumps you over.

President Mourdock: Okay.

Tom Wolf: If it could be widened...it might even be on the list, I don't know.

Commissioner Tuley: They say it is on the list.

President Mourdock: John is nodding his head in the affirmative, so I take it that is on the list.

Milton Hayden: Yeah, it's on there. It's there from last year.

Tom Wolf: Good deal. Okay, thanks a lot.

President Mourdock: We're good, aren't we! Thank you. Yes, ma'am.

We'll see if we can make it two in a row here!

Betty Whittinghill: My name is Betty Whittinghill and I live at 3001 Crowley Drive. I keep reappearing before you people every year asking you to repair my road. I have been there almost 50 years. Last year the nursing home used Crowley Drive for deliveries. This year they have their own private...they've made their own concrete private drive to the back. All I am asking for...I have four apartments and my house which there is

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175 feet in front of us. All I am asking is that you just do that part of the road. That is the worst part because everybody turns down and turns around down at the end of the road. We're at the end of the road and I would like for you to asphalt...I have a sunk hole as I go out my driveway. We keep our property up real well and I am kind of ashamed of my road. I would appreciate you taking consideration. I have already talked with the new County Superintendent and he said he would look at it in the morning. I keep calling, but everybody seems to be busy, but I do want this on record that I have requested it again this year.

President Mourdock: Okay. John or Milton, do you have any comments about this particular stretch?

John Stoll: Ms. Whittinghill is correct. They have now built a drive for the nursing home, so that should eliminate the delivery trucks that were tearing up the road and rutting the road out. Once Milton and I or somebody from the garage and from my office can get out and take a look at it, it should...if we do resurface it shouldn't be a problem where it is going to get torn up again immediately. In the past couple of years that would of been the case. We would have put the new asphalt down and it would have just been torn up within a matter of time.

President Mourdock: Okay, would you please put that one on your list specifically to make a recommendation on that--

John Stoll: Sure.

President Mourdock: --at that May 5th meeting as well?

John Stoll: Sure.

President Mourdock: Okay. Anyone else? Sir, come forward.

Jim Ackerman: I'm Jim Ackerman. I live at 1406 Westwood Hills Drive. I have been up here before and talked about our streets that need to be brought up to code so that the county will accept them. At that time it was suggested that we form a steering committee and talk about it. We've got some information from Mr. Tuley in reference to the Barrett Law. We have had those meetings and we are now ready to have a neighborhood meeting. The neighborhood meeting has been set and I would like to give each one of you a notice and we invite you to come. It will be the 18th and to answer questions in a legal manner so that we may proceed with getting this project under way this year because the streets are getting in the shape...you know, they're getting pretty bad. Like I say, again, I would like to invite you to be at the meeting on the 18th, and Mr. Tuley if you'll notice there is a change in location from where I talked to you before.

Commissioner Tuley: Okay. Oh, yeah there is. That's right outside of your sub now.

Jim Ackerman: That's right, that's right. So, like I said, we would appreciate you being there because you can answer questions that we can't.

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President Mourdock: Sure.

Jim Ackerman: We'll look forward to seeing you there.

President Mourdock: Before you leave the microphone I will ask the County Attorney, we've discussed it several times when Mr. Ackerman has been here and other times, I think, the general status of the Barrett Law. I don't know if you have had any conversation, but you might just give an update.

Joe Harrison, Jr.: I have not spoken with you before--

Jim Ackerman: No.

Joe Harrison, Jr.: --but I do plan on going out there and meeting. I can't stay the entire time, but I'll be there whenever you start.

Jim Ackerman: That will be fine.

Joe Harrison, Jr.: I'll be speaking with you at that time. We've talked a couple of times among ourselves. One of the things that we are checking on right now and I still don't have a definitive answer is whether the county can, in an attempt to save some costs on this issuance of a bond with regard to your project and the other projects, whether we can do it in one bond and that would save everyone who is benefitted by this cost. The issuance costs, etc., will be part of the expense that you all will have to split up and bear. So if we can cut those costs that is what we would like to do. As far as the procedures that have to be followed, John Stoll and I have talked on a couple of occasions and I have not personally seen the information that you have, but it is my understanding that you have received some cost estimates.

Jim Ackerman: Yeah, John has come out and we've went over the streets and he has given us a cost estimate on what it would cost to bring the streets up to code.

Joe Harrison, Jr.: I don't know if there are utilities that you have to speak with or anything.

Jim Ackerman: Not to my knowledge at this point.

Joe Harrison, Jr.: As far as a legal description, you probably have that, I'm sure, with everyone in your subdivision. That is something that I will need at some point as well as a listing of all the homeowners in the subdivision and then we can check with the tax numbers on all of those people. There are some things that, obviously, we're going to need up front. Before petitions and those types of things are signed for or against this project, I want you all to have a good feeling on what you think...or what we believe the numbers are going to be so those individuals who sign a petition one way or another aren't going to be blindsided later on with some additional costs that they may not of realized. As much information as we can possibly get up front, that's what we want.

Jim Ackerman: When you come to the meeting if you'll bring a

list of things that we need to do, that you have to have, why have those with you and then we can proceed with that.

Joe Harrison, Jr.: Okay.

Jim Ackerman: You can, you know, once we get that why then you can tell us approximately--

Joe Harrison, Jr.: I'll get with John Stoll and find out exactly what all he has and whatever information we still need we will request.

Jim Ackerman: Good.

Joe Harrison, Jr.: Okay.

Jim Ackerman: We'll look forward to seeing you there. Thank you.

President Mourdock: Thank you. County Councilman Jim Raben.

Jim Raben: Hi there. I'm County Councilman Jim Raben and I also represent the west side and I'm sorry I didn't get that gentleman's name.

Commissioner Tuley: Jim Ackerman.

Jim Raben: Jim Ackerman. Just to add a little bit to what Jim was saying, another important thing that we need to keep in mind is that the school buses, Vanderburgh County school buses, run in that subdivision and as that road deteriorates they're on those roads plus the fact that we are not able to offer snow removal and they're traveling that subdivision daily in the winter. I know those people have called me numerous times and anything we can do to work with them I would certainly appreciate.

President Mourdock: Yes, very much so. I should have said it when Mr. Ackerman was here, I didn't think of it. Keith Rounder had put together a basic packet of information last year regarding the general needs of the Barrett Law and we need to be sure at that meeting we have at least a few of those to hand out that begins to explain how that process works.

Jim Raben: I'd like that myself.

President Mourdock: You've got it? Okay, very good.

Commissioner Jerrel: I have a question of the attorney. Would there be more than one other potential Barrett Law user that you're discussing?

Joe Harrison, Jr.: Well, there are three projects that I am aware of now, but, you know, there may be more. There are three...this particular one, there is one off of Oak Hill which is the one that Mr. Schwenker has referred to and then there is one off of Old State Road. There are three. Two are roads and one is a sewer.

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Commissioner Jerrel: Is there a plan, perhaps, to move in the direction of getting the information to all groups so that if...I mean, it would be nice to be able to move on something like this during the paving season if we are going to do something like this. So, we need to get all three or two or however many are interested we need to get these projects--

Joe Harrison, Jr.: Right, I think there is just one road and two sewers. Again, the construction work can't be done on those roads until we can start the process on that particular area.

Commissioner Jerrel: Right.

Joe Harrison, Jr.: I just want the homeowners to know exactly when they start signing petitions, you know, a pretty good idea of what the cost is. The cost isn't just going to be the cost of the road or the sewer or whatever. It is going to be more than that. You know how things develop sometimes. I just want to make sure that everyone knows up front what the costs are before you all approve a preliminary resolution on this particular project that they may have in front of us.

Commissioner Jerrel: Are we dialoguing with those people though?

Joe Harrison, Jr.: Well, yes. I believe that John Stoll has received information from each one of them. I've gotten a lot of information from Mr. Schwenker. I don't have any information on the Westwood one, but on the Old State Road, I believe, that you do have an estimate on that one as well.

John Stoll: Right. I have been working with Andy Easley Engineering and Mr. Leroy Walther who is pushing that project. I have not been working with the Oak Hill sewer though. I have been working with the Westwood Hills group as well.

Joe Harrison, Jr.: I think we have, really, three...I think there have been three cost estimates done. I think there has been one for each project.

John Stoll: Right. I have one for Westwood Hills and I've also got one that Easley submitted last week for the Old State sewer.

Joe Harrison, Jr.: I've got the one for Mr. Schwenker. At least we have that, but, again, there are some other things. For instance, with the other sewer one you have to deal with the city to make sure that they're not going to have some additional costs. I don't know if you've talked to them about that or not?

John Stoll: They did submit a letter stating several things that they would like to see in the plans. I figured that we could probably once we are to the point where the preliminary hearing could be held if those revisions aren't made to the plans at that point we could just make it subject to that letter that was submitted by the Water and Sewer Department. They said as a whole the concept for the sewer plans were okay with a few minor revisions.

Commissioner Jerrel: So then we will know and there will be a prorating out of the costs based upon the total bond costs?

Joe Harrison, Jr.: Yeah, and, again, the reason I have asked for the listing of all the homeowners is so then we can start prorating that out and then deciding...Mr. Schwenker has all the names. I mean, I've got all that and I am sure that Mr. Ackerman can provide us with that. What we are going to do is go out and get a copy of the subdivision plat and everyone and the lot owners in all three. Now, Mr. Schwenker's is not actually a subdivision. I thought it was, but it is kind of a hodgepodge of roads out in that area.

John Stoll: Neither is the Old State sewer.

Joe Harrison, Jr.: Okay.

John Stoll: It is not a subdivision.

Joe Harrison, Jr.: It is easier if it is a subdivision, so it is just a little tougher. Anyway, John and I have been talking about it, but we are going to get it straightened out in the next week or so. At least a game plan on where we've got to go and then we are working on the numbers and hopefully find a way to do one bond issue.

Jim Raben: I don't mean to take up all your meeting. Are there any measures in place or can we put measures in place to prevent subdivisions like this from developing that we end up in this situation? Particularly, not just streets, but sewers like what we've ran into out in University Heights on the west side where these people...so many of them, I guess, first time homeowners, they probably know it going in, but the second or third or fourth or on down the line...the realtors are much like used car salesmen, I guess. They forget to tell you that it smokes! It would be nice if there were some type of measures or something to prevent this from happening.

Commissioner Tuley: I can't address the sewers so much, Jim, as the problem with the roads. There are standards in place that if the developer wants them to be accepted by the county for maintenance they have to be built to a certain standard. They know that and some of them won't build any other way because they are real reputable. They'll go in and they'll do it by county standards and they can't wait to give it to us and then they are done with it. Some of the others, like any group, they're not quite so reputable. I think that is what happened here maybe. It was that they weren't built...I shouldn't say that quite the way it came out, but in this group they chose not to build them to our standards for whatever reason and now they are crumbling and like you said, the first time home buyer...most of us assume when we look at the street that the county is going to take care of it for us. I don't know how you change that unless...if there is any way to require it and this is more of a legal question, that all subdivisions roads would have to be built to our standards and taken over for maintenance by us. I don't know if that is something that you can do or not?

Jim Raben: Yeah, that is what I was asking.

President Mourdock: I don't know if that is something that you

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can do.

Jim Raben: You might even--

Joe Harrison, Jr.: I don't think it is.

President Mourdock: Yeah.

Joe Harrison, Jr.: Because they are basically private roads.

Commissioner Tuley: They are.

Joe Harrison, Jr.: It's like telling you how you are going to have your driveway.

Jim Raben: It was just an idea.

President Mourdock: Good question. I wish there was an easier answer. John Stoll.

John Stoll: The letter of credit is one thing that helps on that because we just don't release the letter of credit if they have not built it properly. Back when Westwood Hills was built there was no letter of credit, so nobody could call in the letter of credit to do the repairs needed to make the streets be built to the point that the county could of accepted them. That is one safeguard, but you're right. In some situations it is still not the answer.

President Mourdock: But the letter of credit only applies when they are built to our standards to begin with right?

John Stoll: No.

President Mourdock: Even if it is private road that is less than county widths there would be a bond or letter of credit posted?

John Stoll: Right.

President Mourdock: Well, that would help some.

John Stoll: Then we would just have to make sure that they do establish maintenance provisions through a homeowners association that are long-term. If that is dissolved in some way or another then that is beyond their control as well.

President Mourdock: The county cannot enforce those.

John Stoll: Right.

President Mourdock: That would be the individual homeowners.

Commissioner Tuley: In Westwood my understanding is that developer went belly-up anyway and is no longer in business.

John Stoll: That is my understanding, too.

President Mourdock: Any other members of the audience to bring an issue? Russ.

Russ Lloyd: Russ Lloyd, Vanderburgh County Council. I live at 344 Wilson Square. I wanted to address you on the proposal to improve Burkhardt Road. Ms. Jerrel made a presentation to the County Council last week on, I guess, a preliminary idea here and I wanted to mention that I thought that was an excellent idea. Currently I am serving on the Evansville Urban Transportation with Commissioner Tuley. You know the Burkhardt Road improvements between the Lloyd Expressway and Morgan are on the drawing board for some time after the year 2000. When you have that kind of development out there, you know, the idea of possibly getting that in ahead of that I think would just really be a boom to the county. I talked to some of the EUTS people trying to get a handle on this and year old figures on traffic counts between Morgan and Oak Grove Road you are talking about over 14,000 vehicles a day. To give you kind of an idea of city streets like First Avenue and Green River Road some of those are around 30,000. This was taken, I guess, in February of '96 which was prior to the opening of Circuit City and the Lloyd Crossing developments out there, so that is somewhat old data. I guess one thing about this, these improvements would be in District 1 which is actually Councilman Wortman's district, so why am I up here arguing for that? Because that would help us quite a bit. I drive that intersection every day to get to work and those improvements are getting ready to come in, but to not have the north/south going north would be, I believe, shortsighted. Going through the Comprehensive Plan we are talking about 80,000 vehicles a day through that Burkhardt/Lloyd intersection. The Lynch Road extension over 30,000 a day, so when Lynch Road gets done and to have all that traffic piling into a two lane road it just seems like we really need to get on that quick. I thought that the presentation that Ms. Jerrel made was a great idea and I think that is something that we need to move forward on, so I would appreciate your consideration on that. It would be an opportunity for us to instead of being behind the development like it seems like the county always is we would at least be even. I hope you can consider that.

Commissioner Jerrel: Thank you. At this time I would like to just ask the two Commissioners to consider with me asking the County Council for an appropriation for a new line item in our budget for infrastructure. I wrote some notes to you to consider. We would have the opportunity to use perhaps \$3 million of General Fund excess money to put in the Infrastructure line item. The existing infrastructure money in the riverboat money we would be able to borrow short-term and we're meeting with the banks next week to see if we couldn't fund the rest of it. We would be able to do that project at least from Virginia to Morgan without any long-term borrowing. No bonding, no tax increase and John, are you over there? How soon do you think we could get something like that on the drawing board if all those numbers work out right?

John Stoll: Probably summertime.

President Mourdock: Define what you are using as the start. I mean, what would happen by summertime?

John Stoll: Well, the contract for design was signed last year. The design for Burkhardt was all between Lloyd and Morgan in its

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entirety. It was just that this first phase was split out. The contract has already been awarded. I am not sure exactly where United stands as far as where that design currently...how much of it they have done, but they have been working on that. I know all of the survey work is completed, so I guess it depends on when we would anticipate having money to go ahead with it.

Commissioner Jerrel: There are two Councilman here and I presented this to them last Wednesday and I am just looking for some guidance from both of you as to how far and how fast you want me to go?

Commissioner Tuley: Just real quick, Bettye Lou. The \$500,000 '96 CCD, was that allocated or was that allocated reserve that is set aside?

Commissioner Jerrel: Uh-huh.

President Mourdock: That was one-third of the two-thirds that we spoke of last week.

Suzanne Crouch: You have a financial statement.

Commissioner Jerrel: We don't have a financial...I don't.

Commissioner Tuley: We have \$500,000 in riverboat in infrastructure.

Commissioner Jerrel: Well, you should have a financial statement in your packet. Is it in there, Tony? It isn't in there.

President Mourdock: My initial one didn't have it.

Commissioner Jerrel: Unless we just got it.

Suzanne Crouch: No.

Commissioner Tuley: I don't remember seeing it, but that doesn't mean anything.

Suzanne Crouch: It's in the consent items.

President Mourdock: I've got the cover letter, but not the item.

Suzanne Crouch: Well make copies for you.

President Mourdock: While we're looking for that--

Commissioner Tuley: Yeah, go ahead.

President Mourdock: My comment would be a very brief one which was essentially that last week we talked about this briefly. I thought then that it was a good idea. I still think it is a good idea as far as trying to use the bank money on a short-term basis. The question that I have is one of whether or not the banks would be interested in doing that given the funding source being the riverboat funds. At least from the bonding point of view, historically that has not been something that would be

allowed because the riverboat monies weren't seen as a sure stream of income. If you report to us on...what did we say, I think the 7th of April?

Commissioner Jerrel: Well--

President Mourdock: When you get your report, then we would know what the banks were going to do.

Commissioner Jerrel: We could pay the banks with the CCD which is in place and not going to go away. See, we have enough funding to be able to if we decide we want to do this we're almost there. The difference if we borrow from our local banks we could pay back with a portion of our CCD money which is already in place. I think that isn't something that would disappear.

Commissioner Tuley: Are you talking about putting up \$1 million in cash and borrowing \$2 million and paying them back \$1 million a year on that. Is that what you are saying?

Commissioner Jerrel: Uh-huh.

Commissioner Tuley: That's what I thought.

Commissioner Jerrel: And get it paid off right away. I will do it in much more detail, but I am just trying to let you see that we're ready and if we go to the County Council and ask for that money to be appropriated that gives them a chance to dialogue and I would think that we would all three want to appear and John would want to present that to them and I think we'd be in a position to be ready to move. Now, I know this is different paying out front without borrowing, but I think it is worth our consideration. I don't want to...if you are not prepared to do something like that tonight, then think about it.

President Mourdock: Yeah, sure.

Commissioner Jerrel: We ought to get on the agenda.

President Mourdock: I think that's the appropriate action. Again, I'm not at all opposed to the full plan. I just want to make sure that I understand what the full plan is.

Commissioner Jerrel: Right.

Commissioner Tuley: Right, because if I am reading it right this doesn't sound like a bad approach from the standpoint if you are only going to take one half million each two years in a row from those funds so that we don't deplete or dedicate 100% of those funds--

Commissioner Jerrel: Right, right.

Commissioner Tuley: --so that we have money for other things that come up out of CCD and what have you.

Commissioner Jerrel: We're in a situation where the economy is good. As long as we can do it we don't know what the future is

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going to hold and it would be short-term and it would be paid for.

Commissioner Tuley: Right. Virginia Street to Morgan has to be done almost first and then we need to look at from Morgan Avenue north to Lynch.

Commissioner Jerrel: Right.

Commissioner Tuley: If we don't utilize TIF money from that area bounded by Oak Grove to Morgan, because this is already paid for out of other sources, then it would free that TIF money to use to do Morgan--

Commissioner Jerrel: The balance. Absolutely.

Commissioner Tuley: I would like to see some more figures, but that doesn't sound bad.

Commissioner Jerrel: I would like for you to consider it and I would like to be able to...well, we wouldn't. When is the 15th?

Suzanne Crouch: This Friday is the deadline.

Commissioner Jerrel: Well, we either make the request for the Infrastructure line item and get it in by this Friday or we have to wait another month.

Commissioner Tuley: You can go ahead and make the request and put it in and then if we don't agree with the funding mechanism we can always withdraw it by the time they actually act on it.

Commissioner Jerrel: Right.

President Mourdock: With that in mind, I would ask then for a motion to have a request of Council for a new budget item labeled Infrastructure.

Commissioner Tuley: I would so move.

Commissioner Jerrel: And ask for \$3 million dollars?

President Mourdock: John, the number that we are looking at. Is that fairly well coinciding with what the bid number was off the Lloyd to Virginia section?

John Stoll: I've got a \$6 million dollar estimate for Virginia to Morgan. To prepare that estimate I took out the Virginia Street extension plus the work that we had to do out on the Lloyd Expressway right-of-way and I came up with a cost of about \$1,000 a foot for the Burkhardt improvements. Knowing that we'll need a bigger box culvert up through there, I came up with about \$1,200 a foot from there on northward, so that is how I came up with the \$6 million dollar figure.

President Mourdock: The motion was for the line item and then I think I heard an amendment to the motion in your second to go to the \$3 million dollar figure?

Commissioner Tuley: My motion didn't state \$3 million.

President Mourdock: Right.

Commissioner Tuley: That's the problem. It needs to have a dollar amount affixed to it.

Commissioner Jerrel: Yeah, if we are going to have anything appropriated for John to start working on.

Commissioner Tuley: I'll amend my motion to include the \$3 million, but it sounds like even that is not going to be...

Commissioner Jerrel: Well, we can put the other million in from those two funds so we are at four and that means there will be \$2 million additional.

John Stoll: I don't know if there is any cap on the amount of CMAQ Funding, the federal funding that Rose was pursuing for the Morgan and Burkhardt intersection, but that is where some more funds could come from to help pay for the thing.

President Mourdock: We've been told historically that once you are in attainment, which we are supposedly going to be redesignated now thanks to IDEM and the EPA, that CMAQ money may not be available. Do you have any idea what the timing would be on that?

John Stoll: I'm not sure how that works because I don't know if due to the fact that the project has already been initiated through an environmental study it might be funded even despite the fact that we would be redesignated. That is something I can check with Rose on a be sure.

President Mourdock: Please do.

Commissioner Tuley: I'll keep my motion as long as it is with the understanding that...and it sounds like and I would like to see more figures a little more defined just so that we're not...if the idea is, and I heard Commissioner Jerrel say that it was, not to use up every year 100% of the CCD or the riverboat--

Commissioner Jerrel: Oh, no.

Commissioner Tuley: --I mean, I think this is probably a novel idea and a good way to go. As long as we don't just deplete every cash reserve we've got, but the road has to be built somehow.

President Mourdock: Right.

Commissioner Tuley: It has to be done. I'll amend my motion to include the \$3 million.

Commissioner Jerrel: Second.

President Mourdock: I will say so ordered. With that also add that let's still aim for that April 7th date and, obviously,

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Commissioner Jerrel and John Stoll will need to work together very closely to come up with a full plan for the April 7th meeting so that we can see a better handle on what the costs would be and also have a full funding package put together.

John Stoll: Okay.

President Mourdock: Councilman Raben, did you start to say something?

Jim Raben: I am Finance Chairman. Can I be a part of this?

President Mourdock: For the record, Councilman Raben asked as Finance Chairman if he could be part of the record and I think that is a wonderful...or part of that committee, and I think--

Commissioner Jerrel: I do too.

President Mourdock: --that is very important. We certainly hope you do that.

Commissioner Jerrel: Councilman Lloyd could be very helpful. That's two votes.

President Mourdock: Yes, Councilman Lloyd, please feel free to be involved with that. Any other comments from the audience regarding our road hearing?

Tony Greubel: Commissioner Mourdock? This is Tony, the Administrative Assistant. I have several letters that people have sent us about roads that are relevant. One person wants us to extend the westbound turn lane at Boonville-New Harmony Road.

President Mourdock: That's Gene Koch.

Tony Greubel: Yes, Gene Koch.

President Mourdock: John, let me give these letters to you and ask if you would also--

Tony Greubel: I have that. I will give it to him.

President Mourdock: --this is the only one that I have if you have more.

Tony Greubel: I've got more.

President Mourdock: I mean this is the only letter I have. Do you have other letters?

Tony Greubel: Yes.

President Mourdock: Okay.

Tony Greubel: Yeah, a few others. I'll just give them to you. The other letter is from Aimee Hebbeler. This was first sent to the Mayor's office and forwarded to us late last week. She wants more stoplights on Oak Hill Road. She thinks it is too

dangerous north of Lynch Road. Colleen McGovern on the topic that we were just talking about is worried about the Burkhardt and Lloyd area. She thinks there is too much development out there.

Commissioner Tuley: Who is it? Who was the person?

President Mourdock: Colleen McGovern.

Tony Greubel: Yeah, Colleen McGovern. Let's see, then a Mary Kluge called us up and she would like Deshields Drive and Bridgeview Drive to be repaved this year. That's it.

President Mourdock: Okay, John, if you would please include those to your action items for May 5th, so that they're in that report. Okay--

Jerry Jones: Mr. Mourdock, can I ask one thing?

President Mourdock: Sure, Mr. Jones. Come to the microphone, please.

Jerry Jones: I get a little nervous sometimes up here and I don't know if I said this or not, but when I was talking about Lyle Road a while ago it is not the whole road. There is about, oh...a couple of blocks that needs to be built up and then the families would be okay. The dirt that Floyd Staub was talking about, I mean, it is only about 40 or 50 yards from the road, so he might really cut the county a pretty good deal on the dirt. I thought I would add that. Thanks.

President Mourdock: Okay, thank you very much.

**Mike Shoulders - Veazey Parrott & Shoulders**

President Mourdock: Okay, moving from our line item then on the road hearing, the next thing I have is Mike Shoulders regarding an update on the Vanderburgh Auditorium.

Mike Shoulders: I am Mike Shoulders, President of Veazey Parrott & Shoulders at 528 Main Street. I have two items for the Commissioners tonight. The first one, as I promised, was a listing of a project directory of my consultants. I am not asking you to call them and chat each day, but so that you will know who they are and their numbers. If you do have any business concerning any of these sub areas or consultant areas I would appreciate you going through our office on it so that we can keep everything coordinated. That directory is as much for my staff and consultants as it is for anyone so that we know who is on the project and what phone number to call. The other item that I have tonight is a more detailed cost estimate. A further elaboration from two weeks ago when I presented some cost information to you. As you can see from the front page summary, we are on budget with this project. This front sheet has various sub areas of cost and then those areas in the following pages are somewhat delineated in some detail. You have approved in past sessions all of these improvements, so we are not asking you to vote on this budget or to even comment, but I do want you to know what the public monies are being expended for and if you

do have questions on any of this certainly after you have had a chance to study it I would be happy to answer them and go over any of this with you. We are on budget. We are still doing value engineering. As you can see if you compare this sheet to the one we gave you two weeks ago, there are little minor fluctuations and headings. This will continue. This finessing and this refinement and this cost containment and cost prediction effort will continue from now until we bid the project. We do want you to understand the sub headings and the areas where the funding is going. I will entertain any questions that you might have just as you glance through it and certainly will be back in two weeks with another report and at that time would be more than happy to answer other questions that you've had through studying it.

President Mourdock: Questions of Mr. Shoulders?

Commissioner Tuley: Not at this time.

President Mourdock: Bettye Lou? One quick one then, Mike. Is my recollection wrong? I thought you last contingency was showing 7%?

Mike Shoulders: No, it was five and it still is. That will go...when we get about 90% into our construction drawings that will go down to three as we understand, but two weeks ago it was five.

President Mourdock: Okay, was it? Where are you then on the design drawings? Are you still on schedule to have the 90%--

Mike Shoulders: We're on schedule. We will have a 50% submittal in four weeks to you and to Mr. Stoll. We will be at the mid-mark of what we call the construction documents portion. We are still on schedule for the bid date that we had projected.

President Mourdock: Okay.

Mike Shoulders: We will continue to monitor the schedule and the budget in this way and give you periodic updates. I will be out of town in two weeks. I will have Michael Buente, my project architect, here for an update. He will be talking to you about some of these subdisciplines in the project directory. Two weeks after that is our April 7th submittal which is a 50% construction drawing submittal in four weeks.

President Mourdock: Okay. Bettye Lou, did you have any questions?

Commissioner Jerrel: No.

President Mourdock: Okay.

Mike Shoulders: Thank you very much.

**Final reading - Erosion and Sediment Control Ordinance**

President Mourdock: The next item on our list is the final reading of the Erosion and Soil Control...Sediment Control, I mean. That's next on the list. The changed list! Final reading, Joe, comments?

Joe Harrison, Jr.: We need a second reading of the ordinance. The ordinance, again, was published in the newspaper prior to last week's meeting. The ordinance did pass last week unanimously and there needs to be a motion and a second and then a roll call vote on this particular matter. There might be someone in the audience that wishes to address the ordinance. I don't know.

President Mourdock: Anyone here wishing to address the ordinance? Okay. In that case I would move on second reading approval of the Vanderburgh County Erosion and Sediment Control Ordinance. Actually, I would look for a motion for that.

Commissioner Tuley: Just a question. The only thing that was in there last week was...the only change and maybe you said it, Joe, and I am sorry, but there was a request to change in regards to...I forget exactly what it was.

Joe Harrison, Jr.: The only thing and, again, it hasn't been put in here is the fact that Mr. Wathen is going to--

Commissioner Tuley: Put it in writing?

Joe Harrison, Jr.: Yeah. Is going to put the objections in writing. It doesn't say that it has to be in writing or not in writing in the ordinance, but he has consented to notifying the landowners in writing of problems that develop with respect to the ordinance. He is going to draft a form letter to that effect and keep a copy of every notice that goes out not only for the county's protection, but for the landowner's protection.

Commissioner Tuley: Okay. I almost wish that was in writing, but I'll move for approval.

Commissioner Jerrel: Second.

President Mourdock: Since it is an ordinance, I'll ask for a roll call vote. Commissioner Tuley?

Commissioner Tuley: Yes.

President Mourdock: Commissioner Jerrel?

Commissioner Jerrel: Yes.

President Mourdock: I vote yes. With unanimous approval on second reading it is official. Is that right, Joe?

Joe Harrison, Jr.: It's official.

President Mourdock: Yes.

**Lynn Ellis - City/County Purchasing**

President Mourdock: We have from City/County Purchasing, Lynn Ellis, the approval of a bid for consideration? Is Lynn here?

Commissioner Tuley: She got a hold of me late this afternoon.

She said it is pretty clear cut and asked if she would be excused from attending tonight. I think she had a...she didn't really say why, but she said she would like to be excused if at all possible. She went over it with me and she said it is just pretty clear cut. I told her I didn't think it was necessary for her to be here it was something we could do. So, with her recommendation I would move at this time the approval of the award of bid number APA014-97 for traffic paint as follows: Centerline Industries, Inc. for the paint at \$25,696.52; for Cataphote, (I think that is) Inc., thermoplastic at \$8,920.00; and Flex-O-Lite, Inc., glass spheres at \$3,840.00.

Commissioner Jerrel: I would like to second that motion.

President Mourdock: So ordered.

**Bob Dillow - Group Benefit Service Agreement**

President Mourdock: We have an agenda request from the county's insurance agents, Torian, Hofmann & Dillow for a Group Benefit Services Agreement. Any discussion on this item?

Commissioner Jerrel: I would like to move approval of the terms of this service fee for \$10,000 to provide the six services from 2/1/97 to 2/1/98. These services are the same provided by the previous carrier for the exact same amount of money.

Commissioner Tuley: I will second your motion.

President Mourdock: So ordered.

**Jayne Berry-Bland - County Treasurer**

President Mourdock: County Treasurer on a bit of business that was incomplete from last week on credit card use for taxes. I see Jayne Berry-Bland. Any comments to make, Jayne?

Jayne Berry-Bland: Unless you would have some questions. I did want to come in case you looked over this and had a better opportunity to look over the contract. Not that I can answer anything legal, but I have dealt with the representative, so I will be happy to answer any questions anyone may have.

Commissioner Jerrel: I don't have any. I have been able to read the contract. I just wondered why nobody tried this since it has been in effect for almost three years?

Jayne Berry-Bland: Because they want...what I am hearing from the other Treasurers are they really want to use Visa and Mastercard. They're not convinced that this Discover Card is popular enough. Now the stats that I am getting from the Discover Card people, and I don't know how reliable this source is, but they're saying 31% of all Indiana households have a Discover Card. I personally feel like it is worth trying or I wouldn't of come before you. I certainly think in the years to come we're going to see more and more of this type of payments.

Commissioner Tuley: I might add something. You're a County Treasurer, so you can't say this so I will.

President Mourdock: A former County Treasurer!

Commissioner Tuley: As a former County Treasurer, unless they've gotten a lot more sophisticated in some of these smaller counties it is different, it's new and they're not going to try it.

Jayne Berry-Bland: They won't try it.

Commissioner Tuley: That's part of the problem, I think.

Commissioner Jerrel: What about the, obviously, the counties like Allen, St. Joe, Marion.

Commissioner Tuley: That one I can't answer you. I mean, I don't have an answer for you on that because they obviously, I mean, Tim Berry who is the Treasurer in Allen County he is pretty progressive.

Jayne Berry-Bland: I will say along that same line that the only other county that I am aware of that are even doing that debit option that I spoke about last week where you sign a form and we can literally take it out of your checking or savings account, Marion County is the only one that is doing that and they are in their second year. I'm not sure why these things are not implemented any sooner, but I think in the very near future we are going to be forced. Cash management has been around since 1990. I'm close, or approximately 1990.

Commissioner Tuley: Yes.

Jayne Berry-Bland: As of 1996 there were seven counties that use the cash management system which is sad. We are one of them and we went on right away, but it's certainly a way to get more return for your money.

Commissioner Tuley: Jayne, let's just call this a pilot if nothing else. The first year your intent was to rent the equipment and see how it goes. If it creates more problems than it is worth then at that time we are out the rent of the equipment. We haven't bought anything that we are stuck with. Is that correct?

Jayne Berry-Bland: That's correct.

Commissioner Jerrel: Then you can tell how accurate the percentage is.

Jayne Berry-Bland: Yes, I can. They do, and I think I mentioned this last week, they do in the rental of this equipment I would rent a printer also and it prints us a report at the end of the day that shows exactly how many people called in and how many people mailed in. There is a way to designate that, so that will be interesting for us to know, too. Of course, I can do percentages of how many people...how many tax bills I send out and how many taxpayers actually use this service.

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Commissioner Jerrel: I'll move approval.

Commissioner Tuley: I will second.

President Mourdock: For the purpose of a vote, I would like to call for a roll call vote if I may? Commissioner Tuley?

Commissioner Tuley: I'll vote yes.

President Mourdock: Commissioner Jerrel?

Commissioner Jerrel: Yes.

President Mourdock: I will respectfully vote no. Jayne, I salute you innovativeness and I really do appreciate the fact that you are looking to try to do things differently, but I just have a problem with people paying their taxes on credit. I realize a lot of people probably pay the bill by the end of the month anyway, but I just hate to see government encourage that kind of debt. Again, I salute your--

Jayne Berry-Bland: I respect your opinion.

President Mourdock: --innovation. Well, thank you. I salute your methods there.

Jayne Berry-Bland: Handling as the Treasurer of the county I will try to get the money for the county in any means that I possibly can.

President Mourdock: Sure.

Jayne Berry-Bland: I really don't think it is all bad. I would much rather, as I said last week, put my tax bill on my credit card then to have the county take my home.

President Mourdock: I thought of that--

Jayne Berry-Bland: Which would be a last means, but I do understand exactly.

President Mourdock: You made that same comment last week and that one did have a lot of merit to it, but sometimes it is just philosophical.

Jayne Berry-Bland: I understand. Thank you.

President Mourdock: Thank you. The next item is also from the County Treasurer's Office regarding the Citizens Bank Cash Management Contract.

Jayne Berry-Bland: I guess you will want me to address this also. Apparently during my research on the credit card payments and getting with the bank we've had some problems with Citizens Bank this year. We signed or we thought we had signed a contract with them in September of '96 to begin on January 1 of '97 for a two year contract period. The bank, nor Mr. Greubel or no one can seem to find a signed copy. We looked back through the minutes. Apparently the contract never got signed.

It got awarded to Citizens on September the...Tony? The 23rd?

Tony Greubel: September 23rd it was approved.

Jayne Berry-Bland: It was approved. I gave him a copy of the approval of the minutes, but no one can find a signed contract. So to ensure that we're right I felt like it needed to be presented again. I'm not sure whose responsibility that was for the contract.

Commissioner Tuley: Let me put you on the spot then, seeing how you've had this since January 1 without a signed contract you do want us to sign it?

Jayne Berry-Bland: Please.

Commissioner Tuley: Okay. I was going to say, if you've had any problems now is a chance to regroup and back out!

Commissioner Jerrel: I have one question. Is this usually on a low bid basis?

Jayne Berry-Bland: Yes. There are several factors, but yes.

President Mourdock: I would look for a motion.

Commissioner Tuley: I would move then since we don't have a signed contract that either the President or all three or whomever needs to sign it would sign the contract.

Commissioner Jerrel: Second.

President Mourdock: So ordered.

Jayne Berry-Bland: Thank you.

**Any group or individual wishing to address the Commission**

President Mourdock: We are at the end of our action items which means any group or individual wishing to address the Commission on any issue that is not on here please come to the microphone.

Leroy Walther: Leroy Walther, 8417 Old State Road on the sewer project extention on Old State Road from...Mr. Tuley is smiling at me. It's been a long time.

Commissioner Tuley: Well, it is funny that you would bring it up. I don't think you had got here yet tonight when we were talking about your very project.

Leroy Walther: I'm sorry I was late. I thought the meeting started at 6:00.

Commissioner Tuley: No, no. That's fine. That's not a problem. That's the reason that I am smiling because we did talk about it.

Leroy Walther: Oh, okay. What I wanted to know is there

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anything else we have to do as the group on Old State? We do have a preliminary plan in, we've got an estimate in to the--

Commissioner Tuley: Engineer's office.

Leroy Walther: --Engineer's office. Our preliminary plan has been approved by Jim Williams in the Sewer Department. We have 60% of the residents there. There are a total of 25 of us. There are 15 of us that want the sewer. Again, as I stated before, probably the majority of the septic systems in our area do not function properly.

Commissioner Tuley: If I might take the lead. What came out tonight is John Stoll did indicate to us that you guys did have preliminary approval. There were some minor modifications that have to be made to the plans as submitted, but overall the city accepts them. Where we're at right now, and Joe is trying to get us a definitive answer on this, we've tried to save money for everybody involved is to try to combine your Barrett Law project with the one on Oak Hill Road and one out on Westwood Hills. Yeah, Westwood Hills Subdivision for road projects. Joe is trying to get us a definitive answer on that because if we can minimize costs because your costs obviously isn't going to be just the cost of the sewer. There is going to be a bond issuance cost and all this kind of stuff.

Leroy Walther: Right.

Commissioner Tuley: Joe is trying to help us save some legal fees and some of these other fees if we can do it. I think once we nail down where we have to go from there, then I think at that time this Board will take whatever action or be ready to take whatever action or at least bring it to the table. Let me get this phrased right. Bring it to the table so that we can take whatever action deemed by this Board of what is legal that we need to do to make this project move on.

Leroy Walther: If I may say, if I remember correctly last year when a resolution was approved and presented by Keith Rounder that at that time there was X number of dollars that was available in some kind of bond money. I don't know and you thought there would be enough in that to cover that at that time.

Commissioner Tuley: I don't really remember any money that was set aside because this is all going to take new money.

Leroy Walther: Well, I don't know if it was set aside, but you said at that time you had a surplus that you would go into that was...I don't know what it was allotted for--

Joe Harrison, Jr.: Excuse me. Have you all done the petition process yet?

Leroy Walther: Yes.

Joe Harrison, Jr.: You have?

Leroy Walther: You mean in our community?

Joe Harrison, Jr.: Yes.

Leroy Walther: Yes.

Commissioner Tuley: I don't think this Board has ever adopted the resolution.

Joe Harrison, Jr.: I wouldn't think so. Okay.

Leroy Walther: No, this Board, it was approved last...I'm going to say in October.

Commissioner Tuley: I am going to try and speak from memory here. Hopefully, I'll get it right, but no guarantees. I think what this Board did was accept Keith Rounder's package and guidelines. I don't think we actually officially said, yes, we're going to do this.

Leroy Walther: No, what you said was that we would, since this was the first one with this Board, that you would take it step-by-step.

Commissioner Tuley: Right, believe it or not those steps, I think, they've got molasses on the bottom of our shoes, but we are getting there.

Leroy Walther: That's the reason I am here. I don't want it to die on the vine.

Commissioner Tuley: Anybody that I have conversations with on the phone I tell them, you know, don't hesitate if you pick up the phone every month or something or two months if you've not heard something from us or seen something going on because I don't think there is anybody on this Board that would be offended if you just call and remind us because as you see there is a lot of things that get brought to this Board that are being handled by two and three and four different people. I think where we're at really in all three cases right now is when Joe gets some more legal advice on what we can do I think we will be ready to bring everything to the table in terms of a resolution and get all of them. The intent would be, if at all possible, and this is something that I think Commissioner Jerrel brought up earlier, this year during the construction season is the time to get these projects going if at all possible.

Leroy Walther: Well, we was hoping that we could get it started by the first of May. Of course, our project engineer drug he feet and didn't get everything going.

Commissioner Tuley: John has been dealing...our engineer has been dealing with your...Andy Easley?

Leroy Walther: Yes.

Commissioner Tuley: Yeah, so John has been dealing with Mr. Easley, so they are communicating.

Leroy Walther: I don't know if Mr. Easley was premature in sending a letter to the County Commissioners on February 12th.

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Do you have that?

Joe Harrison, Jr.: I think we do, yes. I know John Stoll has a copy of that information, so we are well aware of the plans that you all have for each of the projects and your project is the one off of Old State.

Leroy Walther: Right.

Joe Harrison, Jr.: I've got my card for you, too, if you ever want to call me.

President Mourdock: I just went back to my records and this was back in October, you were right. I had that Mr. Kissinger made the comment that the bonding that will be required will count against our general indebtedness limits and that no General Funds would be available given the current budget requirements. Perhaps that's where the comment came up about the indebtedness.

Leroy Walther: Well, I'm old and I don't remember too well.

President Mourdock: As long as this is young, I'm young!

Leroy Walther: Okay, so you are taking action.

Commissioner Tuley: We're moving slowly, but we're moving.

Leroy Walther: Okay.

President Mourdock: Definitely get with County Attorney Harrison to be sure he knows everything that you have compiled at this point because we do want to keep your project moving along.

Leroy Walther: I do have a petition signed for the 60% and I assume that our project engineer has given that to John Stoll.

Joe Harrison, Jr.: There is going to have to be some...under the law you're probably going to have to go out and get that again, but you and I can talk about that. We'll talk about that. Once the resolution is signed, the preliminary resolution is approved...if it is approved by this body, then that starts the petition process and you already know who you have on your side and I think it would be easy to probably go out and get their signatures again, but we can talk about that.

Leroy Walther: Okay, thank you.

President Mourdock: Thank you.

Commissioner Tuley: Thank you.

President Mourdock: Yes, ma'am.

Jan Titzer: My name is Jan Titzer. I live at 6335 East Baseline Road. On the Soil Erosion Ordinance that you passed tonight, may I have a copy this evening?

President Mourdock: Sure.

Commissioner Tuley: Sure.

President Mourdock: Mike, do you have a copy with you? Tony, do you want to get a copy for Ms. Titzer.

Charlene Timmons: I've got one.

President Mourdock: Charlene has a copy at this end, Ms. Titzer.

Jan Titzer: Thank you.

President Mourdock: Uh-huh. Anyone else from the audience to address the Commission?

**John Stoll - County Engineer**

President Mourdock: Okay, department head reports. County Engineer, John Stoll.

John Stoll: The first item that I've got is the recommendation to award the Strawberry Hill bridge project to CLR, Incorporated. It is in the amount of \$57,087.

President Mourdock: Obviously, you're recommending approval on this. Is everything squared up with the bridge design and hydrology or hydrologic studies?

John Stoll: Yes.

President Mourdock: Okay.

John Stoll: The only thing that we've discussed in the office as of late was in regard to the pile driving. Since it is in a residential area, we were wondering if we might need to drill the holes rather than actually drive the piles into the ground. I talked to Mr. Reitmeyer with CLR and he said that would be an additional cost of about \$3,000, so that is something that we may want to consider in order to prevent all the noise and vibration from the pile driving in the residential area.

President Mourdock: Steel piling or wood piling?

John Stoll: Wood piling.

President Mourdock: Do we have any...I guess maybe this is to the County Attorney here. If we decide to go with the pile driving option I think your concern is very valid. We need to make sure that there is specific insurance coverage in case someone claims a picture is knocked off the wall or whatever as a result of pile driving.

Joe Harrison, Jr.: Can we get an indemnification agreement or something along those lines before this body adopts or approves this?

John Stoll: We have a certificate of insurance from the contractor.

Joe Harrison, Jr.: Okay.

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John Stoll: For the project.

Joe Harrison, Jr.: What...can I see that? You don't have it with you right now do you?

John Stoll: No, I don't.

Joe Harrison, Jr.: Okay. Have you reviewed it?

John Stoll: Yeah, it is just a standard certificate of insurance. I don't remember what the limits are right off the top of my head.

Joe Harrison, Jr.: You might want to wait until next week.

President Mourdock: Is that a big problem for you?

John Stoll: Actually they were wanting to start the bridge this week if possible.

President Mourdock: When will you know whether or not you are going to go with the dug or drilled piling or the normal driven piling?

John Stoll: There are two test piling sites where two test piles will have to be driven first. I guess we could see how that goes before we make the final decision. This is the first bridge that we've had in a residential area since I have been with the county, so that is why I am not familiar with what complaints we may run into with pile driving in this area. All in all I thought \$3,000 was fairly reasonable. If we run into any problems at all my recommendation would definitely be to just go ahead and drill rather than drive the piles.

President Mourdock: Okay. You're right, there is not a big cost difference given the nature of the project. I guess I would encourage you...it sounds like we may go ahead and act on it, but encourage you to talk specifically to the contractor about making sure his insurance is good in case there is any--

John Stoll: Okay. I'll get you a copy of the insurance certificate, too.

President Mourdock: Other questions for John regarding Strawberry Hill? I would then ask for a motion for acceptance of the proposal.

Commissioner Tuley: I'll move at this time then for the approval of the contract with CLR, Incorporated of Vincennes as discussed.

Commissioner Jerrel: Second.

President Mourdock: So ordered.

John Stoll: The next item that I've got is in regard to the Gershman Brown shopping center traffic control request that was made a few weeks ago. The county attorney has been in contact with Gershman Brown's attorneys in regards to this issue. Gershman Brown through their attorney, Marco DeLucio, has

submitted a letter stating that they would cover the cost of off-duty police officers to direct traffic in and out of their site. If the Commissioners approve the officers being there...I'll show you the letter.

President Mourdock: Again, the question of liability is foremost in my mind.

Joe Harrison, Jr.: They're hiring two off-duty officers. The county would have to permit them to be able to stop traffic out there on Burkhardt Road. I think given the situation that is going to occur out there with the increased traffic, I think this is a wise move for the county to permit them to hire off-duty officers who are, again, at least they're not...well, I'll strike that. I think that would be the appropriate thing to do in this instance.

Commissioner Jerrel: Okay, I am going to make a motion to approve hiring off-duty--

Joe Harrison, Jr.: No. We're not going to hire them--

Commissioner Jerrel: I know, but the term off-duty police officers or sheriff's deputies. I grant permission to Gershman Brown to hire off-duty police officers or sheriffs to control traffic into the entrance. Is it the entrance way there at Virginia?

John Stoll: No, it's on Burkhardt--

Commissioner Jerrel: On Burkhardt.

John Stoll: --across from Kmart.

Commissioner Jerrel: Okay, across from Kmart.

Commissioner Tuley: Second.

President Mourdock: So ordered. Again, perhaps just for the record, Joe, if you would send them and draft a letter or something. My concern about liability remains one of if one of the off-duty officers or anyone else for that matter is working on this basis and they fail to alert someone of oncoming traffic we're probably all going to get sued anyway, but I just want to make sure that we have the best possible protection.

Joe Harrison, Jr.: Sure, sure.

John Stoll: One other item that they have proposed as of late is the possibility of a signal installation at that intersection. There are several issues that have to be resolved before that can be put in place, but what we would like to do is put as much in permanent signals in place if that is going to happen, but the main thing is we want to make sure the signal doesn't make things worse rather than better. They would have to hire a consultant to evaluate that possibility and that is something that you will probably hear about again in the future.

Commissioner Jerrel: I have a question and you may know the

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answer or you may know the answer. Was a traffic light recommended in our plan?

John Stoll: Yes.

President Mourdock: Yes, there is a traffic light approximately 350 feet north of Lloyd.

John Stoll: I think it is about 600 or 700 feet.

Commissioner Jerrel: Okay, so there wasn't any concern about traffic backing up and being over into the Lloyd if there was a-

John Stoll: Yes, and I have a feeling that once that is in operation the best way, maybe about the only way you'll get in and out of that site, is going in off of Virginia Street because they will probably have to have a real long green time for north/south traffic on Burkhardt which would just let traffic line up on the two shopping center approaches, but we can't let traffic back up out onto Lloyd. So that will be the primary movement as far as allowing the green time for Burkhardt traffic which will result in long lines on the parking lots probably.

Commissioner Jerrel: It didn't make a lot of sense to me, that's the reason I asked.

John Stoll: The reason that it ended up there is because that was Kmart's primary entrance, so we wanted to try and make a four-leg intersection out of it. The developer had hired a traffic engineer out of New York to do all the studies saying that it would work, but I still think that the primary way you'll be able to get in and out of there will be off of Virginia Street because you won't have the stacking problems with traffic lining up out to the Lloyd Expressway.

President Mourdock: It is my recollection, and one of you guys will remember probably, that was EUTS' recommendation was it not?

Commissioner Tuley: I think based on information provided to them from this.

President Mourdock: Right, the guy that John just mentioned.

Commissioner Tuley: The New York consultant.

John Stoll: The signals are based on warrants established in the manual on uniform traffic control devices and the consultant estimated that the traffic volumes would meet those warrants, so that was where the justification came from. It will be a coordination problem to make sure it doesn't cause problems that back up out on the Lloyd Expressway.

President Mourdock: Anything else, John?

John Stoll: The only other thing is I just want to let you know that I've got a tentative meeting set up with Mikki Heck on Wednesday.

President Mourdock: Okay, that is on Radio Road?

John Stoll: Right.

President Mourdock: Okay.

Commissioner Jerrel: I'll call you tomorrow.

John Stoll: Okay.

**County Garage**

President Mourdock: The next item on our list is the County Garage report which we've already received, of course.

**Joe Harrison, Jr. - County Attorney**

President Mourdock: County Attorney. Joe.

Joe Harrison, Jr.: I guess I just have two matters. I think you all have a copy of the draft of an ordinance concerning the use of county funds for the payment of membership dues and other fees. I've got an extra copy if any of you all need that and Charlene has a disk regarding that ordinance. This can be one of two ways. We can publish it ahead of time and consider it or we can consider it on two occasions and publish it thereafter. It is up to you all whatever you want to do. If you want to consider it next week and then the following week and then she can publish it that is fine. It is up to you all.

President Mourdock: One question, I guess, for the Board on this one.

Joe Harrison, Jr.: Sure.

President Mourdock: I don't know if you've gotten my notes about that ordinance?

Joe Harrison, Jr.: No.

President Mourdock: I do have one question. The text in the ordinance is somewhat broad to officeholders, county employees, county officials, whatever that means. I'm not quite sure. I guess my feeling was that as far as allowing those memberships and dues during our discussions we were being specific to elected officeholders. Is that the Board's intention as opposed to just "county employees"?

Joe Harrison, Jr.: The County Council as to those particular...in the second, third and fourth paragraphs are basically things that can and can't be done with county funds. The first paragraph of the draft talks about the Commissioners may adopt certain ordinances...or to adopt ordinance establishing certain guidelines concerning the use of county funds for the payment of membership dues and other expenses that may be incurred by county officeholders, county employees, county boards and county bodies. The Council then may designate which specific professional organizations or associations county

funds may be appropriated to pay the membership dues on behalf of either officeholders or county employees, county boards or other county bodies. It is the County Council that has to make that call. However, most of these particular requests are going to come to this body anyway. But they are going to have to decide at budget time or during the year if they want to pay an additional appropriation concerning those particular membership dues. The ones that are listed up in two, three and four are really the ones where we've had the problems according to the Auditor's Office and according to the Indiana State Board of Accounts. That is where we have to stop paying for membership dues for the judges and other attorneys that are employed by the county whether they would be in the Prosecutor's Office or Legal Aid for their memberships to the Evansville Bar Association, State Bar Association, American Bar Association, etc., and also disciplinary fees for judges, magistrates, other attorneys, Legal Aid attorneys. However, the Prosecutors were able to get an exemption through that and their disciplinary fees may be paid, the County Prosecutor as well as full-time deputies. So what I wanted to do was set forth who can and can't be...can't have their memberships or disciplinary fees paid.

President Mourdock: Okay, all that notwithstanding, I guess is it the desire of this Board to fund or approve, obviously with the Council's acceptance, that entire list of potential people or was it just intended to be the elected officeholders? If we choose that can we make it that?

Joe Harrison, Jr.: Well, again, you can do whatever you want. That's why this is a draft. I wanted you all to look at it. I think it might be helpful if you have some questions on who has been getting memberships paid in the past. I know I've got a list somewhere, but Suzanne, in the Auditor's Office, has that list and I think for the most part it has been officeholders. But again, there are county employees, for instance, there are attorneys who work for Legal Aid and some others that have had things paid. The Auditor may know for sure.

**Tape change**

President Mourdock: Bettye Lou, go ahead.

Commissioner Jerrel: Are you ready? I would like to look at the draft and also speak to Council to see what would be most effective for them when it comes to the budgeting process.

Joe Harrison, Jr.: Yeah, I think that...again, this is just a starting point. You may want to wait three months, but I have been hounded to look into this. This even came up last year when I was counsel for County Council a number of times. It is just something that has to be done whether it is done this month or next month or whatever, but at least there is a starting point and you all can do whatever think. If you need some more advice on these things just yell at me. As far as the other one that we have here and I don't know if I have a copy of this in front of you. Pat, why don't you pass that down. The Drainage Board required or asked that I draft an ordinance concerning a filing fee in connection with the filing of a petition under that obstruction ordinance concerning the removal of

obstructions from a drain or natural watercourse. You've asked that a filing fee of \$100 be accompanied with the petition that is filed. Filing fees are permissible under the state statute and this ordinance relates to that particular request. I would ask that you ask the Auditor's Office to advertise this particular ordinance and have you all consider it at your Drainage Board meeting on the 24th. Is that correct? This would give us enough time.

President Mourdock: The question though, and this is the crazy thing, as the members of the Board of Commission can we act to advertise this on behalf of the Drainage Board since the Drainage Board is not in session?

Joe Harrison, Jr.: Sure. Bettye Lou is the President of the Drainage Board and can give her okay to put any...or any other member of the body, but certainly the President can go on and do that and plus you at the last Drainage Board meeting authorized me to prepare this to get it in the paper anyway.

Commissioner Jerrel: So you are saying that we don't need a motion then?

Joe Harrison, Jr.: No.

Commissioner Jerrel: Okay.

Joe Harrison, Jr.: I just want you to have it before it's in the paper in the next few days.

President Mourdock: We do need a motion to advertise though?

Joe Harrison, Jr.: Yes, that's fine. That's fine. What I would do is I would have Bettye Lou make the motion since she is President of the Board.

Commissioner Jerrel: At this time I will move that we do advertise for the Drainage Board the ordinance establishing the fee.

Commissioner Tuley: Second.

President Mourdock: So ordered.

Tony Greubel: Actually, I have one question about that. Who do they pay the filing fee to? Would it be the Administrative Assistant, the Superintendent of County Buildings, or would it be someone in the Auditor's Office?

Joe Harrison, Jr.: Well, it is going to come in with a petition. Whoever is standing in the Commissioners' Office who takes the petition. Tony is going to be obtaining a stamp, a file stamp, that says received this date by the Vanderburgh County Drainage Board.

Commissioner Jerrel: And then quietused in.

Commissioner Tuley: Well, it is going to have to be quietused in anyway, yeah.

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Joe Harrison, Jr.: But it will be payable to the county. I'm sure there will be some procedures set up between the Commissioners and you as to who takes the money and that sort of thing.

Tony Greubel: There is nothing wrong with someone else taking the money? I was just wondering if...unless it would be the Auditor or the Treasurer I was just wondering if--

Joe Harrison, Jr.: It is going to come into the Commissioners' Office, so they will have to tell you how to handle that.

Commissioner Tuley: Yeah.

President Mourdock: On another drainage...were you finished with your legal report, Joe?

Charlene Timmons: I have a question about that real quick. The advertising. Twice?

Joe Harrison, Jr.: Yes.

Charlene Timmons: Do I advertise it as a first and second reading? Are we going to do it in two separate months or just as a reading?

Joe Harrison, Jr.: Just as a reading.

Charlene Timmons: Okay.

President Mourdock: Also another drainage issue, I know Commissioner Tuley is going to be out of town the 24th, which is the next Drainage Board meeting. I don't know if it has been filed yet, but I understand from the Phoenix hearing that took place last time that was continued or there were revisions being made.

Commissioner Tuley: It received preliminary approval, so it could possibly be back.

President Mourdock: Okay. I have not voted on that in the past and I do not wish to do so in the future and I am wondering if we need to schedule or reschedule that Drainage Board meeting or do something different for that one particular issue.

Joe Harrison, Jr.: Yeah. It was my understanding in talking to Bill Jeffers that he was agreeable with having that particular matter set for the 31st after our meeting since we have five meetings this month and then on the 24th have whatever is scheduled for the 24th.

President Mourdock: Okay, have the regular drainage meeting the 24th, but if, in fact, Phoenix is ready to resubmit something--

Joe Harrison, Jr.: I think they are.

President Mourdock: They are?

Joe Harrison, Jr.: It is my understanding they are and they are

going to have to advertise for that--

President Mourdock: For that special meeting.

Joe Harrison, Jr.: Yes.

President Mourdock: But we would actually formally schedule the special Drainage Board meeting then on the 24th?

Joe Harrison, Jr.: Yes...a no. The special one would be the 31st.

President Mourdock: But we would schedule it on the 24th?

Joe Harrison, Jr.: You can put that in, again, just like the ordinance. You can get that in today if you want to get that notice in time.

President Mourdock: But we don't know for sure that they are going to present it until the 24th do we?

Tony Greubel: I'm certain they will. I've talked with Mr. Tubbs with Phoenix.

Commissioner Jerrel: Okay, so we do need to...do we need a motion on that?

Joe Harrison, Jr.: You can do that today...if you want to wait, but I would get it in as soon as possible.

Commissioner Jerrel: Okay, I would like to move that we hold a special Drainage Board meeting on the 31st.

President Mourdock: Specific to the Phoenix.

Commissioner Jerrel: Specifically for Phoenix approval or disapproval.

Commissioner Tuley: Second.

President Mourdock: So ordered. Anything else, Joe?

Joe Harrison, Jr.: That's all I have.

**Tony Greubel - County Commission Office**

President Mourdock: Okay, Tony?

Tony Greubel: Okay, getting back to our travel account 1300-3130. Our present balance is actually \$7,362.85 as of last Friday. On Friday I also took notes during the County Personnel meeting chaired by Commissioner Tuley. I have included those notes, but Commissioner Tuley will review them to you later. I did mention the Westwood Hills Subdivision, but since Mr. Ackerman was here you already know about that. I am also going to submit a travel request for Commissioner Tuley when he attended the County Government Day. That was already approved actually in one of our meetings in February, but we have to get the signatures. One other meeting, going back to the Personnel

meeting, I was wondering Commissioner Mourdock, I don't believe you'll be able to attend the one this Friday that you were originally scheduled for.

President Mourdock: That's right. Joe and I will be in Indianapolis, so, Bettye Lou, will you be able to cover that one?

Commissioner Jerrel: Yes.

President Mourdock: Then I will take the following week. Anything else?

Tony Greubel: That's it.

<b>Consent items</b>
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President Mourdock: We have in the packet our consent items.

Commissioner Jerrel: We have a couple of people here and I think that it is appropriate that we at least raise the issue and I did call Ms. Musgrave's home because we had some telephone calls regarding the testifying and the issue of travel for the purpose of attending legislative meetings. I was just getting ready to do a little math to see. We've spent, and we don't have any of the bills in yet from last week's travel, so we've spent close to one half of our budget in the first two months of the year. The issue is since there is a difference of opinion among officeholders on these issues and I don't want to make a decision so I have written the note and I don't know if either one of you have received any calls, but we just need to come to some kind of agreement on this.

Cheryl Musgrave: What's the question?

Commissioner Jerrel: The question is should we continue paying for trips to Indianapolis to testify on bills for two different opinions, two different offices or more than two different offices over the same bill? Did I make myself clear? Bill X is opposed by one group and bill X is supported by another.

Commissioner Tuley: Yet another.

Commissioner Jerrel: So that is the issue. Whose place is it to pay for this?

President Mourdock: In my mind the greater question is the one that was raised at the outset of your remarks. We've gone through half the budget in two months.

Commissioner Jerrel: Right.

President Mourdock: Regardless, for the moment, regardless of the intention of the trip I think that in itself is a major issue is how that travel budget is put together, how it's used and how it is funded and whether or not it should be done under the budget of the Commissioners versus someone else. I think that is one issue. I guess regarding the second issue on who is for something and who is against something I am open to any

comments that anybody has got on that one.

Cheryl Musgrave: Well, if we are speaking theoretically, theoretically we're all elected. Theoretically we all have a job to do and we should represent the people the way one sees fit. If you want to ask specific questions about specific trips I think I could better address those. Do you have a specific question?

Commissioner Jerrel: Well, no, I just wanted to know how you felt about it. I guess...we haven't discussed it as a body, but it has been raised, you know. These are taxpayer funds. The legislature is in session. They're making a decision. You both belong to opposing associations on this issue.

Cheryl Musgrave: I think that is a rather broad statement, that we both belong to opposing associations. That's not--

Commissioner Jerrel: Well, I mean they oppose this bill. One group is for it and the other is against it.

Cheryl Musgrave: Oh, I think that also is much too broad.

Commissioner Jerrel: Is that not true?

Cheryl Musgrave: Absolutely.

Commissioner Jerrel: Well, tell us what you think because I don't know enough about it. I have a copy of the one group and some of their statements and I just want us to come to grips with the issue.

Cheryl Musgrave: Okay. Under discussion right now among the County Assessors Association, the Township Assessors Association, the Auditor's Association, the Treasurers Association, the Association of Indiana Counties, the State Tax Board, oh, a group called CRIPTIC, which stands for something which I have forgotten it includes so many groups. It is House Bill 1783. It is a real short bill. Double sided. I have read it a couple of times now and don't pretend to understand every word. It's 264 pages. If the Governor campaigned on property tax reform this might be his bill. I don't know. I keep asking who wrote this bill? I don't have an answer to that. This bill has passed out of the House. This bill has been sent to the Senate. The Senate passed a bill and it has been sent to the House. They contain some of the same provisions. They contain provisions that the other's bill doesn't have. This bill contains a lot of things that I think all of us want. One of those would be to delay the reassessment. In fact, both bills contain this, to 1999. I think both bills contain the provision to change the ratio for taxable property from 33 1/3% to 100% of true tax value. I think most people who think about our assessing system realize that taking an assessment and dividing it by three simply serves to confuse. So this is taking that out. It eliminates certain requirements for exemptions. If you have a church and you have a sanctuary at that church you would no longer have to refile every four years on the sanctuary. Just one time. It contains so much stuff in here that the summary keeps going on to the next page. Lots and lots and lots

stuff it has in here. It also completely revolutionizes the way that property is assessed and who does what.

President Mourdock: Excuse me, Cheryl. I don't want to lose track of the point here and I know you were asked a specific question and you are trying to answer it, but let me come back to my comment from before. Your comment that said we are all elected to represent something, I think, is a very valid comment. Certainly there are three people on this Board and at any given time you may find at least four opinions among the three of us. Okay? Isn't the question before this Board not that specific piece of legislation--

Cheryl Musgrave: I'm not sure.

President Mourdock: Well, that's what I want to find out. It's not that specific piece of legislation or any specific piece of legislation. Is the question should the Commissioners' travel budget be used on lobbying trips? Period. One way or the other.

Cheryl Musgrave: Well, the question here is are the trips that I am taking lobbying trips? The trips that I am asking for approval to go to is the legislative committee meeting of the County Assessors Association.

Commissioner Tuley: Which you are a member?

Cheryl Musgrave: I'm a member, yeah. So this is the County Assessors Association, this is the legislative committee and we're getting together to discuss what is in this bill. There won't be a legislator in the room.

Commissioner Tuley: Okay.

Commissioner Tuley: Normally, and I'll say this, normally or my experience has been that normally the associations do pick the legislative committee members to be people who live in or around a reasonable distance to Indianapolis because of the required trips and it just eats the counties alive. That's not saying that you don't have a right to be a member, but we have a request almost once a week to go to Indianapolis which is eating our budget up.

Cheryl Musgrave: Well, I understand that, but then you get to the flip side. Do we want to have influence in Indianapolis or not? There is only one way to do that and that is to show up. I think I am getting to the point where they are actually listening to me. Between the first version of this bill and the bill that got passed out of the House I got a couple of small changes made. Well, it's not nearly enough to satisfy the folks who are calling you. That's all I could do.

Commissioner Jerrel: Well, I don't have...Sheriff Hamner has a favorite phrase right now in this fight, but I just would prefer that we come to some agreement. Are we going to go every week?

Cheryl Musgrave: Well, I sure hope not.

Commissioner Tuley: So do we!

Commissioner Jerrel: We can't afford it, so you need to think about it. You're not the only person that has some requests in here. We have Sherman Greer, I think, it's his 17th request. I was going to recommend that we talk to the Mayor and we come up to an agreement because it is very easy to say, yes, I'll do this or I'll go here or I'll go there and then you have an endless trail of requests.

President Mourdock: We do, but what Cheryl said a moment ago is absolutely right. I've heard you say it, Bettye Lou, and I don't know that I have heard you say it in this meeting, but outside of this meeting many times I have heard you make the comment about having some effect on people in Indianapolis. You've got to be there. I mean, I'm sure Pat's comment that they normally pick people for those committees from Marion County and Martin County...or not Martin, but Brown County and the several surrounding them. I'm sure that happens, but it begs the question is that in our best interest and I can't believe that it is.

Commissioner Jerrel: I guess I'm--

Commissioner Tuley: It doesn't necessarily have to be, but each association may have an Executive Director who is supposed to work on behalf, such as the Commissioners and I don't know if the Assessors have an Executive Director as a--

Commissioner Jerrel: They do. Isn't that Sandy Buickel?

Cheryl Musgrave: She is the lobbyist. She is not our Executive Director and that is a very big difference there. Very big.

Commissioner Jerrel: Right, but they have someone.

Commissioner Tuley: Someone channels the feelings and what have you of the Assessors, the Treasurers and the Auditors to these people. That's why we went up to County Government Day for one meeting to sit there as a group and then give our Executive Director our feelings and let them carry them forward. Yes, it would be nice if we could have the Auditor and the Treasurer and everybody else on these legislative committees to make a presence in Indianapolis, but some how we are going to have to do it by letter, by phone or something else or the doors open.

Cheryl Musgrave: Well, I would like to point out that this is my second year...no, it is going on my third. This is the first time that I have made more than a couple of trips outside of the State Tax Board meeting or something like that to Indianapolis. This is the biggest bill reforming property tax assessment in I'll venture to say in the last 25 years. This is going to change things in our county big time if it goes through and some of the changes that they're making are not good for Vanderburgh County. They're good for Warrick, but they are not good for Vanderburgh. I'm going to go with or without payment because some of the things that they are doing here are not good for us and I'll be there with my big mouth as always letting them know. Sandy Buickel, I know that you know her--

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Commissioner Jerrel: Uh-huh.

Cheryl Musgrave: --and I know that you respect her, but the County Assessors Association almost fired her last week. There are reasons to go. I'm going to continue going.

Commissioner Jerrel: Well, just so you understand the situation that we're in. I don't have a problem making a motion to approve these, but I do want this body to send a letter to the Mayor about the one joint department. I think we've reached a point where we need to at least put that in writing.

President Mourdock: Okay.

Cheryl Musgrave: I will try to keep it to a minimum.

President Mourdock: Okay. Before we leave the issue on your points made, Cheryl, I am wondering...we are some distance away from budget time, but as budget time comes up this coming year I think, again, this point of if we are going to have impact in Indianapolis we've got to have people like Cheryl who are willing to go even if it is out of their own pocket to do it. Not that I am suggesting that's the method.

Cheryl Musgrave: Thank you.

President Mourdock: But people who want to go to do this who were elected to do it or for whatever reason, it seems to me that we are selling the county short if we don't find a way to do it. I realize that money doesn't grow on trees, but you can't have your cake and eat it too. Either we are going to be there and we are going to pay to be there or we're not going to be there and we are going to accept the fact that sometimes we feel like we're shortchanged.

Commissioner Tuley: Let me take it one step further then. We used to do this years ago and because a Council member screwed up, but each individual officeholder is duly elected to do their job and is given a budget every year that has thousands or millions of dollars in it yet we don't trust them to give them their own travel allowance. Put it back in there to their own individual budgets and let the Council sit back and question about the trips and let them justify their trips and get it out of our budget altogether. President Mourdock: I totally agree. I don't know why it is in there. I mean, I really don't.

Commissioner Tuley: Oh, I'll tell you. It's because a Councilmember screwed up several years ago and tried to take a lot of extra money on a trip, so they said they would put it all under ours and then we would have to approve it.

Commissioner Jerrel: Is that how?

Commissioner Tuley: Yeah, it was one of my Council members. I'll own up. You know who he is.

President Mourdock: He didn't go to New Orleans (inaudible).

Commissioner Tuley: Yes, he did. That's exactly where he went.

Cheryl Musgrave: Well, I won't go to New Orleans.

Commissioner Tuley: Anyway, I just would rather take this out of our budget--

Cheryl Musgrave: Been there.

Commissioner Tuley: --and I don't know why we have to give you permission to travel.

Commissioner Jerrel: It would be a good time to do this when we do the you're going to be able to pay dues for this and this is the only thing that dues are going to be paid and right below dues would be travel.

President Mourdock: You're suggesting in the budget process.

Commissioner Jerrel: Yes, in the budget process.

President Mourdock: Yeah, okay. Alright, thank you, Cheryl. Did I hear a formal motion here?

Commissioner Jerrel: Yeah, I did.

Commissioner Tuley: A motion in terms of the consent items? Is that what that was?

Commissioner Jerrel: Yes.

Commissioner Tuley: I'll second.

President Mourdock: So ordered.

#### **Scheduled meetings**

President Mourdock: Scheduled meetings. We have, I think, a calendar published with the final hearing...or with the final agenda. Yes, there is a calendar on there.

#### **Old business**

President Mourdock: Old business. Any old business before the Commission tonight?

Commissioner Tuley: I've got one item. Apparently, and I don't remember who brought it up, but I thought it might of been Commissioner Jerrel some weeks ago, but apparently in the Teamsters' Contract there were some incorrect figures for per hour wages. They've now...apparently Lewis has gotten with Sandy and got the correct figures. He has the new pages. I didn't get a chance to go get them today, but I'll give those--

Commissioner Jerrel: I gave...they're going around.

Commissioner Tuley: Apparently, those two got together...what do you got?

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Suzanne Crouch: This was laying at my spot. I was kind of wondering if it was my copy or...?

Commissioner Jerrel: There are two different--

Commissioner Tuley: Is that the corrections?

Tony Greubel: Suzanne, I put that on your desk.

Suzanne Crouch: Oh, is that right?

Commissioner Tuley: Well, they called and maybe they did that because I didn't get a chance to get over and pick them up.

Tony Greubel: All three Commissioners have them. Those were brought in at about 4:30 today.

Commissioner Tuley: Okay, then that is what happened.

President Mourdock: I've not seen them.

Commissioner Tuley: Okay, well those are supposedly correct figures, okay? There was a 30 cent discrepancy in one classification. Apparently, we left out maybe two employees at Burdette altogether. I think that was the only old business that I had.

Joe Harrison, Jr.: That would be in the nature of an addendum to the agreement and this has been approved by the union?

President Mourdock: Yes.

Joe Harrison, Jr.: Those numbers?

Commissioner Tuley: Yeah.

Joe Harrison, Jr.: Is this something that you want to act on? Do you want to take a look at it and act on it next week?

Commissioner Tuley: Why don't we act on it next week.

Commissioner Jerrel: Monday, but--

Joe Harrison, Jr.: Take a look at it.

President Mourdock: Yeah, let's just take it under advisement.

Joe Harrison, Jr.: That will be an addendum to the contract.

Commissioner Tuley: It is actually a correction is what it should be.

President Mourdock: Okay, we'll take that then under advisement. Any other old business?

Commissioner Jerrel: Okay, now I am going to 14th, okay and who is going the 21st?

President Mourdock: I think I am going on that one.

Commissioner Jerrel: You're going the 21st?

President Mourdock: Yes, because you are out of town.

Commissioner Tuley: I'm leaving the 21st.

Commissioner Jerrel: Okay, and then what about the 27th?

President Mourdock: Tony.

Commissioner Jerrel: Tony.

Commissioner Tuley: For some reason when this first came up for some reason I thought Tony was going to do that.

President Mourdock: The last one?

Commissioner Tuley: I was getting ready to say I don't know. Do you want Tony to do the last one?

President Mourdock: Yeah. Okay, other old business? I had three items and we've covered them already, so they are very old.

Commissioner Tuley: Is this considered then old or new? What Tony was talking about.

President Mourdock: Wait a minute.

Commissioner Tuley: Yeah, what Tony submitted. A couple of these questions are legal questions that Joe has and we will have to deal with.

President Mourdock: Joe, you got a copy of Tony's notes?

Joe Harrison, Jr.: Yes, I'll take a look at it. I just got it.

President Mourdock: Okay.

Commissioner Tuley: In general terms the meeting went quite well. Everybody was well behaved. They did ask some questions. A couple of them were legal questions. One thing that kept coming up was originally I think they started off by wanting a county personnel office. Then I think the more we talked about it the more they gravitated to maybe it was something that could be shared by the city personnel office and only to be used in terms of a central location to get applications, to put applications, for testing purposes and not to say a personnel manager will be hiring for elected officeholders or department heads. That is something that was explored a little bit in the past, but never really got off the ground so I don't know where we want to go with it. There was a question, again, about probable cause for drug use. Who is the one that makes that decision and where do we send these people and what have you. Like I said, some of them were more legal questions. Commissioner Jerrel was in the audience with the people as well to listen and hear so, Bettye, correct me if I have misstated anything that I picked up from what was going on there.

Commissioner Jerrel: The biggest issue was the hire date.

Commissioner Tuley: Hire date versus, yeah, calendar date. That is going to be a big discussion for you on the 14th because that is going to be the next section.

Commissioner Jerrel: Well, I am just going to act like a sponge and absorb information.

Commissioner Tuley: That's what I tried to do. I don't know how well I did. The one thing that they did say at the end and I tried to assure them that I was speaking specifically for myself, but my general feeling was this was not something that we were going to conduct these meetings and then just forget about what came out of it. I tried to identify with them that this personnel handbook that they kept referring to is as a Commissioners Handbook really should be looked at as our handbook. It's all of us and we all have to work within it and operate. Our job...all we were trying to do was go back clarify some of the things in there that were contradictory in nature to give them a guideline to make their job easier. I apologize to them that maybe we should have done that during this period. You two weren't involved in it, so I apologized for myself. It was a good meeting. Well attended. Nobody raised their voices and we didn't get a bunch of name calling and yelling and finger-pointing and stuff going, but the concern was, and I think they were satisfied with the answer, that yes we will take everything to heart and we'll go back and look at it and those areas that need to be cleared up we will clear them up.

President Mourdock: Okay, very good.

<b>New business</b>
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Commissioner Tuley: I will have one other new issue if you guys don't want to do follow-up or more discussion on that one.

President Mourdock: Go ahead with your new issue.

Commissioner Tuley: I got a call last night. Someone asking...they asked me specifically and I told them that I would bring it up to you guys at tonight's meeting about the possibility of using the chalets for displaced people from the bottoms as a possible place for them to go to. They called Burdette and, of course, they were quoted the \$70 a night which is obviously prohibitive. They want to know if, in fact, there is some how that we could make accommodations for people who are being moved out who don't want to get a real long distance away from...I don't know what they can see from Burdette any closer than they could see from somewhere else, but I was real receptive to it if we could do it on a decent rate until I talked to Mark and he said let me get you some information tomorrow. Those chalets are rented a lot more, I think, than any of us believe that they are. We have a whole lot of people who are mad if they are displaced. When you look down this and see how many of them...I think there are four chalets...five chalets. We have like on the 14th we have three of them that are rented that have already been paid for. We have a legal

contract, I assume, on every one of these that is a lease arrangement. I don't know if we can do it or not.

President Mourdock: I don't see how we could.

Commissioner Tuley: The 28th there is four rented and three of them already paid for. I mean there is a lot of information here and I had no idea that this time of year that they would be used like that, but they are pretty well booked up through the end of March. I didn't have this information when I talked to the individual, but I did tell them I would bring it to the Board.

President Mourdock: Alright.

Commissioner Tuley: My feeling is because of the legal contracts we probably just better leave them alone.

President Mourdock: Okay. Any other new business items?

Commissioner Tuley: I'm done with the old and new business.

President Mourdock: A couple. You both held up the resolution that we talked about last week in support of I-69. Again, the intention is not only send that to the Governor and our legislators, but also to make sure the other County Commissioners along the route get a copy of that and hopefully they will sign it. I'm not going to read it word for word. I trust you have done that. I guess I would ask for a motion for approval of that.

Commissioner Tuley: I will so move.

Commissioner Jerrel: Second.

President Mourdock: So ordered. The last thing is we also mentioned last week a letter and it is not in the packet and I don't know if Tony has printed that, but the letter to the Henderson group just wishing them well.

Tony Greubel: Actually, I do have that. It's in the signature file.

President Mourdock: Okay. No motion necessarily needed on that one. Any other business before the Commission this evening? Motion to adjourn?

Commissioner Tuley: So moved.

Commissioner Jerrel: Second.

President Mourdock: So ordered.

The meeting was adjourned at 7:30 p.m.

**Vanderburgh County  
Commissioners Meeting  
March 10, 1997**

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**Those in attendance:**

Richard E. Mourdock  
Bettye Lou Jerrel  
Patrick Tuley  
Joe Harrison, Jr.  
Suzanne M. Crouch  
Charlene Timmons  
Tony Greubel  
Milton Hayden  
John Stoll  
Jerry Jones  
Tom Wolf  
Betty Whittinghill  
Jim Ackerman  
Jim Raben  
Russ Lloyd  
Mike Shoulders  
Jayne Berry-Bland  
Leroy Walther  
Jan Titzer  
Cheryl Musgrave  
Others unidentified  
Members of the media

VANDERBURGH COUNTY  
BOARD OF COMMISSIONERS

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Richard E. Mourdock, President

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Bettye Lou Jerrel, Vice President

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Patrick Tuley, Member

**Vanderburgh County  
Board of Commissioners  
March 17, 1997**

The Vanderburgh County Board of Commissioners met in session this 17th day of March in the Commissioners' Hearing Room of the Civic Center Complex at 5:37 p.m. with President Richard Mourdock presiding.

**Introductions and Pledge of Allegiance**

President Mourdock: Good evening and welcome. There are lots of familiar faces here tonight, so we're going to move through things, I think, fairly quickly. We'll call the March 17, 1997 meeting of the Vanderburgh County Commissioners to order. Starting at my far left we have Charlene Timmons, who is our acting secretary; our official secretary, the County Auditor is Suzanne Crouch; to my immediate left, Bettye Lou Jerrel; to my immediate right, Pat Tuley; to Pat's right, the County Attorney, Joe Harrison, Jr.; and in the seat for the first time tonight with all the pressure building on her, Lynn Ellis, our new Superintendent of County Buildings. Welcome, Lynn, and I look forward to working with you.

Lynn Ellis: Thank you.

President Mourdock: Would you please, as is our custom, join us as we open the meeting with the Pledge of Allegiance?

**Approval of minutes**

President Mourdock: Several business items here. If you did not get an agenda, they are posted or presented over here on the table next to the door. Because all of our notes are verbatim, when you come to the microphone please state your name and address for the record. First of all, I would ask for the approval of the minutes from the March 10, 1997 meeting.

Commissioner Jerrel: Move approval of the minutes.

Commissioner Tuley: Second.

President Mourdock: So ordered.

**Certification of Executive Session**

President Mourdock: We will also approve at this time, or certify actually, that there was prior to this meeting commencing at 4:15 today an Executive Session of the Vanderburgh County Commissioners. At that meeting we discussed the initiation or litigation or threatened or pending litigation and also discussed county personnel matters. That meeting concluded at 5:30 and there were no votes taken and no decision reached.

**Lynn Ellis - Approval of APA015-97**

President Mourdock: The first item then in our action list is Lynn Ellis to approve a bid from your past work with the County Purchasing group.

Lynn Ellis: Right, a previous hat. The recommendation is to award Bid Number APA015-97 for traffic signs and materials, to split it three ways: 3M for \$8,976.96; Rocal, Incorporated \$49,773.58; Hall Signs, Incorporated \$15,576.50. The recommendation is based on line items as it resulted a savings of nearly \$4,000. The bid is normally split to three vendors and these three vendors have been awarded these products in the past. They are low responsive and responsible and I would recommend the award as recommended.

Commissioner Jerrel: I would like to move approval of 3M in the amount of \$8,976.96; Rocal, Inc. in the amount of \$49,773.58 and Hall Signs, Inc. in the amount of \$15,576.50.

Commissioner Tuley: Second.

President Mourdock: So ordered.

**County Assessor- Permission to advertise job opening**

President Mourdock: The next item on our list tonight, we have a job opening position to advertise for the County Assessor. Did I see Cheryl? Any comments on that?

Cheryl Musgrave: Cheryl Musgrave, County Assessor. Yes, I have a job opening and I would like permission to advertise it in the local papers and in the International Association of Assessing Officials Magazine.

President Mourdock: Any questions of Ms. Musgrave?

Commissioner Jerrel: How much is the magazine ad?

Cheryl Musgrave: I gave a copy of it to your Administrative Assistant, but I don't see him here. I think it was like \$50 for the first so many lines or something like that.

Commissioner Jerrel: Okay, I would like to move approval.

Commissioner Tuley: Second.

President Mourdock: So ordered.

Cheryl Musgrave: Thank you.

President Mourdock: Thank you, Cheryl.

**LEPC - Administrative Assistant Agreement**

President Mourdock: You have in your package a document which is an agreement on behalf of the Vanderburgh County Local Emergency Planning Committee for an administrative assistant. That has been signed by the Acting Chairman of the group, Dr. Richard Hagen. It regards the employment on a contract basis of one Mary Saxton.

Lynn Ellis: This was a previous agreement and I have a copy of an agreement that the county has entered into previously for

this service. The difference between the two contracts is that the hourly rate has gone from \$10.00 per hour to \$10.75 per hour and the number of hours has increased from 12 to 16, but those are the only two changes in the contract.

Commissioner Jerrel: Is this part of a joint committee or is this our sole responsibility? The Emergency Planning Department is a joint city/county, so is this joint?

Sherman Greer: No, it is the county's responsibility--

President Mourdock: Excuse me, yeah.

Sherman Greer: Sherman Greer with Emergency Management. The LEPC, Local Emergency Planning Committee, is the county's responsibility. It is not a joint venture.

Commissioner Jerrel: We've done this for how long?

Sherman Greer: Since 1986 when the Bhopal incident happened and President Reagan mandated as Sara Title 3.

Commissioner Jerrel: Okay, I'll move approval.

Commissioner Tuley: Second.

President Mourdock: So ordered.

**Sheriff Department - Contract with Dr. Harold E. Smith**

President Mourdock: You also have in your packet a copy of an employee contract agreement between Dr. Harold Smith and the Vanderburgh County Sheriff's Department. Dr. Smith provides...or would provide under this contract certain medical services to the Sheriff's Department and their facilities.

Commissioner Jerrel: I want to ask a question about that and I want to go back and say to Sherman, is this in your budget?

Sherman Greer: No, ma'am. It doesn't have anything to do with Emergency Management.

Commissioner Jerrel: Well, who...what I am trying to find out before we approve that, where is this money?

Sherman Greer: The money generated by each manufacturer or non-manufacturer of hazardous materials in the state of Indiana has to report and they pay a filing fee of \$50 to the state. Half of that money is sent back to the county and that fund is sent back to the county to be used as your Local Emergency Planning Committee.

Commissioner Jerrel: Okay, where is the money put?

Sherman Greer: They have an account and it is under a cash card account.

Commissioner Jerrel: Well, I just want to know when we approve these things that there is a line item or a cash card or

something somewhere to pay for it. Is this doctor taking the place of the doctor that we previously had?

Joe Harrison, Jr.: I don't know that.

Commissioner Jerrel: Well, I don't want to make approvals before we go to Council. We already have a contract with the physician from the Deaconess Emergency Group.

Joe Harrison, Jr.: I believe that person is no longer doing it, but apparently this individual started January 1, but I will find that out.

Commissioner Jerrel: I don't mind approving it, but I want to know...I'm not going to be \$3,500 more a month on top of the \$100,000 that we are already paying.

Joe Harrison, Jr.: Sure. Although it doesn't have...there are a number of problems with the agreement, but I think they want blessing by the Commissioners. They should have since the Sheriff can't enter into the contracts, but it should of had a date that the contract ended, but I am presuming it is for a year. I think they've had previous contracts that have been for one year. This should certainly be the same way, so I'll speak with the Sheriff's Department.

Commissioner Jerrel: Well, it comes out to \$1,166 a visit. I don't want to vote on this.

Commissioner Tuley: That's not cheap.

President Mourdock: Okay.

Joe Harrison, Jr.: I will speak with them and we can come back and revisit this.

President Mourdock: That's fine. We can defer that. As you said, the thing was initiated the 1st of January, 1997, so if we defer it another week I don't know that is going to be a problem. I'll make a note here.

**Mike Robling - Department of Metropolitan Development**

President Mourdock: Okay, Mike Robling, Daylight Sewer Project.

Mike Robling: Mike Robling, Department of Metropolitan Development. I have submitted a resolution and an amendment that would amend the agreement for engineering services with Three I Engineering for the Daylight Sewer project to redesign the Highway 57 portion of that project so it will accommodate the projected flows from the Phoenix Commerce Center project. This would increase the contract by \$26,700. The amendment has a blank in Section 2 and that blank should be filled in with the date of May 19th.

President Mourdock: So what we are looking at is purely a result of the Phoenix development? That's the additional engineering is going in here because of the potential that may be there for the Phoenix development?

Mike Robling: Right, they basically had this stretch of the project engineered and designed when the Phoenix project came up in October and this part was put on hold. A lot of the initial work they did, aerial photography and a lot of the surveying and so forth is still valid and will go in to finishing the redesign of the project.

Commissioner Jerrel: Okay, I would like to approve the resolution of the Board of Commissioners of Vanderburgh County authorizing an amendment to agreement for engineering services for the Daylight Sanitary Sewer Project.

Commissioner Tuley: Second.

President Mourdock: So ordered.

Mike Robling: Thank you.

President Mourdock: Thank you.

**Any group or individual wishing to address the Commission**

President Mourdock: We're at the point here quickly any group or individual wishing to address the County Commission this evening. I think, Sherman, is that what you were hoping to do?

Sherman Greer: Sherman Greer, Emergency Management. I gave you a packet that was sent to us. A lot of the information that is in that packet was from last year and the flooding that we had in 1996. The same thing has occurred again and we are going to have to make some decisions. Those decision are above me to make those decisions. It is going to be up to you as County Commissioners to make that decision on exactly how we are going to handle the debris cleaning and the emergency protection measures. Those are the two categories that the Federal Emergency Management Agency and the President has given us under our declaration. A, is debris cleaning which can be contracted out or also it can be done by our local county departments. Emergency protective measures, which is search and rescue, fire rescue and different things of that order which is not really applicable to us here because we didn't use any of those type of services. C and G also will be looked at and after the preliminary damage assessments are done and that has to do with bridges and roads and parks. Some decisions are going to have to be made. Not right now, but what we would like for you to do is look this material over. The 20th of this month, March 20th, we will be having a meeting a the 4-H Center. The State Emergency Management Agency and the Federal Emergency Management Agency requests to have a decision maker there at that meeting, so that they can be briefed on the different categories and how the application forms are to be filled out.

President Mourdock: Where will that be? You said the 4-H Center?

Sherman Greer: The 4-H Center at 8:00 a.m.

President Mourdock: March 20th?

Sherman Greer: Yes.

Commissioner Jerrel: Who will be representing the county?

Suzanne Crouch: I'm going.

Commissioner Jerrel: Can you go?

Sherman Greer: That is up to one of you three.

Suzanne Crouch: I'm going and I think John said he was going. Are you going?

Commissioner Jerrel: John Stoll and the Auditor will attend.

President Mourdock: Okay.

Commissioner Jerrel: What did we receive the last time that we were declared an emergency area?

Sherman Greer: I didn't bring those figures with me. It was over two hundred and some thousand dollars.

Commissioner Tuley: I had a quarter of a million in my head for some reason or close to it.

Sherman Greer: Yeah.

Commissioner Jerrel: So if we perform this work in-house we need to have some sort of a--

Sherman Greer: You need to keep precise documentation of overtime. The only thing that they're going to pay is overtime.

Commissioner Jerrel: Uh-huh.

Sherman Greer: They're not going to pay for regular time. If it is done like it was done last year and in the past years, FEMA will pick up 75% of it and State Emergency Management Agency will pick up 12 ½% of it and we will be liable for our 12 ½%.

Commissioner Jerrel: Uh-huh.

Sherman Greer: Now, I don't know if we could do that under a soft match with working hours or something like that for our 12 ½%, but you should be able to find that out, and I'll be at the meeting also. We should be able to find that out on the meeting on the 20th.

Commissioner Jerrel: Okay.

Sherman Greer: Those are some considerations if you contract it out.

Commissioner Jerrel: We need to...when you are there, Suzanne, we need to keep, you know, a careful dialogue so that we can give it to the garage people so they'll know how.

Rick Dickinson: The County Garage (inaudible comments not made at mike).

Commissioner Jerrel: Okay, good.

Sherman Greer: Yes. We've notified all the city and county departments to be at the meeting. In the past, they've all kept pretty good records, but there are some things that did not...were not filed for last year that we will be filing for this year.

President Mourdock: Okay.

Sherman Greer: That's all I have. Are there any questions? As of right now, we have 152 families that have filed for assistance within the Vanderburgh County area. With the 252 families that we have down in Union Township, I expect for that number to grow a lot more the more they get back into their homes.

President Mourdock: Okay. Sherman, I have a letter that you've probably seen already, but from Congressman Hostettler dated March 7th. Let me read part of it real briefly:

"I am writing to inform you that federal assistance is available to Vanderburgh County individuals, families and businesses victimized by heavy flooding of the Ohio River. As you know, Vanderburgh County is one of the many counties along the river that has been declared a major disaster area by the President. Residents and businesses who sustain losses in the designated counties can begin the disaster application process..."

A couple of phone numbers are listed. Is there anything else that you would need from us?

Sherman Greer: No, sir. I've got about 15 Federal Emergency Management Agency people in town right now that I am working with from public awareness to community relations and the disaster recovery center that has opened out at the State Hospital grounds. I've got about five or six that are going around doing individual assessments to the facilities that have been filed on right now. It's well under way as far as...as soon as the water goes down and more people can get back into their areas. Also, one of the things that I was thinking about doing here was in 1990 when we had the flooding in the Union Township area, which was comparable to this, but, I mean, there was more flooding this year, was pulling those records and seeing what type of damages that we had from water erosion and water problems that we had back then to our roads and looking at those and then maybe asking the County Garage and other departments to look into those areas as maybe our main areas to look into and get some type of assessment on dollar assessment on that. What we have to do right now is just give a preliminary assessment.

President Mourdock: Right.

Sherman Greer: A ballpark figure.

President Mourdock: Okay. Alright, thank you very much. Any other group or individual wishing to address the Commission at this point before we move to our consent items...or, I'm sorry, our department heads?

**John Stoll - County Engineer**

President Mourdock: Department head requests, the first one up we've got listed as County Engineer.

Commissioner Tuley: Get ready, Sherman. You're about to be beat up. They're gone, John, say whatever you want to!

John Stoll: The first item that I've got is a request from the developer and the engineer of Heartland Ridge Subdivision regarding a sidewalk waiver that was approved in August of 1995. The sidewalk waiver that was approved called for sidewalks on one side of Charity Circle and...let's see. I forget the name of the other street. Charity and Faith, I believe it is, and sidewalks were called for on two sides of Hope, the short street there in the middle of the drawing. Now the developer is requesting that the sidewalk waiver be modified to just have sidewalks on the north side of Hope. The developer's engineer, Bill Nicholson, is here to discuss the need for the modification of the sidewalk waiver.

Bill Nicholson: The main problem with having it on both sides of Hope Crossing, on the south side the two lots that face Charity and Faith Way has a ten foot side building line. The three lots on the north side have a 25 foot setback. Having the sidewalk out in front of the ones on the north side wouldn't be too bad, but with the ten foot setback and putting the sidewalk it goes almost right up against the property line and that would leave approximately ten foot between the house and the sidewalk. That's the problem that we've got. We would like to eliminate that section of the sidewalk if possible.

President Mourdock: Are those the lots...the ones labeled basically 27 and 28?

Commissioner Tuley: He is only asking us it looks like a couple of lots.

John Stoll: Yes, these two will face Faith and Charity, so it's the side yard that is affected here rather than the front yard like on these three lots.

President Mourdock: Okay.

Commissioner Jerrel: So you're wanting to do the side yards, but not the--

John Stoll: No, do it in the front yards, but leave the sidewalk on the side yard.

Bill Nicholson: It shows it a little clearer here. The house that they've constructed here sits right on the ten foot

building line.

Commissioner Jerrel: Right.

Bill Nicholson: The sidewalk, when it is put in on Hope Crossing, will be almost right up against this property line leaving about ten foot between the building. Over here we've got the 25 foot building line.

John Stoll: It just makes for greater separation between the sidewalk and the--

Commissioner Tuley: Yeah, residence.

Commissioner Jerrel: There isn't any problem doing a waiver like that?

President Mourdock: No.

Commissioner Jerrel: I have not been involved in this, so it's not a problem?

President Mourdock: No.

Commissioner Tuley: It's a modification to something that we had already approved anyway.

President Mourdock: Right.

John Stoll: Right.

Commissioner Tuley: John, spell out the lots for me if you would, if you've got them by lot number, but I would move approval of the request.

John Stoll: It would be to eliminate the sidewalk on the north side of Lots 27 and 35 on Hope Crossing.

Commissioner Jerrel: I'll second your motion.

President Mourdock: So ordered.

John Stoll: The next item that I've got is the street plans for Section E of Willow Creek Subdivision. We've reviewed the street plans and they meet the county's requirements. They'll be asphalt streets with curb and gutter with a storm drainage system that will be either maintained by a homeowners' association...I believe it is the homeowners' association, but I don't have any documents that state that as of yet, but all in all the street plans have been reviewed and I would recommend that they be approved.

Commissioner Tuley: I'll so move based on your recommendation.

Commissioner Jerrel: Second.

President Mourdock: So ordered. John, do we need to sign each of these? These multiple copies?

John Stoll: No, just the cover sheet. The only other item that I've got is a question regarding the meeting at Westwood Hills Subdivision tomorrow evening. I just wondered if the Commissioners wanted me to attend that meeting to discuss the situation on the streets and what needed to be done to accept the streets?

Commissioner Tuley: I'm going to be there, John. I think Richard said he may. He's got a couple of meetings, but may try to be there. Joe has indicated that he is going to be there, so it would be nice if you could give them from an engineering standpoint.

John Stoll: It's no problem. I can be there.

Commissioner Jerrel: Dr. Schoffstall and I are going to Indianapolis tomorrow, so I can't be back.

John Stoll: Okay. Well, I can make the meeting. I just wanted to make sure that you wanted me to be there.

President Mourdock: Okay, we may need a sacrifice!

John Stoll: That's all I've got unless you have any questions.

President Mourdock: Any questions for John?

Commissioner Tuley: No.

President Mourdock: Bettye Lou?

Commissioner Jerrel: No.

John Stoll: Okay, thanks.

President Mourdock: Alright, thank you.

**Rick Dickinson - County Garage**

President Mourdock: County Garage. Oh, he's still there.

Rick Dickinson: Do you want my name and all that?

President Mourdock: Sure.

Rick Dickinson: Rick Dickinson, County Garage.

President Mourdock: For the record, Rick submitted to us earlier the weekly progress report and also submitted to us a cost estimate. What all am I looking at here, Rick?

Rick Dickinson: On your back list there you will see all the roads that we are doing and the two long lists...two or three long papers there are the costs that it is going to cost to do them roads and parks.

President Mourdock: Okay.

Rick Dickinson: The list you have on back that is the order that

we are going to go in all but Hogue Road. Hogue Road will be done first.

President Mourdock: Okay, Hogue Road is listed as the first one.

Rick Dickinson: Is it listed first?

President Mourdock: On the paving list, the last one here? Yeah.

Rick Dickinson: Oh, okay. The one I had it wasn't listed first.

President Mourdock: These are basically then in response to our brief discussion last week of kind of putting them together just geographically?

Rick Dickinson: Yeah, but it is more or less west side, north side, south side, east side--

President Mourdock: Right.

Rick Dickinson: --because every time you move equipment you are going to lose a day or two of work.

President Mourdock: Sure.

Rick Dickinson: Unless somebody comes up with someone on the east side that their road is just totally destroyed, then we'll have to move stuff, but we are pretty much going to stick to that list.

President Mourdock: When you are picking up asphalt, I guess you will coordinate that based on your location as well, too?

Rick Dickinson: Yeah, but, well, we've only got one game in town now. Since Koester sold out to Rudolph, that is all the way on the east side out there at Green River Road and I-164. We still have Jerry David, but he can only keep up with about three or four trucks, so when we are on the west side we will send three or four trucks there and send everybody else out to where we can.

President Mourdock: Well, it's not just one game then. That's what I thought. There are still two suppliers, although the one supplier--

Rick Dickinson: Yeah, Jerry David is...he can't keep up. I mean, his plant just ain't big enough.

President Mourdock: Right, okay. Okay, any questions for Rick? Bettye Lou?

Commissioner Jerrel: No.

President Mourdock: Alright, thank you. We made that easy for you. Commissioner Tuley: That was your first week. Look out!

**Joe Harrison, Jr. - County Attorney**

President Mourdock: Joe, Jr.

Joe Harrison, Jr.: The only thing, I think, that we ought to address. I guess we are not going to have a special Drainage Board meeting on March 31st. I don't believe that was advertised. Is that correct, Charlene, for the special Drainage Board meeting?

Charlene Timmons: No.

Joe Harrison, Jr.: So we don't need to un-advertise something. Also, I have drafted a proposed contract for Marilee Combs for review by Burdette Park officials and Ms. Combs concerning the Food and Beverage Service Manager for the park for 1997. I'll submit that to Mr. Tuley and Ms. Combs for their review and consideration and get back with us. You may want to, if you want, or I can talk. Richard and I went up to Indianapolis this week regarding the Welfare to Work proposal. Richard may want to add to this, but we met with five or six or seven representatives of Department of Family and Children's Services as well as a couple of local officials who happened to be up there in Indianapolis at the time and they indicated that they were going to be very helpful to us in connection with our program that we want to get underway down here. I am going to be communicating with the attorney for their department on some matters and it is my understanding that a number of those officials are going to be coming down to Vanderburgh County, I think, April 30th for a meeting down here with some others. I was very pleased with the meeting and I am sure Richard was as well. Hopefully, we will be moving along quickly within the next several weeks and have some more information to report back to you.

President Mourdock: I would just add to that, that we went up there hoping to find some encouragement for what we are doing at the state level and on a scale of one to ten for encouragement it was about a twelve and a half, I think. They were very complimentary as far as the work that has been done thus far and they say we were far and away ahead of other counties in the state and that they think the program that we've designed here is something that they can funnel some funds to, so I'm very encouraged.

Commissioner Tuley: Good.

President Mourdock: Coming back to one of the other issues.

Commissioner Jerrel: Oh, I was just going to make a comment that the Family and Children's Services, you know, began two years ago a different sort of funding mechanism and they did have an excess levee last year and they've got a very large cash balance in excess of \$3.6 million, so when they come down and talk to us--

Commissioner Tuley: Talk right!

Commissioner Jerrel: I just thought I would mention that.

President Mourdock: I think as you are well aware, Bettye Lou, there is at least one piece of legislation pending that talks about designating specific identified projects in a county as a

demonstration project for funding. Quite honestly, knowing the state of legislation that what it is today may not be what it is when it gets out, but one of the keys things that I wanted to find out was if at that meeting if, you know, there was a general feeling that if, in fact, that bill in its present state gets through would our program qualify? The summary of it was that even if that bill ends up being so radically changed that it is not going to designate this county that there are at least four other sources that Jim Hmurovich, who heads that agency, feels could be used with our program.

Commissioner Jerrel: Good.

President Mourdock: So I was very, very encouraged. It is, I think, going to keep us moving well along.

Commissioner Tuley: Good.

President Mourdock: One other item, going backwards for a moment. We did vote to have that special drainage meeting on October 30...I'm sorry, on March 31st, I believe?

Joe Harrison, Jr.: Yeah.

President Mourdock: I think we actually need to take a vote to cancel that meeting, so I would ask for a motion to that extent.

Commissioner Tuley: So moved.

Commissioner Jerrel: Second.

President Mourdock: So ordered. Do you have anything else, Joe?

Joe Harrison, Jr.: No, that's it.

**Lynn Ellis - Superintendent of County Buildings**

President Mourdock: Superintendent of County Buildings, Lynn Ellis.

Lynn Ellis: The only thing that I have is a request from the County Clerk for travel. This was...Tony left this Friday and said that there was a request for travel regarding the computer system.

President Mourdock: Yeah, we have that in our consent items for just a minute, so if you can defer that conversation we will get to that one in a minute.

Commissioner Jerrel: Lynn, see if your mike is on.

Lynn Ellis: Oh, no. Sorry.

President Mourdock: Any other items, Lynn, aside from that one?

Lynn Ellis: I gave you earlier the monthly report from Weights & Measures, so I would submit that and then there is also a copy of a memo from Randy regarding some vacation, so he'll be out of

the office for a few days from the Auditorium.

President Mourdock: Okay.

Lynn Ellis: That's it.

President Mourdock: Okay, thank you. Any questions of Lynn or comments?

<b>Consent items</b>
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President Mourdock: Okay, we'll move to consent items and at my recommendation, I had Tony include the County Clerk's request in as a consent item. However, it is more than appropriate if you deem we can pull that out and talk about it individually if you like. I know it is a large item and the County Clerk is here to discuss that and we can pursue that either way. Basically, the request is to use about \$10,000 for travel so that the County Clerk and her staff and some folks including the Sheriff's Office and certainly the Courts can go over and review in detail a number of different computer programs. Ironically, the year 2000 it would seem that Vanderburgh County is caught in the millennia dilemma as it is known where our software will not adjust over to the year 2000 and that could cost the county one million dollars in new programs.

Commissioner Jerrel: Part of that is because we no longer have a support system for much of that which was purchased three years ago, so it is a combination of things. If...the Clerk might want to come up because I do think for the record we need to recognize that SCT has...this will be the second trip and we hope this one has been planned to result in something and the Clerk and I both met with Joe Profazer about a week ago and Ms. Abell has been the one to spearhead working with the judges. Is this going to work?

Marsha Abell: I don't know, but I would like to say that this is not my request. This was dumped in my lap. This is just a request, actually, from the computer users and the court system. Is it going to work? I don't know. I gave you everything that I have read. It sounds good. I guess the only thing I could say is that the trip to Fort Wayne did not generate a program that we can use, but we probably wouldn't of known it if we hadn't seen it. If that's an indication, if nothing else, if we eliminate five...I can tell you that when they started out they only had three lined up and it was pretty much my decision and also Judge Knight's that we would not even entertain going there with less than five different vendors to look at, so we now have five vendors to look at.

Commissioner Jerrel: You have not ruled out the possibility in your office if possible that we could upgrade yours in some way if we could find some way?

Marsha Abell: If there is anyway at all we like the current system we have. We would be very happy to stay with the current system that we have. It meets all of our needs in my office except for the year 2000.

Commissioner Jerrel: There is, apparently, this same vendor did have a later program that did meet the 2000?

Marsha Abell: That's my understanding that many years after our program was put in.

President Mourdock: But is...what you just said I can interpret one of two ways. I want to be sure. Are you saying basically they had a house that they added air-conditioning to or that they built a totally different kind of structure that was really a barn later on?

Commissioner Jerrel: I'm not sure.

Marsha Abell: My understanding is that they built a whole new structure with air-conditioning in it.

Commissioner Jerrel: I don't have that information, but, you know, another thing and you need to be aware of this. If we move from dumb terminals to PC's and that is a possibility, you know, I went through about two years of this with the Township Assessors moving to the PC format. We need to be aware that this is going to be a major impact on the county's funds and I want SCT to come in here and be more accountable to us because I think they have \$25,000 in their budget for travel, but it is to go to vendor conferences and conventions. I apologize for that because I didn't start looking close enough at that budget until this last year and I am going to start looking at it a lot closer because we are paying them a lot of money to manage our operation and for that money we need to receive good information. Our officeholders and staff people do not have access to all of that information and we don't need to have somebody in here...a vendor in here hustling us, and I use that word because that is really what it is.

Marsha Abell: That's true.

Commissioner Jerrel: You can read...Wall Street Journal had an excellent article about obsolescence and Digital has a commercial running all the time now that says we need to protect government and other business entities so that obsolescence doesn't cause them to every year have to replace everything. I think we need to be a little tougher about what we accept from someone that comes up and talks to us and we don't...you may, but I don't understand all the language and we rely upon them. Our officeholders are really in that position and I don't like to spend \$10,000 on travel, but I do believe that this is important, but we are going to keep SCT's feet to the fire because they are going to have to produce for the contract that we've got with them.

Marsha Abell: I would just like to say that those of us who are going are only going as users. We just know what we do with it. We don't know anything about networking and running lines and all that stuff. We don't know anything about that stuff, you know? We just know what we do, so our only recommendation is going to be from the user standpoint as to what will actually do the job in the court system.

President Mourdock: In that sense, I guess there are two sides to what Bettye was saying. Obviously, we don't want to buy a new system that two years from now is obsolete, but at the same token we need the input of the people who are users--

Commissioner Jerrel: Right.

President Mourdock: --to know that we're getting what we need to have.

Marsha Abell: That's right and I think that is where you need to look to SCT to answer those questions about...you know, had this been two years ago and I was looking at a program I probably wouldn't have known to ask about the year 2000. There may be something else laying out there that I don't know to ask. I don't know to ask because I don't have a degree in Computer Science.

Commissioner Jerrel: She is absolutely right. We need to know...I mean, we've got several things in this whole Civic Center that is having problems. I believe that the people entered into these agreements in good faith. You're told everything by vendors that it is going to be wonderful and then you get your money and they disappear. So that is not going to happen any more. That is what we are paying SCT to do and it is going to start happening.

Marsha Abell: That's fine.

Commissioner Jerrel: That's the reason I can't go at 8:00 Thursday morning because Leslie and I are meeting with SCT.

Commissioner Tuley: No, Marsha called me Friday afternoon and talked to me in great detail on the different meetings that they've had and the trip to Fort Wayne and this trip. I'm like you, I hate to spend \$10,000 for travel, but I think in this case it is justified.

Marsha Abell: I can tell you that from the trip to Fort Wayne I have stripped my staff down by two that are going. I think everybody is only sending the people who they really feel like they have to send.

Commissioner Jerrel: It is our number one priority. It took about six months to get SCT to say what the top priority in this building ought to be and that is the top priority, so we are going to have to be saying no to some other things until we get this finished.

Marsha Abell: I think what...and I know you are aware, but just for people who may not be aware and for our good media over here the courts schedule two years in advance easily and in January of '98 we will be in their scheduling calendar and there is no way for us to schedule that without the computer system. There is no way that we are going to be using that system in January of '98 if we pick it out today.

President Mourdock: I'm glad you mentioned that because before you said for your system, your system works fine except for the

year 2000, but that is not three years away that is nine months away--

Marsha Abell: As far as we're concerned it is here today.

President Mourdock: --as far as your concerned. Yeah.

Commissioner Jerrel: Right. Well, I'll move approval of this trip.

Commissioner Tuley: Second.

President Mourdock: I will say so ordered.

Marsha Abell: I will tell all the people who are going to get their babysitters.

President Mourdock: One question and I should have asked before, I'm sorry. You show for the trip four nights. Was that worked out because of the airfare deal?

Marsha Abell: The airfare went from seven...200...I can't remember. It is in the \$300 area up to over \$700 if we came home on Saturday and believe me all of us want to come home on Saturday. We have families, but the money was just astronomical in difference.

President Mourdock: Okay, I just wondered.

Marsha Abell: We did try a couple of different travel agents to see if anybody could beat that.

President Mourdock: Okay, good. Thank you. Okay, the remainder of the consent items then are still as presented to you.

Commissioner Tuley: I'll move approval of the consent items.

Commissioner Jerrel: Second.

President Mourdock: So ordered.

#### **Scheduled meetings**

President Mourdock: We have a list of scheduled meetings on the back of our agenda. John Stoll mentioned one very important one which is the meeting this Thursday night. Any other meetings? You mentioned, Bettye Lou, yours is 8:00 on Thursday.

Commissioner Tuley: Tuesday night is the...what important meeting is Thursday?

President Mourdock: I'm sorry, Tuesday night, the Westwood Hills.

Commissioner Jerrel: You know, Leslie...it took me a long time to learn that contract. Really, and she is very good to work with on some of these issues.

Commissioner Tuley: Oh, yeah. She would be real good to work

with on this ambulance one.

Commissioner Jerrel: Yeah, she likes the same things I do.

Commissioner Tuley: Holding their foot to the fire?

Commissioner Jerrel: Yeah.

President Mourdock: Okay.

**Old business**

President Mourdock: Beyond our scheduled meetings then any items of old business? I had two listed. One to cancel the special Drainage Board and the other was to give you an update on the Welfare to Work and we've done both of those already.

Commissioner Tuley: Bettye, when you talked about...was it last week? You talked about the Burkhardt Road project and stuff, were you going to...

Commissioner Jerrel: I'll tell you what I've done. I met with Keith Lochmueller yesterday. \*

\*Personal remarks removed at the request of Commissioner Jerrel.

Commissioner Jerrel: Anyway, I met to review the entire Burkhardt study that you received last July and I have set up two appointments with banks who are interested, by the way. I didn't have to call anybody. I told Joe to call somebody. Well, they just started calling and they want to talk to us.

President Mourdock: Good.

Commissioner Jerrel: I want John, he is working on the other end of it. We need to take a look at the contract that you entered into and Joe is doing the same thing, so I hope by the 7th we'll have kind of a picture.

Commissioner Tuley: Okay, along that same...Suzanne, could you provide, without too much trouble, kind of a year and a half or two year history of the General Fund? You know that report you give us monthly? Can you kind of compile that in to one? Like a two year history. I'm not complaining, but I was shocked to realize that we had that much surplus. I see these once a month, but if I could just kind of like have a history to show how we managed to build that up like that I would appreciate it. I'm glad we've got the extra money. I am not complaining by any stretch of the imagination.

Commissioner Jerrel: Some of it was budgeting, the way we budgeted, and some of it is the increased revenue which came in.

Commissioner Tuley: Okay, I would just like to see like a snapshot that January of...whatever, let's just say '96 we had this much money unappropriated and February and so on and so forth so that I can see that building up like that.

Commissioner Jerrel: Right.

Commissioner Tuley: Just to get a history of it because if we could continue that there may be some other projects that we can do without having to go to bonding.

Commissioner Jerrel: It will be so much cleaner and I guarantee you that it will be quicker.

Commissioner Tuley: Oh, absolutely, yeah.

Commissioner Jerrel: Now I'll tell you what I do need some help with. In order for this to get off the ground, even to get the money and put it in this line item to begin this work, we need to get approval from County Council.

Commissioner Tuley: I saw where you had a little bit of problem.

Commissioner Jerrel: So it would really help if both of you would help contact some of the County Councilmen. That would really help.

President Mourdock: I had a note here that I thought this was fait accompli, but maybe it isn't. The appropriation request?

Commissioner Jerrel: Yes, we have a \$3 million...yeah, but the first discussion will be on the...you'll be gone.

Commissioner Tuley: Yeah, but I can call before I leave.

Commissioner Jerrel: Okay, if you could make a couple of contacts.

Commissioner Tuley: Yeah.

Commissioner Jerrel: And, you know, if you could help out.

President Mourdock: Sure.

Commissioner Jerrel: Then I think we need to be there on the first meeting in April and I think it would be great if all three of us could go to that meeting.

Commissioner Tuley: Okay.

President Mourdock: Okay.

Joe Harrison, Jr.: That's April 2nd.

Commissioner Jerrel: April 2nd.

President Mourdock: Okay.

Lynn Ellis: Isn't that one of the dates that you asked me to schedule the Welfare to Work?

President Mourdock: Yes, but that is late in the afternoon. That's at 5:30. When is the Council? What time is it?

Commissioner Jerrel: It's 3:30.

President Mourdock: Oh, 3:30. Okay, yeah, that's fine. That works. Thank you though for reminding me. So then the Burkhardt Road funding issue is resolved, great!

Alan Julian: What?!

Commissioner Jerrel: Well, it isn't resolved, but it is coming.

President Mourdock: That was for Alan's benefit. Sorry, I couldn't resist.

Commissioner Tuley: He told me the other day that he misses things when he here, so that (inaudible)

President Mourdock: He was listening! Any other bits of old business then?

Commissioner Tuley: No.

**New business**

President Mourdock: New business? I have a couple of items. First of all I would ask your approval to send a letter to the...well, let me set that one aside for a second. First, both of these issues are related to Burdette Park. I received today a letter dated today from Mark Tuley. I'll read this letter into the record:

"Dear Commissioners,

This is to inform you that I will be resigning my position as Burdette Park Manager. My last day of employment will be April 4, 1997.

According to the Vanderburgh County policy he is entitled to certain benefits which he has verified through the Auditor's Office.

"I had intended to stay until July 1st, but my need to seek new employment has resulted with my new employer needing me to start earlier. I want to thank you for the opportunity to serve the citizens of Vanderburgh County."

So we have that, I guess, to officially accept. I would ask for a motion to accept that.

Commissioner Tuley: So moved.

Commissioner Jerrel: Second.

President Mourdock: So ordered. The second new business item also related is simply to make sure that the Burdette Park Advisory Board is meeting on a regular basis.

Commissioner Jerrel: Lynn? I have kind of prepared an outline that I talked to you about on the phone. I can't remember the fifth appointee that you can get from Sandy. I've made some

suggestions and that would be good to get this Board on board quickly. You know, we might want to do a search and it would be helpful if they could meet.

President Mourdock: So we'll have a letter drafted then, if you would, Lynn, and put that together and then I can sign it and send it out. Just if we go ahead and institute that group and get them meeting on a monthly basis. Any other new business items? Bettye Lou, any other new business?

Commissioner Jerrel: No.

President Mourdock: Okay. How did we schedule rezonings? Following or at 7:00?

Commissioner Tuley: They're always at 7:00.

President Mourdock: Shall we recess?

Commissioner Tuley: Actually--

Joe Harrison, Jr.: Adjourn.

Commissioner Tuley: --we adjourn this and then we start over.

President Mourdock: That's right. I'll ask for a motion for adjournment.

Commissioner Tuley: So moved.

Commissioner Jerrel: Second.

President Mourdock: So ordered.

The meeting was adjourned at 6:30 p.m.

**THOSE IN ATTENDANCE:**

Richard E. Mourdock  
Bettye Lou Jerrel  
Patrick Tuley  
Joe Harrison, Jr.  
Lynn Ellis  
Suzanne M. Crouch  
Charlene M. Timmons  
Cheryl Musgrave  
Sherman Greer  
Mike Robling  
John Stoll  
Bill Nicholson  
Rick Dickinson  
Marsha Abell  
Alan Julian  
Others unidentified  
Members of the media

VANDERBURGH COUNTY  
BOARD OF COMMISSIONERS

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Richard E. Mourdock, President

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Bettye Lou Jerrel, Vice President

---

Patrick Tuley, Member

**Vanderburgh County  
Board of Commissioners Meeting  
March 24, 1997**

The Vanderburgh County Board of Commissioners met in session this 24th day of March in the Commissioners' Hearing Room of the Civic Center Complex at 5:38 p.m. with President Richard Mourdock presiding.

**Introduction and Pledge of Allegiance**

President Mourdock: Welcome to the March 24, 1997 meeting of the Vanderburgh County Commissioners. We, by way of our custom, will make our introductions here first. At my far left is our Recording Secretary, Ms. Charlene Timmons; next to Charlene is Mr. Bill Fluty, who is the Deputy Auditor. By Indiana law the County Auditor serves as the official secretary for the County Commission. To my immediate left is Commissioner Bettye Lou Jerrel; my name is Richard Mourdock; Commissioner Pat Tuley could not be with us this evening. He is out of town. To my far right then is our County Attorney, Joe Harrison, Jr.; and to Joe's right is our Superintendent of County Buildings, Ms. Lynn Ellis. Would you join us, please, for the Pledge of Allegiance? Several things by way of housekeeping. If you did not pick up an agenda of our meeting these agenda are laying on the table over here. We try to follow that fairly closely although there is usually a last minute amendment or two to that. Secondly, because all of our minutes are kept verbatim, everything is tape recorded, so when you speak to address the Commission we would appreciate it, in fact, it is a requirement if you will, that you come to the microphone and state your name and address for the record so that it can go into our official minutes.

**Approval of minutes**

President Mourdock: Beginning through our list of agenda items then the first thing that we have is the approval of the minutes from the Board meeting of March 17th.

Commissioner Jerrel: I would like to move approval of the minutes.

President Mourdock: I will say second and also so order.

**Certification of Executive Session**

President Mourdock: Next on our list we have the notification of the occurrence of an Executive Session that took place this afternoon. It began at 4:30 p.m. and discussed the initiation litigation or pending threatened litigation against the county and also certain county personnel matters. That meeting was adjourned at 5:30 and I would ask for approval of those minutes.

Commissioner Jerrel: I would move approval.

President Mourdock: Second and so ordered.

**Beverly Preske - Handicapped & elderly transportation concerns**

**Vanderburgh County  
Commissioners Meeting  
March 24, 1997**

President Mourdock: Next on our list is Ms. Beverly Preske regarding the issue of H & E transportation contract and concerns.

Beverly Preske: Thank you. My name is Beverly Preske and I live at 6700 Upper Mount Vernon Road and that is in Vanderburgh County. Last week I forwarded a letter to Tony Greubel, the Administrative Assistant for the County Commissioners, with a copy to Ms. Lynn Ellis. The topic is the handicapped and elderly services that we are now receiving in Vanderburgh County. If you could bear with me for a little trip back through history, I will share with you how we first came about having transportation provided and subsidized through the funding from the County Commissioners. I live in the county now and I have lived in the county all but two years of my life by choice. By choice I did not give birth to a child with special needs, but I did. As I looked around in the townships that I lived in, mostly which was Scott and Armstrong Township, running to the store and whatever I would see parents with adult children that have special needs that were with them and it bothered me thinking that for one thing they didn't have any place for those people to go, but what really bothered me was most of those adult children with special needs were my age and I had never seen these children in public school. Well, I think we can be very thankful that public school today, you know, has services for children with disabilities, but they didn't, you know, 25 or 30 years ago they didn't have to. Let me go back and say 40 years ago, I think I started school over 40 years ago. Sixty for her! So that bothered me that they hadn't been seen out in the community, but what also bothered me was most of these mothers are my age today and the children had no place to go during the day. So in questioning them, you know, I would say, well, you know, why aren't you in that program that EARC has because Jack was in the young program, the youngster's program. I had to drive him back and forth back in those days. That was in '77 or '78. They would say, well, mom doesn't drive maybe and he had to be driven in or mom is too old or mom can't drive anymore. So that got me to thinking about county transportation and trying to project myself 20 years down the road and where was I going to be. I talked to Commissioner Wilner and he came to the County Commission and the County Commission about 10 years or so ago...and probably Lynn would have a date there for that event. I don't remember exactly how long ago, but he brought before the Commission the idea of subsidizing the transportation into the county for the county residents. At that time, I know you've all seen the letter and I brought some extra copies with me if anyone is interested in the letter, but at that time we were provided services through Smile Transportation. I served on the advisory board for several years in the capacity of the chairperson for the advisory board. We did have services delivered from 6:00 a.m. to 6:00 p.m. Smile attempted to provide services on Saturday and even on Sunday, but the issue there was that it was too costly because they didn't have drivers on duty for their other programs that they were providing services for. So that was something that, you know, regretfully we had to even not think any more about. Then the METS contract was awarded to the city to the EUTS program and METS actually has it now, but they didn't at that very early time. They didn't have...at that time there was only transportation with the city through METS, so

this was like a parallel service for county residents that Smile provided because METS could not do that. The contract was then awarded to Williams Transportation and we found our first reduction in services through them because they didn't provide the services from 6:00 a.m. to 6:00 p.m. any longer. Then the contract was awarded to Bassemiers' which is not SLR/Bassemiers'. With that we were provided services from 8:00 a.m. to 4:00 p.m. In addition to that a service that was provided by Smile that's been reduced at least through the contract with SLR is that county residents who live within the city limits are not able to access the county transportation program because SLR/Bassemiers' in their contract, and I am sure that it is written in there that they won't do it, but, you know, they fail to recognize the fact that some individuals like my friend, Ms. Phillips, lives in Independence Square and she likes to come visit people that live in the county, specifically myself, but she has other places that she could go. She does pay...she probably doesn't because she lives in senior citizen housing, but other people in her situation do pay the same county tax rate that other people who live in and within a township as Ms. Jerrel and Mr. Mourdock have informed me. She should be entitled because she is a county resident and other seniors and people with disabilities to access outside the city limits beyond the limits that METS provides transportation to which is three quarters of mile along their fixed route because she is a county resident. That's my first recommendation is that we have that returned back to the county transportation contract. I understand from talking with Ms. Ellis that the contract is up for bid and it actually expired December 31st last year and you are running it on a month-to-month basis. I didn't ask her why. Maybe that is something you could address after I get finished speaking here. The Saturday service issue that I think would be another thing and also the Sunday service issue is something that I think we need to explore. If we are going to award the contract to an agency, a private provider such as SLR, Comaier or whoever is going to be providing the service, even if we are back with Williams Transportation, those vehicles that they operate they have dispatchers 24 hours a day. The vehicles are out on the road 24 hours a day seven days a week. I think that service should be parallel with the service they're already providing which says to me that people who ride Bassemiers' who live in the county at this time SLR/Bassemiers' should be entitled to a 24 hour seven day a week on-call service which is what they have now. You call ahead the day before. On Saturday...Ryan Rupp is here with me today and some of you may have met Ryan, but he is a young man that is accessing the community on his own by using transit transportation. What he is getting right now is he is getting some limited service through METS, but he lives in the county and he really should be riding county transportation, but the services that he is getting through METS are not adequate. For instance, last Saturday, a week ago on the 15th of March, METS abandoned him at Willow Bowling Center because they couldn't pick him up past 4:30. Is that right, Ryan? Or 5:00?

Ryan Rupp: It was 5:00.

Beverly Preske: It was 5:00 p.m., excuse me. Luckily enough he had some other way that he could get home. I drove him home to

the county. I think that Saturday service should be provided through the county transportation program and that would of resolved some of that problem. However, it wouldn't have resolved all of it because he is not finished bowling until 5:00 p.m. That is not just a bowling issue, it is an employment issue and all of that. I had hoped that someone would be here from some of the agencies that serve people with special needs in the community, but I don't think they are. If they are, hopefully, they will identify themselves. I may not recognize them. Those are two of the issues, Saturday 24 hour, Sunday service and the transportation for the residents that live within the city limits. I posed the question to you in my letter that I am very concerned, I mean, the fact that I never leave my home and go from point A to point B and back to point A. I go from point A to B to C and God only knows I can get to Z some days before I go back to A because I try to save things up to get them all done and conserve my time. Under the current contract with SLR/Bassemiers', and this was not the case before, I am informed by their owners that they only provide one round trip per day on the H & E program. Ms. Ellis has informed me by phone that the contract does not allow for limiting the service to be delivered in that fashion. I question that. Where is the monitoring of that contract? That service should be provided, you know, it should be provided. My son goes to EARC. They have a special contract set up with ARC. They pay ARC...ARC pays them \$1 each way to take him to work every day. On Wednesday when he needs to go to the rehab center for his speech therapy he ends up having to use a Medicaid run for that because I usually am working when he gets off from school...off from work, excuse me, and I am not able to drive him there. I only have money to own one vehicle and I have to drive that back and forth to work. It is not available for his home health aides to even drive to take him. That is at least \$25 each way. At least to bill Medicaid. Our living in the county it may even be more. I think it is ludicrous for us to think that Medicaid has to pay \$30 round trip for Jack Preske to go to speech when in the contract it says with the county that they're to provide the service and there is no limits put on the ride, so where SLR is coming up with this I do not know. Maybe they don't understand what they have in their contract. They have provided very good service to Jack. I mean, he has a circle of friends that includes his drivers. They are all very courteous and caring about him and that is important for a person with his limitations cognitively. They understand his seizures and things like that. This is an issue that he should still be riding and you should be able to go from home to shop at the mall and maybe go out and eat lunch and be picked up and dropped all these places. There is no reason for that not to happen that way. Just one second. Like I said in my letter, how many of us get into our cars and just drive one place? I want you to think about that. One of the important things that I want you to think about is what if you as a senior citizen and if you lived in the county, what if you had to access public transportation? Think about the frustration that you yourself would have or that you might have for a loved one that can only go one place and come back in one day. Today, as we near the 21st Century we have great programs. We have ADA. This may even be something that ADA might be able to address, but we also have great vocational programs, education programs. People with

disabilities today are not ending up with low cognitive abilities when they leave school. They have things if they have no speech. They have liberators, they have lots of benefits and they are very productive in their life and they are paying taxes. They are paying county taxes because they have jobs. Unfortunately, with the service that we are getting right now their jobs can only be from 8:00 a.m. to 4:00 p.m. and that is a very big issue. I think with all the support employment and real work in the real world we owe the citizens of Vanderburgh County that have disabilities and the elderly the opportunity to be able to benefit from the same things that we have as non-disabled citizens. I think the advertising for the METS program needs to be enhanced which is not an issue here, but I also think that the county transportation needs to be enhanced as far as publicity. Coming from USI where I am a student, a few weeks ago there was a lady that was walking and she had been dropped off by the METS fixed route system. She had rode the city bus and had gotten off and was walking back north from Indiana 62 there at the overpass. It was windy. I wouldn't have wanted to be out walking and I am pretty able-bodied, but she was an elderly lady and the wind was just...she was walking against the wind. Real reluctantly she took a ride from me and it got me to thinking about all this again. She didn't know anything about SLR/Bassemiers' could pick her up and in addition to that she lives less than three quarters of a mile from a fixed route METS route, so she could of even accessed METS Mobility and she was not able to do that. I would like to recommend that we publicize the service that we have, that we give consideration in the new contract and I don't know if it is going to require another RFP to be prepared to go out, but give consideration to establishing an advisory board and setting in place some monitoring to make sure that whoever is awarded that contract which now is currently \$52,000 and I believe originally it was around \$40,000. I think we need an advisory board to oversee the services. METS, under the federal requirement, has an advisory board that supposedly meets. They do meet, but I am not sure how much...it has always been an issue how much really comes out of those meetings, but I think we need a working advisory board. Williams was supposed to have one. Smile did have one. Williams did not have a networking advisory board and I think that whoever has that contract should be forced to have an advisory board and have a representative from the County Commissioners' office to attend those meetings and hear the concerns of the people that are riding the service. I think that we have to look at the taxes and we have to decide where we could get the money from. I think we need to increase the contract and I think if we are going to award the contract to a private carrier that has 24 hour a day seven day a week service that ought be made available on a call a day ahead basis to people with disabilities and the elderly in Vanderburgh County. Just as a side comment, we came in the front door and the ramp is wonderful, but where is the automatic opener for the front door of the City/County Administration Building? I will entertain any kind of questions that you have. I'm sorry if I took too much time.

President Mourdock: You didn't. Bettye Lou?

Commissioner Jerrel: Oh, I just had a couple of things. Have

you spoken to METS or their advisory board?

Beverly Preske: I have attended some of their meetings.

Commissioner Jerrel: But did you raise any of these issues with them about their program?

Beverly Preske: Yes, we have on numerous occasions.

Commissioner Jerrel: When does the workday end at the Kotter plant at EARC?

Beverly Preske: Ryan, when does your workday end at the Kotter plant? Actually, Ryan is now in a workgroup that is being taken to, and my term for it is the conclave, but to Ameriquail.

Commissioner Jerrel: Yes, we have a new contract with them. I serve on that board and that's a very good new contract that we have.

Beverly Preske: Yes, but Ryan has to ride METS in the morning because SLR doesn't pick up early enough to get him there and then he rides SLR home. He is a county resident.

Commissioner Jerrel: My question is what is his workday?

Beverly Preske: What is your workday, Ryan?

Ryan Rupp: My workday is 7:30 to 4:00.

Commissioner Jerrel: Okay.

Beverly Preske: Now, along that issue Jack does not work at Kotter anymore. He did go for a short while there, but it is too hot and his cognitive and physical limitations and health limitations prevented him from being there. He is in the sheltered work and the day program on Virginia Street now.

Commissioner Jerrel: Okay.

Beverly Preske: His workday, because of transportation, begins at 8:00 a.m. That's when the van picks him up and he goes in at 8:30 is when he actually gets there. We opted three days a week to have him have shorter days because of his stamina, but the actual time that the EARC program closes is 4:30 to the best of my knowledge. We've never been able to use that because of transportation.

Commissioner Jerrel: Uh-huh.

Beverly Preske: EARC is not the bigger issue. The bigger issue is the young person with a disability that wants to work at Schnucks or wants to work at McDonalds and they only can work between the hours of 8:00 and 4:00. That's leaving your house at 8:00 and getting back at 4:00. As far as I'm concerned, I figure that's not even a full workday is it because you have to have a half an hour to get there and a half an hour back? So, they are limited in the amount of time that they can produce employment for themselves.

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President Mourdock: Anything else, Bettye Lou?

Commissioner Jerrel: No.

President Mourdock: First of all, your letter was very well written and I commend you for it. The comments that you've made and I was making questions as you went along. First of all, you asked how is the current contract monitored? Basically, and this is in most things of government, the squeaky wheel gets the grease. This is the first that this subject has been brought to my attention, so that is maybe not the best philosophy, but that is the working rules. Your second point which was how can better service, meaning better working hours, be provided through the contract or revisions to bidding? That also comes back to one of the later points which is what is the status of the current RFP and does one exist? I'll look to Lynn. Perhaps you can give us--

Lynn Ellis: Ms. Preske and I discussed it. It is one of the contracts that through the changes with Bassemiers' to SLR in the purchase and that kind of thing has gone back and forth to the Commissioners several times for approval to extend on an annual basis and then there was a month-to-month basis because of other issues related to that with his potential conflict of interest and other things like that. The Commissioners voted to extend it on a month-to-month basis. It has not been addressed since then except that I became aware through her contact that it did come back to the Commissioners unbeknownst to me to change the name from Bassemiers' to SLR. I didn't even know that Bassemiers' had been purchased. So there has been some communication problems there.

Commissioner Jerrel: Are the fees outlined, Lynn, in the contract?

Lynn Ellis: Yes. Yes, they are. She is correct and I don't know...I told Ms. Preske that I am not sure how we got from point A to point B and wherever we are now or how we got from the Smile contract to the SLR contract because the documentation that I was presented with from the Commission Office had the hours of 8:00 to 4:00. The bid that was redone was strictly based on that same level of service. So I don't know where along the way it has changed.

Commissioner Jerrel: But the \$1 per trip one way--

Lynn Ellis: Yeah, \$1 each way.

Commissioner Jerrel: Right.

Lynn Ellis: Two dollars total and then the county pays a \$52,000.08 per year to SLR for those services.

Joe Harrison, Jr.: Or now it's on a monthly basis where it is \$4,333.34.

Commissioner Jerrel: Okay. You're suggesting that you want a 24 day service for \$1 each way with any number of stops in-between?

Beverly Preske: I think \$1 each way is a little bit ridiculous. If you take the amount...I mean, if you look at what it would cost if you had your own vehicle and drove in town. I don't drive my vehicle in town for \$1 each way I'm sure. You know, I think that is too low of a fee, but I didn't set that fee. The METS fee is \$1.50, is that right, Dottie, each way?

Commissioner Jerrel: I might suggest at this point...I'm new, so I don't really have any background in this, but I would prefer to be able to interact with the city because this is...it is very difficult to draw lines and say this is this part of the community and this is another one and most people don't think that way. I would like the opportunity to, and Lynn and I can do that, to meet with them and discuss that issue before we begin developing an RFP.

President Mourdock: Yeah, the question that I had typed in here as number four says, how can the city/county boundary war be addressed? So we are thinking the same way.

Beverly Preske: Well it is addressed through the METS fixed route system in which John--

Commissioner Jerrel: Connell.

Beverly Preske: --Connell is...he keeps saying he is going to look at it because we've got buses going on fixed routes where there is no riders. Now I don't ride the city bus. I was honest when I told Lynn I have never rode the city bus. I may have when I was small, but I have not rode the city bus as an adult. I've rode METS just for fun, you know, up and down the walkway to see what the little Trolley...that's the only thing I have done. I am not a city person and I know that. So, I can't speak real intelligently about what's going on except that I don't see that those routes have been changed, but they are very clearly defined and they have a huge map that will show you. You can go in there and say, well, do I live three quarters of a mile from that fixed route? The way the crow flies I do not. I have been in and looked at the maps, so it is clearly defined. The fixed routes are defined and it is three quarters of a mile on either side. Now, they have been known...there is a young man whose parents were not able to come tonight that lives on Bob Court which is outside the city limits, but the end of Bob Court which is on Stringtown Road, or Old State Road, excuse me, isn't it? Old State Road--

President Mourdock: Old State, yeah.

Beverly Preske: --is three quarters of a mile from the city limits. They have made an exception and they do go in. METS has gone in and picks up that young man, you know, to take him places on Saturday because SLR is not providing that service. I said this in the beginning and in my letter I think I mentioned it twice. I am not being critical of SLR/Bassemiers'. I'm not being critical of the Commission. I wish I had come here a couple of years ago, but I just haven't done it. I don't think that the operation of the county should be dependent on the squeaky wheel. I think, you know, as Commissioners and other people interested in the residents of Vanderburgh County I think that we should have some foresight into what the needs

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are and transportation is the only way that people with disabilities are going to be able to really go to work and really be able to become viable pieces of this community and for the elderly it is the only way that they're going to be able to get around. Let's face it, we are all living into our 80's now and elderly people are more like disabled people every day. I work at Deaconess Hospital. I see lots of people in their 60's riding in there with their spouses in the hospital and they're in wheelchairs, but they are not disabled. They just have arthritis or something that is keeping them from being mobile.

President Mourdock: Okay.

Beverly Preske: I don't have to tell you guys that. I know I see it on your face.

President Mourdock: My last comment here was simply how can publicity and such items be better addressed in the contract, so we hear you on all those things and I guess I act a little bit or perhaps sound a little bit defensively when I say the squeaky wheel theory works, but I guess--

Beverly Preske: Oh, I know that.

President Mourdock: --I appreciate the input here. This is the first that I've heard it. I was aware and do recall the SLR/Bassemiers' changeover in that contract, but that was presented to us as basically being a change in name and the same services were being provided. So, let us review the information--

Beverly Preske: Okay.

President Mourdock: --and see where the RFP process leads.

Beverly Preske: The other issue that you didn't ask me about was...didn't comment back to me about was the increase in the funding from the Commission.

President Mourdock: Right.

Beverly Preske: I mean, if we posed it to Aztar...I know everybody is in here asking for Aztar. I did this myself about a year ago when they came to town for our resource center, but if Aztar knew that they could hire people that worked out in the...that lived out in the county to work on their boat and they give big revenue back to the county and the city...I mean, they probably would be real excited about having 24 hour a day seven day a week services because they are running seven days a week and almost 24 hours a day now.

President Mourdock: Yeah, that subject of public transportation, aside from the handicapped and the elderly issue, is that part of transportation issues outside the county and beyond normal 6:00 to 6:00 is getting a lot of discussion in several different arenas right now.

Beverly Preske: I know that we are very fortunate in Vanderburgh County. I know that Knox County does not have the public

transportation that we. Spencer County does not. Dubois County does not, but I think if we take a look they also don't have the same tax base that we do either.

President Mourdock: Sure. Well, we try not to operate by simply the theory that we're a little better than the rest.

Beverly Preske: I know.

President Mourdock: We want to be better than that.

Beverly Preske: Thank you very much.

President Mourdock: Alright, thank you Ms. Preske.

Commissioner Jerrel: Thank you.

<b>Lynn Ellis - Approval of bids</b>
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President Mourdock: The next item on our agenda, Lynn Ellis, approval of some bids.

Lynn Ellis: The first request would be to approve the opening of bids for Bid Number VC97-03. That is for shirts and hats for Burdette Park's Summer Camp Program. That would be taken under advisement until the next scheduled meeting.

Commissioner Jerrel: I would move that we take Bid Number VC97-03 under advisement at this time.

President Mourdock: I will second and so order.

Lynn Ellis: The next item is to approve bidding some weapons. Bid Number VC97-02-A for the Sheriff's Department. This is being brought back to you. You approved bidding it a few months ago and then the Sheriff contacted me and asked me to issue a letter to withdraw that request for bids and they are now ready for this. The Sheriff Department's staff has reviewed them and is prepared for them to go out. The request would be to open bids April 14th.

Commissioner Jerrel: I would move approval of opening the bids for VC97-02-A, which was rebid, on April 14th.

President Mourdock: Second and so ordered.

Lynn Ellis: Okay, and then the next item is advertising for bids for Bid Number VC97-04 and that would be for the excavator and that would be for the Bridge Crew. Advertise bids on March 27th and April 3th and open bids April 14th.

Commissioner Jerrel: I would move approval of advertising for Bid Number VC97-04 for the excavator from the Cum Bridge Fund to be advertised March 27/April 3 and opened on April 14th.

President Mourdock: Second and so ordered. That's all you had, Lynn? Correct?

Lynn Ellis: Yes.

**Rick Dickinson - Agreement with BFI for flood relief**

President Mourdock: Okay, Rick Dickinson with the Garage.

Rick Dickinson: Rick Dickinson, Vanderburgh County Garage. I see where it says agreement with BFI. I hope I didn't go into an agreement with BFI. I was asking for help on how we could take care of this. I mean, I wasn't hiring them by no means, I didn't think, but I was basically asking for help on how we can take care of the situation.

Lynn Ellis: I don't believe that they had that impression either. Their representative is here tonight and they said they were just contacted and actually the gentleman from BFI is not in town, so they have not actually communicated about this and he is just here to answer questions and see what we need to do to get this going.

Rick Dickinson: That's what I was wanting.

Lynn Ellis: Right. So we could contact BFI and Waste Management and whoever else to provide the service.

President Mourdock: Okay.

Commissioner Jerrel: The issue is that it needs to begin right away. Particularly one street of the flooded area.

Rick Dickinson: Yeah, if we don't get approval...I mean, if we don't start anything tomorrow we'll start Lynn Road because most of them people down there have got their stuff laying out front...I mean, laying out back.

President Mourdock: I'm sorry, Rick, did I hear you correctly? We won't be starting anything tomorrow?

Rick Dickinson: We will. Somehow we're going to start on Lynn Road tomorrow if we have to take our trucks down there or whatever. Lynn Road, most of them people...a lot of them live down there and they're elderly. The problem down there is, and I need to find out from you all if we can do this or what, but a lot of people have taken their trash and thrown it out the backdoor which is off our right-of-way. What we need to do is that we don't have the manpower and they don't either to take this trash from the backyard to the front yard to put on the curb. We do have front-end loaders and dump trucks where we can go in there on their property and move this stuff, but we can't take 20 people down there and physically move it.

President Mourdock: Right.

Rick Dickinson: I know in the past it has always been do not get off of right-of-way. I don't know what to tell these people because they're in bad shape.

Commissioner Jerrel: Have we put out any kind of flyer? Is that something that...they all know? Everybody knows?

Rick Dickinson: Everybody on Lynn Road knows what is going on.

We're trying to get a hold of everybody on Old Henderson just by word of mouth as we're driving through there. A lot of people on Old Henderson, I mean, they're just strictly camps and, of course, there are a lot of people that live down there, but there are a lot more camps on Old Henderson than there is on Lynn Road and they mark them as camps down there, but people live down there. A lot of people down on Old Henderson haven't even gone down there and see what is going on yet because they don't think they can get down there.

President Mourdock: Well, let's real quickly just work through it step-by-step. I think our basic premise is, excuse me, the folks down there who have been flooded out and have got this problem the last thing we want to do is be an hindrance to them. Okay?

Rick Dickinson: Yeah.

President Mourdock: That's rule number one, find a way to make it work. Rule number two is to meet the obligations of the law. We want to make sure if we are dealing with a specific contractor that we do this in some fashion maybe short of a bid, and maybe I am saying it wrong, Joe or Lynn? We need to bid it?

Commissioner Jerrel: Well, is this a service though that is going to be needed? You're talking about several weeks for bids.

President Mourdock: Yeah, right.

Commissioner Jerrel: This is now.

Rick Dickinson: This needs to be done now.

Lynn Ellis: We could do an emergency bid because of the circumstances. The Commissioners could declare an emergency and we could get quotes tomorrow.

Commissioner Jerrel: Yeah, that's what we need to do.

Lynn Ellis: And then issue a notice to proceed to whoever is successful with the quote process.

President Mourdock: Would we have to wait until next Monday to deal with those?

Lynn Ellis: No.

President Mourdock: Okay.

Commissioner Jerrel: That's the best way.

Rick Dickinson: That's going to be the problem. If we don't start doing something now we are going to end up picking trash off these side roads in the bottoms for a year.

President Mourdock: That's right. The county is going to pay for it one way or the other.

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Rick Dickinson: We're either going to pick it up out their yard-

President Mourdock: Or we're going to pay to pull it out of a ditch. Yep, okay.

Commissioner Jerrel: We are, I know, I see Sherman in the audience, but there is a process and I don't know if we're going to be eligible for any reimbursement for this effort? Do you know?

Sherman Greer: Sherman Greer with Emergency Management. I have a notification of interest here. This was the paperwork that we were supposed to fill out at the meeting that we had last Thursday when the Federal Emergency Management people were here. We need one of the County Commissioners or someone from the Auditor's Office to fill this out. Then it needs to be faxed up to Indianapolis tomorrow. We're eligible for 75% from federal, 12½% from the state and that leaves us 12½% that we'll be liable for.

President Mourdock: Okay. I want to use the correct language, Sherman. One of...and I think it's...is it Section B on there that defines specifically the item that Rick was just talking about where it says flood debris pickup?

Sherman Greer: That's Item A--

President Mourdock: Item A?

Sherman Greer: --debris clearance.

President Mourdock: Okay, then Bettye Lou work with me on this one. I think to be in strict adherence with what we need to do procedurally, I think, officially we need to declare an emergency for solely the issue of debris clearance as a result of FEMA Number Event 1165. I will make that as a motion.

Commissioner Jerrel: Right, and I will make that as a motion for Section A, the clearance of FEMA reimbursement to declare that as the pickup of the debris in the area that has been flooded.

President Mourdock: Right, which is defined by FEMA 1165.

Commissioner Jerrel: Right.

President Mourdock: So I will say second and so ordered. With that, Rick, that allows you to call Lynn first thing in the morning or even before we get done this evening and find out what you need to do to contact people who may be capable of handling the debris, get some quick numbers back from them and then work with Lynn to go ahead and issue what you need to so that you can start tomorrow.

Rick Dickinson: Okay.

Sherman Greer: Also, Waste Management, Solid Waste, is going to be contracting...IDEM is going to contract with a local solid waste organization to pick up those items that maybe have

hazardous materials in them or the tanks that have floated down the river and different things like that.

Commissioner Jerrel: We've worked that one through, so that one is taken care of.

Sherman Greer: Okay.

President Mourdock: Well, that one is under FEMA for hazardous materials.

Commissioner Jerrel: Yes, yes.

President Mourdock: That is somewhat beyond our jurisdiction. Okay, alright. While we are doing this then I would also, Bettye Lou, ask for the motion to approve that so that we can begin the FEMA processing.

Commissioner Jerrel: I would move approval of the Commissioners preparing the request for the disaster assistance for 1165.

President Mourdock: I will second and so order. Rick, are you clear then as far as what we need to do? Very good, okay.

**County Treasurer - Debit Option with Citizen's National Bank**

President Mourdock: The next that we have on our list is the County Treasurer. Is Jayne here or a representative for Jayne Berry-Bland?

Commissioner Jerrel: No, I am going to represent Jayne. The issue is an opportunity to enter into an agreement with our fiscal agent, in this case Citizen's Bank, to permit us to issue a debit. That is a...well, I'm going to give you my explanation of it. If you want to pay your insurance payment or you want to pay your taxes or whatever you want to pay you simply fill out a form with your bank and it's debited from your check. That is the service that is being requested and it will not cost the county any additional money because if they...we pay 12 cents if the check is written. If it is debited then there is a 12 cent charge, so I would like to make a motion to approve this arrangement contingent upon the attorney's approval after he reads it.

President Mourdock: Okay, and I realize you're not the official proxy, but I presume this is coming to us with the recommendation of the County Treasurer.

Commissioner Jerrel: Yes, I spoke to the County Treasurer and she requested that I make the presentation.

President Mourdock: Okay.

Commissioner Jerrel: It is becoming more and more common and it is probably going to be requested by more and more regular debts that are owed.

President Mourdock: Okay. I heard a motion there, I believe?

Commissioner Jerrel: Yes, that was a motion contingent upon the attorney's approval.

President Mourdock: I will second and so order. The original for this is in the signature pack, so let me give that back to you.

**County Clerk - Request to pay travel expenses in advance**

President Mourdock: Next item, we have the County Clerk who is requesting to pay travel expenses in advance. I don't see the County Clerk here.

Commissioner Jerrel: Yes.

President Mourdock: Do you know anything about that? Oh, David is here.

Commissioner Jerrel: This item, perhaps, could have been left off the agenda, but we decided to include it, but Mr. Byrne and I spoke a couple of times today. The issue was, and you correct me if I am not...unless you want to describe it?

David Byrne: Well, it is my understanding as it was explained to me by the State Board of Accounts and Bettye Lou Jerrel, Commissioner Jerrel, that prepayment is not permitted under State Board rules and regs. Unfortunately, the situation presents itself that some people that will be going on this from the different divisions, it is not just the Clerk's Office, I want to make that clear again for everyone including the media. It involves other judges and the Sheriff's Department, etc. It would be an inconvenience to them to have to prepay out of their own pocket either because it is not within their cash flow resources or they don't have credit cards. So I believe that with the Commissioners' approval we would entrust the Clerk of the Courts, Marsha Abell, with the county credit card to take care of out-of-pocket expenses that would occur while they are attending this national laboratory on computer software for the court system here in Vanderburgh County.

Commissioner Jerrel: You understand that it is \$24 a day?

David Byrne: Right.

Commissioner Jerrel: The hotel arrangements and I think we've got an invoice coming.

Lynn Ellis: Yes, we were faxed an invoice today. The fee would be \$74.55 per night per room.

Commissioner Jerrel: I would like to move approval to permit them to use our credit card.

President Mourdock: So ordered.

David Byrne: Thank you.

**Acordia of Evansville - Refund agreement**

President Mourdock: The next item that we have is simply a business item which is the acceptance of a refund agreement from Acordia of Evansville which I believe is in the packet.

Commissioner Jerrel: I would like to move approval that we request the refund and that it go into the account recommended by our insurance agents.

President Mourdock: That's in the amount, by the way, of \$45,420.01. I will second and so order.

Commissioner Jerrel: The accounts possible are 3000 and 3001 in the Commissioners' budget.

President Mourdock: Okay.

**County Assessor - IAAO Course One contract**

President Mourdock: County Assessor with some information on a Course One contract. I don't see anyone here on the Assessor's behalf.

Commissioner Jerrel: Well, this is...the money has already been appropriated for this and I don't...there must be an original contract course agreement.

President Mourdock: Right, there is. It's in the packet.

Commissioner Jerrel: Do we need a motion to approve?

President Mourdock: Yes.

Commissioner Jerrel: I would so move that we approve this Course One that is being offered to Vanderburgh County and Township Assessors.

President Mourdock: Second and so ordered.

**Mike Buente - Veazey Parrott & Shoulders**

President Mourdock: Not on the agenda, but next we have the information from Veazey Parrott & Shoulders regarding the update on the Vanderburgh Auditorium contract. So, Mr. Mike Buente.

Mike Buente: Thank you, Commissioner Mourdock. My name is Mike Buente with Veazey Parrott & Shoulders. I'm here to give you an updated status report on the convention center and auditorium. A great deal of time from our design development submittal until Mr. Shoulders' last report to you has been spent on evaluating costs, methods and materials. We are now in the actively pursuing preparation of our construction documents. In two weeks we are going to bring a set of drawings that represent approximately 50% of the completion of these drawings. Some team members are more intensely involved than others at this time. Briefly, some activity is happening right now, structural

systems are being sized. Architectural consultants are working on technical aspects of the plans and compositions of the building sections. Mechanical and electrical equipment is being sized. Plumbing systems are being designed. Duct work is being laid out and coordinated with the physical constraints that the building imposes on them. Furnishings and furniture systems are being laid out and specified so that we can determine or verify that we have adequate storage in the storage areas. Also, we're doing that at this time so that we can coordinate electrical and technology system layout. Great emphasis is being placed on designing and detailing the auditorium. In the past, we've been dealing with the entire project, and that is still happening, but the auditorium project is really the most complex portion of this project. A lot of our specialized consultants are now all accumulating and coordinating. Some of the work that is being done on that is we're detailing the acoustical clouds and reflectors. We're working on lighting and sound components. Both acoustical sound as well as reinforced sound. We're working on curtains and rigging. Rigging both in the stage area and also rigging that takes place with the equipment out in the audience chamber. Lastly, our acoustician has been working for the last two weeks on designing the duct work that actually hangs in the audience chamber. That is a very specific fine art that he is working on with our mechanical engineers. That in a nutshell is where we are at right now. If there is any questions I would be happy to answer them. If not, Mr. Rick Reising is here to give you an update on the environmental report.

President Mourdock: Before we go to Rick, do you, Bettye Lou?

Commissioner Jerrel: No. I just...you're on schedule?

Mike Buente: Yes.

Commissioner Jerrel: Okay.

President Mourdock: That was my key question as well. We'll see you in two weeks with 50% drawings.

Mike Buente: Okay, thank you.

Rick Reising: My name is Rick Reising. I'm with Environmental Management Consultants located at 427 Main on the Walkway. Our firm was engaged to perform a Phase I Environmental Site Assessment on the existing auditorium and the property. What you have in front of you are a series of...the first map there is an overlaid map showing the existing parking lot and the existing auditorium with some historical land uses involved in it. We found two areas of environmental concern associated with the phase one project. Number one was the historical land use associated with...as you can see on that map, gas stations...there's two gas stations that are located on the site itself, or was located on the site itself and three filling stations that were directly adjacent to the site. Two dry cleaners were on the site which indicates that we probably need to do a limited subsurface investigation to make a determination if we have contaminants to deal with during the construction demolition of the project so that they can be handled in an

appropriate manner at that time. Also, there is an existing underground storage tank on site that was used for heating oil and we would also be taking a sample in that area to determine if that has leaked. So this would be soil samples and two ground water monitoring wells with associated chemical analysis to determine if we have a problem with underground contaminants in the soils and water. In your packet it shows a little bit of that history. The second document in there is a 1910 Sandborn Map that shows that part of the facility on-site was actually a railyard there which traditionally has a lot of problems with that. We've laid out a series of samples and analysis to make that determination. The other issue was the asbestos issue in the building. As part of a renovation and demolition that goes on with a building, the federal government and the state require an asbestos inspection so that one can determine if asbestos is present in the facility and then provide that information to the architect and the Commission so that you can make a determination if abatement is required or if it can be worked around. I have provided the Commission with two proposals. One for the limited subsurface investigation and the other for the asbestos inspection.

Commissioner Jerrel: Where are those two proposals?

President Mourdock: Yeah, that's just what I was going to say.

Commissioner Jerrel: Where are the two proposals?

Rick Reising: I was informed...I faxed last week one to Mr. Mourdock and to the Commissioners individually at this--

Commissioner Jerrel: I received a report from you. A letter, a two or three page letter describing this, but there was no description about, you know, the length of time this would take, approximate costs, you know, proposals. Nothing like that.

Rick Reising: Mike Shoulders asked me last week to fax copies to the Commissioners and to Mr. Mourdock. Did you receive yours?

President Mourdock: I got the copies of the drawings, I remember. Or this page and a couple of the other pages. I'm like Bettye Lou, I don't recall seeing any text.

Commissioner Jerrel: I got a letter from...a letter, but the letter only described the potentials that you've just described.

Rick Reising: Okay.

Commissioner Jerrel: That's all that was in it.

Rick Reising: Okay, what you were supposed to get are these which are written over right now.

Commissioner Jerrel: Okay, I didn't get those. I got the description that you have just given us about the filling stations and the potential contaminants and the asbestos.

President Mourdock: Right, yeah.

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Rick Reising: Okay, so where do we go from here? Do you need to know the costs and things or do you need a copy?

President Mourdock: Sure.

Rick Reising: The inspection for the asbestos inspection is estimated to be between \$2,850 to a maximum of \$3,000 and that is without sample analysis. We have a per unit cost of \$15 per sample on the asbestos analysis that is in addition to that price. We're estimating somewhere around 50 samples to be collected.

Commissioner Jerrel: Where are these samples located? I mean, where will you be sampling specifically in the building?

Rick Reising: We will specifically be sampling all of the suspect asbestos containing material in the entire building.

Commissioner Jerrel: I guess, let me...I didn't ask that correctly. Where is this located?

Rick Reising: The suspect material?

Commissioner Jerrel: Is it on the stage? Is it in the lower level? It is around pipes? Where is it?

Rick Reising: We have three different types of material that we've known and not sampled at this point. One is the thermal system installation around the piping and boilers. The others are the plaster surfacing material throughout the facility and then there is the acoustical tile, ceiling tile, asbestos floor tile and things of that nature. There is also some copies in that packet I just gave you of some photographs of suspect asbestos containing material. It is all within the building itself.

President Mourdock: Rick, did I understand you? You said \$15 per sample for the asbestos and I presume that is taking the sample, but that did not include the actual analytical cost?

Rick Reising: The \$15 is the analytical cost.

President Mourdock: Okay.

Commissioner Jerrel: So what you're saying is no more than \$3,000 on the overview plus the additional \$450 if you use 50?

President Mourdock: It's \$750.

Commissioner Jerrel: Oh, 15 samples?

President Mourdock: No.

Commissioner Jerrel: Oh, \$15 for 50, I put 30.

Rick Reising: No, \$15 each.

Commissioner Jerrel: For 50 rather than...I don't know where I got 30.

Rick Reising: Ms. Jarboe, we've estimated, just walked through and estimated that it will probably take at least 50 samples. Each sample will cost \$15 each.

Commissioner Jerrel: Is there likely to be...I have to ask this, I mean, those of you in construction. If you examine the covering of the pipes and there is no asbestos in point A, then you want to go to B, C, D, E, F, G, H, I and make sure there is no more even though it is not present in the typical covering and the same thing is true with the acoustical tile? You'll take one tile out and if it's not in there then you'll still need to take--

Rick Reising: There is a certain methodology that is prescribed by the federal government of how to take the samples and the numbers of samples to be collected.

Commissioner Jerrel: I had to ask that.

Rick Reising: It's a good question.

Commissioner Jerrel: I mean, it's a common sense question.

Rick Reising: Right. We want to make sure that we've got everything, but we don't overkill it.

Commissioner Jerrel: I know. I just had to.

Rick Reising: I understand.

President Mourdock: You think you had one there, wait until this subject comes up. On the testing for the limited subsurface investigation you said you needed to do, Rick. What are you looking at there?

Rick Reising: Uh, could you repeat that?

President Mourdock: Sure. You said given the location of the old gas stations and the UST that you were going to do some subsurface sampling?

Rick Reising: Yes, sir.

President Mourdock: Yes, sir. Okay, talking about costs there?

Rick Reising: Okay, the estimated for...of course you don't have this document. We have estimated to take a total of six total petroleum hydrocarbon samples.

Commissioner Jerrel: Six what? Tell me what?

Rick Reising: Six soil samples for total petroleum hydrocarbons.

Commissioner Jerrel: Uh-huh.

Rick Reising: One sample for soil for total halogenated hydrocarbons, that's for the potential dry cleaner problems. We are taking one ground water sample for what we call BTEX, B-T-E-X, /MTBE which these are derivatives of gasoline and petroleum

products. Then one what they call priority pollutants which is a myriad of volatile organic compounds and semi-volatiles, PCB's and metals and that nature, and developing two ground water monitoring wells in order to take those samples correctly.

Commissioner Jerrel: So that is nine things?

Rick Reising: Like for instance when I am talking about the volatile organics, that's 42 things in that one situation.

Commissioner Jerrel: Okay.

Rick Reising: That suite of chemical analysis is 175 plus particular individual tests.

Commissioner Jerrel: But there were nine major areas that you were going to cover with a variety of test within that?

Rick Reising: Right.

Commissioner Jerrel: Do we have a cost for each one of those then?

Rick Reising: We have a cost to range between \$8,500 and \$9,500 based upon our estimate right now of what we are going to find out there. There is a range in there because we can say take a sample and let's say a hypothetical if we find a contaminate at three foot deep, then we would probably take another sample at four or five foot deep to make sure that we have defined the level of contamination within the soil at that point.

President Mourdock: It is important here to agree and understand that you're not remedying anything. All you are doing is looking for contamination?

Rick Reising: That is correct. This is no remediation, but to determine if there is an underground storage tank in place out there, so a couple of soil sample would be taken adjacent to that tank to determine if that tank is leaking and then we'll come back with a report to the Commissioners and say we're looking good or we have a problem here and we would recommend and then remediation would be the next phase up to the Commissioners.

Commissioner Jerrel: Are you comfortable voting on something without seeing what it is that we are supposed to be seeing?

President Mourdock: You ask the question in that way and you know what the answer is going to be.

Commissioner Jerrel: Well?

President Mourdock: I'm not uncomfortable with the prices that are quoted here.

Commissioner Jerrel: Right.

President Mourdock: I think those reflect pretty much what my understanding of the industry is. There is nothing real out of line there. I would be very concerned if the Phase III, which

is the remediation phase, if that was included in here, then I would be very, very concerned.

Commissioner Jerrel: There is no...so we know that.

Rick Reising: No, we're still trying to determine if there is.

Commissioner Jerrel: You don't have anything with you?

Rick Reising: I just gave her the two the copies--

President Mourdock: Yeah, he gave them to Charlene.

Rick Reising: --that I've got my handwritten notes on.

Commissioner Jerrel: Okay. She is getting copies.

Rick Reising: I faxed them over here to the Commissioners' Office last Friday.

President Mourdock: We apologize. They are probably in the building, but...Mike Shoulders had called me and we spoke basically about what it is that you were going to do and I at that point, again, I remember see a drawing and from then he was going to fax something else and I don't recall seeing at my office. Do you want to take this under advisement at this point?

Commissioner Jerrel: Well, if we can see them I'm willing to act if you are.

President Mourdock: You do not have an original with you, Rick? A clean copy?

Rick Reising: No, I had one and I wrote my notes over it. I can provide you one first thing in the morning.

President Mourdock: Okay.

Commissioner Jerrel: We have two choices. I can make a motion to approve based upon the attorney's final approval or we can defer this until next Monday.

President Mourdock: I am comfortable with the former. The key words that I see is the enclosed quotation is applicable for noncontaminated soil and water only. It does not address additional costs involved in additional soil sampling, boring activities or ground water monitoring and well installations. Basically, these are fixed costs based on the data that you gave us as far as the number of samples. This is work that is going to need to be done. I'm certainly willing to do this contingent upon any fatal flaws in the contract which our attorney might find if you're comfortable with that.

Rick Reising: Certainly.

Commissioner Jerrel: Well, let me make the motion that we approve because we can't proceed any further with plans until we get this information. I would like to move approval of the

contract with Environmental Management Consultants to provide a scope of work for us that has previously been entered into the minutes. The fixed costs have been described and I would like to put the caveat that it must meet with our attorney's approval for the final signing.

President Mourdock: I will second and so order and plan on...I come in every Wednesday evening. If you will have the finished copy here or a clean copy I will sign it at that point based on this.

Commissioner Jerrel: And Mr. Harrison can look at it and tell us between now and Wednesday.

Rick Reising: I'll have it here Wednesday evening, right. Thank you very much.

Commissioner Jerrel: Okay.

**Any group or individual wishing to address the Commission**

President Mourdock: Any individual wishing to address the Commission on any matter not on the agenda and for those I know there was a few who have come in for the Drainage Board and we're not to the Drainage Board meeting yet.

Ryan Rupp: My name is Ryan Rupp. I live at 6946 Tonia Court. That is here in Evansville. This afternoon I had a problem with Bassemiers'. They picked me up from work and brought me down here. I was instructed to call them and they was telling me that I could not come down here on the H & E program, but they let it slide today and I just don't know. I used to work at Kotter that Bev was talking about, the Kotter Avenue plant, and I was being...the way they were doing it they were paying by piece rate and stuff. Like paying, like, 74 cents an hour and I am also working at this new place now and it's called Ameriqua. I'm getting paid like \$4.75 an hour and my last paycheck was \$333.79 and it is being paid by taxes.

Beverly Preske: (Inaudible comments not made from mike).

Ryan Rupp: I pay county taxes.

Commissioner Jerrel: That's wonderful.

Ryan Rupp: Thanks.

President Mourdock: Okay, very good. Did they give you a reason, Mr. Rupp, why they...you said SLR gave you the problem?

Ryan Rupp: Yes, they said since this is not going back to the county that is why I couldn't.

President Mourdock: Okay, they were going from the county into the city and it was--

Beverly Preske: They were going from Ameriqua in the city, a location in the city--

President Mourdock: Right.

Beverly Preske: --to this address in the city, but Ryan is a county resident.

President Mourdock: Right, okay. I gotcha.

Commissioner Jerrel: Thank you.

President Mourdock: Thank you very much.

Dottie Phillips: I'll be very brief. My name is Dottie Phillips and I am saying this just to reinforce some of the statements that Beverly Preske made. I live in Independence Square. There is about 122 or 123 other people, men and women, mostly women my age or thereabouts and there is quite a few of those people that will use if we can get this system implemented to include what Bev mentioned earlier. There will be quite a few of the people in my building that would be very, very happy to see this and I think would utilize it. I would of had some with me tonight from there, but it happens to be pre-Easter, so many of them are working preparing for church things that are going to happen tomorrow night so they couldn't be here. That's why I am down here to speak for them to reinforce what has been previously stated, so there is a great need for it. Thank you.

President Mourdock: Thank you. Anyone else wishing to address the Commission? Mr. Moser.

Ed Moser: Good evening. Ed Moser is my name. I am representing the Coterie Club of Evansville, Indiana. Just a few minutes of your time please. I was with Mr. Shoulders earlier last week and we made a visit over to the Green Convention Center to take the exact measurements of that floor. So when I got back and we had...anyway, I have a letter here dated March 20, 1997 and I delivered this copy to Mr. Mike Shoulders Friday. I didn't see him I just left it with his secretary.

"Dear Mike,

I thank you for the opportunity to meet with you yesterday afternoon first to take the exact measurements of the permanent dance floor at the Green Convention Center and then to return to your office for further discussions and to view the latest floor plan for the entire project and more importantly the ballroom."

With B, C and D, now I don't know if this means anything to you or not, but these are the temporary rooms that are designated Ballroom B, Ballroom C and Ballroom D that can be taken down, put up so they are not a permanent situation. With B, C and D positioned at the north end, this north end of the complex, and north end it positions A, A is the great big portion of the ballroom which would be permanent, with a more balanced and functional posture and at least two ideal stage positions. Meaning the little stages that they would set up for dance bands, for other speaker positions and etc. At least two of these stage positions and with the centerpiece being a permanent

dance floor with measurements of 120 feet in length and 72 feet in width. Now how we arrived at this, some of this is mine and some of this is actual over at the Green Convention Center. The Green floor which is permanent and Mr. Mike Shoulders recognized that immediately because it is permanent. It is 90 feet in length and 48 feet in width. Now how did that get up to 120 in length and 72 feet in width? I sent you all a letter and in that letter I put these measurements in there to extend the length five yards in each direction, the length, which is 15 feet and that's a total of 30. So 90 and 30 is 120, that's the length. I said plan for 4 feet on each side and that is 12 feet on each side, 24 and 48 is 72, that's how I arrived at the 120 foot length and 72 width. Of course, I know this is a point here. Of course, the floor would be covered over when not in use with an attractive cover to match the decor of the ballroom interior while still being available for other functions in the ballroom. Now what kind of a cover? Well, it just occurred to me that maybe Anchor Supply could come up with something very attractive. It's got to be serviceable because there will be traffic on this, but it won't be on the floor it will be on the cover. Or, it could be a very fancy carpet depends upon how much money you want to put into it, but it would be covered. It would be a permanent floor. I close by saying:

"On behalf of the Coterie we wish you and Mr. Mourdock, Ms. Jerrel and Mr. Tuley sincere best wishes for a most successful conclusion to this enormous adventure. Please call me if I can be of further assistance.

Sincerely,

Ed Moser"

So this is the latest position and Mike has a copy of this. I delivered it to his office and I will see that you folks are provided with a copy also tomorrow.

Commissioner Jerrel: Thank you.

Ed Moser: Thank you very much for your time.

President Mourdock: Okay, thank you.

Ed Moser: Incidentally, I got by without saying wood, didn't I?

President Mourdock: Almost!

Commissioner Jerrel: You did, but I went dancing last night and I didn't see you out there. You were there last week at the Eagle's and their wooden dance floor. The Coterie had their program somewhere else.

Ed Moser: The Coterie was at the Gold Room.

Commissioner Jerrel: I asked about you.

Ed Moser: We had an ideal band. We had a band from Lincoln, Nebraska, Bobby Lane's Band, and we had a big crowd.

Commissioner Jerrel: Well, I told several people about you as we were dancing on that wooden floor.

Ed Moser: Okay, thank you very much.

President Mourdock: Thank you. Anyone else wishing to address the Commission on any issue other than the drainage issues which we will get to shortly?

**Tim Spurling - County Engineer's Office**

President Mourdock: Okay, we have our department head reports. County Engineer, Tim Spurling, pinch-hitting tonight.

Tim Spurling: Good evening. I have a lot for you today.

Commissioner Jerrel: Yeah, I am assuming that you sent this over?

Tim Spurling: Um...

Commissioner Jerrel: I don't know whether you did or you did? Well anyway, thank you whoever did it. I appreciate it. I used that information and I did fax a letter to Mr. Faulkenberg. You did, it's from the Vanderburgh County Engineer.

President Mourdock: Okay, go ahead, Tim.

Tim Spurling: Tim Spurling from the County Engineer's office. John Stoll is on vacation this week. All I have for you this evening is the acceptance of 255 linear feet of Riverside Drive in Carneal's Commercial Subdivision. I recommend that it be accepted.

Commissioner Jerrel: Help me out and tell me where this subdivision is.

Tim Spurling: It is on South Green River Road. I've got some drawings here.

President Mourdock: Is it C-o-r or C-a-r? It's spelled two different ways here.

Commissioner Jerrel: I think it is C-a. Mr. Carneal, unless it's a different person.

Tim Spurling: C-a-r.

President Mourdock: Okay, it's correct on the official form then.

Tim Spurling: Pollack is up here and Green River Road.

Commissioner Jerrel: Okay, and then I-64 is up even further?

Tim Spurling: It's just this small stub.

Commissioner Jerrel: Okay.

President Mourdock: Obviously, you've made field inspection to make sure it was done to county standard?

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Tim Spurling: Yes, we have.

President Mourdock: Okay.

Commissioner Jerrel: I would like to move approval if that is needed.

President Mourdock: It is needed and I will second and so order the county's acceptance of 255 lineal feet of Carneal's Commercial Subdivision on...well, off Riverside Drive.

Tim Spurling: That's all I have unless you have some questions.

President Mourdock: Okay, I have one thing and I'll just pass this on to you. I have a letter from Paul and Nancy Ubelhor, I don't know if you got a copy of this, but--

Commissioner Jerrel: No, I didn't.

President Mourdock: --I just need to have some response next week from either you or John on that as far as the area that is marked there. They're requesting some information. Just check it and get back to us if you would. Any other questions for Tim? Okay, thank you Tim.

Tim Spurling: Thanks a lot.

**Rick Dickinson - County Garage**

President Mourdock: Rick, anything to add to our...oh, sure, go ahead.

Rick Dickinson: I don't have anything to add. Now that the news media is all gone I wanted to tell them the reason that we are doing Lynn Road first is because we can get to Lynn Road. Old Henderson Road we're patching and it is not even feasible for trucks to even travel that road yet. Just in case they start calling your office and say why is Lynn Road more important than Old Henderson. It's not, it's just that we can get to Lynn Road.

Commissioner Jerrel: Makes sense.

Rick Dickinson: I know when they start writing that what is going to happen. So when they start calling your office that is the reason why. Nobody is more important than the next it's we just can't get down Old Henderson Road hardly.

President Mourdock: When it makes sense say it. That's as simple as it gets.

Commissioner Jerrel: Thank you.

President Mourdock: For the record, also previously a County Highway Report was turned into us covering the dates of March 14 through March 20. Thanks, Rick.

**Joe Harrison, Jr. - County Attorney**

President Mourdock: County Attorney.

Joe Harrison, Jr.: Just a couple of items. First of which from last week there was an agreement submitted by the Sheriff's office for consideration by the County Commissioners regarding the jail doctor. I have had a chance to review that document and have added a second page to the document. It will be a month-to-month contract and there are signature lines for the Commissioners. This agreement replaces the agreement with the previous doctor that performed such services up until the end of 1996, so this is a new agreement. Basically, it is exactly the same as the previous agreement, the same monetary amount and provisions and, again, the agreement is with Dr. Harold Smith to provide medical services for the prisoners up in the jail.

Commissioner Jerrel: Do we have that contract in our signature file? I would like to move approval of the acceptance of the jail contract with Dr. Smith.

President Mourdock: Second and so ordered. Joe, is the original for this in our signature package?

Joe Harrison, Jr.: All I had was a copy, but there is an original second sheet to one of them.

Commissioner Jerrel: Is it yours?

Joe Harrison, Jr.: It should feel a little different.

President Mourdock: Yeah, this is the original. I'll hand that to Lynn to include in the signature packet when we get done.

Joe Harrison, Jr.: The other thing I guess I need to do is announce the bids regarding the bids that I opened with respect to VC97-03. There were three bids that were submitted. They are as follows:

- |    |  |            |
|----|--|------------|
| 1. | Gus Doerner Sports<br>408 Carpenter Street<br>Evansville, Indiana              | \$6,392.76 |
| 2. | Soccer Selections<br>4710 Vogel Road<br>Evansville, Indiana                    | \$5,459.88 |
| 3. | Southwest Grafix & Apparel<br>2229 West Franklin Street<br>Evansville, Indiana | \$5,677.20 |

I believe Ms. Ellis will review those to make sure that they comply with the bid requirements and report back to us next week. That's all I have.

**Lynn Ellis - Superintendent of Buildings**

President Mourdock: The Superintendent of Buildings, Lynn Ellis.

Lynn Ellis: I submitted quite a lengthy packet for your review. There is a report from Joe Ballard and a copy of the form to be

used in the collection of some of the material and debris. I also drafted a memo to the County Highway to go along with this and forwarded this to them. In the signature packet if you approve that memo is the original just forwarding that information from Mr. Ballard to them stating that they should be careful in the handling of the hazardous materials if they do, in fact, run into any when they are cleaning the debris. I have received a copy of House Bill 1158 which I will pass a copy on to the County Attorney for his review. This bill addresses changes in the purchasing procedures and the statutes concerning procurement. This specifically addresses the time accrual system that we have been working on and whether we can purchase a portion of that system now and the remainder of it later or if the remainder of the purchase would have to follow in calendar year 1998. I will remain in contact with the state regarding the status of the bill. Kind of as a follow-up to the report being made by Veazey Parrott & Shoulders, Mr. Shoulders contacted me regarding the bidding of the furnishings and asked if the county wanted to purchase that directly from the manufacturer or if they would want to purchase from the local dealer. There are several issues that will need to be worked out before a decision is made on the county's side. One would be personnel handling the receipt of those furnishings. The building would actually be constructed or a portion of the building would be ready to house them, but as far as actual receipt of them or rejection of them and whether we want that liability placed with county personnel or we want to work through a dealer. Of course, working through a dealer as opposed to going straight to the manufacturer would be more costly for the county, but I don't know that we have the crew or will have the crew which is another issue regarding the personnel, so we need to address that.

Commissioner Jerrel: I have a question. You said the furnishings would be expected in the summer of '98? You're a year early. It would be '99.

Lynn Ellis: Well, he indicated '98, but that would be right. That would be '99.

Commissioner Jerrel: So we're not under...you know, we've got a little bit of time to get...but the inventorying of what is there now.

President Mourdock: It may well be likely that the furnishings would need to be ordered though during the summer of '98.

Commissioner Jerrel: Right. You're right.

Lynn Ellis: Well, the intent from them was to get all the bids in together and then within that bid would be a clause that we're bidding at this point, but delivery would not be until such and such time and so there would be a delay, a significant delay, for the actual delivery of those items, but it would provide the manufacturer enough time to manufacture the quantity that would be needed. Then they would be responsible for handling them until we actually wanted receipt of those items. The concern was getting the total cost and without the costs coming in from that bid for furnishings then the Commissioners

won't have an actual figure to work with because it would exclude a large section of the total package being the furnishings. They kind of wanted to get the bids going at the same time so we could have a cost for that as well.

Commissioner Jerrel: I guess I'm trying to visualize. They're not talking about auditorium seats because that is permanent. That's in their fixed costs. What...?

Lynn Ellis: The tables and chairs for like the ballroom or other--

Commissioner Jerrel: Chairs that would be sitting out in the lobby.

Lynn Ellis: The lobby and other meeting rooms that will be located in there. I don't know that you all would want to take action tonight, but just for consideration so I told him that we would get back with him as soon as possible. He is out of town this week.

President Mourdock: Yeah, I don't know that there is anything that we can do this evening, but we're advised.

Lynn Ellis: Also for your consideration is a memo drafted to Mr. Robling from the Department of Metropolitan Development regarding some of the items that have come up lately and asking maybe for more detail for the Commissioners and attendance at the meetings.

Commissioner Jerrel: Do we have a fax number at the garage?

Lynn Ellis: Yes.

Commissioner Jerrel: If there is one we ought to fax this tonight, right now, so that it's there in the morning if they are out there working.

President Mourdock: The one regarding the handling of hazardous materials?

Commissioner Jerrel: Yeah, right. It just occurred to me as I was going through these that would be a good idea to fax because they would be gone when you got in in the morning.

Lynn Ellis: Right. That is the material on one of those items regarding Mr. Robling. SCT conducts weekly meetings regarding the data services and acquisitions of PC's and that kind of thing. They have a meeting on Tuesday morning and I will begin attending those meetings so that I can keep the Commissioners apprised of what is going on as far as the data services goes. The personnel meeting on Friday, April 21st, was a couple of the persons in attendance there had questions regarding a few of the sections of that or subsections of Section 4 of the policy. I have passed along the information also to the County Attorney to take a look at a couple of those sections to see if there would be a potential problem. The welfare to work I am also working with the County Attorney. I'll be receiving a disk with that on it so we can get that downloaded into the Commissioners' system and we can begin making changes to that.

Commissioner Jerrel: I have a question. On the first item, the hire date versus the calendar date and you may not know this now, but think about it. I would be more interest than the ten attendees what offices...I mean, who were the elected officeholders that support that?

Lynn Ellis: Okay. Bill was in attendance. I don't...um.

Commissioner Jerrel: I mean, I don't want a wide array of, you know...

Lynn Ellis: I'll see if we can come up between those that were there. B.J. Farrell and Bill Fluty and between the two of them and myself we ought to be able to come up with a list.

Commissioner Jerrel: This Friday is the last meeting. Are you going to get this one or not?

President Mourdock: I'm hoping to.

Commissioner Jerrel: Okay, well...Thursday, excuse me.

Lynn Ellis: Right, Friday is a holiday.

President Mourdock: Some places!

Commissioner Jerrel: I think I am going to recommend something and then you use your own judgement. I think that we need to sift through the information and answer those questions that are necessary for the broadest base of employees and then do whatever we can to make the policy as workable as possible, but I would not suggest that we go through every line item and make changes because this was done at considerable expense to the county and I think it works well. It is just a couple of things.

President Mourdock: We're not going please everyone all the time anyway. Okay.

Lynn Ellis: Right. The only concern would be if there were a legal problem with any of the...or a conflict within the policy. Those would be the items to pass on to Joe to look at.

President Mourdock: Okay. Alright. You raised the issue of the welfare to work group. The meeting...or that group will get together on Wednesday, so I will need at least about eight copies of the RFP.

Lynn Ellis: Okay.

<b>Consent items</b>
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President Mourdock: Okay, we'll move to the consent items. We have a package that includes some employment changes, travel requests and also the County Treasurer is submitting a report that is in our consent item package.

Commissioner Jerrel: Do you--

President Mourdock: Time out.

**Tape change**

President Mourdock: Yes, Lynn.

Lynn Ellis: Mr. Mourdock, I wanted to let you know one thing. I did follow up with the letter received from the Teamster regarding the errors in Addendum A. There were additional errors in this correction. I have not been able to get in touch with them, so he is supposed to return to the office tomorrow, so I will be attempting again tomorrow, but there are errors.

President Mourdock: There are errors in what they turned back in as the addendum?

Lynn Ellis: Yes.

President Mourdock: Okay, we'll keep that issue alive and deal with it next week.

Commissioner Jerrel: I would move approval on the consent items with this one exception. I would like to have the opportunity to speak to the Burdette Board because we are asking them for considerable input and they haven't had a meeting yet. If these employees are part-time and are coming in when called, then that is fine to go ahead and approve it, but if they're part-time to be there every day from now on I would really like the Board to have input because I hope we can move away from that and let them take over the responsibility.

President Mourdock: Sure and that's a management question.

Commissioner Jerrel: Yes.

President Mourdock: The employment item is as included and you're saying you're going with, but I guess you are saying you want better control over the actual hours that those folks work?

Commissioner Jerrel: Yes, and I would like for the Board to have input on that.

President Mourdock: Sure, okay. There was a motion there for approval of the consent items?

Commissioner Jerrel: Yes, for approval.

President Mourdock: Okay, I'll second and so order.

<b>Scheduled meetings</b>
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President Mourdock: There is a packet...or in the packet scheduled meetings.

<b>Old business</b>
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President Mourdock: Any old business?

**New business**

President Mourdock: Any new business before the Board this evening? In that case so we can get on with Drainage, I would move for adjournment of the Commission meeting.

Commissioner Jerrel: So moved.

President Mourdock: Second and so ordered.

The meeting was adjourned at 7:10 p.m.

**Vanderburgh County  
Commissioners Meeting  
March 24, 1997**

**Those in attendance:**

Richard E. Mourdock  
Bettye Lou Jerrel  
Joe Harrison, Jr.  
Lynn Ellis  
Bill Fluty  
Charlene Timmons  
Beverly Preske  
Ryan Rupp  
Dottie Phillips  
Rick Dickinson  
Sherman Greer  
David Byrne  
Mike Buente  
Rick Reising  
Ed Moser  
Tim Spurling  
Others unidentified  
Members of the media

VANDERBURGH COUNTY  
BOARD OF COMMISSIONERS

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Richard E. Mourdock, President

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Bettye Lou Jerrel, Vice President

**Vanderburgh County  
Board of Commissioners Meeting  
March 31, 1997**

The Vanderburgh County Board of Commissioners met in session this 31st day of March in the Commissioners' Hearing Room of the Civic Center Complex at 5:38 p.m. with President Richard E. Mourdock presiding.

**Introduction and Pledge of Allegiance**

President Mourdock: Good evening. We'll call the meeting of the Vanderburgh County Commissioners to order. By way of normal procedures, if you would like a copy of our agenda there should one sitting over here on the table. Because we do this as a public meeting and record all of our notes verbatim, if you would be making comments this evening you must do it at the microphone and when you come to the microphone I ask you to please state your name and address for the record. By way of introductions, the empty chair at my far, far right will be filled in a moment by Lynn Ellis, who is the Superintendent of County Buildings; Joe Harrison, Jr. is our County Attorney; to my immediate right, Pat Tuley is County Commissioner; my name is Richard Mourdock; to my immediate left is Bettye Lou Jerrel; to her left is Bill Fluty, who is the Chief Deputy Auditor; to Bill's left is Ms. Charlene Timmons, who is our Recording Secretary from the Auditor's Office. As is our custom would you please join us for the Pledge of Allegiance.

**Approval of minutes**

President Mourdock: As we begin this evening we have some minutes in our packet from our previous meeting.

Commissioner Jerrel: I would like to move approval of the minutes of the March 24th meeting.

President Mourdock: Since Commissioner Tuley was not available for that meeting I will second and so order.

**Certification of Executive Session**

President Mourdock: Also, as a certification we had just immediately prior to this meeting an Executive Session of the Vanderburgh County Commission in which during that session we discussed some pending or threatened litigation and also some personnel matters. No decisions were made and no votes were taken during that meeting.

**Larry Neale - Good Dad Association**

President Mourdock: Next on our agenda we have a topic on the Good Dad's Association. Is there a representative here on their behalf? Please, sir, come to the microphone and tell us what this is all about. We have your letter, if you're Mr. Neale?

Larry Neale: Yeah.

President Mourdock: Okay, we have your letter in the packet, so

please go ahead.

Larry Neale: Yeah, my name is Larry Neale, President of the Good Dad's Association. Do you need the address? The address is 810 B. Lincoln Avenue, Evansville, 47715. We are requesting that the fee be waived if possible for us to have a fund-raising event there to raise membership and raise money for our organization. I submitted some information about our organization to Tony. I don't know if you have copies of that or not.

President Mourdock: We have about a five page document. Is that it?

Larry Neale: Do you have any questions about our organization? Do you want me to explain a little bit about what we're all about?

President Mourdock: Please do.

Larry Neale: Our goal is to provide educational forum and initiatives to our community to basically promote fatherhood. We want to provide a support group for fathers who have been disconnected from their children. We are, I guess, we're not a hate group, we're not a group that is out protesting, but what we want to do is educate the community and the general public on the importance of fatherhood and what we want to do is to try to connect fathers with their children regardless of the marital status. We've received a lot of nothing but favorable response from our community through the news media and through our membership which is growing continually. We meet every month at Deaconess Hospital. They have given us a place to...a home where we can have monthly meetings at the Health/Science Building. We do have some fund-raising, other fund-raising events plans. We are going to be participating at the Charity Bazaar, the upcoming Charity Bazaar, at the Eastland Mall. We do need membership. Our membership includes just about everybody in the community. It is not limited to just men. There are women that participate because everybody seems to be effected. It is a societal concern. We network with national organizations also to try to promote fatherhood. We've applied for a grant from Indianapolis from Family and Social Services, or we're applying for it. We've haven't done it yet, but it is on the agenda for us to do this within the next week or two. We have a Board. We're an organized group. We're still struggling with the birth of our group, but we have David Callis who sits on our Board. He is the President of the Social Services Department out at USI. We have a legal representative on our Board and we have a professional treasurer, so we're a very new group which means we don't have a lot of funds. We hope the community supports our efforts in doing this and we really want to be visable in our community. Our thoughts are that fathers...they would be a perfect opportunity to kind of launch this thing through the news media. We intend to have...we're still organizing the event as far as the agenda and what we are going to do, but we would like to work in the best interest of Burdette Park and our community to work together to help promote these important issues.

President Mourdock: Okay, any questions from the Board?

Commissioner Jerrel: I'm going to defer to Pat. I don't know...and to you, Richard. I don't know what the practice has been in the past and, you know, what the shelter...what do they want? Shelter House 18. I don't know what that has been.

Commissioner Tuley: Basically, everything has been kind of determined on an individual basis. The type of organization it is, if they are, you know, if they have funding resources a lot of times we denied the request and in a lot of cases it has really just been done on an individual basis. There are some we've denied and some we've granted.

President Mourdock: It's, I think, more often than not as they have been funded...I'm sorry, granted or denied the question has been just the nature of the organization.

Commissioner Tuley: Right.

President Mourdock: Just because something was a 5013C didn't necessarily mean that it was going to be approved. It kind of fell back to what is the fit in the entire community, I think.

Commissioner Jerrel: Who is your treasurer, Mr. Neale?

Larry Neale: Mike Finn.

Commissioner Jerrel: F-i-n-n?

Larry Neale: Yeah, F-i-n-n. He works for Prudential Life Insurance Company.

President Mourdock: What is the pleasure of the Board?

Commissioner Tuley: I think for the first year. This is something he is trying to do on an annual basis and I would move for approval on this first year with him understanding that it wouldn't be automatic every year. If you get this going off the ground and everything, but I think for the first year to maybe help you get going I don't think it would hurt the county to grant the request and I will so move.

Commissioner Jerrel: I'll second.

President Mourdock: So ordered.

Larry Neale: Thank you, I really appreciate it.

President Mourdock: Could you just as a courtesy report back to us after the event and let us know how many attended and how it went?

Larry Neale: Yeah, sure. You'll probably hear about it in the news media, hopefully, but we'll be glad to stay in touch with you.

President Mourdock: Okay, thank you.

Larry Neale: Thanks, again.

**Lynn Ellis - Approval of bid VC97-03**

President Mourdock: Lynn Ellis, who still doubles--

Lynn Ellis: Right, double-duty.

President Mourdock: Just one?

Commissioner Tuley: They're differnt.

Lynn Ellis: Yes, just one. I apoligize. Double duty, the purchasing function has taken a backseat to the Commissioners function, so--

President Mourdock: You don't need to apologize to us for that!

Lynn Ellis: This is a request to approve the award of Bid Number VC97-03. This is for the shirts and hats for Burdette Park Summer Day Camp Program. The recommendation is to split the award and to award Soccer Selections in the amount of \$4,395.96 and SouthWest Grafix and Apparel at \$760.80. These are to the low responsive and responsible bidders for each line item not groups. The savings is \$264.80 by doing this. The hats are not being recommended at this time because none of three bidders bid the type that they wanted.

President Mourdock: Okay. Questions for Lynn?

Commissioner Jerrel: I would like to move approval of these recommendations and is that correct, Soccer Selection \$4,395.96 and SouthWest Grafix and Apparel in the amount of \$760.80.

Commissioner Tuley: Second.

President Mourdock: So ordered.

**Bob Working - Airport Foreign Trade Zone funding assistance letter**

President Mourdock: The next item on our action list is regarding the letter for the Airport Foreign Trade Zone. I see Mr. Working is in the audience here. Would you like to talk to us about this, Bob?

Bob Working: Good afternoon, Commissioners. I'm Bob Working, the airport manager at Evansville Regional. We had approached the county to request a letter of support to the State House and Senate in support of obtaining state funds for the development of the Foreign Trade Zone at Evansville Regional. As I am sure you are aware, the airport has made application with the Economic Development Administration at a federal level and a pre-application. We have been fortunate enough to receive approval to submit an application. We are doing so in the amount of \$1 million and we will have that application submitted to Washington on April 8th. We are looking for state funds. Your support to show bipartisan support in Evansville and Vanderburgh County for the development of this zone would be greatly appreciated and I am just here to try to answer any questions that you may have as it pertains to the development.

Commissioner Jerrel: I have one question. What is the...this is in the form of a bill now or are you trying to get it into the budget bill?

Bob Working: No, it is going into the budget bill.

Commissioner Jerrel: Could you by any chance give us that kind of information? Where it is, who is carrying it, I mean, that sort of thing?

Bob Working: I really and truly am not aware at this time. I did not get a chance to talk to Charlie Hiltoon who is following that for us. I know that it just going into overall budget bill. We are trying to get \$1.5 million through the Department of Commerce with the State and with or just looking for others support on it.

Commissioner Jerrel: The reason I ask, Bob, is we need to know, you know, should it go to the Finance Committee of the Senate and the Ways and Means Committee of the House?

President Mourdock: Do you mean the letter itself?

Commissioner Jerrel: Yes.

President Mourdock: They're recommending, and I don't know if you've seen the letter or not, Bob, but it is recommending that it goes to Morris Mills, Chairman of the Senate Budge Committee.

Bob Working: Yes.

Commissioner Jerrel: Okay, I didn't see that.

President Mourdock: Oh, I'm sorry. I thought you had it in your packet.

Commissioner Jerrel: Okay.

President Mourdock: Did you get it in your packet.

Commissioner Tuley: Yes.

Commissioner Jerrel: I don't have it in mine.

President Mourdock: Pat, do you have any questions?

Commissioner Tuley: No, I talked to a couple of Bob's Board members about this, so I am satisfied with it.

President Mourdock: As I understand it, and correct me if I am wrong, but the Foreign Trade Zone concept basically allows a company to move either raw or finished materials into this facility and they do not pay any import tariff on those until they actually withdraw them. So it is basically a function to help the cash flow.

Bob Working: From a legal standpoint it is viewed as remaining

in the country of origin.

President Mourdock: Okay.

Bob Working: You can bring items into the zone, you can manufacture, you can alter, you can include it into another unit and so forth and taxes are deferred until such time as it leaves the zone. Some times you can bring it into the zone and have it manufactured or reworked and leave the zone without ever having duty paid on it or the duty may be on a different item than what it was when it came in that gives you a financial benefit. We do have 75 acres at the airport that is already designated as Foreign Trade Zone and a small portion of the terminal building. This is money to put into the infrastructure and see that the zone is activated.

President Mourdock: I was asked a question the other day and I think I know the answer, but I just want to be sure. For a local company that wants to export finished products, in other words, they are not bringing in anything they just want to make something here and export it, is there any application of this facility for that group?

Bob Working: I don't believe that it is. It is primarily for bringing goods in and receiving that benefit. There are some times that an export can be if you are bringing in an import item that would have a duty on it but then through the manufacturing process you export it as something that carries a lessor duty going out, then there would be a benefit for a company in manufacturing on the export side of it, but primarily the greatest benefits are recognized on the import side.

Commissioner Jerrel: At this point is that within the confines of the airport or does it extend outside the airport?

Bob Working: No, the 75 acres is on airport property.

President Mourdock: It is essentially behind Oak Hill School.

Bob Working: That's correct.

Commissioner Jerrel: Do you want a motion?

President Mourdock: Yes.

Commissioner Jerrel: I would move in favor of sending the letter.

Commissioner Tuley: I would gladly second.

President Mourdock: I will so order.

Bob Working: Thank you.

President Mourdock: Thank you, Bob.

**C.J. Johnson - Burdette Park Youth Baseball FEMA funding**

President Mourdock: You have a letter in your packet regarding

or from River City Baseball regarding a list of flood damages to the baseball fields at Burdette Park. Is there anyone here to address that issue?

Lynn Ellis: I am passing down the original which has a the color photos. You all were given xerox copies which don't always turn out real well. The packet that Commissioner Tuley has includes the original copies. I was not contacted regarding their lack of attendance.

Commissioner Jerrel: So this is in...what we're authorizing would be to submit the for the repair of the baseball fields and the park baseball complex from the damage in the amount of \$11,886.64.

Lynn Ellis: Right and the FEMA representatives were here today and they were to go out to Burdette and survey the damage. I don't know if they made it out today or if they were going to try for tomorrow, but they did mention that today.

Commissioner Jerrel: You just need a letter or approval?

President Mourdock: Yes. One other point that needs to be made though, at least as I read this letter, FEMA indicated that federal public assistance funds are available to the county for repair of these damages. It would be FEMA money.

Commissioner Jerrel: Right, or at least most of it.

President Mourdock: Yeah, the at least is the question that I have in my mind. I'm not sure. I look at some of these items and I don't know with certainty if all of these were, in fact, flood damage. Replace cabinet and countertop in concession. Was that clear under water out there?

Commissioner Tuley: Five foot under water it says in one of the pictures here.

President Mourdock: Okay, I haven't seen the photos. I was out there the other day.

Commissioner Jerrel: Well, they're going to decide whether they are going to give it to us or not anyway.

Commissioner Tuley: We'll only do what money we get.

Commissioner Jerrel: I would move approval that we submit for those damages.

Commissioner Tuley: I will second.

President Mourdock: So ordered. The original stay with me Lynn or do want this back?

Lynn Ellis: They probably need back in the signature file.

President Mourdock: Okay.

**Letter to Ameritech - Request to terminate T1 leased line**

President Mourdock: We have a letter in your packet also from Computer Services regarding the termination of a T1 line for the Sheriff's Substation. I would look with that issue simply for a motion for approval.

Commissioner Tuley: So moved.

Commissioner Jerrel: Second.

President Mourdock: So ordered.

**David Austill - Pool maintenance agreement**

President Mourdock: We also have an agreement for maintenance of the pool at Burdette Park. A contract basically for that maintenance with an individual, David Austill. There is attached to this, unlike past years...I know the issue has come up several times consequently about the insurance, so there is an insurance certificate attached. It is in the sum of \$8,600 for the year.

Commissioner Tuley: I'll move approval.

Commissioner Jerrel: Second.

President Mourdock: So ordered.

**Any group or individual wishing to address the Commission**

President Mourdock: Now we are at the point where we have used up all of our line items here. Any individual or group who is not on the agenda who wishes to address the Commission. Obviously, we have a Civics class or some group out there tonight. Where are you all from?

Unidentified: North High School.

President Mourdock: North High School. Welcome. You're here for a very slow night.

Commissioner Jerrel: Is that Mr. Beadles or Mr.--

Unidentified: Mr. Beadles.

President Mourdock: Is that Dennis?

Commissioner Jerrel: Dennis.

President Mourdock: Ah, okay!

Joe Harrison, Jr.: Maybe they can go from here to City Council and watch two in the same evening.

President Mourdock: There you go. You can get double duty tonight. Lucky you. We've had meetings we've been here as long as 10:00 p.m. and not too distant in the past that was the case,

but tonight we're going to get done early. You're getting an easy roll.

Commissioner Jerrel: Short meeting.

**John Stoll - County Engineer**

President Mourdock: Okay, we'll move to our department head reports. The first one up we've got John Stoll, our County Engineer.

John Stoll: First of all I've got a claim for the local match for the Lynch Road project. The invoice showed up today, so that is why it wasn't on the consent agenda, but it is in the amount of \$786,518.98. That is our 20% estimated share for that project. Of that amount \$747,048.32 will be coming out of the bond surplus which will zero out that account before the April 17th deadline, so we will be taking that amount out of the bond surplus and then \$39,470.66 out of the Lynch Road account.

Commissioner Jerrel: I would like to move approval of the payment of that invoice.

Commissioner Tuley: Second.

President Mourdock: So ordered, again, to the tune of \$786,518.98. I'm glad to get that one done.

John Stoll: The second item that I've got is a travel request for David Franklin to travel to Vincennes to the INDOT District Office on either Thursday or Friday depending on what is going on in his projects. That will dictate when he goes, but he is needing to go up there for some checks on the calibrations on our nuclear density guage. INDOT is testing people and said that they would be willing to help us out, so he just wanted to head up there and meet with them.

President Mourdock: Is he being certified?

John Stoll: No, he is already certified. He's had a problem with the batteries not holding a charge properly and just check the calibration of it and since they've got numerous density guages he just wanted to compare it against their equipment.

President Mourdock: Okay. I need a motion for the approval of that travel request.

Commissioner Jerrel: I'll move approval of travel by Dave Franklin to go to Vincennes to correct some calibration problems.

Commissioner Tuley: I'll second.

President Mourdock: So ordered.

John Stoll: That's all I have.

Commissioner Jerrel: I talked to Tim Spurling today.

John Stoll: Yes.

Commissioner Jerrel: A little bit about the Ward Road/Anthony Road issue last week, so it isn't really anything that we need to talk about now, but I wanted you to be aware of it when you do talk to him.

John Stoll: The ditches and pipes have all been sized. It's really just a question of how to proceed as far as trying to get people who don't want a ditch in their front yard to cooperate with purchasing pipe and acknowledging the fact that they'll have a ditch out there.

Commissioner Jerrel: Have you all looked at it recently though?

John Stoll: Looked at which?

Commissioner Jerrel: I mean, you know, they raised several issues and I'll send you the copy. You know they made a lot of remarks. You might want to read our minutes.

John Stoll: From last week?

Commissioner Jerrel: Of the Drainage Board, yeah. I think that would help...really help Valerie and you to see it if you read the minutes.

John Stoll: Okay, was it Mr. Bell and Mr. Tabor again?

Commissioner Jerrel: Yes, and Mr. Jeffers made a lot of comments, too, so it would really help to make it have more meaning and for us to finally be able to say to them that everybody knows what everybody else is saying and then we can sift through that as to what is the real issue.

John Stoll: Okay.

Commissioner Jerrel: I think it would help.

John Stoll: I'll get a copy of the minutes then and we'll look at them.

President Mourdock: Yeah, definately do because it was an informative meeting. I was talking with Pat here and in a sense it is the same song, 32nd verse, but there were some more discussions or new things that came out last time that hadn't previously. Pat, do you have any questions for John?

Commissioner Tuley: No. Well--

President Mourdock: Go ahead.

Commissioner Tuley: Actually, I don't know if it is to John or Rick. I got a call today and apparently we've started doing some paving out there on Hogue?

Rick Dickinson: Yeah.

Commissioner Tuley: The person indicated there needs to be some

ditch work done on the south side of the road. Are you aware of it, John?

John Stoll: I've not had any complaints about that. I don't know if Rick has or not.

Commissioner Tuley: Can you take a look at it?

Rick Dickinson: What we are actually doing is taking about 50 feet of the city's and we're doing the city's where the guy had complained about drainage there. They had a drain there and the only reason it won't drain is because he won't keep it cleaned out.

Commissioner Tuley: Bill.

Commissioner Jerrel: Bill?

Commissioner Tuley: Bill.

Commissioner Jerrel: Oh, our Bill?

Commissioner Tuley: Harty.

Commissioner Jerrel: Oh, yeah, right.

Commissioner Tuley: He said he talked to you.

Commissioner Jerrel: Yeah, right. Let us get you the exact address and that way you'll know where it is.

Commissioner Tuley: The only other question, too, was when we first had our discussion about this was the intersection with Vanness.

John Stoll: Yeah, I talked to Bill Harty about that.

Commissioner Tuley: Yeah, are we still having trouble with the pole? Don't we have a pole there in the way, a SIGECO pole?

John Stoll: I really still don't see what benefit we have. I mean, I know there is a slight offset in the intersection and that could be straightened up somewhat, but overall as far as substantial widening that would be needed or anything like that out there on Vanness I just really don't see what--

Commissioner Tuley: What the benefit is?

John Stoll: Right, because the road itself...I don't remember the exact width right off the top of my head, but as far as county roads go it is not a narrow road and I know it does might a slight jog to the east as Vanness ties into Hogue, but that's only a few feet at best.

Commissioner Jerrel: I need to look at it.

Commissioner Tuley: Yeah, I'm not familiar with it.

Commissioner Jerrel: Yeah, I need to...

John Stoll: I went out there after that Westwood Hills meeting last week just to see what it was like at night and I don't live on the west side, so I wasn't at all familiar with the intersection in the dark, but it still didn't seem like anything totally unreasonable.

Commissioner Tuley: Okay.

President Mourdock: John, I have three real quick items. First of all, you'll be getting, if you haven't received it already, a letter that I received from Katie Storms regarding her comments and possible need to do something with the rail crossing at Hillsdale Road and 41. I also sent a copy of the letter that I responded to her and told her that you would be looking at the situation and you would get something back to her as well, so you'll get both of those pieces of correspondence.

John Stoll: Okay.

Commissioner Jerrel: Is that the one that I think I wrote a letter to Betty Englebrecht? Is that where CSX abandoned and--

President Mourdock: No, no.

Commissioner Jerrel: Oh, it's a different one, okay.

John Stoll: The one you're thinking of is probably own St. Joe and on Mill.

Commissioner Jerrel: Yeah, down by...right, right.

President Mourdock: Oh, right.

John Stoll: The ownership has changed hands a couple of times and another one is pending right now, so that's what is making that difficult on seeing who is responsible for those repairs.

President Mourdock: Well, when you get that if you would please respond.

John Stoll: Sure.

President Mourdock: The second issue is in Hillsdale/Radio Road. You had commented to me that there is some question on the width of the ditch and what the hydolic capacity is of that ditch.

John Stoll: Right.

President Mourdock: Perhaps you and I can get together with...her name just escaped me.

John Stoll: Mikki Heck?

President Mourdock: Mikki Heck, and go over that situation because obviously we need to take a good look at what we are going to do there and need to apprise them of the options. The third issue, the frontage road just north of PPG.

John Stoll: Yes.

President Mourdock: At this point does not connect with the new frontage road that is in front of Azteca?

John Stoll: Right.

President Mourdock: There is that gap in there of something like 1,500 feet. Could you take a look at two things. Number one, get us a rough cost estimate as to what that frontage road would be if it were completed as part of our overall review of the different plans that we have to budget for just so that we have a budget number. Secondly, also determine if the south part of that road, the one that is already constructed, if that meets current county standards.

John Stoll: There are a few problems with that because there was no right-of-way dedicated and it's not county accepted. It is still a private road. If the right-of-way was dedicated to butt up right next to the 41 right-of-way like the Azteca frontage road is then I believe we would end up having to have that billboard removed and relocated. There's a big billboard there at the south end of that existing--

President Mourdock: Okay, those are very good points. Would you put those in writing so I can get them and mull them over?

John Stoll: Sure.

President Mourdock: Okay. That's it for me. Anyone else for John?  
Okay, thanks, John.

John Stoll: Thanks.

**Rick Dickinson - County Garage**

President Mourdock: County Garage, Rick Dickinson. We received a moment ago the report...the progress report for the garage for March 21st through March 27th. Anything you want to add to it, Rick?

Rick Dickinson: I was going to tell you that we started paving, but Pat already pointed that out. The stuff with the cleanup as Old Henderson Road and Lynn is going real well. We already hit all of Lynn and River Road. Of course, there is some more trash out there. We've been telling them people that we're going to come back in two weeks and do it again because there are going to be stragglers come in that haven't even been to their places yet to see what they've got.

President Mourdock: This may be a dumb question, but are you differentiating among...when you say the trash do you mean household goods that are there?

Rick Dickinson: Yeah, that is basically what we are doing now is just the stuff out of their houses.

President Mourdock: Okay. As far as the debris that has floated

up along the right-of-way--

Rick Dickinson: As far as logs and stuff like that?

President Mourdock: Yeah, right.

Rick Dickinson: Actually, we got real lucky on that. There is not as much this year as there has been, but we are working on that too along with that. We've got two crews down there, actually three. One crew is taking the trash out of the houses, another one is picking up the logs and the other one is cleaning off the pavement that has washed away. We've got to square that off and repave the section that was washed off.

President Mourdock: Okay. Questions for Rick?

Commissioner Tuley: I've been gone, Rick, so do we have any roads still closed?

Rick Dickinson: South Weinbach is still closed.

Commissioner Tuley: South Weinbach is still closed?

Rick Dickinson: It will be closed for a couple of weeks probably.

Commissioner Tuley: Okay.

Commissioner Jerrel: I'm going to add something and I could do it now rather than under new business because I think maybe Rick could help me out a little bit. The County Garage has had a truck from Industrial Contractors that they wanted to purchase. A cherry picker and it's been out there for about six weeks and Industrial wanted an answer either you want it or you don't want it. Mr. Wortman knew the driver of the truck during its usage by Industrial and he got the work history on it and the repair history and he said it's a good buy for us. They would like \$12,000 for it and it would give us the capacity to trim limbs and things that we can't currently reach. If that is agreeable, that is what...am I correct, Rick? That's what the Garage was requesting?

Rick Dickinson: Yeah.

President Mourdock: Was it budgeted?

Commissioner Tuley: Yeah, that was going to be my question.

Commissioner Jerrel: Well, it would--

Commissioner Tuley: Reverse the tables on you, is that in the budget?

Commissioner Jerrel: Well, as you see...well, you might notice that I have three accounts down here, Roads and Streets, Cum Bridge or Garage. It would have to come out of one of those three accounts and I would make a motion that we authorize purchase based upon adequate funding in one of those three accounts.

Commissioner Tuley: I'll second.

President Mourdock: I'll so order and before I do that let me add that I looked at that truck and the one question that I had Jack Crawford did get back to me on OSHA has changed some of their regulations on how the outriggers work on those, but apparently that does fit under the older standards.

Rick Dickinson: We will have to do a few things to it. We'll have to put a cage over where the people ride.

President Mourdock: Right.

Rick Dickinson: Some stuff like that, but most of that can be done in-house.

President Mourdock: A cage around where they ride or actually over the cab?

Rick Dickinson: Just actually over the cab so tree limbs won't fall through the cab on it.

President Mourdock: Okay.

Commissioner Jerrel: I was just going to say, did you concur with Curt's judgement on it?

President Mourdock: Yeah, I mean I didn't take an oil sample or anything.

Commissioner Jerrel: Well, obviously, I didn't either.

President Mourdock: Going back to the trash pickup on Old Henderson, the only concern that I have Rick and let me say on the one hand the people who have been out there have suffered through something that I don't know anyone who would want to do that and certainly I don't have a problem trying to help them do something. On the other hand, when does the county's role stop and all that become a commercial venture? I know we had BFI out there on Friday. They were out there Saturday as busy as they could be--

Rick Dickinson: They're going to be out there probably the rest of the week.

President Mourdock: Okay, how are they doing it the rest of the week? Are they just staying at Dogtown Tavern?

Rick Dickinson: Yeah, we've got trucks down there and we're bringing stuff to them and the homeowners around there are bringing stuff to them.

President Mourdock: Okay.

Rick Dickinson: As far as I am concern a couple two or three weeks...after a couple of weeks it should be their responsibility because we've been down there. We're telling everybody. It's been on radio and TV and I'm like you I don't know if it should go on for two weeks or--

President Mourdock: Clearly it shouldn't and that's the point. We need to say here is the date and that is the date and by 12:00 noon on that day the county's role ceases.

Rick Dickinson: Yeah, I agree. I'm like you, I feel sorry for the people down there, but we can't stay down there all year for people who keep dumping trash.

President Mourdock: Yeah. It would be nice instead of hauling trash out of there we were hauling pavement in because Old Henderson Road has got some tough spots in there right now.

Lynn Ellis: Commissioner Mourdock, I spoke with BFI today and just told them that the intent at this point is to ensure a truck, a compaction truck, out there Tuesday and Wednesday of this week and possibly Thursday and Friday. Mr. Harrison is going to bring up in a moment a contract to execute with BFI, but the service at this point would just be for the rest of the week at the most. Then after that it would be based on an inspection to see how much is still remaining and the debris and how much success they've had to that point. The crews have done a fantastic job so far and have just cleaned up a tremendous amount besides the fact that a lot of the citizens have taken care of their own. You know they have disposed of it themselves.

President Mourdock: I was very pleased to see the way the work was being done out there Saturday. If, with what you just said though Lynn, that comes back to my question. If we are going to say, yeah, there will be trucks out there on an as needed basis after the end of this week are we not also saying with that that we're committing BFI to be out there after the end of this week because if we're just picking up stuff and bringing it to them--

Rick Dickinson: Hopefully by the end of this week...like I said, I'll know more Thursday or Friday and we'll have something at the next meeting for you, but right now we are still just running around trying to get everything set up. Hopefully, after Thursday or Friday 95% of it will be gone.

Lynn Ellis: It would require a phone call from the Commission Office and that is the way that I've left it with BFI.

President Mourdock: What requires a phone call? Putting BFI bck there?

**Vanderburgh County  
Commissioners Meeting  
April 7, 1997**

The Vanderburgh County Board of Commissioners met in session this 7th day of April in the Commissioners' Hearing Room of the Civic Center Complex at 5:43 p.m. with President Richard E. Mourdock presiding.

**Introduction and Pledge of Allegiance**

President Mourdock: Good evening. Welcome to the April 7th meeting of the Vanderburgh County Commissioners. If you're looking to do business with the County Commission you are in the right place. If not, you are free and would probably do yourself a great favor, knowing some of our meetings, to go ahead and find a way towards the door. Lynn, our agendas are not on the table or they have already been picked up? Okay, it looks like folks have got them. If you need an agenda we will get you one. By way of introductions, the lady who just stepped out at my far right is Lynn Ellis, who is Superintendent of County Buildings; next we have Joe Harrison, who is our County Attorney; to my immediate right is County Commissioner Pat Tuley; to my immediate left is County Commissioner Bettie Lou Jerrel; to her left is Suzanne Crouch, who is the County Auditor and under Indiana statute the County Auditor is the recording secretary for the County Commission; and to Suzanne's left, and I almost by force of habit said Charlene Timmons, but in fact we have B.J. Farrell, who is sitting tonight doing the actual recording of minutes. During our meeting if you wish to speak or address the Commission because all of our minutes are verbatim we ask that you come to the microphone and state your name and address. Our sound system is such if you try to speak from anywhere other than at the microphone we won't be able to pick you up for the minutes and won't be able to hear you. So with all that as introduction, please join us in the Pledge of Allegiance. As you can tell from the number of people in the room, we have quite a few who wish to speak tonight and we have a fairly extensive agenda, so we would ask you if speaking to keep your points down to something less than three or four minutes and then the Commission will address you with questions.

**Approval of minutes**

President Mourdock: With all that, the first item that we have tonight on the agenda is the approval of minutes from our last session.

Commissioner Jerrel: I'd move approval of the minutes of the March 31st meeting.

Commissioner Tuley: I'll second.

President Mourdock: I will say so ordered.

**Certification of Executive Session**

President Mourdock: Just prior to this meeting beginning at approximately 4:25 there was an Executive Session of the County Commission. The three Commissioners were present as was the

County Attorney and the Auditor. That session was for the discussion of the initiation or litigation and pending or threatened litigation against the county. It was in regards to collective bargaining and also in regards to certain county personnel matters. That meeting was adjourned at 5:40 p.m. this evening. No action was taken, no votes were taken at that session.

**Mike Shoulders - Veazey Parrott & Shoulders**

President Mourdock: I have on the agenda, Mike Shoulders, with Veazey Parrott & Shoulders. Ah, there he is back in the corner.

Mike Shoulders: Good evening, Commissioners. My name is Mike Shoulders, President of Veazey Parrott & Shoulders at 528 Main Street. Tonight I have a very brief report. I am delivering for you what is considered to be the 50% construction documents for the Vanderburgh Auditorium and Convention Center. I would give these to the President who in turn will review them and give them to John Stoll, I believe is the procedure, the County Engineer. We will also make a set available to Steve Utley in the Building Authority if that is acceptable to the Commissioners. The only other report that I have tonight is the soil samples for the environmental phase two and the ground water samples for the environmental phase two have been taken. We don't have results as yet. We will be expecting those results when the lab reports and we get our findings. We will, as soon as we have those, we will make them known to you.

President Mourdock: Do you have an estimate of the date on that, Mike?

Mike Shoulders: I would say a couple of weeks on that. Maybe by our next report, you know, our two week report we'll have that for you hopefully. We are still on time on the schedule and so I would entertain any other questions from the Commissioners this evening.

President Mourdock: The only question that I have, I think, is not for you, but for Lynn. We have your schedule that is supposed to be posted on the wall here because we are getting to the critical phase where this is going to be more and more of an item for us.

Mike Shoulders: I've had discussions with Lynn and she wants to review with my interior people the furniture and we're in the process of that kind of communication on the inventory of furniture and so forth.

President Mourdock: One issue that I have heard of slightly and it is not directly in regards to certainly your services here, but have you been getting any calls regarding the current assets at the auditorium regarding their use in their interim or move out of that facility?

Mike Shoulders: I haven't received any calls on that.

President Mourdock: Okay, if you do, and I don't know that you

would, but be sure that you refer them back to Ms. Ellis.

Mike Shoulders: Okay, we'll do.

President Mourdock: Did you start to say something?

Commissioner Jerrel: No, I did not.

President Mourdock: Pat?

Commissioner Tuley: No, I have no questions for Mike.

Mike Shoulders: Okay, thank you very much.

Commissioner Tuley: Thank you, Mike.

President Mourdock: Anyone else wishing to address a Commission...or a Vanderburgh Auditorium issue while we are on this subject? Okay.

#### **Waiver of Building Permit fee for flood victims**

President Mourdock: The next item on our agenda we have in our packet, basically, a letter, I believe, from Roger Lehman with the Building Authority regarding the waiver of a fee for flood victims down in Union Township primarily. He had contacted me last week shortly after our meeting requesting that the County Commission join with the Mayor in basically signing a waiver so that people would not be tied up with bureaucratic red tape so they could get their building permits to begin to redo the construction that they need to do.

Commissioner Jerrel: May I read your letter?

President Mourdock: I'm not sure it is right here at my fingertips.

Commissioner Tuley: This?

President Mourdock: Is that all there is?

Commissioner Tuley: That's all I've got.

Commissioner Jerrel: I would like to move approval of the recommendation from the Building Commissioner that the fee for building permit requirements for flood damage repairs be waived.

Commissioner Tuley: I'll second.

President Mourdock: I will say so ordered.

#### **Cheryl Musgrave - Permission to advertise job opening**

President Mourdock: We have a request from the County Assessor, Cheryl Musgrave, for permission to advertise a job opening.

Commissioner Jerrel: I would like to move approval of the request for the County Assessor to advertise for the position

that she has indicated in this attachment.

Commissioner Tuley: I'll second. This line about a sense of humor should be included in all advertisements for jobs. That would help any of these jobs that we have here in the county.

President Mourdock: Alright.

**Barrett Law issues**

President Mourdock: The next item we have several folks here to deal with the drainage issue and the possible applications of the Barrett Law. Oh, I'm sorry. That was a so ordered for the job position for the Assessor's Office. Thank you, B.J. for keeping up there. Now, sir, go ahead.

Jim Flynn: Mr. President, my name is Jim Flynn, Commissioners Jerrel and Tuley. I am here for Westwood Hills Subdivision north of Upper Mount Vernon Road on Boehne Camp. Also with me, but I am not representing them as their attorney, is Mr. Walther and Mr. Kuhlenschmidt who are here for respecting sewer projects in their neighborhoods. We have been working with the County Engineer and the County Attorney toward getting these improvements constructed. Now I received a telephone call from Mr. Stoll indicating that Westwood Hills requires a cost estimate from our own engineer. We had received a cost estimate from Mr. Stoll for the repairs to the streets in Westwood, but I am told that we need an independent engineer's estimate and Mr. Stoll and I conversed today, he's here, and indicated that I would receive a form appropriate for completion by our engineer. Are there any other steps that we can take at Westwood before we get to the other jobs?

Joe Harrison, Jr.: He is obtaining a subdivision plat for me so we have all the lot descriptions. You may want to provide us at some point with...and maybe you have done this and I don't have it, a copy or a list of all the names of all the homeowners.

Jim Flynn: I've done that.

Joe Harrison, Jr.: Okay.

Jim Flynn: Do you have that John Stoll? Do you know what he is referring to?

John Stoll: I've got a copy of the list--

Joe Harrison, Jr.: Okay.

John Stoll: --of all the homeowners and I do have the subdivision plat for you.

Joe Harrison, Jr.: Okay, that's fine.

John Stoll: In regards to what Mr. Flynn was talking about, the cost estimates, that was in regard to our discussion last week--

Joe Harrison, Jr.: Right.

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John Stoll: --that the independent engineer needed to provide another cost estimate.

Joe Harrison, Jr.: So I think that is all we need from them. I have provided all the information that I had up to this time except for that to bond counsel up in Indianapolis and I will talk further about that in a few minutes.

Jim Flynn: Okay, Mr. Kuhlenschmidt is here for--

Ted Kuhlenschmidt: Eric Schwenker.

Jim Flynn: Yes, for Mr. Schwenker. What is the subdivision going here?

Ted Kuhlenschmidt: Oak Hill Road.

Jim Flynn: Oak Hill Road. Are there any requirements of his organization?

Joe Harrison, Jr.: Well, the same thing. I think Mr. Schwenker has provided me with...he has indicated that the number of people who would potentially tap in, but if I could get, and maybe you have this and maybe he has this available, but their addresses and the names of such homeowners. At some point I am going to need that as well. I think he has given me the number, but I don't know if I have the exact addresses and their names.

President Mourdock: You need to come to the microphone Mr. Kuhlenschmidt.

Ted Kuhlenschmidt: When you refer to numbers--

Joe Harrison, Jr.: I'm sorry, can you state your name directly--

Ted Kuhlenschmidt: I'm sorry. Ted Kuhlenschmidt, 5313 Oak Hill Road. When you're saying numbers, these are the numbers that we believe that people have committed to the project?

Joe Harrison, Jr.: Well, no, he gave that number as well as the number of people who would be potentially affected whether they were for it or not.

Ted Kuhlenschmidt: Okay, so you would like to make sure that you have that number and the addresses--

Joe Harrison, Jr.: Yes.

Ted Kuhlenschmidt: --of all the people?

Joe Harrison, Jr.: Yes, who would be affected by the project.

Ted Kuhlenschmidt: Okay, thank you.

Jim Flynn: Also, Mr. Walther is here for Old State Road and I think he has some other problems that they are going to be discussing with you, but are there any other requirements for Mr. Walther?

Joe Harrison, Jr.: Well, as far as Mr. Kuhlenschmidt is concerned, they have provided me with an independent estimate from your engineer and as far as the cost estimates we're fine with that.

Jim Flynn: Yeah, I think Mr. Schwenker has provided you with that.

Regarding the form that John Stoll was going to give to us, we have that. He has given that to us tonight and I would like to ask that we be placed on your agenda for next week because I think I can get that estimate in to you by next week.

President Mourdock: Okay.

Jim Flynn: If you could do that please.

President Mourdock: Yeah, Lynn, would you so note that please?

Joe Harrison, Jr.: Yeah, that's fine. As far as starting the process I still have some more things that I am going to address with you on that and we can discuss it now or later.

Jim Flynn: Oh, would you like to do it now on the record or would you like to telephone me or how do you want to handle that?

Joe Harrison, Jr.: What I would like to do is hear from Mr. Walther first and then I can tell you where we are with the whole thing.

Jim Flynn: Okay, good. Mr. Walther.

Leroy Walther: Leroy Walther, 8417 Old State Road. I believe that we have everything that is required as far as our project. We have the preliminary plans and the cost estimate. Right now we had another problem. We've always had problems with our septic systems on Old State Road, but some of the neighbors off of Pine Creek have had a problem with drainage. The septic systems are perking and going into their backyards. We also have a doctor here from the Health Department and Sam Elder from the Health Department which they were out there Saturday and what we would like is to get the sewer project on the road and really what do we have to do to get it expedited?

Joe Harrison, Jr.: Certainly at some point when this is developed this will alleviate some of those problems. John, I believe when I discussed with you on the telephone they still need to provide a boundary description of the area that they are talking about.

John Stoll: Yes, I did talk to their engineer and they wanted to make sure that I had it right, that you need a single legal description for the entire boundary of the entire area effected? Okay.

Jim Flynn: Three separate descriptions because it is three different areas?

Joe Harrison, Jr.: That's correct.

John Stoll: I was just talking about the Old State sewer itself.

Joe Harrison, Jr.: I'm talking about Old State right now. Mr. Schwenker has already provided me with that for Oak Hill. That has been provided and you've got the plat or the subdivision plat is fine for you all.

President Mourdock: Excuse me, you need to come back up.

Jim Flynn: Will the legal description on the plat suffice for our subdivision?

Joe Harrison, Jr.: That's what I am going to provide to bond counsel. They seem to believe that would be fine, but in this project it is not a subdivision as far as the Old State Road property, so we are going to need a legal just like they provided a legal for the Oak Hill Road area.

John Stoll: That was one of the things that the consultant was questioning out there on Old State was he was saying that was going to be something difficult to prepare, so I guess conglomerating all those deeds into a single legal was one thing he was questioning, but I thought I understood you correctly when we talked Friday and that is what you needed.

Joe Harrison, Jr.: Well, maybe you can provide him with a copy of what Mr. Schwenker has provided so that they can look at an example for the Oak Hill Road project and they can do one similar for the Old State Road project.

John Stoll: Okay.

Joe Harrison, Jr.: As far as the listing of homeowners and their addresses, I think I also needed that as well from the Old State Road--

John Stoll: Mr. Walther provided that Friday.

Joe Harrison, Jr.: Okay. I think that's essentially all we talked about that we still needed.

John Stoll: Right.

Joe Harrison, Jr.: As far as where we are with the project, I met Friday with the law firm of Barnes & Thornburg from Indianapolis. They came down to Evansville and they indicated that they would be willing to serve as bond counsel in connection with this matter if the Commissioners approve that. I have an agreement that they have provided to me for consideration by the Commissioners. Essentially, the contractor on each project would...let me back up. We can't group these projects in to one as far as one bond issuance. It has to be three separate matters, but they are willing to spread their fees out over the three projects which essentially would be the same as having one bond issuance. What they suggested is not issuing the bonds until the homeowners have the option to pay within 30 days the full amount up front if they so desire. That is an option. If they desire to do that then however how many decide to do that would reduce the total bond issuance for the

remaining people. Also, they indicated to me that there was apparently only one person or entity really in the midwest who buys these Barrett Law bonds from the contractor of each project. This individual has been contacted by them and is going to come down to Vanderburgh County and review each particular project area to see if this is something that he wants to participate in. This is something that he always does and he is planning on coming down to your three areas within the next month or so and see if this is what he wants to do. There aren't a lot of people who buy these bonds and this is the only guy around that does it. He is from Chicago, as a matter of fact, or from the region.

Jim Flynn: Is he a broker?

Joe Harrison, Jr.: Yes, I believe so. I will get his name. I do not have his name, but they have provided that information to him and he is going to come down and look at the area. When they talked to him he seemed excited about doing this. Before we proceed too far into it I want to make sure that he is willing to buy the bonds in connection with this because if we issue bonds and no one buys them we're in trouble. The first step we will need to do...or the Commissioners will need to do is to agree to hire the law firm of Barnes & Thornburg to serve as bond counsel and then they can proceed quickly to get this guy down here to take a look at this area. If you need to speak with him when he is down here, if you want to get his name I'll provide it to you as soon as I receive it.

Jim Flynn: I don't think that would be necessary. That's your bag.

Joe Harrison, Jr.: Okay.

Jim Flynn: May I ask some questions about some of your comments?

Joe Harrison, Jr.: Yes.

Jim Flynn: I am very interested in one thing that you said and I just want to make sure that we don't get caught in the switches. As I understand it the only way that we can do this is we get these estimates and then after the estimate is approved then you put it out for bids. We get the bids in and a bid is selected. I thought at that point the work is done and then after all of the costs of construction are calculated then the bonds are issued. If I am right, who pays the contractor before the bond funds are received?

Joe Harrison, Jr.: My understanding is that the county is not paying any money up front, so it is my understanding that all of this will take place during that same period. I will get back with you on the exact time frame--

Jim Flynn: Yeah, we need to know that.

Joe Harrison, Jr.: I am not certain, but the county will not be fronting any money whatsoever.

Jim Flynn: Okay, I mean, now I understand that. We need to work

through the details of how we come up with the cash.

Joe Harrison, Jr.: That's right.

Jim Flynn: I mean, for those taxpayers who are going to pay the entire assessment up front--

Joe Harrison, Jr.: Well, what we would do as far as the bond issuance is concerned, what we would do is we would say up to that the maximum amount of the bond issuance would be whatever amount. Then it is possible that it would be \$50,000 or \$20,000 or \$10,000 lower than that amount, but we would issue bonds, it is my understanding, for an amount up to a certain amount, but keeping in mind that it could be lower.

Jim Flynn: Or you could make principal payments on the bonds.

Joe Harrison, Jr.: Right, right.

Jim Flynn: Out of the bond proceeds if the costs were lower than the issued amount is that--

Joe Harrison, Jr.: It's possible, but, again, bond counsel will get that information to me and the reason they wanted another estimate from you all, from an independent contractor or surveyor, was to assess the amounts. As far as accounting is concerned they also may need...there probably will be a need for an independent accountant to assess the amounts that would be due and owing independently for each of these projects.

Jim Flynn: That gets me to one of the questions that we are trying to address with our neighbors. How do you allocate these assessments? How do you allocate these costs? Will bond counsel be able to address those issues?

Joe Harrison, Jr.: Yes, yes.

Jim Flynn: Then I think we should meet with him.

Joe Harrison, Jr.: Sure. No, I would want you to.

Jim Flynn: I would want to meet with you and him--

Joe Harrison, Jr.: Sure.

Jim Flynn: --and possibly Mr. Kuhlenschmidt and Mr. Walther also.

Joe Harrison, Jr.: Sure.

Jim Flynn: Let's do lunch!

Joe Harrison, Jr.: Sure, we'll do it.

Ted Kuhlenschmidt: Let's do one trip in one week!

Joe Harrison, Jr.: Again, I believe that we're much farther along today, I think,--

Jim Flynn: I appreciate it.

Joe Harrison, Jr.: --then we were a week ago.

Jim Flynn: I really appreciate what you've done, Joe.

Joe Harrison, Jr.: This is something, I'll be honest with you, is not taken advantage of by other communities very often. It is my understanding that there has only been one Barrett Law project within Vanderburgh County. I got some information on that matter today. I think it was in the '80's, so we've only taken advantage of it here in Vanderburgh County once and that was a limited number of people.

Jim Flynn: Would it be helpful for us to come back next week or should we wait until after we meet with bond counsel?

Joe Harrison, Jr.: I think it would be later on this month. Maybe within the next two weeks, three weeks. I would like for you to get the information to me as soon as possible.

Jim Flynn: Oh, you're going to get the information this week.

Joe Harrison, Jr.: Then I will get it up to Indianapolis asap. If you want to meet with them or we can do a conference call whatever you want to do or we can have them come down here. Whatever you want to do.

Jim Flynn: Let's withdraw...I think we should withdraw our request to be on the agenda for next week and then we'll ask to be on the agenda when we think we have some productivity. I'm grateful to you for your help. To all of you, thank you.

President Mourdock: Other questions for...?

Leroy Walther: Yes, I would like to have Dr. Heidingsfelder from the Health Department to explain the situation that we have on Old State Road and Pine Creek Road.

President Mourdock: Okay.

John Heidingsfelder: John Heidingsfelder, 8210 Pine Creek Road and also County Health Officer. Mr. and Mrs. Commissioners, Sam Elder and myself were called to an environmental scene investigation this last Friday at 8011 Pine Creek Road at the residence of a Mr. Gentry. I viewed that this last Friday the presence of sewage, basically, sewage running onto the back of his property. The sewage is coming from a pipe which comes from a sand filter of his back neighbor which faces Old State. I am told and I would believe that it is a continuous flow of, essentially, raw sewage onto the back of his property. It has encompassed an out building that he has at the back where he can't get into without walking through water and mud. It makes...basically, it makes the back third of his backyard unusable and I think it's a health hazard. It is potentially a health hazard to people who might go in the backyard because of contamination due to the sewage. Apparently, according to Mr. Gentry, it has been going on for a few years now and there are makeshift possible solutions, some of which are legal and some of which are not, that we discussed at the scene. The real true solution is to extend the sewage so that this property can

connect to the sewage and shut down their whole system. He's got a pressing problem that won't go away. He looks at it every day in his backyard, so that I think that anything the County Commissioners and attorney can do to expedite and get to the resolution of this problem, I know of at least one citizen that would be very much appreciative.

President Mourdock: Okay, thank you.

John Heidingsfelder: Thank you. I don't know if Mr. Elder has anything he wants to say because he was there also.

President Mourdock: Sam?

Sam Elder: Not unless you have questions. I would be glad to...

President Mourdock: I don't think there are any questions, thank you.

Commissioner Tuley: No.

President Mourdock: Attorneys...yeah--

John Heidingsfelder: I think that Mr. Gentry would like to say a few words if that is okay?

President Mourdock: Please, sure.

Jay Gentry: County Commissioners, I'm Jay Gentry and I live at 8011 Pine Creek Drive. I would like to know if there is anything possible that I can do. I've got pictures to show you how he run this drain down to my yard. How he dug a trench where his yard doesn't get any waste on it and it all goes right in my backyard. I have grandchildren that can't play in my backyard because of this waste. I want to know is there any way in the world that we can convert this from going into my backyard? It has been going in there for two years. Mr. Murnahan and I have called the Health Department out for the last three years and it is still there. I know they need a sewer bad, but I need a sewer bad in my backyard. I can't even get in to get my lawnmower out to mow my grass and if I mow my grass I am wading in sewer waste that deep. I've got pictures plainly to show you how this drain is coming down and how it's there. I would like to know what I can do? I've gone to the Health Department. I don't know where else to go. Where do I go?

President Mourdock: Well, Mr. Gentry and Sam Elder of the Health Department, I didn't have a question before, but I guess I do now. Mr. Gentry just said that you and your folks have been out there. Can you give him an answer?

Sam Elder: I'm Sam Elder. I am the Director of the Environmental Department for the County Health Department. This thing all evolves around a mistake of yesterday. These sand filters that are draining down on his property...it's all along State Road and it just happens that he is at the bottom of a hill and he gets the bulk of it. The only solution to most of those lots, most of those lots or a lot of them are a half acre. You can't put in a system today in that type of soil that would

have any chance of working on a half acre lot that's got a steep slope on it. It's not...we've got a number of them. You're talking about another one that's off of Oak Hill Road that is much the same. At the time that they put these sand filter traps in they were in compliance with the law at that time. We've put them on a lot of schools, sand filters. Until recently one still had one. All of them were off the sewer. They just didn't work. The sewage runs down into his lot. It's pretreated. It is partially treated. It goes through the septic tank and through the sand trap, but if the sand trap clogs then you've got no secondary treatment on it. He has a problem. We've got probably in excess of 500 of these in the county. From time to time we have them rework them, but we will not issue a permit for any anymore. I guess all of you are familiar with the fact that our local sewage disposal ordinance was preempted by the state statute and we have to abide by what they say. This is the reason that we have a two and a half acre minimum on a lot to be subdivided off of the city sewer. If you'll notice, we just don't have any more subdivision off the sewer. He lives in an area that he is on the sewer. His subdivision was sewerred, but when they built these houses in the '70's on Old State Road, they just run it to the back of the lot. There are a lot of them that go to the ditches. We get complaints from the County Highway Department all the time about a mess in the sand trap.

President Mourdock: Is there any short-term recourse? I mean, I think we all understand the long-term answer is getting the sewer through there which is obviously what we are trying to do. Is there anything in the short-term that can be done?

Jay Gentry: You need to get the water away from there--

President Mourdock: Okay, so we're back to a drain...not back to, but we have a drainage issue?

Jay Gentry: --so I can use my backyard. We can't even sit out on our patio because of the smell that comes up. I mean, Doctor...uh, John can tell you about the smell and he has already said it's a health hazard. If some kid comes in there and gets sick, they're going to sue me and I don't have nothing to do with it. I didn't think there was a law that would allow people to drain sewage on you. Now you take back in 1949 my dad had a grocery store on Covert Avenue. Now, he built that store before the laws came in. He didn't have to have water or (inaudible) space in there. Well, when the laws came out he had to bring his property up to meet the laws. I would like to know why these sewer people can't bring their septic system up to meet the standard of laws? That's all I'm asking.

President Mourdock: Just so that I understand the geography, are all the areas that you are talking about that are causing you that problem, are they within the area that Mr. Schwenker is talking about?

Jay Gentry: It's his area.

President Mourdock: Oh, I'm sorry.

Jay Gentry: Yeah, Mr. Walther. Yeah, he had to put a drain in his backyard it was coming out on to him so bad and he is running it out into the street. That's how bad it is.

Sam Elder: You could actually...when the resident over on Old State Road dug the trench, instead of it spreading out evenly and being partially absorbed he did it to get the moisture just to drain his lot and when he did he dumped it on him. I think that it would probably be a civil thing.

Commissioner Jerrel: We have a new law that just went into effect that the Commissioners...I mean, I don't know and I'm too new to be giving advice, but I suspect that Mr. Gentry could use this new drainage law that we enacted...the attorney is wrinkling his face.

President Mourdock: So are the other two Commissioners?

Jay Gentry: The only thing that I ask is can the Health Department condemn that or make him take all this drain--

President Mourdock: That's the question that caused me to ask Sam Elder to come to the microphone. I don't know what options the Health Department has.

Jay Gentry: Sam told me that Mr. Harrison, Jr. had to act on it before he could do anything.

Joe Harrison, Jr.: Well, it is my understanding that these people have been grandfathered in. These systems they have, Mr. Walther and all of you, I mean, they're legal.

Jay Gentry: They're legal, but they don't function.

Joe Harrison, Jr.: That's right.

Commissioner Jerrel: Well, that removes the acceptance of--

Joe Harrison, Jr.: Again, the only thing that I can say is that you may want to contact a lawyer. You don't want to contact me since I represent the county, but you may want to contact a lawyer and just tell him your story. I mean, maybe there is some action out there that you can take against a homeowner.

Jay Gentry: Can't the Health Department condemn that where they can bring it up where it don't drain on my property? You see he put this drain in this summer to drain down on me.

President Mourdock: Yeah, Mr. Gentry--

Jay Gentry: It was in his yard. Well, he didn't want it, so he put him a drain down there. Now I get everything. All his wash water, his bath water, his waste water and everything. You mean to sit there and tell me that they can do that in the 1990's?

President Mourdock: We're trying to address the issue in two ways. Number one, you just asked if the Health Department can do something and you asked the county attorney and I think I heard the county attorney say that while these things are

unsightly, right now at least under the law concerning the health issue that there is or is not an option, Joe? Is there anything that we can do or is there something that he has to initiate? That Mr. Gentry would have to initiate?

Joe Harrison, Jr.: He would have to initiate it. As far as I am aware, everything that is out there now that these people have, these systems are legal. Now, they wouldn't be able to put these systems in today, but when they were put in 20 or 30 years ago they were completely legal and they have been grandfathered in. Is that right, Mr. Elder?

Jay Gentry: Shouldn't they be working right? Should they be draining on your property? That wasn't back then was it?

President Mourdock: Wait a minute. Now you're going to the other issue which I am trying to say.

Commissioner Jerrel: Yeah, and that's what I--

President Mourdock: If, in fact, they are legal and they are working, but they are still causing you a health problem then that becomes a civil matter and that is where you need to contact an attorney. The law that Ms. Jerrel was referring to a few moments ago, and it would be yet another interesting twist to an interesting law, it's a drainage law that prohibits you from causing water...blocking water and causing it to back up on your neighbor. Whether or not that same drainage law somehow would come into this as a health issue we don't know. The law has only been in effect since July.

Commissioner Jerrel: Since he just did this change, though, within the last few years--

Jay Gentry: He changed this summer. He put that drain pipe in during the summer and--

Commissioner Jerrel: That caused an obstruction.

Jay Gentry: --it's draining all the way...I'm getting all of it. He's not even getting none in his own yard.

Commissioner Jerrel: Would that be an obstruction, Joe?

Joe Harrison, Jr.: He needs to contact a lawyer. Not me.

Commissioner Jerrel: But if he...the lawyer should get--

Joe Harrison, Jr.: That may be something that may come before this Board, so I really don't want to comment.

Commissioner Jerrel: Okay, but is there a copy of our drainage ordinance available?

Joe Harrison, Jr.: Well, no, that's a statute.

Commissioner Tuley: It's a state statute.

Joe Harrison, Jr.: That's a state statute that deals with

obstructing natural watercourses, etc.

Commissioner Tuley: That's what I was getting ready to say. Is that going to be the key to that one?

Joe Harrison, Jr.: Well, it just depends. There is also a soil erosion control ordinance that this Commission...that this body recently passed that we can give you a copy of.

Jay Gentry: Then the Health Department cannot condemn his system although it is not working right?

Joe Harrison, Jr.: I think it depends on the situation. I think that, again, Mr. Elder will have to speak with us down the road, but sitting here today or standing here today--

Jay Gentry: I know you couldn't make nothing today, but I just want to know what I have to do to stop this?

Joe Harrison, Jr.: --you can't talk about it. I'd call an attorney.

Jay Gentry: I can't...half of my backyard I can't even walk in.

President Mourdock: You know, there is a phrase that I've wanted to use for two and a half years sitting on this Board that I've never used and I am going to use it tonight. It's call a lawyer, sue your neighbor. I mean, no one wants to do that.

Jay Gentry: All I want to do is get the drainage...he could run a pipe down side of his yard out in the county ditch. Why can't he do that? Let the county suffer with his route.

President Mourdock: Well--

Jay Gentry: Why put it on my private property?

President Mourdock: He cannot put water, again, now we're going to a drainage issue.

Jay Gentry: He can't do that, but he can drain on mine? I don't understand it--

President Mourdock: No, no, no. That is not what I am saying. He cannot...no one can cause water to be redirected to damage someone else.

Jay Gentry: He did.

President Mourdock: If he has done that, that is a civil matter for which there is a whole series of courts and more lawyers than need to be perhaps, but all kinds of lawyers--

Jay Gentry: In other words, I just have to live there and continue with it?

Commissioner Tuley: Sue him. Sue him.

President Mourdock: No, sir. Sue him.

Jay Gentry: You don't sue your neighbors. I don't know why the Health Department can't step in there and do that.

President Mourdock: You've asked us to suggest what a solution might be and we've given you one.

Jay Gentry: (Inaudible) passing the buck because I don't believe in that. I think the Health Department here should have the authority to go out and tell...if I owned a grocery store and I didn't have a bathroom in it they would come in and tell me to shut it down and put one in. It's the same thing to me.

President Mourdock: Because by the statute that is what their charter is for. Again, Sam defined for you that we have a problem out there. At the time they were done they were legal. They were permitted. Now, as Mr. Walther said, they're legal, but they are not working. Now if you are being damaged by it, again, you have a recourse, but it goes beyond this Board.

Jay Gentry: Oh, I see. Who do I go to (inaudible)? I have to do this myself, right?

President Mourdock: That's right, you do. It's your property and you need to deal with it in that way. There's an old--

Jay Gentry: Why do we put you in office then? Why is it that you sit there and tell me that it's in the county and we've got a problem out there and you people act like, hey, it's my problem. I have to take care of it. That's all I want to know?

Commissioner Tuley: Mr. Gentry, there is a limit to what this Board or this body has any authority to do and it sounds like there is no authority that this Board has--

President Mourdock: That's right.

Commissioner Tuley: --and it is strictly a civil matter that you'll have to resolve in a court of law.

Leroy Walther: May I say something?

President Mourdock: Sure.

Leroy Walther: On the area where Jay lives and Murnahan, he also has a problem, from 8024 Old State Road to 8126 Old State Road there has been complaints to the Health Department about septic systems perking in the yard. His is not...his neighbor directly behind him is not the only ones having a problem. A solution is that we have to get that sewer line.

Commissioner Tuley: That's where we are headed.

President Mourdock: That's right, and Mr. Gentry, I hope you appreciate that is why this came to the Board initially. That's what we are acting to do.

Jay Gentry: That's why I have to wade in waste to mow my yard until you get the sewer in. That's what you're telling me.

President Mourdock: I haven't said that yet. I've offered you several alternatives.

Leroy Walther: If you go back into the septic systems that is in that area, in our project we had a core sample for sandstone to see if they would have any problems putting it in. The report came back and we went 12 feet deep. Number one, brown clay. Number two, 12 feet deep, brown clay; 10 feet, brown sandy clay 10 to 12 feet. Core sample three: 12 feet deep, brown clay; six feet, brown sandy clay six to 10 feet, red sand from 10 to 12 feet, 12 feet on another core, brown and gray clay, six feet, gray clay six to 12 feet. There is no way these are going to absorb any water.

President Mourdock: That's right. Yep.

Leroy Walther: So we are asking your help to expedite our sewer system.

President Mourdock: Again, as Joe commented to Mr. Flynn a little bit ago, I mean, we're on course here trying to get this thing going. To your credit, to Mr. Schwenker's credit that brought this to us. There had been no method in place to solve this and we offered the Barrett solution which may be too simplistic of an answer. We offered the Barrett Law because it is complex, but we think we are getting there and I wish we could snap our fingers and make this problem and make Mr. Gentry's problem go away immediately. We can't, but we are trying to get there with the sewer system.

Leroy Walther: I guess if I understood Joe Harrison correctly, this could be three or four months before the bond issue can be resolved. That means we can not have our preliminary public hearing before then to start this?

Joe Harrison, Jr.: I think we can start that process before three or four months, okay? I will be able to give you a better answer within the next couple of weeks, but I don't see why preliminary resolutions on all three projects can't be done within the next two months. From there the time line will begin with the construction of the project and the issuance of the bonds. Hopefully, we can get this thing started within the next two months. Again, that doesn't mean construction is going to start within two months, but I am talking about the process.

Leroy Walther: Then we are going to be into...by the time we actually get started we will be into the fall--

Joe Harrison, Jr.: Again, a lot of it may depend on whoever the contractor is and when their time frame is. I can envision these things beginning this fall. Again, that is going to be up to the individual contractors.

Commissioner Jerrel: Do you really think it will take that long to get a conference call with the attorneys and get the timetable set?

Joe Harrison, Jr.: No, I am saying by the time they can start on the construction of the projects. No, no, we can get these

things a lot sooner than that.

Commissioner Jerrel: Those steps, if they get going they ought to move.

Joe Harrison, Jr.: We're going to have to have, you know, contracts. We're going to have to have bids awarded, etc. I think...I mean, I don't see why this thing can't start on each project by this fall at the latest. I don't want to tell you next week.

Leroy Walther: I understand.

Joe Harrison, Jr.: I don't want to tell you a date and then have you come in and say, well, you all said this date.

Leroy Walther: I guess where I become upset is we wanted a preliminary public hearing and then all of a sudden we said we had to get the bond money first which we could do...why can't we work on both of them at the same time?

Commissioner Tuley: I think we can, can we not? I think once Joe has the information he needs, the people identified and the boundaries established, at that time I think then this Board, once we have those estimates, can entertain the resolution. Once we adopt that resolution and then comes a petition process and all of that should be going on at the same time we're doing everything we need to do for the bond. So it will be going in tandem.

Joe Harrison, Jr.: That's correct.

Leroy Walther: I have presented the County Commissioners with a list of the addresses and numbers in that area. I think John has that.

Commissioner Tuley: I think it's just, again, we've moved when you got the problem, we've not moved nearly as quickly as you would like, but I think what we are doing here as Joe indicated, this is only the second time that we've done it. We're going to do it and we're going to do it right. I don't sense any one of the three Commissioners saying this isn't something that we don't want to do.

President Mourdock: Absolutely.

Commissioner Tuley: So now we've just got to put the wheels in motion to make it happen.

President Mourdock: While it is true that this may not be the first time the county has done it, it is the first time that any of the people at this table have done it.

Commissioner Tuley: Yeah.

President Mourdock: The law is a constantly changing thing.

Leroy Walther: The Barrett Law was applied at Kembell Court or Kembell Drive right off of Old State Road.

President Mourdock: That's right and that's what we are saying. That was long before any of us came on board and that law keeps changing too. In fact, when we started down this road initially we were told that the Barrett Law didn't even exist any more. That's how much things change. Then we found out that it did, in fact, come back.

Leroy Walther: Well, after you get started with the preliminary hearing the time frame of the Barrett Law, will those time frames five days/ten days be implemented in the procedures?

Joe Harrison, Jr.: We will follow the time frame set forth in the statute for each particular project. We will have preliminary resolutions that will be for each particular project that will be considered by the Board. Then they all may not be considered on the same night by this Board, but they will each follow the statutory procedures for that particular project.

Leroy Walther: Okay, thank you.

President Mourdock: Okay, sure.

Ted Kuhlenschmidt: Ted Kuhlenschmidt. I would like to say thank you for your continued assistance and that Oak Hill Road, Mr. Schwenker, I'm sure would be very interested if there is a meaningful reason for us to be involved with the bond counsel to understand it better and maybe prepare our neighborhood for preliminary costs.

Joe Harrison, Jr.: Sure.

Ted Kuhlenschmidt: We would love to be a part of that if we can and thank you.

Joe Harrison, Jr.: Okay.

President Mourdock: Yeah, and I think it is very important that all of you be a part. Just one question. I know Mr. Flynn has left already, but it occurred to me a moment ago, Joe, what if we start down the road...I heard you say Barnes & Thornburg would not be doing this under one bond issue, but they would basically handle their costs as if it were one. Does anything change if for some reason let's say within one of the geographic areas the people say no we don't want to vote to do that, we don't want that assessment. What if we go from three to two for whatever reason?

Joe Harrison, Jr.: That doesn't matter.

President Mourdock: Okay.

Joe Harrison, Jr.: Hopefully, that won't happen, but that doesn't matter.

President Mourdock: Okay, alright. One last point on that too, Mr. Gentry. The issues of drainage and such oftentimes involves the County Surveyor's Office and I don't know if you have contacted them?

Jay Gentry: The only one that I contacted was Sam.

President Mourdock: Okay. I would recommend that you might give them a call because if there has been a drainage way altered, certainly that is something that they report back to us and that starts to come in to play with the law that Ms. Jerrel cited that went into effect last July that affects when--

Jay Gentry: (Inaudible comments not made from microphone.)

President Mourdock: You need to contact Bill Jeffers. Bill Jeffers at the County Surveyor's Office.

Commissioner Tuley: We can give you the number. It's 435--

Jay Gentry: I'll call him in the morning. It's 435...?

Commissioner Tuley: Yes, 5210.

Jay Gentry: Five?

Commissioner Tuley: 210.

President Mourdock: Again, very much in summary and I'm not an attorney--

Jay Gentry: I realize that.

President Mourdock: So do attorneys real quickly--

Jay Gentry: (Inaudible comments not made from microphone.)

President Mourdock: You need to go back to the microphone.

Jay Gentry: My concern is since Dr. John said it was a health hazard, very bad, I thought maybe the Health Department could at least have them to maybe clean their septic system or do something to keep their water from running on mine. It's been doing this for two years and believe me it's so bad now that it will never get dry.

President Mourdock: Sam, again, we are beyond the scope of the County Commission now.

Jay Gentry: I know. I understand.

President Mourdock: Have you sent anything in writing to the people that have these systems in that general area, realizing that it would be impossible to pick out one.

Sam Elder: I'll tell you, we've had a lot of them rework their sand filters. We do this one or two every week. Where the big problem is with the new state law we have to go through the court and through the prosecutor to do anything with it. If we have a county ordinance and a lot of them are city ordinances we can issue them a citation and unless they correct it we can have them in court in two weeks.

Commissioner Tuley: You're looking down here and I think maybe

that...have you got a copy? I didn't mean to cut you off, Sam, but do you have a copy of that ordinance from another county or something that maybe we can pattern one after?

Sam Elder: Well, you can't do it any more because it's a state statute.

Commissioner Tuley: Oh, the state doesn't allow us to do it anymore?

Sam Elder: Well, it's a legal question, but normally we would use Mr. Harrison's office like on the cleaning up a lot.

Commissioner Tuley: Right.

Sam Elder: We would use his office, but if we use the state statute it says that the prosecutor is obligated to handle this for us, but it doesn't have a very high priority.

President Mourdock: Let me repeat that back because I want to be sure I understand it. This is a new one for me, so bear with me. Under the health statutes there cannot be a county ordinance, but it is done under state law dictating that the prosecutor has to do it?

Sam Elder: No, I'm talking about the overall statute. I can give you...I have, I think, in my folder a copy of the state's regulation that is after the statute, but the prosecuting attorney is obligated to enforce any of our public health laws--

President Mourdock: Okay, now I got you.

Sam Elder: --that the state in the regulation that is passed...you know, they promulgate the regulation and it becomes part of the law after the Governor signs it.

President Mourdock: So even if the county had an ordinance specific to bad septic systems, bad sand filters, in that case the prosecutor would still be the one who would have to chase them down?

Sam Elder: The health officer and use his broad powers and do that, but you're being arbitrary and I've got probably four or five situations, maybe not any as bad, but as worse as his and all of them are from the sand filters. If it is an exception, you know, we just make them rework it if they have space. Just by an estimate I think there are over 500 of these sand traps. You couldn't vacate 500 homes. We've taken them to court before and the defense attorney wants to know how we selected to bring this one when we tell him we've got 500 more. You know, not that many at the time and you can't give him an answer that the judge doesn't consider arbitrary.

President Mourdock: Okay, I understand.

Sam Elder: If we could give his neighbor a citation on a county ordinance he would have to answer to the judge and if the judge says this or whatever he says--

Commissioner Jerrel: You can't do that now? You cannot issue a violation, a letter, to this homeowner and say your system is not working properly and it is draining this raw sewage on to Mr. Gentry's property and you need to rework your sand trap or try to ameliorate the situation. You can't do that now?

Sam Elder: We can send it, but I don't think it would be enforceable because how do we decide? Do you want to send to everybody that is draining in a county ditch? That's just as much of a health hazard. It's a mosquito breeder. I had mentioned, you know, that it is a mistake of yesterday that was copied by the engineer that was here over in Jefferson County was using them. It was an answer for these lots that you can't make a percolation system work on. Ninety some percent of the county, according to the state, is unsuitable for septic tanks and the only way you can put them in is with an alternate system. We've been using a lot of these mound systems. I know that you're familiar with mounds. Those things are expensive and you can't put them in on a small lot that has a steep grade on it. I don't have any solution for those people on Old State Road and neither does the other people that I've talked to except the extension of the sewer. This one lot might be an exception, but still Mr. Gentry after we put that sewer in he is going to have the wettest lot in the neighborhood with no sewer because you're at the bottom of the hill and it is kind of like a saucer down there. All the water runs down there.

Jay Gentry: I never had a problem until this drainage came in off of him.

Sam Elder: Well, it was spread out.

President Mourdock: Okay, alright. Well, thank you both for the information. Maybe we have offered you somewhat of an alternative or at least something else to pursue there.

**Willard Library - Local government services agreement**

President Mourdock: The next item on our agenda is the local government services agreement between the county and Willard Library for archival services.

Commissioner Jerrel: I would like to move approval of the archives service agreement with Willard Library in the amount of \$49,628 which is the amount that was proposed and entered into the budget.

Commissioner Tuley: Second.

President Mourdock: So ordered.

**Lynn Ellis - Approve opening of bids APA035-97**

President Mourdock: We have Lynn Ellis reporting still with her purchasing hat on.

Commissioner Tuley: We need Joe to open those bids before we can do anything.

Lynn Ellis: Yes, the agenda item incorrectly says to approve the bids, but it is actually the opening of bids for APA035-97. The new purchasing director started today so I met with him for a little bit this morning and hopefully will bring him up to speed over the next few months and he can take over.

President Mourdock: Okay.

Commissioner Tuley: I'll move at this time, Mr. President, that the attorney be directed to open the bids and verify the validity of the bids.

Commissioner Jerrel: Second.

President Mourdock: So ordered.

### **Burdette Park - Fee waiver requests**

President Mourdock: We have something from SWIRCA...oh, we have two letters. One is from the Perry Township Fire Department, and I guess certainly we need to discuss them individually, and the other from SWIRCA for a waiver of fees for Burdette Park for the use of the shelter house I believe.

Commissioner Jerrel: I'm going to defer to the other two Commissioners. I don't know how you have arrived at these decisions in the past.

Commissioner Tuley: I think almost the need of the organization, I guess, has probably been the determining factor. If there is a money mechanism in which we feel that they could actually afford to pay the rental we have denied them. In cases where we felt like it was a charitable organization that really didn't have the funds, we've granted them. That's about...

President Mourdock: Yeah, I think that's right. It has been on a case-by-case basis and I think the ability or inability to pay and also how many people are affected.

Commissioner Jerrel: I would make one suggestion.

President Mourdock: Sure.

Commissioner Jerrel: If we are going to do that let's at least keep records of what we've done so we'll know what has been deferred and take a look at it in case we should come up with some kind of a plan that would have a little more structure to it. Having said that, I'll move approval of Perry Township Fire Department for the use of Shelter House 18 on April 26th and the Southwest Indiana Regional Council on Aging on June 5th, Thursday, at 2:30 to support the games and the waiving of the fee at the pavilion.

President Mourdock: Since you mentioned the particular dates, I think, probably that motion is contingent upon the availability of those dates.

Commissioner Jerrel: Yes.

Commissioner Tuley: I'll second your motion.

President Mourdock: So ordered.

**Teamster's Contract - Amendment to Addendum A**

President Mourdock: We have from last week an addendum to the initial Teamster's contract. We had included with that Addendum A on wages. There had been a mistake and we acted last week to correct it and then I received a note that I think each of you have that also said there was still one employee omitted, so we need to officially act for the record to include Mr. Gossar, Bennie Gossar. I see Mr. Whobrey is in the audience. Was that to address this issue? Okay.

Commissioner Jerrel: I would like to move approval of the new Page 22 which does in fact include the carpenter/maintenance for the Superintendent of County Buildings. The new page that you have before you should be the one that is inserted as Addendum A.

Commissioner Tuley: Second.

President Mourdock: So ordered.

**Letter of support for seismic hazards research**

President Mourdock: Also a letter in the file from Mr. Roger Lehman on behalf of the Building Commissioner asking that we adopt a letter of support for some seismic hazard research that the Indiana Geological Survey is doing. They're trying to get a funding request through the federal government and thereby asking for some support from this body.

Commissioner Tuley: This is Roger's request?

President Mourdock: Yeah.

Commissioner Tuley: I would move at this time then that the letter addressed to Mr. Don Eggert, Indiana Geological Survey and Institute of Indiana University be signed by the three Commissioners and forwarded.

Commissioner Jerrel: Second.

President Mourdock: So ordered.

**Any group or individual wishing to address the Commission**

President Mourdock: Now we are at that point any group in the audience wishing to address any issue that has not yet been addressed tonight. We would be glad to hear your comments. I sense several students out there. Is that Mr. Beadles' class?

Unidentified: Yes.

President Mourdock: Okay, we salute your patience when your fellow members were less patient there a little bit ago. Department heads, County Engineer, John Stoll. We will skip John Stoll for a moment.

**County Garage**

President Mourdock: Do we have a County Garage report?

Lynn Ellis: Milton Hayden brought that in earlier this afternoon and said that he would give a full report next week regarding the debris cleanup. We spoke today about it again and we'll be going over it this week later on in the week to review the status on it. There has been a lot of success with the cleanup and they've made a lot of progress in that regard.

President Mourdock: We scheduled last week that by the end of this Friday everything the county is doing out there would cease. Are we still on schedule as far as you know?

Lynn Ellis: Yes, sir. Yes, and that was in the paper, I believe, correctly stated, so the property owners are being notified as the county crews make another pass through that this Friday would be the last day. County Attorney. Joe, are you in the midst still of your opening?

Commissioner Tuley: We need acceptance of this report officially?

President Mourdock: Oh, sure. Go ahead.

Commissioner Tuley: Mr. President, I'll move at this time for acceptance of the Vanderburgh County Highway Department and Bridge Crew Progress Report for the period covering Friday, March 28 through Thursday, April 3rd.

Commissioner Jerrel: Second.

President Mourdock: So ordered.

**Lynn Ellis - Superintendent of County Buildings**

President Mourdock: Superintendent of County Buildings, Lynn, go ahead with your report.

Lynn Ellis: Yes, I apologize. I don't have a written report this week. I've been, with the cleanup and everything else going on, I haven't had a chance to do that. We have been working on a status report so that the Commissioners can keep track of things assigned to individuals. It was prepared today and will be updated with this evenings notes in it as a tool for you to keep track of the status of assignments to various department heads and to yourself as well. That will be included in next week's packet. BFI is at this point no longer being used except to actually take the debris. County crews are taking the debris out to the landfill.

President Mourdock: Okay. Joe, we will come back to you then

since you are still--

Joe Harrison, Jr.: Okay.

#### Consent items

President Mourdock: Consent items.

Commissioner Jerrel: I'd move approval of the consent items as they appear.

Commissioner Tuley: Second.

President Mourdock: Just for the record, the consent items tonight include employment changes, travel requests, the report for the Committee on Domestic & Sexual Violence, the Auditor's Financial Statement and also a County Treasurer report on invested funds. There was a motion and a second, so I will say so ordered.

#### Scheduled meetings

President Mourdock: We have a list of scheduled meetings on the calendar. One that does not show and I'll speak to in a minute, on Wednesday the 9th we will have our Welfare to Work Task Force Conference again. Next week, of course, at 4:00 p.m. we have the Solid Waste District meeting and 5:30 Commissioners meeting, so there will be no Executive Session next week.

#### Old business

President Mourdock: From last week we discussed the personnel policy meetings. Lynn, did you or Tony have a chance to compile the notes from that?

Lynn Ellis: No, I haven't gotten much feedback from the departments so I am trying to make contact with the county departments interested in making comments. Then we will finish compiling those notes for next week's agenda.

President Mourdock: Okay, please do because the department heads were very forthright in getting to us with their concerns and we want to get those summarized. We don't want to feel they disappeared.

Commissioner Jerrel: I have a question.

President Mourdock: Sure.

Commissioner Jerrel: It just occurred to me. We paid a rather large bill in January to Waggoner & Scheele and I'm not really sure what work product that was for and I wasn't here, so I guess I am asking both of you.

Commissioner Tuley: I would have to go back and review the claim because I don't remember off the top of my head what it was for.

Commissioner Jerrel: It related to this policy and that's the reason I am asking that.

President Mourdock: It related, and I am going from memory which is always dangerous, but it related to specific proposed changes in the policy, I think, particularly with the most frequently raised issue about anniversary dates.

Commissioner Jerrel: Well, I was going to suggest if that document isn't...if that wasn't submitted to us in a written form...do you have it, Joe? I would like to see that. I need to look at it.

Joe Harrison, Jr.: Yeah, I've got a copy of it.

Commissioner Jerrel: Okay, well I think that would be important because that is what we need to relate these discussion items to those recommendations.

Joe Harrison, Jr.: Okay, Alan Kissinger passed that along to me.

Commissioner Jerrel: Okay.

**John Stoll - County Engineer**

President Mourdock: John, we went by you, so we'll ask you for the County Engineer's report now that you are back in the room.

John Stoll: I've got a change order on the Ohio Street Bridge project resulting in a net increase of \$6,059.35. Of that \$6,000 20% would be ours, so roughly \$1,200 would be our local cost. This change order is due to an increase in excavation for some ditches. Basically, once they were out there trying to cut some ditches there was a bunch of rock in there that they had to undercut and then replace with good topsoil so they could get grass to grow back in the ditches. They also had some changes in the asphalt quantities in regard to the under drains in the pavement section and things like that. There was also some curb that had to be removed adjacent to the railroad crossing required by INDOT and there was also a change in the approach slab section, but the net increase was \$6,059.35 and I would recommend that it be approved.

President Mourdock: Questions of John?

Commissioner Jerrel: How much does that leave?

John Stoll: How much does it leave in the account?

Commissioner Jerrel: Uh-huh.

John Stoll: We've got enough to cover it. I don't remember the exact figure, but there is enough in our account to cover that cost.

Commissioner Jerrel: Okay.

Commissioner Tuley: John, you reviewed this and recommend approval?

John Stoll: Yes.

Commissioner Tuley: I'll so move.

Commissioner Jerrel: Second.

President Mourdock: So ordered for Change Order Number 3 to the mentioned contract.

John Stoll: Next I've got a travel request revision. Last week Dave Franklin was going to go to INDOT to meet with some INDOT officials regarding our nuclear density gauge. He was not able to go last week and now he would like to request to be able to go this week rather than last week. He plans on going either Wednesday or Thursday depending on what the projects permit.

Commissioner Tuley: Move approval of the request.

Commissioner Jerrel: I'll second. You do decide though when that is? When it is appropriate for him to go?

John Stoll: Yes, it will just be a matter of when we've got inspectors that could cover his job or if there is not any work of any significance going on in his job.

President Mourdock: So ordered. John, just if you could on your travel requests we handle a lot of those as consent items, so if you could keep them that way it would make them simpler.

John Stoll: Next, in regard to the Stringtown Road Bridge, there was a beam on that bridge that was in a lot worse shape than all the remainder of the beams out there. It had deteriorated and rusted more than the others. This was never called out on the original set of plans, so we contacted the consultant for them to come back and review the beam again and they designed some repairs for the beam. The current contractor, Ragel, Incorporated, had quoted a price to replace the beam of \$198,951. They quoted a repair cost for \$109,343. Given the fact that we didn't have any money in the account to cover the replacement of the beam, we didn't see that was an option and we saw the repair cost seemed excessive given the amount of repair work that was going to go on so Tim and Dave contacted some other contractors and we feel we can get this repair work done for \$25,000 or less and that would be our recommendation at this time that we not have the current contractor do the repair work and that at a later date we get some price quotes from other contractors to do the repair once the current contractor is completed with his portion of the project. The only duplication of work that would be involved would be that the contractor that does the repairs to the beams may have some minor touch up painting to do on the beam, but other than that there won't be any duplication of anything that the current contractor is doing.

President Mourdock: Questions of the Commissioners and I bet there are some?

Commissioner Jerrel: I don't know who this contractor is, but if he wants to keep doing business in the county I would suspect

that he needs to sharpen his pencil.

John Stoll: He had stated that he didn't feel that the repair methods designed by the consultant were satisfactory, so he was putting in his cost estimate and additional costs for another consultant to come in and do another design. He also feels that there are some additional supports that would need to be put in to support the beam while it is being repaired. In regard to the design issue, we have a stamped set of plans stamped by a registered engineer for the repair of the beam, so we feel that they're adequate and he is putting his stamp on it, so it is his neck that is on the line if it is not adequate. The bottom line is the repairs that he designed we all feel will do the job. The extra support that he feels is necessary while the repairs are going on we feel that the bolts and everything could be done one at a time or one section at a time and it would not require any additional supports, so as far as we're concerned the repairs as designed by the consultant are adequate.

President Mourdock: Two questions. Number one, are we absolutely certain that the people who are quoting you in the numbers of \$25,000 are looking at the same thing as the people who are quoting you \$109,000?

John Stoll: Yes.

President Mourdock: Those are the two we should compare right?

John Stoll: Yes.

President Mourdock: \$25,000 and \$109,000.

John Stoll: Yes.

President Mourdock: You feel they both see the whole picture?

John Stoll: Yes, and if for some reason now once we put together a set of specs for them to actually to give us a price quote on, I don't see any way that it is going to come in even close to that \$109,000 price simply because the repairs out on Tekoppel which were a lot more unusual and extensive were in the neighborhood of \$30,000 to \$40,000 and this is just going to be simply bolting some additional pieces of steel on an existing beam. So it is not as detailed of work as that is going to be. Even if the contractors misinterpreted something that Tim or Dave might have said, I do not think that there is any way it is going to come in near the \$109,000.

President Mourdock: Okay, second question. Is the present contractor going to come back somehow and claim under his contract under that scope of work that this is his work?

John Stoll: It was not part of the original contract, so no. The consultant for whatever reason did not look at the beam in great enough detail so there is no provision for repairs of the beam in the current contract. The only thing that is in the current contract was to sandblast and paint the beam. That was all the scope of work in the current job.

President Mourdock: If he has not seen it already, would you get a copy of that contract to Joe just to verify that?

John Stoll: Sure.

President Mourdock: I guess assuming that is the case, then it should be our next step to go ahead and allow you to solicit bids for this work seeing if they come in with that estimate?

John Stoll: Right.

Commissioner Tuley: I would move at this time subject to Joe's verification that if it is not a part of the original contract that John be directed to solicit bids to do the additional repair work.

Commissioner Jerrel: Second.

President Mourdock: So ordered.

John Stoll: Next, a couple of weeks ago you received a letter from Paul and Nancy Ubelhor out on Lakeland Drive regarding the location of the road next to their house. Based on some deed research and some preliminary checking from Tom Goodman, the road has encroached onto their property and will have to be removed by about two feet. I briefly discussed this with Milton and we will just have to go out and remove the west two or three feet of the road and then reconstruct and add additional width on the west side of the road just to get it off of the Ubelhor's property. I just wanted to bring you up to date on that and that is true what the Ubelhors have stated and we will have to work with the County Garage to get the road moved over.

President Mourdock: Have you had any contact with the Ubelhors?

John Stoll: No, this was something that I was talking with Tom just briefly this morning about getting out there to survey it and actually set the line, the east right-of-way line for that road, so that way we'll know where to get the--

President Mourdock: Please give them the same status report.

John Stoll: I'm going to. I was going to send them a letter. The last item that I've got is in regard to the Lynch Road appropriation that we made a couple of months ago. We requested an appropriation of \$625,000 for our local match for the project. That was in the Road & Street account. Since we ended up using the bond surplus fund, there is no need for that money to be in there in the Lynch Road account any more. I was going to recommend that we repeal it. The only question is how much? If we don't repeal it all then we could probably start proceeding with right-of-way services which would include the buying of the right-of-way parcels for the next phase of Lynch east of Burkhardt. I was thinking along the lines of maybe repealing half of it, \$300,000, and then keeping the rest in there and then trying to pursue right-of-way acquisition for phase two.

Commissioner Jerrel: You could put \$12,000 of it in an account

so that we can purchase the truck that we approved last week for the garage.

John Stoll: Okay, transfer--

Commissioner Jerrel: \$12,000 for that purchase.

John Stoll: Okay.

Commissioner Jerrel: If you would. If you could do that by the 15th then that would take care of that. You asked me what account I was going to get that out of!

President Mourdock: We'll need a motion to that extent.

Commissioner Jerrel: Yes, I am going to make the motion that the county engineer repeal \$12,000 of the \$600,000--

Joe Harrison, Jr.: Transfer.

Commissioner Jerrel: Well, he is going to--

President Mourdock: Repeal and transfer.

John Stoll: If I repeal it I would have to appropriate \$12,000.

Commissioner Jerrel: It's in an account within that fund, so you don't have to repeal it. It would just be a transfer. So I move that you transfer \$12,000 to the appropriate line item for the purchase of the truck for the county garage.

Commissioner Tuley: Second.

President Mourdock: So ordered. Now did you want to act on the remaining--

Commissioner Tuley: Repealing the remaining?

President Mourdock: Or a significant portion thereof?

Commissioner Jerrel: Well, where would you put it?

John Stoll: I would just repeal it back to the Road and Street Fund so that way if some other things or any emergency of any kind come up later in the year there would additional money in the Road and Street Fund to appropriate to another--

Commissioner Jerrel: But you can just do that any time. Transfer any time.

John Stoll: I just figured...that would just give an unappropriated balance to work out of rather than transferring out of that account. Either way...

Commissioner Tuley: You suggest moving then right?

John Stoll: Pardon?

Commissioner Tuley: You're just suggesting moving the money?

John Stoll: Right, since it doesn't need to be in that account.

Commissioner Jerrel: Well, just be prepared to explain to them what happened.

John Stoll: Sure, that's no problem. The only reason I would repeal it is because the County Garage and our office both work out of the--

Commissioner Jerrel: Unappropriated.

John Stoll: --Road and Street Fund and if they call over to the Auditor's Office right now they'll probably get the answer that there is no unappropriated money and this would provide them unappropriated amounts.

Commissioner Jerrel: Alright, then I'll move approval that this go back into the unappropriated Roads and Streets account.

Commissioner Tuley: I'll second.

President Mourdock: So ordered.

John Stoll: That's all I have.

President Mourdock: Are we ready then for the County Attorney's report?

Commissioner Jerrel: Wait a minute, wait a minute. Are we going to--

President Mourdock: Oh, yeah. Go ahead and bring it up.

Commissioner Jerrel: Well, I'm just...we got the money for Burkhardt Road. What have you done since last Wednesday?

John Stoll: I spoke with United and they said that they would submit some designs for the box culvert for Drainage Board review for the section north of Virginia Street. The main issue that we've got to get resolved is whether or not you want to pursue the federal aid project up at the Morgan Avenue intersection because if we do that we need to have a scoping meeting with INDOT basically to start the ball rolling and establish that as a project.

Commissioner Jerrel: I think we agreed to that, though that we do want to seek those CMAQ funds.

Commissioner Tuley: Oh, CMAQ, yeah.

John Stoll: Correct.

Commissioner Tuley: If you want to talk CMAQ, fine.

Commissioner Jerrel: I would like to make a motion that we proceed on obtaining CMAQ funds with INDOT.

Commissioner Tuley: I would second that.

President Mourdock: Yeah, I would so order.

Commissioner Jerrel: When will the drainage...when will they be prepared to submit that?

John Stoll: The way they talked they had already done a portion of that design and he didn't give me any exact dates because he was wanting to know an answer on the CMAQ funding because that will be the controlling issue. The federal aid portion will naturally draw it out longer than if we did it all local funding. If it is going to be a CMAQ project we would have a project from Virginia Street up to the south end of the CMAQ job and then the CMAQ job. As far as providing design plans I told them in the neighborhood of what we discussed after the Council meeting last week and that was have the plans ready for bid by the fall. They didn't have any problem with that.

Commissioner Jerrel: But I think maybe I'd feel more comfortable if we had this in writing outlining what they have been asked to do and give them a timetable to do it by or at least ask them to give us one when we can expect this and then communicate with Rose because it was her recommendation that we seek the funds for the intersection. We need to be putting all of this in writing so that it gets acted upon.

John Stoll: Okay.

President Mourdock: Let me just add one thing to that then, John.

John Stoll: You give them the schedule, not the other way around.

Commissioner Jerrel: Uh-huh.

John Stoll: Right. Well, I gave them the schedule that you were looking at when we discussed it after the meeting which was plans by the fall.

President Mourdock: Yeah, I understand, but, again, we were being asked and I think you were referring to the moment when the media was standing there with when will this happen? The dates we were giving them is my expectation, my hope, but if you can get it done by the first of July--

Commissioner Jerrel: That's right.

President Mourdock: --go for it. I mean, I am hoping we can do something better than fall. It is our job to dictate the scope of the work and part of the scope of the work is what the schedule is. I would even go one step further. I would invite them to come to this meeting maybe in about two weeks and explain to us what that schedule is going to be.

Commissioner Jerrel: I would recommend that we do that. I think we need to indicate that have expectations to move.

John Stoll: I can get them here.

President Mourdock: Okay. Anything else for John? Okay.

**Joe Harrison, Jr. - County Attorney**

President Mourdock: Now, we are at the County Attorney's report.

Joe Harrison, Jr.: Okay, first of all on the bids regarding the concession at Burdette Park we received six bids. I believe it is APA035-97. They are from the following businesses: Landshire Foods Owensboro. The amounts were set forth in a wide range of categories, so I am just going to state the six business and then we'll check to see how responsive and responsible the bids are for awarding those bids at a later date.

1. **Landshire Foods**  
Owensboro, Kentucky
2. **Weber Foods, Inc.**  
Evansville, Indiana
3. **DL Keltner, Inc.**  
Evansville, Indiana
4. **Diamond Foods**  
Evansville, Indiana
5. **A & D Distributors, Inc.**  
Evansville, Indiana
6. **Earthgrains Company**  
Owensboro, Kentucky

Those are the six bids.

Commissioner Tuley: I would move at this time that those be taken under advisement through Lynn with either Joyce or Steve from out at Burdette to review those and come back with a recommendation at a later date.

Commissioner Jerrel: Second.

President Mourdock: So ordered.

Joe Harrison, Jr.: The other matters that I have, I have an agreement that I believe the Commissioners have reviewed. It is an independent services contract between the Commissioners and Jerry Schmits. Have you all had an opportunity to review that document and if so, you may want to act upon the same. I've got copies of the agreement. This basically relates to the contracting with Mr. Schmits to provide services on behalf of the county with respect to various county projects including county road projects, bridge projects, the Auditorium and Convention Center and other designated projects by the Commissioners. This particular contract would be for one year. Mr. Schmits would be an independent contractor of the county. He would not be an employee of the county. The compensation for Mr. Schmits is set forth in the agreement, but it is \$60.00 an hour for his service to the county.

Commissioner Tuley: I've only got a couple of questions. Funding for the salary is coming from...?

Commissioner Jerrel: Two sources. The contractual services line item in this budget--

Commissioner Tuley: In our budget?

Commissioner Jerrel: --and the Aztar auditorium since he will be overseeing the project, that money that was donated would pay a small portion. It would be both funds.

Commissioner Tuley: His, in layman's terms, his role really is a coordinator to act on the county's behalf in terms of dealing with contractors in bridge projects and road projects because in my meeting with him I understand he has an extensive background in road and what kind of paving and what have you. He indicated...as far as the auditorium he is better suited for reviewing contracts and working with the contractors. He is not a structural engineer and he'll be the first to admit that.

President Mourdock: That's exactly right and I appreciate the fact that you point that out. His strong point is dealing with the scheduling and how that contract is bid. Several weeks ago, in fact, I think it was...well, it would of been a month ago when Mike Shoulders was here he started to discuss how the different bid packages go together and you may recall that I raised some concerns then. Depending on how a bid package goes together you can greatly benefit or hurt a given bidder. I think what Mr. Schmits can bring in with 40 years of experience is taking a look at those packages and just generally the timing of it. I feel like going back to the discussions of a year and a half ago that we need somewhat of an independent eye looking at that on the county's behalf.

Commissioner Tuley: And this is the independent eye you had in mind at the time?

President Mourdock: Not as a person it wasn't--

Commissioner Tuley: No, not the individual, but the position. I'm not talking about the individual.

President Mourdock: There is only one way you get 40 years of experience.

Commissioner Tuley: Right.

President Mourdock: And he brings it.

Commissioner Tuley: His contract calls for a per hour basis and we've kind of limited but in also my discussions with him he is going to be very flexible, so this month if work permits and he wants to take an extended vacation he will, but next month if we need him here and he needs to work those extra hours it is still at that same quoted rate. He seemed like a very knowledgeable person.

Commissioner Jerrel: He would give us the kind of report from

the eyes of an experienced project engineer that we don't...the three of us don't have the option to have. I would like to move approval of that contract.

Commissioner Tuley: I'll second.

President Mourdock: So ordered. He called me late today, Joe. I guess when last you spoke with him the corporation that he is forming he had not yet...he had not received the papers. He did receive those today so he is all set under the name Jerry V. Schmits, P.E., P.C.

Joe Harrison, Jr.: Okay. The other matters I had were as we mentioned earlier I have an agreement from Barnes & Thornburg law firm in Indianapolis to serve as bond counsel in connection with the Barrett Law issuance, bond issuance, and I would like for you all to either give this consideration this evening or next week concerning the hiring of them for the county's needs in connection with this matter. Again, I will be working with them with respect to the Barrett Law project. They have from time to time, bond counsel has quoted a set fee for their work, but because we will probably be having three separate bond issuances in order for them to do it on a cheaper rate they have decided to quote us their hourly rate. The individual who will probably for the most part be working on this his hourly rate is \$140 per hour. Obviously, there are others in the firm that charge more than that, but Mr. Hall is the one who will probably be working the most on this particular case. That is his hourly rate. Again, the cost would be spread over the three projects assuming we can get those progressing.

Commissioner Tuley: Joe, on those things do most of those attorneys normally work on a percentage of the bond issue or something as opposed to that hourly rate, and if it is what is that typically?

Joe Harrison, Jr.: Well, things have changed over the last couple of years, but typically there is a set fee for a bond issuance. It may range anywhere from \$25,000 to \$30,000 to \$50,000 and maybe higher depending on the project for the bond issuance. Given the situation with this matter where it is a smaller project and even though it is three projects, they're willing to forego that price situation and charge us on an hourly basis. Typically, again, there would be a set fee stated up front and we would be obligated to pay that particular fee.

Commissioner Tuley: But you're of the opinion then and it is your recommendation that this hourly rate is what we adopt because in your opinion in the long run it will actually be cheaper than a set fee?

Joe Harrison, Jr.: Yes.

Commissioner Tuley: I don't know if you two had a chance to read that, the proposal. I read through it and Joe and I have talked about it and I am very familiar with that firm and the individuals in particular that have been named in the contract. I'll move approval if that would be the desire of the other Commissioners.

Commissioner Jerrel: I'll second. I haven't dealt with them, but I know of them.

President Mourdock: I will say so ordered. I am amazed that there are basically two firms in Indiana, I think, that do this kind of work.

Commissioner Tuley: When I worked in Indianapolis they were legal counsel for the company that I worked for, so they're a good firm.

Joe Harrison, Jr.: The other matter that I had and I let you all review this document a couple weeks ago...I think it has probably been a month ago on the membership dues ordinance and I don't know if you all have had an opportunity to look at it, but if you could glance at it and give me some instructions on how you want me to change it around and I don't know if any of the officeholders have had a chance to review it. I don't know if it has even been passed on to them for their review, but if it is something that you want me to do or instruct me on, I will be happy to do anything with it.

**Tape change**

Commissioner Jerrel: I would like to recommend that we schedule sometime in May a meeting of our elected officeholders or their designee to come here and have a general discussion about several things. You know, we are...I've been working with SCT on some issues and I am going to try to put those thoughts down and get them to you this week, but some of them are directly related to the responsibility of the officeholder in certain usage reports that they must participate in. Some are doing that and some or not, but it would be helpful if I could just talk to them about these things in general. We're all in this together and I think maybe they really haven't been given enough information. You know, they need to know more about what that contract says and I am going to ask the County Attorney to take a look at that contract so that if I say something, or one of you all could do the meeting also. I mean, it doesn't have to be me I am just saying that I want to talk to them about SCT and then I think the personnel recommendations that Waggoner & Scheele had made in relation to the report we could do something like that and then the third item was the one that you just--

President Mourdock: Subscriptions?

Commissioner Jerrel: Yes, dues, and let them get that clearly in mind and then they could use that information when they prepare their budgets, you know, in June. So we would all be talking and I think it is healthy to have these meetings and I would like to have one in May.

President Mourdock: Okay. Yeah, I think what they...I don't recall honestly, I think it actually may have been Suzanne's recommendation or suggestion some time ago that we get the officeholders involved with the personnel policy committee meetings and that did work well and certainly I think we opened the door to get their opinions on other things, so that is fine.

Commissioner Jerrel: It just better to hear the same story and let people interact.

Commissioner Tuley: Are you talking about proposing that we set up like we did on the personnel meetings where we just--

Commissioner Jerrel: Well, now we give them some...well, I don't think of any them...I haven't seen the Waggoner Scheele report that you paid for, so I think that we ought to look at it and let them see some of those recommendations.

Commissioner Tuley: Yeah, but I meant the format. Much like we did the personnel...?

Commissioner Jerrel: Can't we all just get together as long as we put a sign out there and say we're all going to get together? We're not going to make any decisions, it's an information meeting.

President Mourdock: Members of the press are smiling.

Commissioner Jerrel: Well it's an inform...I mean, they're all welcome to come, too. It will be an information meeting.

President Mourdock: As long as it's an informational meeting and I think if we are going to be there I think the prudent thing to do is advertise it as a special meeting.

Commissioner Jerrel: Well, it would be...I wouldn't think that we would come to any conclusions, but we certainly have to share--

Joe Harrison, Jr.: Sure, and we can do that.

Commissioner Jerrel: --the information on the dues and I want to talk to them about SCT and also this other. I just think we need to have a meeting.

President Mourdock: Do you think the normal Monday night meeting could be dedicated to it?

Commissioner Jerrel: Oh, no.

Commissioner Tuley: Now you're getting to where I am trying to get at.

Commissioner Jerrel: I would do it at noon. I mean, I don't care. I would do it any time.

President Mourdock: What were you going to say?

Commissioner Tuley: No, that was just my question. Were we talking about doing it on a normal Monday night meeting or are we going to do it at a special time like we did the other meetings?

Suzanne Crouch: Why don't you have it one Monday night at (inaudible).

Commissioner Jerrel: Put your...say your name, please.

Commissioner Tuley: Would you identify yourself and speak into

the microphone, please!

President Mourdock: And address.

Suzanne Crouch: Suzanne Crouch, Auditor. If you want officeholders to participate I think you need to schedule probably during the day wouldn't you think, Pat?

Commissioner Tuley: Yeah, probably! You're probably right.

Suzanne Crouch: I don't know, if you want officeholders to participate maybe you could cancel one of your regular Monday meetings and have it at noon.

President Mourdock: That's a very good idea. You're just full of them.

Commissioner Tuley: What did you say? Just full of it?

Suzanne Crouch: Anything to get out of a meeting.

Commissioner Jerrel: Well, the first Monday of the month is a non something else meeting.

Commissioner Tuley: Right.

Commissioner Jerrel: So we could have the first Monday of May as a meeting, or the first Monday in June. One of those two if we've got everything organized. I just think it would be good to share information.

Commissioner Tuley: Well, yeah.

President Mourdock: The first Monday in May is May 5th.

Commissioner Tuley: We probably will lose at least the Treasurer's Office.

Commissioner Jerrel: On May 5th?

Commissioner Tuley: The deadline is May 10th.

Suzanne Crouch: June?

Commissioner Jerrel: June 1st?

President Mourdock: June 2nd.

Commissioner Jerrel: June 2nd.

Commissioner Tuley: There you go.

Commissioner Jerrel: Let's do it June 2nd.

Commissioner Tuley: Is that a motion?

Commissioner Jerrel: I'll second.

President Mourdock: We will have a special...we will advertise

as a special meeting with officeholders for noon on June 2, 1997. There was a motion, second and I will say so ordered.

Suzanne Crouch: I have a question. If it is a special meeting, do we have to advertise those specific things that you are going to be discussing and are you limited to only those special things?

Joe Harrison, Jr.: What we'll do, if I could make a suggestion, would be to cancel or state that our regularly scheduled meeting will be at noon on June 2nd as opposed to 5:30 on June 2nd and an advertisement to that effect.

President Mourdock: Okay, in doing that given what we are trying to do with that meeting I think it is important that most or at least as much as possible of our normal agenda items be either taken care of the week before or the week after. Especially I am thinking of consent items.

Joe Harrison, Jr.: Sure.

Commissioner Jerrel: Right.

President Mourdock: So, we'll need to make sure, and, Lynn, you need to make sure all the officeholders who would otherwise be sending in consent items are aware of that.

Joe Harrison, Jr.: Also, just for your information, that is one of the months where we have five meetings. Five Mondays, you know, the Auditor's Office appreciates typing minutes for five meetings within a month, but that happens to be one of those months.

Suzanne Crouch: Are you speaking for the Auditor's Office?

Joe Harrison, Jr.: No!

President Mourdock: Okay, all that started off a discussion regarding the county attorney's seeking of some direction from this Board on the ordinance regarding dues and memberships of officeholders and their staff. I don't know that we heard a specific answer, but I guess what I did hear was perhaps we should list that as one of the items for that day.

Commissioner Jerrel: Yes, yes.

President Mourdock: So, we'll put that off until--

Commissioner Jerrel: You can explain it to them.

Joe Harrison, Jr.: It may be helpful to pass this draft to them prior to such time, so they can have some comments prepared. It might speed up the meeting.

President Mourdock: We're for that. Any other comments from the County Attorney?

Joe Harrison, Jr.: I think that's all. Thank you.

**Old business**

President Mourdock: Okay, so going back we did the consent items, we mentioned scheduled meetings. Old business, personnel policy we talked about. Any items of old business, Bettye Lou? Pat?

Commissioner Tuley: Not old business.

Commissioner Jerrel: This one I don't know whether it is old or new.

President Mourdock: Go ahead.

Commissioner Jerrel: I want permission to seek an appropriation request for the riverboat money for this session of the County Council by the 15th whereby the one third, one third, one third of the 1996 riverboat money would be appropriated into the three accounts that were established.

Commissioner Tuley: Second.

President Mourdock: So ordered. Any others?

Commissioner Tuley: That was new and old both.

President Mourdock: Okay, yeah, new and old both. Again, as an update the Welfare to Work that I mentioned will be meeting this Wednesday. The RFP is nearly finalized and Joe, I guess I'm looking for a little help here. I am hoping that we can issue the RFP by April 10th. That has been the deadline all along. That is going to be this Thursday. Can that be issued...assuming the group looks it over on Wednesday night and it is in its final form, can that be issued without something formal from this Board?

Joe Harrison, Jr.: You might want to have a motion made subject to any further changes, but the draft of the RFP that has been prepared I've got a copy of it with me. You might want to have a motion to that effect subject to any changes between now and the 10th. I am assuming thereafter, after the 10th, as soon as possible they would have a notice in the paper with respect to the advertisement of the RFP.

President Mourdock: Just for the benefit of the Board members, you may recall that the RFP as we've talked about basically we don't know how many people will respond to that as potential gatekeepers. The task force will go through all of those recommendations. There is a grading system in place. At least the top three of the respondents as judged through the grading system will be asked to come in and will be interviewed by that group. That group would then make a recommendation to this Board and then a negotiated contract would be put in place. So the RFP is just that. It is not a contract per se because we're sure there would be otherwise overlaps and gaps. That is in essence what the RFP is about.

Commissioner Jerrel: Okay, having said all that I will make the motion to approve the RFP being sent out subject to any

corrections that the attorney may find.

Commissioner Tuley: Second.

President Mourdock: So ordered.

**New business**

President Mourdock: New business items?

Commissioner Tuley: Yeah.

Commissioner Jerrel: Right, go ahead.

Commissioner Tuley: I think the fact that Mark Tuley worked his last day at Burdette last Friday, even though he is on payroll until May 16th because of accumulated time and what have you, but it is getting that time of the year when that park needs to have someone at the helm, so at this point in time I would like to recommend and I think it is also the recommendation of the Burdette Advisory Board that Steve Craig, who is the assistant out there and who has been, I think, with the park something like 25 or 26 years...and I am not sure I am going to word this right, but be named as the interim manager at Burdette until we find a new manager.

Commissioner Jerrel: Second.

President Mourdock: I will so order clearly with the understanding that Mr. Craig doesn't want to be the full-time director and that he is looking at the position as an interim position and I think he will do well there and certainly we'll work with him. Any other new business?

Commissioner Tuley: None from me.

President Mourdock: Just informally, then I will tell you that I met this morning with a couple members of the County Council and the issue was about how the county can proceed somewhat pursuant to one of the things that we put on the bulletin board last week, an economic development plan. They, the Council, are obviously the ones who review any requests for tax abatement or other incentives and I am hoping that we can better coordinate so that we can make a better package and perhaps even a flat system of what will receive abatements and what won't. The Department of Metropolitan Development has been active with that in the past, but it doesn't seem that it's always been consistent. I know there is always going to be some special rules in effect, but exactly how that is done is something that we need to work with and for. It is my understanding the Chamber of Commerce is looking to schedule meetings with all of the Council members and I know all of the Commission members are welcome to attend those as well, so when the invitations come out, and I don't know when those meetings will be but we will be hearing shortly, I would urge you to attend or otherwise contact individual Council members because I think it is critically important.

Commissioner Jerrel: Motion to adjourn.

Commissioner Tuley: Second. I've got to turn my microphone the right way.

President Mourdock: So ordered. We will be convening momentarily for a special Drainage Board meeting.

Commissioner Tuley: We are?

President Mourdock: Yeah, just to open...or review the bids. It won't take but just a couple of minutes.

Commissioner Tuley: Okay.

The meeting was adjourned at 7:26 p.m.

**Those in attendance:**

Richard E. Mourdock  
Bettye Lou Jerrel  
Patrick Tuley  
Lynn Ellis  
Joe Harrison, Jr.  
Suzanne M. Crouch  
B.J. Farrell  
Mike Shoulders  
Jim Flynn  
Ted Kuhlenschmidt  
Leroy Walther  
Jay Gentry  
John Heidingsfelder  
Sam Elder  
John Stoll  
Members of the media  
Others unidentified

VANDERBURGH COUNTY  
BOARD OF COMMISSIONERS

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Richard E. Mourdock, President

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Bettye Lou Jerrel, Vice President

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Patrick Tuley, Member

**Vanderburgh County  
Board of Commissioners Meeting  
April 14, 1997**

The Vanderburgh County Board of Commissioners met in session this 14th day of April in the Commissioners' Hearing Room of the Civic Center Complex at 5:31 p.m. with Vice President Bettye Lou Jerrel presiding.

**Introductions and Pledge of Allegiance**

Commissioner Jerrel: I would like to call the meeting to order. Our President is not with us. Mr. Mourdock was in another meeting and was ill and not able to be here this evening, so it is just Pat ...and I have called the meeting to order.

Commissioner Tuley: I see that.

Commissioner Jerrel: I would like to introduce our minute taker, Charlene Timmons; our Auditor, Suzanne Crouch; Commissioner Pat Tuley; and Superintendent of Buildings, Lynn Ellis; and I would like to ask you now if you would join me in the Pledge of Allegiance.

**Approval of minutes**

Commissioner Jerrel: The first item on the agenda, the minutes of the previous meeting. I would ask for approval.

Commissioner Tuley: I'll so move for approval of the minutes of April 7th as submitted by the Auditor.

Commissioner Jerrel: Second and so ordered.

**Joe Profaizer - SCT**

Commissioner Jerrel: The next item on the agenda is Joe Profaizer with the mug shot imaging system.

Joe Profaizer: Good evening. My name is Joe Profaizer and I am with the Computer Services Department. I am here this evening on behalf of the Vanderburgh County Sheriff's Department to request approval for sole sourcing of a mug shot imaging system which is a joint venture between the City of Evansville Police Department and the Vanderburgh County Sheriff's Department. We have contacted or sent out RFI's for a mug shot imaging system and the replies that we have got are not compliant with current operating systems that Computer Services employs and also Tiberon, our public safety vendor, is partnering with this company that we are sole sourcing with which is Digital Descriptors Systems, Incorporated. They highly recommend using this mug shot imaging system to incorporate with our public safety system.

Commissioner Jerrel: Are there any questions? First of all, I would like Lynn if she has a comment, too about the pricing.

Lynn Ellis: The Sheriff's Department does have money appropriated out of CCD. That was appropriated in 1996 and included additional hardware as well as the mug shot imaging

system. The Police Department was also appropriated funding last year and that was also carried over to this year, so there is funding available in both the Sheriff's Department and the Police Department accounts for the mug shot imaging system.

Commissioner Tuley: The only question I have because that was a question, or I was getting ready to make a statement. I thought we had provided funding last year through CCD. The last several discussions that we've had with you, Joe, have been with overload and stuff like that. Is this something that is going to have any kind of a major impact on your department or the services you provide?

Joe Profaizer: At this point in time we cannot support the system. Sgt. Williams from the Vanderburgh County Sheriff's Department and Sgt. Biederwolf from the Evansville Police Department will support the system until upon if SCT gets additional resources this system is put on the network. It will be operated as a stand alone system once acquired.

Commissioner Tuley: Okay.

Commissioner Jerrel: Just one comment. I think it is appropriate to say that we are fortunate to have Eric Williams and Ed Biederwolf and we are...this was not a number one priority in terms of the county's assignments this year. The court system's package was, but the fact that the money is in place and these two gentlemen are very competent and their departments have given this priority, then I think that it is appropriate, if they're willing to do that, that we go ahead and approve this and I'll entertain that motion.

Commissioner Tuley: I will so move at this time then.

Commissioner Jerrel: I will second and so order.

Joe Profaizer: Thank you.

**Marsha Abell - County Clerk**

Commissioner Jerrel: The next item on the agenda is the County Clerk.

Marsha Abell: Thank you, Ms. Jerrel. Commissioners, we gave you a report that was compiled by Larry Ice, Joe and myself of our visit to Williamsburg. I would like to point out that on Page 4 we have in there that this company has been doing this work and development since 1998. That's not right. That is supposed to be 1988 since '98 hasn't approached us yet. We're just so into the year 2000 we don't know what year it is. I brought a couple of things tonight and I want to leave one with you is the Court Technologies lab manual that they gave out. They didn't have enough to give us all one, so they gave me one and I just wanted to leave it with the Commissioners. You might want to take a look at it at your leisure.

Commissioner Jerrel: Thank you.

Marsha Abell: On the report that Joe and I prepared I have

numerous extra copies if you need some more for anyone. I provided copies of that to all of you. I think you're the only ones I have so far given it to. I wondered if you had any questions or any comments that you would like to make?

Commissioner Tuley: No, actually not at this time.

Commissioner Jerrel: Lynn, did you have a question? No, I heard you're explanation and I guess what we are waiting for now is to examine the final two and see if they're going to be what the court system is most interested in.

Marsha Abell: Yeah, we know that those of us that went are interested in both of these. We would like for the Police Department, Sheriff Department and some other people to be able to take a look at them also.

Commissioner Jerrel: Right.

Lynn Ellis: The mug shot imaging system that was just approved and other systems that are being considered for purchase will interface with both of the systems that Ms. Abell is considering for the court system.

Marsha Abell: That's what we were told by both companies. Yeah, we asked them that direct question.

Commissioner Jerrel: It would be nice if they would put that in writing before we sign any agreements with them.

Marsha Abell: I think when we get ready at contract time there is going be that and several other things that we want make sure we put into writing such as we know how long they've been here, but we just want to know how long they are going to stay.

Commissioner Jerrel: Right. Thank you very much.

Marsha Abell: Okay.

Commissioner Jerrel: Thank you, Joe.

**Lynn Ellis - Approve opening of bids**

Commissioner Jerrel: The next item on our agenda is Lynn Ellis, our Superintendent of Buildings.

Lynn Ellis: I have a request to open two bids this evening. The first is for County Highway and it is the 6 x 4 Carrier Mounted Hydraulic Excavator. We have numerous bids received for that one. That is bid number VC97-04. The other bid opening this evening is VC97-02-A which is a rebid of the semiautomatic handguns for the Sheriff's Department. I would request that both of those be opened.

Commissioner Jerrel: Okay, we do need a motion to approve bid opening.

Commissioner Tuley: I'll so move.

Commissioner Jerrel: I'll second and so order.

Lynn Ellis: If I may, Alvin Holder is here. Alvin is the new Purchasing Supervisor for the County and the City. Alvin, if you would stand up so that they can see you.

Commissioner Jerrel: Come on up and let us have a chance. Now you'll be appearing and it's Alvin?

Alvin Holder: Yes.

Commissioner Jerrel: A-l--

Alvin Holder: Yes, v-i-n.

Commissioner Jerrel: --v-i-n Holder?

Alvin Holder: Yes.

Commissioner Jerrel: Well, we're happy to have you. We're happy to have you in the county because we're happy to have Lynn with us.

Alvin Holder: Well, thank you. I think it is going be an opportunity for me. Right now I am just trying to get up to speed.

Commissioner Jerrel: Yeah, there are a lot of people you'll have to meet.

Alvin Holder: Right, yeah.

Commissioner Jerrel: Well, I know that Lynn will be happy to help in any way she can.

Alvin Holder: Right.

Commissioner Tuley: Welcome aboard.

Alvin Holder: Thank you.

<b>Tax Sale Clerk - Permission to advertise</b>
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Commissioner Jerrel: The next item is the Tax Sale Clerk. Lynn, are you doing that?

Lynn Ellis: Um, yes, I guess. I met with Mr. Fluty from the Auditor's Office and he and I discussed the tax sale. We would request that the Commissioners approve this evening advertising for title search work for the properties that are in place and are approved to sell during the tax sale. We would request that this be done at this point so that we can beat the August '97 deadline for this tax sale.

Commissioner Jerrel: Okay, do we have any questions? Do you have any questions regarding the tax sale?

Commissioner Tuley: I don't have any questions. I was just asking Joe that Sarah usually handled the tax sale stuff, I

thought, for the county. It was just more of a personal question than anything.

Commissioner Jerrel: Does the Auditor have any comment? Okay, hearing none, I'll entertain a motion for approval of the tax sale permission to advertise for title search services.

Commissioner Tuley: So moved.

Commissioner Jerrel: I'll second and so order.

### Contract for Services - Youth Alcohol Program

Commissioner Jerrel: The next is for contract for services instructors for the Youth Alcohol Program. Do we not have someone here representing?

Commissioner Tuley: I don't see Bill Campbell or anyone from his staff.

Commissioner Jerrel: I can read this contract for services from the Vanderburgh County Drug and Alcohol Deferral Service to have work performed by an instructor with the Youth Alcohol Program and the following information is included in the contract:

I do understand that the following tenants of the contract between myself and the Vanderburgh County Drug and Alcohol Deferral Services are as follows:

1. To act in the capacity of Instructor for required programs, each comprised of five (5) two hour sessions and to provide curriculum input and development as requested.
2. Remuneration for said services will be \$230.00 per five (5) unit series. Payment will be vouchered through the usual County process.
3. Will communicate with the Director of D.A.D.S. as to needs or changes relating to physical elements of classroom and/or educational materials.

Axillarial responsibilities of contractee are as follows:

1. To be at the site of the session (D.A.D.S. classroom) in time to open and prepare material prior to student arrival.
2. Check attendance and report absentees to the D.A.D.S. office within twenty-four (24) hours or the next working day.
3. Coordinate with D.A.D.S. staff all make-up sessions.
4. Schedule material needs (films, materials on loan) and/or guest speakers to enhance the curriculum.

This would be entered into on the 2nd day of January of `97.

The contract terminates on the 31st day of January, 1998. The instructor is Lisa Seif. Is there a motion to approve this?

Commissioner Tuley: So moved.

Commissioner Jerrel: I'll second and so order.

**DMD - Request for appropriation for the Daylight Sewer Project**

Commissioner Jerrel: The next item is DMD's request for an appropriation for Daylight Sewer Project.

Commissioner Tuley: This request to go before the Council for the project has been discussed for some time and then revised at least once. I would move at this time that DMD be granted permission to go before the Council in search of the funds.

Commissioner Jerrel: The amount that they're going to request is...let's go over this just a minute.

Commissioner Tuley: Okay.

Commissioner Jerrel: The cost estimate prepared by Three I Engineering in November of '96 was \$1,039,529.

"Several bids received by public bodies since that time for similar projects (Vanderburgh County another sewer; Evansville Water and Sewer Utility water treatment improvements) have come in from 10 to 15% over the engineer's estimate. Assuming that by a worse case scenario, 15% over the engineer's estimate would be \$1,195,500. Reducing that by the \$150,000 grant from the Indiana Department of Commerce would bring the local cash requirement down to \$1,045,458. The attached Request for Appropriation is for \$1,050,000. I think that it would be better to have a little extra appropriated rather than have a delay awarding the contract.

Phoenix Land Company has indicated that it will most likely contribute \$75,000 to the project. There is also the possibility the county could get additional IDOC funds in the event that Phoenix can sign up a land buyer committed to making a substantial investment."

John, do you have any comments on this? Are you aware of this? This is the Daylight Sewer.

John Stoll: I have not been really that much involved with the Daylight Sewer as of yet. The only sewer project that I have been working with is the Earle Sewer that runs up Petersburg Road and the easements that we needed out there.

Commissioner Jerrel: The only thing that I would like to be in the record, and Lynn you need to communicate with Mike Robling, that the balance in that Windfall Account that we set aside for that is \$1,197,924. So they had best not--

Commissioner Tuley: Come back for more.

Commissioner Jerrel: Well, they're not going to get any more.

Commissioner Tuley: That's what I said. They better not come back for more. There is no more.

Commissioner Jerrel: If it exceeds the estimate then they better go back and have somebody rebid. Okay, I'll entertain a motion for the appropriation for the Daylight Sanitary Sewer.

Commissioner Tuley: So moved.

Commissioner Jerrel: I'll second and so order.

**Any group or individuals wishing to address the Commission**

Commissioner Jerrel: The next item, are there any individuals that would like to speak to the group before we go to the department heads? Nobody? Okay, that was last your chance!

**John Stoll - County Engineer**

Commissioner Jerrel: John Stoll, our County Engineer.

John Stoll: Last week I had requested to go before Council to repeal \$300,000 from Lynch back to the Road and Street Fund. The request was to be modified to include a \$12,000 transfer for the bucket truck for the County Highway Department. Since that time we received a final invoice from the city for the South Green River Road project. They audited that project and found that there was another \$38,062 that they had not previously invoiced us for on sewer relocations down on that project. Rather than repeal the \$300,000 what we put in for Council was to repeal \$250,000 from Lynch to the Road and Street Fund, to transfer the \$12,000 from Lynch to Motor Vehicles...I mean, not Motor Vehicles, to Road Equipment and transfer \$38,062 from Lynch to South Green River. That will finalize the payments on the South Green River Road project.

Commissioner Jerrel: Okay, now will you communicate with the garage so that they know, you know, that we need to get the title information so the invoice can be finalized?

John Stoll: Sure.

Commissioner Jerrel: Okay. Is there a motion approving the request to go before Council?

Commissioner Tuley: I will so move at this time.

Commissioner Jerrel: I will second and so order. Is that all?

John Stoll: I received that letter that I passed out to you from Darrell Veach last week regarding the Fulton Avenue Bridge project. They have submitted the final plans to INDOT. There is still no guaranteed funding source for this project, but now

is the time that Rose can start making the request for the funds since the project is...the design is complete. In reviewing this...in reviewing the agreements, the design agreements back when this project was initiated, there was no construction engineering agreement for that project. In order us to have construction engineering on the project we would need to send out an RFP to get some proposals from consultants and see which one we wanted to hire. I was going to request your authorization at this time to proceed with preparing a Request for Proposals for that engineering, the construction engineering, so that way if and when it is funded we'll have a consultant selected for the inspection on the project.

Commissioner Jerrel: Okay. I'll entertain a motion for the request for bridge engineer proposals.

Commissioner Tuley: John, just a real quick question. Is this Fulton Avenue Bridge?

John Stoll: Yes.

Commissioner Tuley: Okay, I'll so move.

Commissioner Jerrel: I'll second and so order.

John Stoll: The street plans that you have in front of you are for Glenwood Hills, Section B. These street plans will be...it will be a curb and gutter street. They have been reviewed by Tim Spurling in my office and we would recommend approval of the street plans. The only thing that we wanted to point out was the fact that the Drainage Ordinance calls for a 600 foot maximum spacing of inlets and the maximum spacing on these streets is 814 feet. The design engineer, Morley & Associates, submitted calculations showing that it will not cause any problems as far as too much water encroaching out into the thru lanes and the pavement, so in spite of the fact that the Drainage Ordinance did call for 600 feet this will work according to the engineer's calculations and we would recommend-

Commissioner Jerrel: Do you have that in writing?

John Stoll: Yes, we've got the calculations right here. On that basis, we would recommend that it be approved.

Commissioner Tuley: John, I mean, is that common? What was the rationale then behind limiting the spacing to 600 feet?

John Stoll: Just to make sure that the depth in the street didn't get above three inches, or I think it is three inches, and so that the water doesn't encroach too far out on the lanes, so there is enough inlets to take the water to where it doesn't flood the thru lanes out.

Commissioner Tuley: Okay, but either you or Tim have reviewed the calculations and you're in agreement with Morley & Associates that it will not impact?

John Stoll: Yes.

Commissioner Tuley: You recommend approval?

John Stoll: Yes.

Commissioner Tuley: I'll so move.

Commissioner Jerrel: Second and so ordered.

John Stoll: Next, I've got a revised...a stop sign ordinance revision that needs to be advertised. This ordinance revision includes all the new intersections that have been added in through recent subdivision construction. It just needs to be advertised and that way it can be approved. I would recommend that it be okayed for being advertised.

Commissioner Tuley: So moved.

Commissioner Jerrel: I'll second and so order.

John Stoll: One other item. I just want to let you know that we are currently working on a concrete repair contract for concrete streets. We're looking at including Aspen Drive, Ohara Drive, Burch Park Drive, Southport Drive, Venetian Drive, Eastbrooke Drive, Walnut Lane and Whispering Tree Lane in that contract. If we can get the wage scales established soon we'll be--

Commissioner Jerrel: How do we do that? I mean, do we have a committee in place?

Commissioner Tuley: To review and make a recommendation as to which ones? I--

John Stoll: You mean the wage scales?

Commissioner Jerrel: Yes.

John Stoll: Yeah, there's a committee. Members were established--

Commissioner Jerrel: Last year?

John Stoll: --last year whenever the Appeals Court finally determined that the new law was the wage scale law we were supposed to be following.

Commissioner Jerrel: Okay. Any other questions?

Commissioner Tuley: I have none for John at this time.

Commissioner Jerrel: Thank you.

John Stoll: Thanks.

**Rick Dickinson - County Garage**

Commissioner Jerrel: Rick.

Commissioner Tuley: Charlene down there gets one.

Lynn Ellis: This is the report that they submitted earlier today.

Rick Dickinson: I don't have too much. Just the only road that we have left to clean up is Lynn Road. It would have been done today, but when we got there this morning we had a bigger surprise than what we thought was down there. There is a whole lot more trash down there that somehow got there over the weekend, but we will be done with that tomorrow.

Commissioner Jerrel: Do you have a comment, Lynn?

Lynn Ellis: Yes. The press release was issued today to all the papers, radios and T.V. stations regarding that. I will have a copy available for you in the packet from my status report so that you can see what went out. The Sheriff's Department has committed to send additional patrol cars out there to patrol the area.

Commissioner Jerrel: We're never going to get through if we don't.

Rick Dickinson: I was down Old Henderson today and Old Henderson looks pretty good. There weren't too many people that done anything down there.

Commissioner Tuley: Rick, where are we at in terms of Hogue Road? I know--

Rick Dickinson: Hogue Road is done.

Commissioner Tuley: It's done, okay.

Commissioner Jerrel: Are we...I mean, Lynn are you and Rick and Milton coordinating this FEMA reimbursement?

Lynn Ellis: Yes. Joe is actually working on that from the County Highway and putting the paperwork together. I have been communicating with him as well as a FEMA representative to ensure that the county gets the appropriations and reimbursements for that. We've also been approved for roads and so that is a great addition to the monies that will be coming back to the county.

Commissioner Jerrel: Very good because we're going for an extra appropriation for the removal, solid waste removal, so we're telling Council that it will go back, the General Fund will be reimbursed.

Rick Dickinson: I'm supposed to ask for \$10,000 for summer crews. Is that something that is always...I don't know how to go about this.

Commissioner Jerrel: Okay, do you...you don't have any part-time money in your budget?

Rick Dickinson: There must be a little bit in there. He said there was some left from last year, but some was transferred to a different account. Apparently there is still a little bit in there.

Commissioner Jerrel: Okay, well, let's make a motion to approve based upon checking the budget line items. Is that okay? That way we can--

Commissioner Tuley: Okay, to, I mean, subject to review of the budget?

Commissioner Jerrel: Yes.

Commissioner Tuley: Okay, and existing funds?

Commissioner Jerrel: Right. I want to review the minutes of the budget hearing last summer.

Commissioner Tuley: I'll so move with those recommendations.

Commissioner Jerrel: Okay. I'll second and so order.

Rick Dickinson: The only thing else I had is he wanted me to check on the mechanic again.

Commissioner Jerrel: Okay, nothing has happened on the mechanic yet. Did anyone check on the process of repairing vehicles at night, I mean on the second shift?

Rick Dickinson: I didn't know we were supposed to.

Commissioner Jerrel: Well, I had discussed this with Milton just about...we do have one mechanic--

Commissioner Tuley: On second shift, yeah.

Commissioner Jerrel: --that works the second shift and I asked him if that was working because that is the logical time that you would fix them.

Commissioner Tuley: I guess basically, Rick, what we are trying to find out is does it make more sense when the vehicles are parked at the garage to be able to get them working or is there a need for like emergency breakdowns and what have you during the day when all the work is going on?

Rick Dickinson: We definitely need mechanics in the day. I think it makes a lot of sense to put a mechanic on second shift for simple stuff like tune-ups and stuff like that.

Commissioner Tuley: Oil changes.

Rick Dickinson: Just leave it overnight. Oil changes, yeah, they do that now. Oil changes and grease is what--

Commissioner Jerrel: But there is just so much of that you can do every night.

Rick Dickinson: Yeah. All they do is change oil and grease.

Commissioner Tuley: Okay, but a lot of the repairs can be done while the crew is not there so you're not losing the use of the truck anyway and all those guys standing around.

Rick Dickinson: Yeah, there are a lot of times when we come in at 2:00. We'll limp a truck all day just to make it through the day and at 2:00 everybody knows it is broke down, but it is sitting in the garage overnight and when you get in the next morning--

Commissioner Tuley: It's still broke.

Rick Dickinson: --you've got to work around that truck being down. Yeah.

Commissioner Tuley: Okay.

Commissioner Jerrel: I think we need to talk about doing it that way.

Commissioner Tuley: Okay.

Rick Dickinson: I think it would be a great idea.

Lynn Ellis: Doing the mechanic on the second shift?

Commissioner Tuley: Right.

Lynn Ellis: Now, Rick, there is someone working at night now right?

Commissioner Jerrel: Two of them.

Rick Dickinson: Yeah, two of them. I can't think of their titles.

Commissioner Jerrel: Well, one of them was a mechanic on the first shift, so--

Rick Dickinson: Yeah, I believe that was Dooley.

Commissioner Jerrel: Yeah, so that person could be--

Commissioner Tuley: How many mechanic's positions do we have? Is there--

Rick Dickinson: Three.

Commissioner Tuley: Three total?

Rick Dickinson: We've got two filled. Like I said, I'm not sure what Dooley's title is.

Commissioner Tuley: The theory then what we are talking about doing is the possibility of having one mechanic for emergency repairs and what have you during the day and two to do the work at night so that the trucks stay on the road and the crews stay on the road. It makes sense.

Lynn Ellis: Rick, how many do you have on the day shift?

Rick Dickinson: Right now we have two and we're supposed to have three. We basically need two on days.

Commissioner Tuley: You need two on days?

Rick Dickinson: Yeah, because if we send one out on the road...like if someone breaks down on the road we still need a mechanic in the shop.

Commissioner Tuley: Okay.

Rick Dickinson: Like I said, I don't know what Dooley's title is. I don't know if it is mechanic or what it is, but if you put that one you're going to hire on nights he could do a bunch.

Commissioner Tuley: Okay, so you could keep two on days and eventually you would have two on nights. Is that what you are saying?

Rick Dickinson: Yeah.

Commissioner Tuley: Without creating any new positions. That's just filling existing positions?

Rick Dickinson: Yeah.

Commissioner Jerrel: Right, existing.

Lynn Ellis: There is definitely a need for the mechanics during the day. I was out with the crews all day today and the trucks are in desperate need of repair during the day. They had three or four of them down at one time needing repairs.

Commissioner Jerrel: I have left a person for you to contact that they have recommended from the garage. Anything else?

Rick Dickinson: That's all I've got.

Commissioner Tuley: I'll move acceptance of the two reports submitted by the Highway Department.

Commissioner Jerrel: I will second and so order. Thank you, Rick.

Lynn Ellis: Ms. Jerrel, the Highway Department also submitted a request from Jack Crawford to refuse to pay an invoice due to a late charge of \$24 for sending a bill for \$240. They refused to pay that.

Commissioner Jerrel: Let's hand that down and let the Auditor take a look at it. That's for Terri.

Lynn Ellis: I know that other government agencies don't pay late charges or finance charges and aren't permitted to.

Commissioner Jerrel: We have someone in the Auditor's Office that is very good at this. She is worse than I am.

Commissioner Tuley: That's good.

**Joe Harrison, Jr. - County Attorney**

Commissioner Jerrel: Okay, County Attorney.

Joe Harrison, Jr.: Okay, I guess we might as well start with the bids that were just opened. The first related to bid VC97-04 and it related to the 6 x 4 Carrier Mounted Hydraulic Excavator. There were three bids that were accepted.

1. Scott Heavy Equipment, Inc. \$193,508.49  
Madisonville, Kentucky
2. Southeastern Equipment Co., Inc. \$219,165.90  
Indianapolis, Indiana
3. Carlisle Equipment LLC \$236,841.00  
Wilder, Kentucky

Those were the three bids.

Commissioner Jerrel: What was the first one again?

Joe Harrison, Jr.: Scott Heavy Equipment, Inc. and that amount was \$193,508.49. I would recommend that they be reviewed for their reasonable and responsiveness to the bids.

Commissioner Jerrel: Is there a motion to take these--

Commissioner Tuley: So moved.

Commissioner Jerrel: Second and so ordered. These will be taken under advisement.

Joe Harrison, Jr.: The next one, the next bid opening related to semiautomatic handguns and that is VC97-02-A. There was only one bid. Several submitted paper saying they did not want to bid, but there was only one.

1. Kiesler Police Supply Ammunition Co., Inc.  
Jeffersonville, Indiana

There were a number of bid amounts that they set forth within the bid, so in order to review that adequately I would ask that it be taken under advisement to see if it is responsive and whether or not they want to take a further look at that.

Commissioner Tuley: So moved.

Commissioner Jerrel: I'll second and so order for VC97-02-A, Kiesler, Inc.

Joe Harrison, Jr.: The next item that I had was the Burdette Park Food and Beverage Service Contract has been signed by Suzanne Kasinger. That was forwarded to her for her review several weeks ago and it has been executed. It relates to the services that have been provided out there for the last several years. I have unfortunately just the original with me. Again, she is an independent contractor and the terms of that particular agreement are the same as they have been the last

couple of years.

Commissioner Jerrel: Okay, is there a motion to approve?

Commissioner Tuley: So moved.

Commissioner Jerrel: I'll second and so order.

Joe Harrison, Jr.: Let me see here if there is something else that I have. I think that's it unless you all have any questions. I think that is it this evening.

Commissioner Tuley: I don't have any.

Commissioner Jerrel: Okay, nothing?

**Lynn Ellis - Superintendent of County Buildings**

Commissioner Jerrel: Lynn, Superintendent of Buildings.

Lynn Ellis: Yes. I apologize for not having that in your packet for your review over the weekend. As you know, I have been out of the office a lot doing running around and reviewing the entire county, I think, and most of it today. There are several items in there for your review. As I stated earlier, there is a copy of the news release that was done regarding the flood victims and the debris cleanup. There are several issues that were addressed this afternoon and this morning when I was out with Milton from the County Highway. A couple of things from Burdette Park need to be addressed quickly. Joyce contacted me this afternoon regarding these. There was a letter sent to the Commissioners and that is in your packet at about Page 5, four or five, that was dated March 4th that regarded the aquatic center. The request was to change to positions out there so that they anticipate a savings through this change. I anticipated that this...the intent was to turn this over to the Advisory Board for their review.

Commissioner Jerrel: Yes.

Lynn Ellis: Would you like for me to do that? We will be meeting this Thursday.

Commissioner Jerrel: Yes, I think that was the reason. We didn't want to make changes without giving them the opportunity. That would be one way to learn. Isn't that right, Pat?

Commissioner Tuley: Yeah, that's right.

Lynn Ellis: Okay, then I would ask that they would bring back a recommendation Monday evening, one week from today, regarding that so that Burdette can take action on that. The other was to approve, and this may as well...you may desire that this be turned over to them as well, but there is a request to approve hiring three or four ground crew employees at this time to begin preparation of the grounds and the pool so that the facilities can open on time for the summer.

Commissioner Jerrel: Did you ask, I mean, I think this question

came up. I know we hire ground crew people, but the question arose what do the full-time union employees do as related to the grounds?

Lynn Ellis: Okay.

Commissioner Jerrel: That question was asked during that first Board meeting.

Lynn Ellis: Right.

Commissioner Jerrel: That's just as long as you all are talking you might as well--

Commissioner Tuley: Yeah. Lynn, I don't remember, how many...I mean, do you know of the top of your head, I mean, the full-time union that Commissioner Jerrel is making reference to? Like Joyce is full-time union.

Commissioner Jerrel: I think there are five.

Commissioner Tuley: Five or six?

Commissioner Jerrel: Yeah, and what they're...they were going to give their assignments. You know that's what you did.

Commissioner Tuley: Right. You might want to look into it since you have the Board already meeting anyway. It may be something that you want to take a hard look at with the rain and everything it is going to take a lot of people just to keep the grounds in shape and it takes quite a few to get that pool ready to go.

Commissioner Jerrel: Right.

Lynn Ellis: Right, and there was discussion of potentially changing over the pool maintenance, the type of chemical that is being used in there and so there are a lot of issues being questioned at this time.

Commissioner Tuley: Get the Advisory Board hitting the ground with their feet--

Commissioner Jerrel: Yeah, and tell them we don't want any errors, so--

Lynn Ellis: Okay.

Commissioner Jerrel: --to study these issues.

Lynn Ellis: Okay, I'll bring both of those up Thursday. I hated that Commissioner Mourdock is not here this evening.

Commissioner Jerrel: I do too!

Lynn Ellis: I wanted to...or I am sure he would like to do a big check mark on the Welfare to Work RFP. It was sent out Thursday and it is out on the street and is available for persons to pick up. We've had a couple of interested persons contact the office for a copy of that. I know that he wanted to do a ceremonial

checkoff of one item being accomplished on the board. Since that is such a large one, it is a nice accomplishment for Vanderburgh County.

Commissioner Jerrel: I know if Richard were here he would say thank you to you and to Joe for the work that both of you did in order to make this come about. I think it would be in order for you to put a big red check up there tomorrow.

Lynn Ellis: Okay. One item that we addressed previously was the Auditor's Office with the tax sale. Item 7 is the personnel notes. I know that you scheduled a meeting for June 2nd to review the personnel manual. I will be drafting all of those comments and concerns for, hopefully, your next meeting. I was supposed to have it ready for this evening, but...and, again, this coming week I am only going to be in the office, I think, with all the workshops and meetings about half a day. So I am hoping that I will have that for your review Monday. There are a couple of items that have come up and notes that were received. The last thing that I had is a summary. I have asked that this be started. What I am doing is reviewing the minutes from each meeting to add items to this list. That was in the front of your packet actually that you had over the weekend. It is a summary for you to keep track and for myself as well because it seemed overwhelming to try to keep track of all of the items that were being referred to other persons to handle on your behalf. So that is a summary and as they are completed we can check them off and make sure the things that you are asking to be done are actually accomplished.

Commissioner Jerrel: Are there any questions of Lynn?

Commissioner Tuley: Well, it is overwhelming the variety and the amount of work that passes through this office.

Lynn Ellis: Yes, sir. It is overwhelming at times. It keeps you on your toes, that's for sure.

<b>Contract for Services - Youth Alcohol Program</b>
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Commissioner Jerrel: Before we go to the next order of business, I need to correct something. Earlier when I gave the contract services the name was not visible. There were two people that were going to enter into contracts for the D.A.D.S. services. One was Lisa Seif and the other is Mary Angel, so I would like to make sure that Mary Angel's name is also added.

Commissioner Tuley: You need a motion amended to--

Commissioner Jerrel: We do need a motion.

Commissioner Tuley: --approve both contracts?

Commissioner Jerrel: Yes.

Commissioner Tuley: I'll so move.

Commissioner Jerrel: I'll second and so order.

**Consent items**

Commissioner Jerrel: Under the consent items are there any questions concerning any of the--

Commissioner Tuley: Just one more addition.

Lynn Ellis: Actually, there are a couple. One is regarding an employee that the department is asking to be placed on Medical Leave Act and I will pass out this. The request is from Jayne Berry-Bland and it regards an employee that has used all of the sick leave and annual leave. They're asking that she placed on the medical leave under the Medical Leave Act. This would enable her to remain on insurance. There is a pink slip in the signature file for that.

Commissioner Jerrel: Okay, this is an addition?

Lynn Ellis: This is one of those items that I've included in my comments regarding the manual. I was trying to prepare a form that might be used by every office. Like in the exit interview something similar to that which could be utilized by all county offices for a request for medical...family and medical leave because right now it can be a little bit confusing.

Commissioner Jerrel: Does the policy...do you want to refer to the handbook?

Joe Harrison, Jr.: An employee is eligible for up to 12 weeks of unpaid leave and that appears to be what she is seeking.

Commissioner Jerrel: Okay, that's included in our consent items, right?

Commissioner Tuley: You need to add it to consent, yeah.

Commissioner Jerrel: Okay. We'll have added to the consent then the request for Delores Buickel to go on extended medical leave.

Lynn Ellis: Yes, and then the other item that was added is a travel request. This is being submitted on behalf of Commissioner Pat Tuley, Marsha Abell and David Byrne from the Clerk's Office and this is for travel regarding the election procedures to review equipment. There is a request in here for that and I will pass out copies of that as well.

Commissioner Jerrel: Do you want to explain that?

Commissioner Tuley: Yeah, remember several years ago we had some problems with getting some returns in and then there was a task force developed in which I was part of it to review and then there has been some recent discussions again about do we want to maintain the same kind of system that we have or do we want to look at other options? Business Records who has our current contract to provide us election services wants us to go to Cincinnati to review a big election. They use the same system that we have here. Some different things that they do is they hook up through computer monitors to T.V. screens so that the media can sit in a room and through the T.V. monitors they'll

see those results come in just as they're doing it. They want to show us that as large as Cincinnati is that this same system with the proper equipment and the proper people on site works very well. So there was a request sent to the Commissioners by letter several months ago, a couple of months ago anyway, to have us go over and review that.

Commissioner Jerrel: Is this something that we have asked to do though or they are asking us to do it?

Commissioner Tuley: Marsha has asked because she as a new clerk and getting ready to do her first election next year she wants to see what options are available to her, but they've not asked us to come to Cincinnati. We've just talked to them. I met with Marsha and Dave and Rob McGinnis from Business Records probably the first or second week of January to talk about the possibilities. We know there is not money and I don't know if there is a desire in this county to change it, but we want to go over and see what other things we can do without spending a lot of money that would improve upon what we are doing.

Commissioner Jerrel: I would just comment to put this into the mix of things, most of our money in our budget is going to go towards the court's package. I hope you'll keep everybody--

Commissioner Tuley: Informed.

Commissioner Jerrel: That's right. That the court package is the number one--

Commissioner Tuley: Yeah, and we are talking like some minimal costs like \$7,500 or something, but I will pass that along to them.

Commissioner Jerrel: Okay.

Commissioner Tuley: We are traveling as cheap as we can. We're going to double up. Dave told me to bring earplugs, he snores. So we are doubling up. They checked on the airfare and that's unreasonable. I think what we are going to end up doing is taking one personal vehicle that we'll all ride in.

Commissioner Jerrel: So that is all included under consent. Is there a motion for approval?

Commissioner Tuley: Yes, I so move.

Commissioner Jerrel: I'll second and so order.

#### Scheduled meetings

Commissioner Jerrel: There is a scheduled meeting list and don't forget we are going to have the June 2nd special meeting during the day.

#### Old business

Commissioner Jerrel: Is there any old business to come before this Board?

Commissioner Tuley: I have none.

Commissioner Jerrel: Madam Auditor? Is there--

Lynn Ellis: Yes.

Joe Harrison, Jr.: Yes. I forgot something. From time to time there are poor relief appeals from the various townships that are submitted to the Board of Commissioners for their consideration. I believe in the past, and it is permissible under the law, that a hearing officer may be appointed by this Board to hear those appeals and then from there if the petitioner wishes to proceed further with an appeal, then the next body would be the court system, the Circuit or Superior Court here in Vanderburgh County, from that particular decision if the individual wishes to go further. Did Alan Kissinger do that in the past?

Commissioner Tuley: Yeah, we had one particularly embarrassing situation where we had a lot of discussion in a public meeting, so it was decided at that time then that we would under law use the ability to appoint. We appointed Alan and what Alan did was sit down with the individual along with the Township Trustee, review the appeal, determine that the denial was based on the approved guidelines established by their Board and then come to this body with a recommendation to either back up the Township Assessor or overrule the Township Assessor.

Commissioner Jerrel: I remember now the one you're talking about.

Commissioner Tuley: Yeah.

Joe Harrison, Jr.: I glanced at the statute, I don't have it in front of me, but I did review it a week or so ago and it appears that we may want to...if you all want me to do that, that's fine, but again provide notice for the individual to maybe come in here for a...to make the presentation and then I can come back to you all with a recommendation or I can make a determination and inform you what that determination will be. There are guidelines that say you have to make a determination, I think, within five days or four days of the hearing and then there is a right to appeal from there, so whatever you want me to do that is fine.

Commissioner Jerrel: Since generally these things are emergencies, I think we ought to do it right away.

Commissioner Tuley: I would move that Joe be given permission to make the decision.

Commissioner Jerrel: I'll second that and so order.

Joe Harrison, Jr.: Thanks.

**New business**

Commissioner Jerrel: Is there any other new business?

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Commissioner Tuley: Old business? New business? I have no other business.

Commissioner Jerrel: Okay. I'll entertain a motion to adjourn.

Commissioner Tuley: So moved.

Commissioner Jerrel: So ordered.

The meeting was adjourned at 6:32 p.m.

**THOSE IN ATTENDANCE:**

Bettye Lou Jerrel  
Patrick Tuley  
Joe Harrison, Jr.  
Lynn Ellis  
Suzanne M. Crouch  
Charlene Timmons  
John Stoll  
Rick Dickinson  
Joe Profaizer  
Marsha Abell  
Others unidentified  
Members of the media

VANDERBURGH COUNTY  
BOARD OF COMMISSIONERS

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Bettye Lou Jerrel, Vice President

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Patrick Tuley, Member

**Vanderburgh County  
Board of Commissioners Meeting  
April 21, 1997**

The Vanderburgh County Board of Commissioners met in session this 21st day of April in the Commissioners' Hearing Room of the Civic Center Complex at 5:41 p.m. with President Richard E. Mourdock presiding.

**Introductions and Pledge of Allegiance**

President Mourdock: If you intended to be at the meeting of the Vanderburgh County Commissioners, that's where you are. If this isn't where you wanted to be now is a good time to leave. Over on this desk we have agendas for this meeting that will list all the issues that we will be discussing that we are aware of at this point. If during the meeting you care to make any comments, because we record all of our minutes verbatim from tapes, we would ask that you go to the microphone and identify yourself, state your name and address. By way of introductions, at the far left is Charlene Timmons, who is our official Recording Secretary; to her immediate right is Ms. Suzanne Crouch, who is the County Auditor; in a moment Bettye Lou Jerrel, Commissioner, will be joining us; my name is Richard Mourdock; Pat Tuley, County Commissioner, on my right; to his right, Joe Harrison, Jr.; and momentarily to Joe's right will be our Superintendent of County Buildings, Lynn Ellis. We will go ahead and start, as is our custom, with the Pledge of Allegiance and hopefully we will have others join us momentarily.

**Approval of minutes**

President Mourdock: Precisely on cue, Bettye Lou joins us. We have on our agenda a series of action items. The first of those being the approval of minutes from the meeting of April 14th.

Commissioner Tuley: Mr. President, I'll move for approval of the minutes of April 14th as endorsed by the Auditor.

Commissioner Jerrel: Second.

President Mourdock: So ordered. Just by way of signatures, since I was not here last week I'll not be acknowledging those minutes.

**Certification of Executive Session**

President Mourdock: The second item on our list is Mr. Mike Shoulders--

Commissioner Tuley: Certification--

President Mourdock: Ah, you're right. We also will be certifying tonight that we had an Executive Session of the Vanderburgh County Commission immediately prior to this meeting. At that meeting no decisions were made, no votes were taken and the issues there related to pending litigation and personnel matters.

**Mike Shoulders - Veazey Parrot & Shoulders**

President Mourdock: With that out of the way, Mike Shoulders.

Mike Shoulders: Good evening, Commissioners. My name is Mike Shoulders. I have three issues or three items to report to you on the Vanderburgh County Auditorium and Convention Center project. First, is an environmental update and I did give a handout of a summary from Environmental Management Consultants. I suppose that the news is quite good at this stage concerning the nature of the soils on the site. If you look at the last page of the handout you'll recall, you've seen it before, there were in the old records, property records, there were identified at least three old gas stations in the vicinity, two laundries, two cleaners, a radiator establishment at various times in the past, so there were five soil borings taken on site, one in the middle of the building that is over there now. I am happy to report that there were no contaminants that would exceed the published levels of EPA standards. This is so indicated in the handout. There were some traces of some metal pollutants, and they were just traces, and they were way below the EPA standards to classified those traces as hazardous. That's sort of surprising. Not surprising, but it's a pleasant surprise in the downtown area that the soils were very, very clean. There was no indication, even no sniff of petroleum. Nothing, so we are free to proceed now with our excavations at such time as we bid the project without fear of encountering hazardous materials. Now this is based on five spot borings and contractors...earthwork contractors know what to do if they would encounter a particular area in the site that might be suspicious, but we are relatively surely convinced that we have a clean set of soils in the area. Now the other issues in this update are the fact that we do have some asbestos containing materials inside the building. The word is not totally out on those contents. It is still being analyzed in the lab. We know that there are traces in the ceiling plaster of the auditorium, in the floor tile, in the thermal insulation and in the stage curtain. Now that is not the fire curtain. There is a big fire curtain required by code that has a steel frame that is up inside the structure that drops in a fire. So that is not the fire curtain, it is the actual stage curtain that you see which we had planned to replace anyway. Now, what I would like to propose to you, on preliminary analysis the range on the asbestos in the plaster samples was somewhere up to two percent. There exists another method of analyzing plaster which we call the "point counting method" that is much more precise. It's much more exact in quantitative method for analyzing...it's a lab analysis for analyzing the contents of asbestos in plaster. What I would like to ask tonight is that the Commissioners approve an additional \$320, which is \$40 per sample, to do the point counting method and if we find in that more precision method that the contents is one percent or less, and it will pinpoint it very closely, then we will by definition not have an asbestos problem in the plaster. This will save...I'll tell you right here and now, if we find in the point count method that we are one percent or less we will save a lot of money in environmental mitigation on our plaster that we are tearing out of that building.

President Mourdock: What's the other side though? What happens if the numbers come in eight, ten or twelve?

Mike Shoulders: Well, you know, we're demolishing that ceiling anyway, so what it will mean is a little more cost in terms of care taken to bring it down and then there will be off-site disposal that will cost more than if it is non-asbestos containing. So we'll incur costs on more care taken for removal instead of just hitting the wrecking ball at it and we'll incur more costs at the dump sites if it exceeds the one percent. We stand...if we can determine that it is only one, then we can save dollars during construction.

President Mourdock: Yeah, that wasn't quite my question though, Mike.

Mike Shoulders: Okay.

President Mourdock: We're saying right now that it is between two and five?

Mike Shoulders: Yeah, that is on the broad scope analysis.

President Mourdock: Okay, of what they've done already it has come back two to five?

Mike Shoulders: Right.

President Mourdock: What happens if they do the point count and it comes back at fifteen?

Mike Shoulders: Well, we are going to have to abate it. I mean, regardless, anything above one percent we're still going to have to abate.

President Mourdock: Okay, so if it is fifteen it isn't necessarily going to cost us any more than if it is three?

Mike Shoulders: Not really. I mean, we're going to have to dispose of it. I would ask for your approval of an expenditure of \$320 to get the point count analysis completed and then in your handout Environmental Management Company is stating that they are now ready with the completion of the point count to prepare bid specs to go out for Phase Three for competitive bidding on any mitigation that would be done, to solicit competitive bids for Phase Three mitigation.

President Mourdock: For the asbestos?

Mike Shoulders: For, yes, for asbestos. Also, there is a tank to be removed. There is an on-site tank and our building is going to go...so it is asbestos abatement and storage tank removal. That tank is not leaking, but we want to get it out of there prior to building across the side. So there are really two sets of specs that would be needed. Now, they have agreed to give us an estimate by the end of the week on what they think their cost will be to prepare those specs and I would forward them to John Stoll for your review. I would like your permission to go ahead and get the \$320 for the point count and

your permission to ask for an estimate of cost on the bid specs to bid the project on the environmental.

Commissioner Jerrel: I just have a question.

Mike Shoulders: Uh-huh.

Commissioner Jerrel: You're talking about \$320 per what? How many?

Commissioner Tuley: Total.

Mike Shoulders: No, that's total dollars. It's \$40 per.

Commissioner Jerrel: I'll move approval.

Commissioner Tuley: I'll second.

President Mourdock: So ordered. Was that for both issues?

Commissioner Jerrel: Yes. Yes, both issues.

President Mourdock: Okay.

Mike Shoulders: Okay, thank you. I wanted to report item two. At the April 9th meeting of the Board of Public Works, Bowers Harrison Kent & Miller processed a street vacation request and it was approved. That was two days after my last report, so a week ago last Wednesday, and what that means is that the strip of ground out here at the auditorium site that has the pull-off and the parking meters have been relinquished, has been vacated from city easement and now is the purview of the county to utilize in their project. Mr. Harrison's office did the work on that vacation. I suppose the one last bit of cleanup would be whether they want us to try and save the parking meters and give them back or something. I mean, that's the only other issue, so they can put them on my street or something! We have to get this recorded, but that was one of our last property boundary issues. We got a favorable action from the Board of Works. I wanted to give you a report on the wood flooring in this project. I have spoken with Mr. Ed Moser about this and I would like to say before I begin that he has been a pleasure, a professional and gentleman in speaking with me about the needs of his club. He has been here, as you know, just about every meeting. My report is probably not going to be that welcome by Mr. Moser. Maybe part of it is and part of it isn't, but I wanted to say that I wish we could have met all of needs, but we are talking about looking at the needs of all users and all county persons who would utilize that ballroom. My report is that after looking at and conferring with my consultants and looking at other facilities that we need to use a high grade commercial carpeting in our ballroom. That is pretty much the prevailing consultation of our consultants and it is pretty well pervasive throughout this industry in the modern ballroom. Carpet, of course, is much, much better today than it was 30 years ago in terms of maintenance and durability, non-static and other issues, cleanup issues. There are severe acoustical problems with an all wood ballroom floor and as big as ballroom that we are building we begin to get the acoustics of a

gymnasium in our ballroom with an all wood floor, so that is one big issue. The other issue is the flexibility. We would prefer to include in the project a system of portable wood flooring. We have two sections of portable wood flooring in the budget and would be able to put that anywhere within the ballroom at the layout that is desired by the person who is renting the space and be able to store that away. There have been instances where people have built all wood floors and tried to have carpeting, portable carpeting, to lay over that and it has been a real nightmare for them. The carpeting in long rolls does not store well. It gets crimped. The corners get bent. We can store portable wood flooring in racks and we can keep it nice for many, many years. Permanent wood flooring is much, much more difficult to maintain in a ballroom over time as opposed to permanent carpeting. It is much less flexible, so for those and other reasons...the other reasons that when we are not...when we are doing some exhibits, booth exhibits, we have floor outlets that the carpet can cover. For those and other reasons, we're recommending to the Commissioners that we be authorized to utilize permanent carpeting in the ballroom with the purchase of two sections of portable wood flooring. This is high quality wood flooring that fits together in tongue and groove with special tools. It will not have raised bumps. It is probably as good or better than what is used out at the stadium for the basketball floor and there are no raised humps in that floor.

President Mourdock: When you say two sections, how many square feet are we talking about?

Mike Shoulders: Okay, there would be two sections that are 21 x 30 meaning that when it is put together it would be 42 x 30. Now, that is considerably less than Mr. Moser has requested, but Mr. Moser's request would virtually fill the whole room, the ballroom, without much room for his tables for his people to sit when they are not dancing. To give you an idea, the Green Center was 48 x 90, that wood floor that is in the Green Center with ample carpeted space on either side. Mr. Moser's club would preferably like to have 72 x 120 and our ballroom is only 110 x 140. We have included in this project for wood flooring over \$125,000. We have new wood flooring on the stage in the Vanderburgh Auditorium. We have new all new wood flooring in what we call our warm-up room that is off of the stage. This is a 30 x 50 room with all glass mirrors on one wall and the ballet rail. It is a warm-up space for actors, dancers, etc., and it has all wood flooring in that. Then these two sections of portable flooring to be stored and utilized in the ballroom, again, at a size of 30 x 42 when they are both put together. These systems come in 3 x 3 sections and you can buy them from this particular company in 30 x 21 square foot...or 30 x 21 increments. Now, the other option for clubs who may need larger spaces is for them to rent additional sections of this flooring as per their needs and add to this. We would need to consider whether we would allow for that to happen.

President Mourdock: How expensive are one of these sections?

Mike Shoulders: They're about \$10,000...the 21 x 30 are about \$10,000. We've got two of those in there and we've got about...so if you add up all that flooring I was talking about

actually we are at about \$135,000 for wood flooring in the project as a whole in our budget now. Our budget is tight as you know, as my reports have indicated over the past several weeks.

President Mourdock: I'm well aware. Okay. Given where you are in the plans, I presume we can take this under advisement this evening and we don't need to make a decision this evening?

Mike Shoulders: You do not need to make a decision. It is our strong recommendation that you consider the input and if you have questions, please call me and we will discuss it further over the phone or if there is any question about this whole scenario I would be happy to answer it.

President Mourdock: Just one other question going back to your rental idea for some of that wood floor. What I am wondering is since Mr. Moser's club is the one who is intensely interested in this if it would be possible if they bought other sections, or if somebody bought other sections, could that be adequately stored there and utilized?

Mike Shoulders: I think we could probably store them. They come in...let me show you a photograph here that shows the carts and it shows the system in place. I would like this back.

President Mourdock: Mike, I guess, my key question is if you take two 30 x 21's and put them together for 1,200 square feet or whatever, can you put, basically, an infinite number together as long as you've got the space?

Mike Shoulders: Yeah, I mean, they will clamp together and lock together with tongue and groove and then there are edge pieces for transitioning, some wedge, you know, shaped pieces around the perimeter. It's, you know, yes, you can put them together forever, I suppose.

President Mourdock: Okay. Anything else?

Mike Shoulders: Thank you. I would like that back at the end of my report. Thank you.

Commissioner Tuley: Thanks, Mike.

President Mourdock: Thanks, Mike.

**Final reading - Ordinance to amend Chapter 72, Schedule II**

President Mourdock: The next item on our agenda is John Stoll with a final reading. Did I see John in here?

Commissioner Tuley: Yeah, he is hiding behind the podium.

President Mourdock: Yeah, okay. John Stoll with the final reading on a amendment for some changed traffic regulations.

John Stoll: Right. That is the revised ordinance that was brought up last week for the stop sign intersections. It is just adding the intersections that have been built in new

subdivisions.

President Mourdock: I think there was one in addition that is not a new subdivision, but it was at the new Lynch Road and Burkhardt.

John Stoll: Yes.

Commissioner Jerrel: Do you need a motion?

President Mourdock: Yes.

Commissioner Jerrel: To approve?

President Mourdock: Yes, for a final reading and since this is an ordinance we'll have to have a roll call vote.

Commissioner Jerrel: I would like to move approval of the ordinance which had first reading on 4/14/97, Chapter 72, Schedule II of the Code of Ordinances.

Commissioner Tuley: Second.

President Mourdock: I will say...roll call vote. Commissioner Tuley?

Commissioner Tuley: Yes.

President Mourdock: Commissioner Jerrel?

Commissioner Jerrel: Yes.

President Mourdock: I will vote yes, so it is approved.

**Les Shively - Schlensker Road speed limit reduction request**

President Mourdock: The next item on our agenda, Mr. Shively regarding some Schlensker Road traffic issues.

Les Shively: Thank you, Mr. President and members of the County Commission. My name is Les Shively. I am here on behalf of Mr. and Mrs. Gary Williams who are the developers of a five lot subdivision on Schlensker Road, on the north side of Schlensker Road, known as Astoria. Sue is with me here this evening. Let me just give you a very brief history of what has occurred and why we are here this evening. First of all, several months ago a road cut, an entrance to this subdivision, was put in. In hindsight, and I'll be the first one to say this, the prudent way to have proceeded probably would have been to work a little more closely with Mr. Stoll's office and let them know we were out there when we put that cut in there. After that happened Mr. Stoll contacted Mr. Nicholson, the engineer for this project, and expressed some concern. He expressed that concern, as I understand, on the premise that the speed limit in that area, it was his understanding, was 45 miles an hour. We did a little research and found out that although it is unclear as there is really nothing posted there...by the way, Schlensker Road...I guess I should start and tell you where Schlensker Road is. Schlensker Road is a narrow county road with several hills

on it that runs, generally speaking, in somewhat of a winding manner from Petersburg Road to Browning Road. It really doesn't go anywhere except for those two points. I guess that would be the east and west terminus points and everything around there are some farms that are still there and some residential properties. Getting back to my story now that we know where the road...this is on the north part of McCutchanville area. I tried to work this out with the County Engineer's office and they said, well, at the posted or speed limit of 45 miles an hour at the entrance that we had based upon sight distances would not work safely. I think we would be the first to agree at 45 miles an hour that is pretty much the case. However, we don't believe the 45 miles an hour was ever intended to be the speed limit out there. Let me tell you what we did. We sort of tried to get historical perspective on this and talked to several neighbors in the area. I don't know if Mr. Harrison shared these with you, but we talked to several people who lived on Schlensker Road, McCutchan Road, Browning Road and indicated to them our concerns about the posted...I say posted because it really never has been posted. There are plans. They say they are going to post. In fact, the only thing that has been posted recently is on the curbs and has been posted 30 miles an hour with arrows and warning signs. Anyway, we canvassed some of the people out there who have been out there a lot longer than the Williams have and we got 106 of them to sign a petition wanting that speed limit to be 30 miles an hour. I'll give you an extra copy of these. These folks have always thought it was 30 miles an hour and would like to see it, in their opinion, stay 30 miles an hour or changed depending on your perspective. Just to give you, again, some background on similar county roads, Petersburg Road, by Hamilton's Golf Course, and that has unfortunately been in the news quite a bit, that was 45 and now is 30 with 20 miles an hour on the curbs with six driveways between Old Petersburg Subdivision entrance and 41 North. Whetstone Road, which is, again, a localized county road in the McCutchanville area between Petersburg and Highway 57, is 30 miles an hour. Petersburg Road from 57 to Baseline is 35, so they're all basically in the 30 range out there because these are local access type county roads. Some other particular characteristics of this immediate area on Schlensker Road, there are about three hills within about .3 mile distance. There are two subdivisions, Brownwood and Shady Hills, and, again, many of the residents out there as indicated by the petitions have always treated that as though it was 30 miles an hour. Although I am not a highway engineer, I had two people independently drive this without me telling them why and I sat in the passenger side and I asked them to...I hope I didn't break a law here, but I asked them to drive it as safely as they could without feeling they were losing control of their vehicle. The quickest...the fastest anyone was able to drive in this immediate area was around 33 or 34 miles an hour. We have consulted a traffic engineer specialist to give us a report, but quite frankly, we have held off on that because common sense really dictates posting that at 30 miles an hour. Again, Mr. Williams should have worked with Mr. Stoll closer and he has already been penalized for that because this is the only thing left for final...I should say primary approval of his plat and he has been delayed several months and he probably would not of been delayed several months had he of gotten with Mr. Stoll.

The penalty has been invoked, shall we say, and now we would like to get this thing straightened out. We think it is not only to Mr. Williams' best interest, he won't lose lot sales and have to redesign his subdivision which would take most of the summer, but the neighbors want it that way. We think it is a safer situation, which given this age of liability and such, is probably a good thing for the county in the long run. With that, we would ask that you concur with what the neighbors want out there, 106 of them, and the developer, Mr. Williams, who is putting together this five lot subdivision and agrees that this should be posted 30 miles an hour.

Commissioner Jerrel: Yes, I'm confused. What's the speed limit got to do with Mr. Williams' entrance and his not following the engineer's instructions?

Les Shively: Okay, I maybe didn't explain that very well.

Commissioner Jerrel: Because the people signing a petition isn't the issue.

Les Shively: Right. The entrance will work in a 30 mile an hour--

Commissioner Jerrel: Oh, it's because he has to have 30 miles an hour or he can't have the entrance where it is?

Les Shively: Right, right. He would have to redesign it for 45 miles an hour. No question about that.

Commissioner Jerrel: Could...may I ask Mr. Stoll--

Les Shively: Sure.

Commissioner Jerrel: --explain that, please.

President Mourdock: What exactly does that mean, redesign it? Is it simply a line of sight issue?

John Stoll: Yes. The entrance was laid out just on the east side of a crest of a hill. Based on the current location of where that street lies, I calculated that it would only be safe for a 28 mile an hour speed limit, so a vehicle that comes across the top of the crest of the hill and sees somebody sitting in the subdivision wanting to pull out, if they are traveling 28 miles an hour or less they could stop without hitting that car as it is pulling out of the subdivision entrance.

Commissioner Jerrel: Did you recommend that the entrance be somewhere else?

John Stoll: Once the subdivision was originally brought to Subdivision Review the location of the entrance was questioned and we requested a profile of the center line of Schlensker Road from Mr. Williams' engineer and at that point is when we found that it did not meet the 45 mile an hour stopping sight distance requirements and that's when we said that if it did not meet it, then he needs to find another location for the entrance.

Commissioner Jerrel: May I ask one more question?

President Mourdock: Sure.

Commissioner Jerrel: What's he done at this point? He went ahead and built the entrance?

Les Shively: That's correct.

Commissioner Jerrel: When you say built what do you mean built the entrance? Has he put in an opening of some...what's been done?

John Stoll: It's been graded out and rocked--

Les Shively: It has not been paved.

John Stoll: It is basically a rock road for lack of a better term right now. It's not got curbs and it doesn't have the asphalt, but the road has been cut in and there is rock in place out there.

Commissioner Jerrel: Moving the entrance...how far would the entrance did you recommend that it be moved to permit the sight that would have been safer?

John Stoll: I didn't calculate alternate locations. I figured that Mr. Williams' engineer, Mr. Nicholson, was probably best suited to address that since I didn't know what lot layouts might be suitable for Mr. Williams. Between Williams and Nicholson I figured they could resolve that and propose a new location that we could review rather than us tell them here, put it here.

Les Shively: I think Mr. Stoll will agree though that making a slight modification of 28 versus 30 is one thing, but to accommodate 45 miles an hour basically means that you start from scratch in redesigning this subdivision. I don't think 45 miles an hour makes sense out there. There is no way that you can safely drive not even 40 miles an hour out there. I've tried it and Lord knows I have lead foot. You can't do it. You've got to be way under 40 to traverse that area safely. We've even offered, and this has been several months ago, we've even offered at our expense pursuant to Mr. Stoll's direction to put any kind of warning apparatus or signs and what have you, but we think the county also ought to post it 30 miles an hour. That is what the people want out there. That is the safe way to do it. We're not talking about a major thoroughfare or some type of expressway road that provides, you know, a flow of commercial traffic. It is all to serve farm property and large residential properties in the area. Again, it is consistent with the posted speed limits in most of the residential areas in McCutchan Estates...I mean, McCutchanville.

Commissioner Jerrel: Did you advise you client though that he should have--

Les Shively: Well, what I advise my client I am not going to discuss publicly because I can't ethically do that, but, you

know, I could probably save a lot of clients a lot of problems if I was with them every minute of the day. Let me put it this way, Ms. Jerrel, the problem was presented to me after the fact which is in the case of, and Mr. Harrison will attest to this, unfortunately the nature of this business. You are presented problems after the fact. We would like to engage in more preventive medicine, but we don't always get that opportunity.

John Stoll: In regard to the proposal from Mr. Shively and Mr. Williams as far as posting warning signs and things like that, I discussed that with Cedric Hustace and he had said that wouldn't really eliminate any potential liability problems from the county. He did not say that would be a solution to the problem.

Les Shively: That's not quite...I mean, I have Mr. Hustace's letter. You can review it. It wouldn't solve the problem if you got 45 miles an hour--

John Stoll: Right, correct, with 45--

Les Shively: With 45 mile an hour speed limit you can have all the warning signs in the world and you just create a very dangerous situation. The logic that I saw applying this they said, well, some agency had a radar gun out there and posted people doing a certain speed limit. If that is the logic we are going to use for speed limits, then the speed limit of the Lloyd Expressway, based upon my most recent experience, ought to be 70 by the way people are exceeding the speed limit on that thoroughfare. I mean, I don't think that is real logical.

Commissioner Tuley: I agree with that logic, although this is not Mr. Williams' first development nor is this Mr. Billy Nicholson's first design. How did we get to this point?

Les Shively: I'm just going to tell you up front. Mr. Williams should of come to Mr. Stoll. They should have laid it out. Mr. Nicholson and Mr. Williams should of sat down with them. There is no question about that. The penalty has been exacted though because had they done it the right way we wouldn't be here. We would already be selling lots and we would have been selling lots last year where this delay is a delay that has been caused by the fact that he should have done it that way. Notwithstanding that fact, the penalty has been exacted on Mr. Williams. I think now the County Commission has to say, alright, do we continue to exact a penalty and then expose these residents out here and the county to liability by allowing a 45 mile an hour speed limit to be posted? You've already penalized Mr. Williams. Don't penalize those 106 residents--

Commissioner Tuley: We didn't penalize him. We did not penalize Mr. Williams.

Les Shively: No, you didn't. He penalized himself, but why continue it at this point? That is what I am saying. I misspoke, but my point is the damage...he has already felt the pinch. Believe me.

Commissioner Tuley: Right. Ms. Zigenfus is here and I assume you're here for this discussion?

Rose Zigenfus: I am if you want me to.

President Mourdock: Sure.

Commissioner Tuley: Well, I would just like to hear your input.

President Mourdock: Yes.

Rose Zigenfus: We did traffic studies by putting traffic counters in the road. We didn't use a radar gun. I think you have copies of those studies which dictate what the speeds are out there at different locations at the request of Mr. Stoll. If you look at the traffic counts and the speed studies you will see that at various locations the eighty-fifth percentile speeds exceed 30 miles an hour. We have speeds in the neighborhood of 50 miles per hour. I have speeds on the eighty-fifth percentile at 49 miles per hour, 46.4 miles per hour.

President Mourdock: Do you know the overall average for all those time periods? What it worked out to average?

Rose Zigenfus: Yes, that is also listed there.

President Mourdock: I'm sorry.

Rose Zigenfus: It says--

President Mourdock: 48.3?

Rose Zigenfus: --48.3, uh-huh.

President Mourdock: Okay.

Rose Zigenfus: The way that according to the Indiana Manual on Uniform Traffic Control Devices the eighty-fifth percentile is what is used to set speed limits on various highways and roadways. From a liability perspective I think the county is prudent to follow that standard which is dictated by the manual.

President Mourdock: So leave it at 45 is what you are saying?

Rose Zigenfus: That would be our recommendation.

President Mourdock: Okay. Deputy Woodall, are you here for this specific--

Steve Woodall: I'm here for something else.

President Mourdock: In that case, I won't put you on the spot unless you care to be.

John Stoll: One thing I would like to add to what Rose said was that one of the speed studies was taken on February 6th which was prior to the change in posting of the speed limit. I contacted the Traffic Engineering Department and they told us

the exact date when they changed the speed limit signs from 30 to 45 and that speed study that was done on February 6th showed speeds in excess of 45 miles an hour as well. That showed that even when it was posted 30 people weren't driving 30.

Commissioner Tuley: John, let's...I want to get away from that because to me it doesn't mean a whole lot. We can find that probably on any street. I guess I am more concerned with design and safety. Even though they were traveling those speeds is it safe to travel those speeds on that road?

John Stoll: The accident data has not shown that there is any--

Commissioner Tuley: Excessive?

John Stoll: Right. There are no accident reports that were found by Rose's office that showed that speed was cited as the problem in causing the accident.

Les Shively: Mr. President and members of the Commission, Ms. Williams just advised me that notwithstanding the fact that the engineer, Mr. Williams, probably should of worked a little closer with the County Engineer, they state, and Ms. Williams just reminded me, that was posted 30 miles an hour when this cut was put in. The speed limit was changed to 45 after the cut and 45 miles an hour is not safe. I challenge any of you to drive that this evening at 45 miles an hour and feel that your vehicle is under control. I asked for this data some time ago and I have not received this data that Mr. Stoll and Ms. Zigenfus made reference to although I have shared quite freely everything that we had to try to work with the county to work this situation out. Again, Mr. Williams and Mrs. Williams probably should of approached this problem a lot differently and because they didn't they have been delayed in their project. That chapter is over with. Now this matter is in your hands and the thing that makes sense is to reduce it to 30 miles an hour so that subdivision as laid out with a few modifications can still work. One hundred and six residents out there want it 30 miles an hour and we are also saying at our expense at the county's direction we'll put out any other warning devices even with the 30 miles an hour speed limit advising people of the entrances and whatever Mr. Stoll thinks is appropriate at the 30 miles an hour. I mean, I think it is a win/win for everyone and I don't think the county condones...would be condoning a developer that didn't get his ducks in a row like he should of because that developer is already hurt himself in this particular case. We do have a building season coming on. We do have a lot of interest in this subdivision and if we have to do a redesign predicated on 45 miles an hour that wipes us out for 1997 building season and we certainly hate to see that happen especially when there is nothing to be gained by doing that except a lot of risk and exposure to the residents and to the county.

President Mourdock: Okay. Procedural question for our County Attorney. Joe, I read as this is presented to us this is, in effect, an ordinance, is it not? Much like those, in fact, identical to those we just voted on?

Commissioner Jerrel: Uh-huh.

Joe Harrison, Jr.: That's correct and the speed limit out there is 45 miles an hour. I believe there has been some talk about the 30 mile an hour signs that were out there. It is my understanding that those were just posted incorrectly and I don't know how long they were out there like that. Is that correct?

John Stoll: Yes, I have no idea when they were posted, but in accordance with all the ordinances that we could find, Schlensker should have been posted for 45 miles per hour all along. When it was done, who did it, I really couldn't tell you. I don't have a record of that.

Joe Harrison, Jr.: You've got a copy of that ordinance with your materials where it doesn't list Schlensker as one of the streets that would be on anything other than 45 miles an hour.

President Mourdock: Following up on the other question, procedurally, since this would formally take an ordinance and the notifications, public ads and such and the hearings, the appropriate thing at this point if we choose to deal with this would be to ask for a motion to begin that process, would it not?

Joe Harrison, Jr.: That would be my recommendation.

President Mourdock: Okay. Any other questions from the Board or anyone else wishing to address the issue? Okay, if not then if we are to use...to deal with this correctly we just heard the County Attorney say that we would need a motion to begin the ordinance process, so I would ask for a motion.

Les Shively: Commissioner Mourdock, before you do that I want to say if there is any additional costs for publishing an ordinance associated with this, to the extent that we can appropriately do that, the developer would certainly reimburse the county on any additional publication fees and costs we would have. I did not realize it was going to take an ordinance, so if it does we would be more than happy to reimburse the county for those costs and expenses.

President Mourdock: Okay, your comments are noted for the record.

Les Shively: Thank you.

President Mourdock: Again, is there a motion to begin the ordinance process for this request? Hearing none, we will move to the next issue.

**Lynn Ellis - Awarding of bids**

President Mourdock: The next item on our agenda, Ms. Ellis, Superintendent...no, you've got your purchasing hat on at the moment.

Commissioner Tuley: Which hat are you wearing?

Lynn Ellis: The purchasing hat. I apologize for the tardiness. Later in the evening when it comes to my turn I will tell you what I was doing all last week. The first item is the bid award for Bid Number VC97-02-A. These are the semiautomatic handguns. The recommendation is to Kiesler Police Supply. They were the sole bidder in that bid. We had no bids received, but they were the sole bidder for that. The agenda item is written a little bid odd. It is an estimated cost of \$56,017.20. The reason that it is not more definitive is that the exact award amount will be based on the exact number of handguns, leather and magazines that are purchased as well as the exact number of trade-ins. At this point they are only guesstimating what that number will be. As the officers are given the opportunity to trade in their guns and purchase the new ones, then more exact figures will be known at that time.

President Mourdock: Okay, and you're recommending approval then of this? Of the award?

Lynn Ellis: Yes, sir, at these unit costs specified in the bid.

Commissioner Jerrel: I'd move approval of Bid Number VC97-04 to-

President Mourdock: By way of correction, I think it is VC97-02.

Commissioner Jerrel: VC97-02 for semiautomatic handguns to Kiesler Police Supply Inc. at a total estimated cost of \$56,017.20.

Commissioner Tuley: I'll second.

President Mourdock: So ordered. You didn't get put on the spot at all.

Commissioner Jerrel: It's a learning experience!

President Mourdock: The next item.

Lynn Ellis: Okay, the next one is bid award for Bid Number VC97-04. This is for the 6 x 4 Carrier Mounted Hydraulic Excavator. The recommendation is to Carlisle Equipment in the amount of \$236,331. Carlisle is the low responsive and responsible bidder meeting bid specifications. The bid tabulation shows bids being received from Scott Heavy Equipment and from Southeastern Equipment. Scott bid a Badger unit. The Badger unit or model that was bid does not meet the specifications and there are several reason for that. We have representatives from the County Highway if you have specific questions, but the Badger unit will not lift...the primary concern is it will not lift the pipe that is required to be lifted by this piece of equipment for the Cum B crew. It just won't handle the pipe, so there is a safety reason for not recommending that unit. The arm on it won't turn properly and there is a fear of it tilting over or falling over. The second low bid is Southeastern Equipment and they are not being recommended for award even though they did bid the same type unit as the recommended bidder. However, they did not meet the bid specifications regarding the air ride suspension seating. They bid a T-bar seat. They did not bid

the engine as specified and did not include an option as did Carlisle. The unit that is being recommended is with the option that was bid by Carlisle to meet the engine specifications. Again, that is because of the type material and work that is required of that piece of equipment.

Commissioner Jerrel: I would like to move approval of VC97-04 for a 6 x 4 Carrier Mounted Hydraulic Excavator to Carlisle Equipment in the amount of \$236,331.

Commissioner Tuley: Second.

President Mourdock: So ordered. Those were the only two on your list correct, Lynn?

Lynn Ellis: Yes.

**Any group or individual wishing to address the Commission**

President Mourdock: We are at that part of the agenda where our microphone is available for anyone to address an issue which otherwise hasn't been discussed this evening. Does anyone have something you wish to bring to us? Mr. Moser.

Ed Moser: I'm Ed Moser and I am President of the Coterie Club of Evansville. First of all, I want to thank Mr. Shoulders for the kind words that he said to me or about me. I appreciate it very much. I am honored to be in the company of the Commissioners and I thank you very much for this opportunity. I shall make this quick. I didn't know exactly when this moment would come, but it has arrived and that's good. We got it out on the table and we know what we are talking about now. I would like to request...is Mike still here?

President Mourdock: No, I believe he left.

Ed Moser: I would like to request...I'll call Mike tomorrow. I would like to get a further amplification of this of these figures and etc. This is my 21st visit to the County Commissioners.

President Mourdock: We've discussed putting you on the payroll!

Ed Moser: Good, good. Just apply it all to the rent, please! I am aware that we need to talk and I will get in touch with Mike. Some of this information needs to be further explained to me. I want to let you know that we have increased our membership in the Coterie now to 265 couples, so that relates to...that's couples. That's 530 people. It is no small outfit. We're are tri-state. We've got people in Kentucky, Illinois and mostly in Evansville and Indiana. So I just wanted to say that I am glad we have had this. I was wondering when this moment might come. Unless the...if the schedule as I understand it, is it true that the convention center will be built first? The exhibition hall?

President Mourdock: Yes, basically, there will be some work beginning there although there is...we've shortened...at one point we were talking about starting this and keeping the other

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one going and the more we've looked at it we've found out that there is actually efficiency in closing down earlier and doing everything at once.

Ed Moser: You mean that January 5th date?

Commissioner Tuley: Right.

President Mourdock: That date is the magic date. That is when the auditorium shuts down.

Ed Moser: Yeah, well, that's still on the paper?

President Mourdock: That is more than on paper, that is carved in concrete. Yeah.

Ed Moser: Okay, so we're still talking about the full...it was explained in an earlier meeting of the County Commissioners by Mr. Shoulders that this would go on to completion, the exhibition hall. Right?

President Mourdock: I'm not sure I am understanding your question. Are you saying will it be completed first?

Ed Moser: Yes, it would be completed first. That was my understanding.

President Mourdock: I believe that's right. That's right. That part of the building would be--

Ed Moser: Well, I am just saying that this gives us a little bit of ample time to have dialogue about--

President Mourdock: Right.

Ed Moser: --this.

Commissioner Jerrel: Sure.

Ed Moser: We're not...it's not a done deal yet as far as this wood floor is concerned--

President Mourdock: Right.

Commissioner Tuley: You're ducks (inaudible), but it's still swimming.

Ed Moser: --not as long as Edward D. Moser is involved with this.

Commissioner Tuley: It's still swimming.

Ed Moser: So I thank you very much.

President Mourdock: Okay.

Ed Moser: I'll be seeing you maybe for my 22nd meeting.

President Mourdock: I have no doubt you'll be here. Thank you,

Mr. Moser.

Ed Moser: Thank you very much.

President Mourdock: We'll move to our department heads.

Commissioner Tuley: Oops, oops.

President Mourdock: Oops, I'm sorry.

Commissioner Tuley: He's got something for Joe.

President Mourdock: Sorry, I didn't mean to overlook you there.

Jim Ackerman: It's alright. My name is Jim Ackerman. I live at 1406 Westwood Hills Drive. I am here again about our streets and wanted to know whether there is any progress been made. We had gotten the independent engineer's estimate and a set of plans is drawn up showing locations and what needs to be done and I gave those to Mr. Stoll tonight. As I understand, that is the last piece of document that you need from us.

Joe Harrison, Jr.: I think that is it for right now.

Jim Ackerman: So what we would like to do...I don't know whether you have talked to the bond carrier or anything yet anymore--

Joe Harrison, Jr.: I have.

Jim Ackerman: Is there a time frame as far as them coming down?

Joe Harrison, Jr.: Well, we are still working on the financing part of it with the bonds and I can talk to you further about that, but not only are we going to speak with...or we have spoken with the one fellow that we talked to you about about the possibility of buying the bonds, but there are some other potential--

Jim Ackerman: Potential brokers?

Joe Harrison, Jr.: Yes, and so we're exploring that and that is what we discussed by phone today. Whenever I get some more information from them we'll get together on that. They're going to come down to Evansville within the next couple of weeks and we're going to set up a meeting at my office where we are going to invite each of the representatives from the three projects. I am assuming that Mr. Flynn would want to be there also.

Jim Ackerman: Yes, very definitely.

Joe Harrison, Jr.: Hopefully, we'll have some more information by then. We're going to set up an appointment sometime this month still, hopefully. I would like to get it done before the end of the month and they're going to get back with me with some dates.

Jim Ackerman: Yes. Like I say--

Joe Harrison, Jr.: They're checking on some other options. What

this would do would save you all money.

Jim Ackerman: Right.

Joe Harrison, Jr.: So they're looking out...they're trying to find ways to make it cheaper.

Jim Ackerman: Right, well, anyway you can save some money that's what we are looking at. So should we be on the agenda next week to get any further additions?

Joe Harrison, Jr.: I don't think it will...unless you have anything further to give to the Commission, but I don't think you have anything further to give. Some of the other projects do and, in fact, I spoke with, for your information, Mr. Schwenker today and he is going to provide me with some more information that they needed from him.

Jim Ackerman: Okay. So then we'll hear from you within the next two weeks?

Joe Harrison, Jr.: Hopefully within the next week or so and I can tell you when that appointment is going to be.

Jim Ackerman: We do appreciate it.

Joe Harrison, Jr.: I'll speak with Mr. Flynn also.

Jim Ackerman: Thank you.

President Mourdock: Okay, thank you, Mr. Ackerman.

Commissioner Jerrel: Mr. Harrison, do you think there is a possibility we would have the ball rolling--

President Mourdock: Mr. Ackerman.

Commissioner Jerrel: That's alright. I can just--

President Mourdock: Before you leave you might want to hear this question.

Commissioner Jerrel: I was just asking the question do you think it is possible we can get this ball rolling by the 1st of June?

Joe Harrison, Jr.: Sure.

Commissioner Jerrel: I mean, I think they're anxious in this--

Joe Harrison, Jr.: We need to get this financing thing kind of resolved.

Commissioner Jerrel: They want to do something during the construction season.

Joe Harrison, Jr.: Sure.

Jim Ackerman: Right, because if something goes awry and we don't get this done until next spring we are probably looking at

another \$20,000 or \$25,000 in costs.

Commissioner Jerrel: That's right. Well, I would hope that we could target, you know, when you have the meeting in two weeks then...have conference calls if they can't come down here and let's get this thing going.

Jim Ackerman: I appreciate it. Thank you.

**John Stoll - County Engineer**

President Mourdock: Okay, now we are at department head reports and John Stoll is first. While he is coming to the microphone, do I take it that many of our visitors are with Dennis Beadle's class again?

Unidentified: No, USI.

President Mourdock: Which class?

Unidentified: USI journalism class.

President Mourdock: Oh, USI. Okay, welcome to your lesson in civics this evening.

John Stoll: First of all as was requested a couple of weeks ago, I've got United Consulting representatives here to discuss the Burkhardt Road project. I've got Andy Wolka, Steve Jones and Jack Waldroup here for any questions that you might have. I've got extra copies of the schedules that I submitted to your office last week. If you don't have them with you and you want a copy I can give you one of those now. They can, hopefully, address any questions that you might have as far as time frames that the projects can be bid for Phase 2 and Phase 3 and anything associated with Phase 2 and Phase 3, let's put it that way.

President Mourdock: Okay. Questions? Bettye Lou, do you want to start?

Jack Waldroup: I'm Jack Waldroup with United Consulting Engineers. Hopefully, I can answer your questions and if I can't I'll shove them off on Steve and Andy.

Commissioner Jerrel: Well, the primary issue that we're interested in is that we move along quickly, that we avoid the problems like the gas line and the other issues that came up before. I don't know why they came up, but we don't want any more of them so we can proceed without that and thought you could tell us a little bit about what is to be expected.

Jack Waldroup: Well, as far as the gas line on the first phase, and there were several other utilities that our inspector was told that they had been moved and moved far enough out of the right-of-way and there was some off days that Stewart May had contact utilities and said that you've got to make sure that these are out of the way and he talked to the contractor out there. The contractor said no problem, they've been moved, there is not a problem. They went out and had another off day

and there happened to be a problem. That's, I mean--

Commissioner Jerrel: Did we do any communicating with the utilities?

Jack Waldroup: So far as--

Commissioner Jerrel: In writing.

Jack Waldroup: --United Consulting Engineers, I would say...and John Stoll, I would say yes.

President Mourdock: I'm sorry, you'll need to come to the microphone. Our mike doesn't pick up anything. Please.

Commissioner Jerrel: I just would like to have on the record because that is costly and if we are going to proceed we don't want any more things like this. I just want to know what was done on the record.

Jack Waldroup: I totally agree. I drive that road every day. My eight year boy rode down it with me the other day and he said this is the dumbest way in the world to go, daddy. I said, tell me about, son. So, we're trying to get it done. He's eight years old and he knows it's a mess.

President Mourdock: I hope he didn't say who laid out this job?

Jack Waldroup: I didn't even bring that up because we didn't lay out the part we were driving on. Anyway, Steve, do you want to answer that question as far as...or do--

Commissioner Jerrel: Come to the mike, please.

Steve Jones: I'm Steve Jones with United. I was just going to say that we probably had some utility coordination meetings and I don't...were the utilities...were those reimbursable utilities?

John Stoll: Yes.

Steve Jones: They were all reimbursable utilities.

President Mourdock: Meaning what?

John Stoll: They were reimbursable because the easements existed prior to us acquiring the right-of-way, so since they already had their easement there that is what results in us having to pay for their relocation.

Commissioner Jerrel: So we paid for it and they didn't do it in a timely manner and it cost us money?

John Stoll: Well, we paid for it and in regard to the gas line especially, they repeatedly told us it was not in our way and then when it came time to put the box culvert in at that location it was in the way. So we were given bad information from SIGECO in regard to the gas line.

President Mourdock: Do you have notes from those meetings, John or Steve? Or anything written?

Steve Jones: I don't with me.

John Stoll: I don't have anything with me either.

President Mourdock: No, I didn't mean with you. I just meant--

Steve Jones: I would have to check at our office in our files to see if utility coordination meetings took place.

Commissioner Jerrel: I would like to see Mr. Stoll have those because as we proceed through this process, and we've already had the Virginia Street overrun, I think we need to have a clear understanding of what has happened to delay the project. If there are notes, then we ought to have those available for us to use.

President Mourdock: Is my memory correct, the change order that we dealt with two or three weeks ago that was four hundred and some thousand dollars, that was specifically related to this one item, correct?

Commissioner Jerrel: No, that was another error.

John Stoll: It was really three items. One was Virginia Street, the increase in size of the storm sewer. One issue was the utility relocation, the gas line and the sewer force main relocation and the third item was INDOT's requested changes on the expressway.

President Mourdock: Okay, well that is why I never trust my memory. There were three items. Of those three, do you recall what the dollar value was specifically for that gas line? Roughly?

John Stoll: The gas line was roughly \$30,000.

President Mourdock: It was a small part of it?

John Stoll: Yes.

President Mourdock: Well, even as a small part if, in fact, that resulted through bad information that these folks were giving us I feel like they are somewhat responsible for that. If you have those types of notes, I would ask that you give them to Joe so we can pursue that.

Steve Jones: On Phase 2, project two, from Columbia to Oak Grove we are currently working on preliminary plans and getting prepared for a field check where we bring everyone together from the county, our office and utilities. The utilities should be present. It is always good to have them at the field checks so that we look over the preliminary set of plans and everyone gets together and then we proceed forward. Currently we are looking to have the field check on June 15. Prior to that we will submit a set of plans to John for his review and then we'll be sure to invite all the appropriate parties. Then there is

still, I think, an issue that we need to resolve as far as Oak Grove Road. Is there an additional project on Oak Grove Road?

John Stoll: That's one item that I guess we could address with the Burkhardt plans if we don't award the bids that were opened several months ago. The Oak Grove Road approach to Burkhardt Road was a separate set of plans that were prepared by Bernardin Lochmueller. The county bid those out and it was proposed to be funded by TIF. The bids have never been awarded and if we would like to include that design in our Burkhardt plans we could do that as well at this point.

President Mourdock: Effectively rebid it, you're saying, as part of that?

John Stoll: It would be incorporated in the Burkhardt plans rather than separate.

President Mourdock: For the construction work, so you bid it as one package?

John Stoll: Right. It wouldn't be two separate bids, it would just be--

Commissioner Jerrel: What are you talking about in terms of cost?

John Stoll: It was about \$100,000 if I remember right on the bids.

Commissioner Jerrel: To do what? We're building a road for somebody?

John Stoll: It would be the Oak Grove Road approach to Burkhardt Road, so it is currently--

Commissioner Jerrel: I would like to see the information on that. If we are not having a TIF, you know, we better get these numbers in and find out if our money is going to do Burkhardt Road.

John Stoll: Right. We can get those numbers, that is no problem. That is one item that will probably need to be addressed somewhere along the line and whether or not if we want to include that in those plans or not. I did give United a copy of what Bernardin Lochmueller had drawn up late last year.

President Mourdock: Going back to your June 15th meeting and your field check. The biggest concern that I have is that with our current project we have already taken a pretty big hit on our change order and basically have used up most of our contingency...well, most of it, not all of it. I would ask you to ask yourselves what it is that we can require of people who are contributing to those meetings like the utility and that we get them fully on board with some responsibility to make sure this kind of stuff doesn't happen. I mean, I understand when you are out there doing the engineering here is the plan and here is where it is. You draw it up that way and when it is not

where it is supposed to be it may not be your fault, but by gosh somebody is culpable, to use a better word, and it is costing us a bunch of money.

Steve Jones: Yes, and typically the utilities come to these field checks plans...or field check meetings. They have a set of plans and then they have to create their set of plans for where they want to relocate their...you know, typically that is up to them to get that relocated. I mean, you can check them, but, typically in most cases...and I don't know about this specific case on this project, but typically they're responsible for getting their utilities located out of the project limits of the county's project. Again, I don't know the specifics on this because this happened, I think, out there as the construction was going on, so I am not for sure about this particular case.

Commissioner Jerrel: How did the sewer size get confused?

John Stoll: Back when the design was originally done Dale Schmitt, who was working on the project at that time, had sized it. I don't remember the exact storm--

Commissioner Jerrel: Who is...I don't know Dale Schmitt?

John Stoll: He was the engineer for United. He was working the project at that time. He had sized a storm sewer, and like I said, I don't remember the size, but he had sized it on the basis of none of the development east of the Gershman Brown development coming into that Virginia Street storm sewer which would have effectively cut off that property as far as drainage goes. There was no way to convey that water back to Crawford-Brandeis Ditch, so when that drainage area was neglected the storm sewer naturally needed to be a smaller size. That was pointed out after it had already been bid out, so that is how it came about as a change order.

Commissioner Jerrel: Well, we don't need any more of those errors.

President Mourdock: One last question, I guess, and I'll sound like Mr. Ackerman a moment ago, the gentleman who was speaking about Westwood Drive. What date do you expect we will have our ready to bid documents or be ready to put this thing on the street?

Commissioner Tuley: September 1 is the bid opening.

Jack Waldroup: The bid opening on Project 2 is September 1.

Commissioner Tuley: September 1 according to this.

Steve Jones: Again, that is dependent upon what we decide about Oak Grove Road and the other project that is tieing into Burkhardt Road and how do we incorporate that? What do we have to do to get that incorporated into our set of plans?

President Mourdock: Okay, let me let you put the monkey on our back. When do you need a final answer on that from us?

Steve Jones: I don't know. Is that something that we need probably a field check? As soon as possible because we want to make an attempt to get this thing moving, so the sooner we know about that the better. You know, you have a field check...we're going to submit field check plans to John around the end of May. I don't know if it is reasonable to think that we could have that worked out by the time we submit those plans. The idea thing would be to have that worked out by the time we submit our plans for the field check on May 30th.

President Mourdock: Okay, we'll have you an answer before then.

Steve Jones: The other issue is there is going to be some right-of-way--

Commissioner Tuley: That's what I was going to ask next.

Steve Jones: --that we are going to have to acquire. One piece that we need is the Hirsch piece. We need to get another piece from Mr. Hirsch, or from the Hirsch Family Trust, and then we are going to have a corner cut on the east side and then there is a development that goes all the way from Oak Grove...it goes all the way from Oak Grove to the north that is currently in zoning or is currently being developed and there is a question on how much were they required to dedicate? Hopefully, that amount that they were required to dedicate is enough for us to go through and make improvements. So that is one issue that we're trying to investigate and resolve. Hopefully, we will eliminate a large piece of right-of-way that we need.

Commissioner Tuley: Steve, you're talking specifically between Oak Grove and Morgan?

Steve Jones: Yes, what's the name of that development?

Unidentified: Burkhardt Crossing.

Steve Jones: Burkhardt Crossing.

Commissioner Tuley: Okay.

Commissioner Jerrel: The control of the Hirsch property is now with Gershman Brown?

Steve Jones: They have the piece between Virginia and Columbia only, okay? I don't know if you are familiar with that, but there is a Hirsch piece that is north of Columbia that we believe is just Hirsch.

Commissioner Tuley: I think you are right.

President Mourdock: Okay.

Steve Jones: Okay, did you...there is a piece that Gershman and Hirsch are kind of tied together on and that is between Virginia and Columbia. That is the piece we need right now. We need now.

President Mourdock: Right.

Steve Jones: There's a piece from Columbia to Oak Grove which is in contract two, or project two, that is controlled by the Hirsch Trust.

President Mourdock: Okay, obviously that monkey is on our back as well.

Steve Jones: That's right, but there is only one party, albeit it's a complicated party, it's only one party. It's been...the Gershman/Hirsch piece, I think, has been with their agreement a little more complicated.

President Mourdock: If it's a party, how come it's not fun, right?

Steve Jones: I appreciate you giving us the chance to come before you this evening.

President Mourdock: You're welcome any time because we certainly want updates on what is happening and we certainly need to know and we want this thing to move along as quickly as we can. I know you're aware, we've done an unordinary, perhaps extraordinary is a better word, financing plan to do this to make this thing happen and we want it to happen.

Steve Jones: Okay, thank you.

President Mourdock: Thank you for your report. John, do you have anything else under your engineering report?

John Stoll: The only other item that I've got is a Notice to Bidders for a concrete repair contract. This will repair the following streets: Aspen Drive, Ohara Drive, Burch Park Drive, Southport Drive, Venetian Drive, Eastbrooke Drive, Walnut Lane and Whispering Tree Lane. Like I said last week, the one issue we had to resolve was the wage scales and the meeting to establish the wage scales has been set for next Monday.

President Mourdock: So you're ready to have this formally accepted?

John Stoll: Yes, I would like to recommend the Notice to Bidders be signed.

Commissioner Tuley: Okay, Mr. President, at this time I'll move the Notice to Bidders for VC97-04-01, Concrete repair for various roads in Vanderburgh County, be approved as suggested and recommended by the County Engineer.

Commissioner Jerrel: Second.

President Mourdock: So ordered. Okay, for the record, I passed on to John a letter that I had received from someone in the county requesting some road repairs over around the famous Fuquay barrow pits, so make, if you would, a recommendation to us next week.

John Stoll: Sure.

**County Garage**

President Mourdock: The next department head we have is for our County Garage report and I don't see--

Commissioner Tuley: They submitted a written report.

President Mourdock: Yeah, they've submitted a written report for the period of April 11th through April 17th.

**Lynn Ellis - Superintendent of County Buildings**

President Mourdock: Lynn Ellis, Superintendent of Buildings.

Lynn Ellis: Well, I would also like to report in addition to that they have and I have a contract sort of for you to review and then execute. I have the original in the signature pack. That is for the pickup and disposal of the refrigerators and air conditioning units that the county crews have been picking up. The company is going to dispose of those at no cost to the county. There are about a dozen known items right now and they will actually take out the contaminants and dispose of them in accordance with the requirements. So I would move that be authorized and accepted especially at no cost.

President Mourdock: Okay.

Joe Harrison, Jr.: It looks okay. It says they're going to assume all responsibility and liability for the units. That's what I like to see in there, so that's fine.

President Mourdock: Better than free! I think we need a motion to formally accept this.

Commissioner Jerrel: I move approval that we accept this contract with J.C. Castle.

Commissioner Tuley: I'll second.

President Mourdock: So ordered. Anything else, Lynn?

**Joe Harrison, Jr. - County Attorney**

President Mourdock: Okay, County Attorney's report.

Joe Harrison, Jr.: I really don't have anything. We've talked about the Barrett Law and I will update you more on that within the next few days. Hopefully, by the next meeting I will have some more information on other financing alternatives that we're looking at. The conversation that I had today with counsel up in Indianapolis was very good. Hopefully, by the next meeting I'll have some further information to provide to you. That's all I have.

President Mourdock: Okay.

**Burdette Park**

President Mourdock: Anyone here from Burdette Park? We had Steve Craig out there earlier.

Commissioner Jerrel: Lynn has that.

Lynn Ellis: I will handle that. There is a packet coming down that was left out of your packet regarding the status on, you know, the items that you've requested be placed in there. I apologize for that being left out. Burdette Park has submitted a written report in two sections. The thick one is one that we were anxiously awaiting regarding the finances and expenditures that there is and a cover letter on that to you all and to the Advisory Board. That will address a lot of the questions about the funding and activity going on out there. There was a request to approve the hiring of five part-time ground crew. Burdette is behind schedule compared to previous years in hiring part-time personnel. They have delayed the hiring request as long as they felt like they could. There are still additional staff persons to hire and that will be brought as the summer approaches. There is a need to begin mowing and preparation of the grounds and then the swimming pool and that kind of thing. One of the grounds people will actually serve as security because of continuous break-ins every night and vandalism to the park. Until the Advisory Board has a formal recommendation for the Commissioners regarding security they requested, and this recommendation is from the Advisory Board, but they requested that the Commissioners approve this request and one of those persons be used in security. They would work Sunday night through Thursday night and continue to use the Sheriff's Department on Friday and Saturday.

Commissioner Jerrel: I have a question. Have you ever discussed with the Sheriff's Office having them during their regular patrol, they've got 111 deputies, having Burdette Park be part of their regular assignment?

Lynn Ellis: I thought that there had been discussions like that, but I will address that again with Chief Woodall.

Commissioner Tuley: How many of the deputies are on the road of that 111, do you know?

Commissioner Jerrel: Probably...I don't want to say. Sheriff said not to say.

Commissioner Tuley: Okay, I understand.

Commissioner Jerrel: So I am not going to say.

Commissioner Tuley: We don't want people to know--

Commissioner Jerrel: How many and where they are.

Commissioner Tuley: Right.

Commissioner Jerrel: I am just saying of the deputies could Lynn at least speak with the Sheriff about patrolling, you know, back

in that area? The presence of a Sheriff's car would be, I would think, helpful.

President Mourdock: I'll go one step further than that and perhaps in that conversation, Lynn, you could ask either the Sheriff or Chief Woodall or one of the folks maybe again to come to one of these meetings to discuss that as an issue. It will do two things. It will resolve the issue for us and also it might even get reported and raise the spectrum of more folks out there which may be a deterrent in itself.

Commissioner Jerrel: Want to do that next week? I don't know who has contacted...you see, I don't know what the system is. I see three deputies or four deputies and I don't know, is that absolute that no deputy will work for \$13 an hour? Or none of the three or four that have been asked?

Lynn Ellis: They tried. It is my understanding that the Burdette staff contacted several of the deputies, and several...I don't know exactly how many that was, but they made inquiries and they are being rejected because of the payroll. They are making \$25 an hour and not being taxed on that with some of the new companies and then we are paying \$13 an hour and that is being taxed.

Commissioner Jerrel: I would like to have the opportunity to talk to a couple of those deputies with Steve. If we are going to meet next Monday night with the Sheriff anyway. Is that true? Is that what you said?

President Mourdock: Yeah, I didn't necessarily say next week, but what I thought would be appropriate would be to have the Sheriff and one of the deputies come address the issue that you raised. Could that be on their regular route?

Commissioner Jerrel: Yeah, and you might want to call some of the deputies.

Commissioner Tuley: But the request is for employees, one of which will handle security until we resolve it with the Sheriff.

Commissioner Jerrel: Yeah, and I move approval for that.

Commissioner Tuley: Did you move for that?

Commissioner Jerrel: Yes.

Commissioner Tuley: I'll second.

President Mourdock: I didn't hear the motion.

Commissioner Tuley: I didn't either.

Commissioner Jerrel: Yeah, I just didn't want the two to get commingled.

President Mourdock: So for the record, the motion was regarding the hiring of five--

Commissioner Jerrel: Yes, the part-time people and that is to move approval.

President Mourdock: There was a second--

Commissioner Tuley: Yes.

President Mourdock: So I will say so ordered.

Lynn Ellis: I'll try to go through these quickly. You have a letter from Kleen-Rite. Mark Abell brought this by this afternoon. They've been working with the Coliseum regarding a scrubber. The floor scrubber that they have out there is several years old and was actually surplus from Burdette Park. It is not on the Fixed Asset Report and so I would have to imagine that what happened was when it was surplus from Burdette it was donated to the Veterans as opposed to transferring it from one county department to another. I believe it was surplus and donated to them as a gift to a non-profit organization or whatever. I don't really know that this is necessary, but I would recommend that the Commissioners approve this as surplus again just to make sure that this is done properly and again donate it to the Veterans so that they can use this to trade in for a new scrubber.

Commissioner Jerrel: I move approval that we declare this Advance Convertomatic Floor Scrubber be given to the Veterans organization.

Commissioner Tuley: The only question, that is the old one? What's listed on here? Okay, second.

President Mourdock: So ordered.

**Consent items**

President Mourdock: Consent items. We have in our packets employment changes, travel requests and the County Treasurer's March report.

Commissioner Jerrel: I would like to move approval of the consent items.

Commissioner Tuley: Second.

President Mourdock: So ordered.

**Scheduled meetings**

President Mourdock: In our packets are scheduled meetings.

**Old business**

President Mourdock: Item 10, at least on my computer list, is old business. Any items of old business to discuss this evening?

Lynn Ellis: I am passing out a news release regarding Vanderburgh County. There was a news release from FEMA regarding the additional public assistance funds that Vanderburgh County is able to collect on which includes roads and the parks. So we've begun to take action with that and submit reports to get the funding for those projects as well.

President Mourdock: Okay.

Commissioner Tuley: That's good news.

President Mourdock: Any other old business?

<b>New business</b>
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President Mourdock: Any new business?

Commissioner Jerrel: Has...Lynn, have you made a trip to the Safe House yet?

Lynn Ellis: No, ma'am.

Commissioner Jerrel: Maybe you could put that on your list to visit.

Lynn Ellis: Okay.

Commissioner Jerrel: Maybe we could come up with some things and perhaps you could meet with them and discuss.

Lynn Ellis: Okay. I apologize. Joe said, not permanent.

President Mourdock: If you come in wearing a bracelet next week we will understand that you are here on a temporary basis! Any other new business items? Alright, then we will temporarily recess and --

Commissioner Tuley: We will adjourn.

President Mourdock: We will adjourn and reconvene in a moment.

Commissioner Tuley: So moved.

Commissioner Jerrel: Second.

President Mourdock: So ordered.

The meeting was adjourned at 7:03 p.m.

**Those in attendance:**

Richard E. Mourdock  
Bettye Lou Jerrel  
Patrick Tuley  
Joe Harrison, Jr.  
Lynn Ellis  
Suzanne M. Crouch  
Charlene Timmons  
Mike Shoulders  
Les Shively  
Rose Zigenfus  
Ed Moser  
Jim Ackerman  
Jack Waldroup  
Steve Jones  
Steve Woodall  
Others unidentified  
Members of the media

VANDERBURGH COUNTY  
BOARD OF COMMISSIONERS

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Richard E. Mourdock, President

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Bettye Lou Jerrel, Vice President

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Patrick Tuley, Member

**Vanderburgh County  
Board of Commissioners Meeting  
April 28, 1997**

The Vanderburgh County Board of Commissioners met in session this 28th day of April in the Commissioners' Hearing Room of the Civic Center Complex at 5:30 p.m. with President Richard E. Mourdock presiding.

**Introductions and Pledge of Allegiance**

President Mourdock: I would like to call the April 28, 1997 meeting of the Vanderburgh County Commission to order. It would be my great pleasure to make introductions. There's no one here right now.

Joe Harrison, Jr.: Oh, just wait a second.

President Mourdock: At our far, far left we have Charlene Timmons who is slowly typing away.

Charlene Timmons: Not slowly!

President Mourdock: Oh, okay. Next to Charlene we have County Auditor, Suzanne Crouch; next to Ms. Crouch we have Bettye Lou Jerrel; to my far right, at the moment, is Joe Harrison, Jr. and I think Lynn will be here, but I haven't see her yet today.

Commissioner Jerrel: She is here.

President Mourdock: Oh, Lynn is here? Okay. Commissioner Tuley is running a few minutes late. He had another meeting, so he'll be here shortly. Join us for the Pledge of Allegiance, please. The agendas, as always, are on the table and if you are going to be speaking to us tonight please go to the microphone, identify yourself with name and address.

**Approval of minutes**

President Mourdock: The first item on our agenda is the approval of the minutes from the meeting of April 21st.

Commissioner Jerrel: I would like to move approval of the minutes.

President Mourdock: Second and so ordered.

**Certification of Executive Session**

President Mourdock: Also, we will certify the occurrence of an Executive Session this evening at which the initiation, litigation or pending threatened litigation to Vanderburgh County were discussed as were county personnel matters. In attendance at the meeting were the County Auditor, Ms. Jerrel, myself and the County Attorney, Mr. Harrison. That lasted from 4:15 to 4:45 p.m.

**Joe Profaizer - Mobile Disaster Recovery Service Agreement and COLA**

President Mourdock: The next item on our agenda is Mr. Joe Profaizer regarding the disaster recovery services.

Joe Profaizer: Yes, my name is Joe Profaizer and I am with Computer Services. I am here tonight to request a three year extension for mobile disaster recovery services to Comdisco, Incorporated. What this does is it will provide us expedient recovery in case of disaster recovery. I do have the original agreements up here. I would be glad to entertain any questions. One change we did make per the County Attorney, in this agreement it abided by the state laws of Illinois. We've changed that to Indiana and the following amendments are on this agreement. I'll bring them on up.

President Mourdock: Okay.

Commissioner Jerrel: I'll move approval.

President Mourdock: Just a question for you, Joe.

Joe Profaizer: Yes?

President Mourdock: Did we discuss this a few weeks ago and for some reason we deferred this?

Commissioner Jerrel: Yes.

Joe Profaizer: We discussed it and at the time we also had the mobile disaster recovery testing. That is not feasible at this time.

President Mourdock: Okay. Alright, we have a motion then and I will second and so order for the extension of the contract.

Joe Profaizer: Thank you.

President Mourdock: I presume the County Attorney has not seen it.  
You have seen these?

Joe Harrison, Jr.: Yes.

Commissioner Jerrel: Yes.

President Mourdock: Okay.

Joe Harrison, Jr.: Yeah, I've looked at it and it looks fine.

President Mourdock: Very good. I will second and so order.

Joe Profaizer: Thank you. The second item I have on the agenda this evening is a cost of living agreement adjustment between SCT, the City of Evansville and Vanderburgh County. The adjustment is based upon a difference in the Consumer Price Index, Urban Wage Earners Index for the 12 month period of April '96 through 1997. The Consumer Price Index for March of '97 was 152.4 an index change of 4.1 points over the previous year. This index change results in a CPI increase of 2.76% in the monthly payment to SCT from \$43,456.31 to \$44,655.70. The

appropriate splits will apply to this and this price change is effective July of '97.

Commissioner Jerrel: I'll move approval.

President Mourdock: Second and so ordered. Lynn, have we had any other contracts that the COLA's have come out yet? Okay.

Joe Profaizer: Thank you.

President Mourdock: Okay, thank you, Joe.

#### **Appointment of Gene Koch - EUTS Improving Truck Traffic Committee**

President Mourdock: Bettye Lou had an agenda item regarding Mr. Gene Koch.

Commissioner Jerrel: I would like to suggest that we appoint Gene Koch to the EUTS Improving Truck Traffic Committee. He has expressed an interest in serving and has an excellent background. You know, he was systems analyst for Bristol and has been very helpful to us as a member of the Data Board.

President Mourdock: Okay, is that a motion?

Commissioner Jerrel: That's a motion.

President Mourdock: I will second and so order.

#### **Lynn Ellis - County Picnic and Burdette concession bids**

President Mourdock: Lynn Ellis regarding some bids and other items.

Lynn Ellis: Oh, boy. I get to embarrass myself. I apologize for this because wearing two hats has just gotten the better of me today and I have just absolutely lost my mind. I have never submitted an agenda item that looks quite like this. It is just horrible. It's a disgrace, but anyway we are going to try to muddle our way through this. I think there are enough copies there. If we don't get this awarded then Burdette won't have any food to serve the public this summer, so it needs to be awarded.

Commissioner Jerrel: Okay.

Lynn Ellis: I apologize. The...we'll just go through this. What I have done is made some notes on there. What I tried to do was amend the bid summary from last year and some of it worked and some of it didn't. Then I had complications with the printer and the computer today. We weren't getting along very well. The recommendation for the hamburger buns and the hotdog buns were with Earth Grains Company. The pita bread is in the wrong place and it was arrowed showing that to be moved up as with Diamond Foods. Landshire was the pizza crust. The sliced pepperoni is with Landshire as is the sausage topping and the beef topping. Landshire would also have the mozzarella cheese. Diamond Foods has the pizza sauce. Diamond has the chopped beef

steak in the 4-1, 6-1 and 8-1 sizes. The hotdogs is with Landshire Foods--

President Mourdock: Excuse me, Lynn. Your mike is off.

Commissioner Jerrel: Is it on?

Lynn Ellis: It's on.

Commissioner Jerrel: Okay, because I am going to make a motion to what she says.

Lynn Ellis: Can you hear me?

Commissioner Jerrel: Okay, go ahead.

President Mourdock: Go ahead. I'm sorry.

Lynn Ellis: The polish sausage is with Landshire as is the all meat corn dog. The chicken is with Diamond Foods and that is three different forms of the chicken. The boneless/skinless chicken and the chicken salad, the Gyros, is that how you say that? The American cheese slices is with Diamond. There were no bidders on the sandwiches or on the deli meats. The chips are recommended with A & D Distributors. The popcorn with Diamond. The popcorn oil with Diamond. The nacho chips, funacho chips, the peppers, the trays with compartments and the paper trays are all recommended with Weber. The chili with beans to Allied Popcorn. Um--

President Mourdock: Are all your recommendations, Lynn, coinciding either with what is shaded, as you normally do, or with the circle?

Lynn Ellis: Yes, sir.

President Mourdock: Okay, rather than--

Lynn Ellis: I apologize. There are a couple of items that you need to be aware of and that is on a couple of them the vendor, Diamond Foods, failed to submit a sample and so there are at least two items that we're recommending other than Diamond Foods who is the apparent low bidder, but due to the fact that they were required to submit a sample and did not, then we are not recommending them. I would recommend that the Commissioners approve...at the end of the season Allied requires a \$100 minimum for each order. As the season approaches the final stages many times we're not able to order \$100 and I would recommend at that point that we would be allowed to go to the next low bidder if the difference would justify that by going to the next low bidder. That would have to be offset by the cost difference in reaching the \$100 minimum.

President Mourdock: Okay.

Commissioner Jerrel: I'm going to recommend approval of those bids that have just been read to us by Lynn Ellis including the caveat on the \$100 minimum order for Allied.

President Mourdock: I will second and so order. For the record, Charlene, did you get a copy of this.

Charlene Timmons: Yes.

President Mourdock: Okay.

Lynn Ellis: I will, Charlene, make the corrections on there so you have a clean copy for your records.

President Mourdock: The next item, Lynn.

Commissioner Tuley joined the meeting.

Lynn Ellis: The county picnic. The Steering Committee recommended that the date of June 28th be set aside for the county picnic and the recommendation is to use Burdette Park and Joyce asked that I submit an agenda item to you to approve the waiving of the normal park fees for that event. That is the request tonight.

Commissioner Jerrel: Do you know how many people attend?

Lynn Ellis: I have no idea. I don't know. I wasn't at it in previous years. I don't know.

Commissioner Jerrel: Okay, I'll move approval. You know, but I wish, and I have discussed with you, that we could get a policy later on to figure out...that's on a Saturday.

Lynn Ellis: Yes ma'am.

Commissioner Jerrel: So that shouldn't interfere...I mean, I don't know how many people go, but I hope it doesn't interfere with the paying customers.

Lynn Ellis: They have used the facility before.

Commissioner Jerrel: Right.

Lynn Ellis: The picnic has always been on Saturday. The difference this year is the way it's being set up with the food being donated or you bring your own food this year as opposed to contributing money and then the County Steering Committee buying the food and making it available to everyone. The setup is being recommended to be handled differently this year as it has been in the past. Probably to make it easier on the Steering Committee! This time it's BYO everything.

President Mourdock: We have a motion then for the approval of the use of the park at no cost to county employees.

Commissioner Tuley: I will second.

President Mourdock: So ordered.

**Laborers' International Union - Burdette Park fee waiver or reduction**

President Mourdock: The next item also is regarding Burdette

Park. There was a request, as we frequently get, for waiving some fees for the park and this one came from the Laborers' International Union of North America. Discussion?

Commissioner Jerrel: Do we give people exemptions that are...I know we did that DADS group and I don't know how I feel about that because they want to use it for a fund-raiser.

President Mourdock: In my two years and four months we have given some and we have denied some. It basically depends upon the group. It has been my recollection or my observation, and correct me if I am wrong, Pat, but most of the time when we have done it we've done it solely for non-profits. I shouldn't say solely, but I think we've attempted to do it for non-profits or certain civic organizations who had as their goal good civic activities. I guess I'll continue it and say that the Laborers' Union isn't necessarily the type of group we've done it for in the past. I don't recall doing it for any union group in the past.

Commissioner Tuley: No, I don't think so either. Honestly, it has been, you know, first off we start with the not-for-profits, but that is a very wide range and then we've narrowed it down, as you've indicated, to specific purposes and what have you. I don't recall us ever reducing or waiving completely the request on something like this prior.

Commissioner Jerrel: Do the hospitals ever?

Commissioner Tuley: Oh, they pay.

Commissioner Jerrel: They pay?

Commissioner Tuley: They pay. That was going to be my next point is that, you know, when you get in to not-for-profits if you look at it just solely on that, then the next thing we are going to get St. Mary's and Deaconess who are good customers--

Commissioner Jerrel: Right.

Commissioner Tuley: --and waiving their fees, we can't do it.

President Mourdock: They haven't waived any on our health plan as I recall! Okay, just for the record then, I think I know the answer, but is there a motion in this particular regard? Hearing none, we'll move to the next issue which is...I left you hurriedly, Lynn. Was there any other issues that you had there before your Building report?

Lynn Ellis: I can bring them up in department head.

President Mourdock: Okay, okay.

**Any group or individual wishing to address the Commission**

President Mourdock: Any group or individual wishing to address the Commission tonight? Janet, this is your chance.

Janet Watkins: Just watching.

President Mourdock: Okay.

**John Stoll - County Engineer**

President Mourdock: Department head reports. First on the list, John Stoll.

John Stoll: Back in March of 1992 the county entered into an agreement with Floyd Burroughs & Associates for the design and rehab of the Oak Hill Road Bridge over Pigeon Creek. At that time the Federal Aid Standards called for a certain type of bearing to be installed for the beams on that bridge. Now, five years later, in talking with the consultant they have proposed an alternate bearing which would be just a standard bearing pad that we use in most of our bridges which would result in a net savings in construction cost of \$138,000. In order for the consultant to redraw the plans with the changed bearing pads, it would take a \$6,000 supplemental agreement. Based on the construction cost savings, I would recommend that we approve the supplemental agreement for \$6,000.

Commissioner Jerrel: I move approval of the supplemental agreement with Floyd Burroughs.

John Stoll: Yes.

Commissioner Jerrel: Okay.

Commissioner Tuley: Second.

President Mourdock: So ordered.

John Stoll: Next, I've got a request from CLR, Incorporated for the Strawberry Hill Bridge. They've requested a 12 day extension in the contract time due to the increased time that it took to drill the holes for the piling rather than driving the piling; due to some days with bad weather; and due to the pipe being embedded in concrete. Rather than just having concrete anchors on the end it was anchored with concrete along its entire length. All in all they're requesting a grand total of 12 days of additional time and I would recommend that it be approved.

Commissioner Jerrel: Move approval of the CLR extension of 12 days.

Commissioner Tuley: Second.

President Mourdock: So ordered.

John Stoll: Next, I have received a request from Veach Nicholson Associates for approval of street plans for St. Joe Industrial Park. This would be an extension of St. Joe Avenue Industrial Park Drive. It's a short segment of road with half percent grades, curb and gutter. We've reviewed the plans and would recommend that they be approved subject to one change and that would be that where the road makes the 90 degree bend the consultant showed the pavement just to stop with no curb and we are requesting that they pave and extend the curbs out to the right-of-way line there at the south.

President Mourdock: So that in the event there is some other intersection that ties in?

John Stoll: Right, their long-term plans would be to extend that and we didn't want just an edge of pavement where, since this is an industrial park, truck wheels tracking across there might break the edge of the pavement off. So we are requesting that they just pave it out to the right-of-way line.

President Mourdock: I'm sorry?

Unidentified: We was supposed to go to a meeting on a subdivision on St. Wendel Road.

President Mourdock: What is the name of the subdivision?

Unidentified: What's the name of the subdivision?

President Mourdock: Is it a drainage matter, ma'am?

Unidentified: No.

Commissioner Jerrel: Joe, could you help them out?

President Mourdock: Okay, John, coming back to the road...my train of thought has been derailed!

Commissioner Jerrel: Veach Nicholson--

Commissioner Tuley: Oh, the extension.

Commissioner Jerrel: --extension and you are asking that the extension be approved, but the 90 degree angle bend include the curb all the way to the right-of-way.

John Stoll: Correct.

President Mourdock: The question was that I was about to ask, have you had that discussion with them?

John Stoll: Yes, I talked to them today. They didn't have any problem with that and they said they would submit a revised plan profile sheet probably tomorrow, so they said they would take care of it.

President Mourdock: Very good.

Commissioner Jerrel: I'll move approval of the Veach Nicholson extension.

Commissioner Tuley: Second.

President Mourdock: Okay, and I will so order and, again, for the record that was contingent upon the extension of that curb.

John Stoll: Next I've got an agreement for Crossroads Commercial Center to install motorist informational signs at the intersection of Cross Pointe Boulevard and Division Street. The

reason Crossroads Commerce Center has requested that sign is due to the fact that given where that one-way portion of Division Street lies, it is so close to the Lloyd Expressway, they said that their customers are having problems knowing where they should turn to get back to the Steak & Shake and Best Western and everything that is located back in that subdivision. They proposed that this sign be installed right at the intersection of Division and Cross Pointe. This sign would be the blue signs like you see on interstate highways with the actual business logos on the sign. The sign itself would be about four feet by four feet and would have a maximum of four business logos on it. Given the fact that it could address...it could help alleviate some traffic problems out there I would recommend that the agreement be approved. It has been reviewed by Joe Harrison and Cedric Hustace and everything was correct as far as legal form.

President Mourdock: Did I understand you that we are simply basically doing a waiver on this? Are we paying for the sign?

John Stoll: No, the agreement calls for the developer to pay for the signs, to pay for anything associated with the signs. In the event that we want the signs removed there is a provision in the agreement that would allow the county to request the developer remove the signs on 30 days notice, but it is at no cost to the county. They will be responsible for all costs of everything with the signs.

Commissioner Tuley: John, the only question that I would have is they've indicated this is for four. Will that take care of all the vacant lots and what have you or are there more vacant lots that could be developed on and later on they're going to come back and want additional signs based on approval of this one?

John Stoll: This won't take care of all the lots, but when I talked to Joe Ream about it I told him the Manual on Uniform Traffic Control Devices calls for a maximum of four signs...four logos on one of these signs. I told him at that time that it wouldn't address all the lots that you might have out there, but he understood that and didn't have a problem with it.

Commissioner Tuley: Okay, the law only allow four, that's fine. I don't have a problem with it.

Commissioner Jerrel: Is that a motion?

Commissioner Tuley: I'll so move approval.

Commissioner Jerrel: Second.

President Mourdock: So ordered.

John Stoll: The final item I just wanted to let Commissioner Mourdock know that the request that you gave me at last week's meeting from Dick Slade on Ridgeway Court regarding the pavement, the edge drop-off at Fuquay and Ridgeway has been corrected. The County Highway crews completed that work last Thursday.

President Mourdock: Okay, very good.

John Stoll: That's all I have.

President Mourdock: Any questions for John?

**County Garage**

President Mourdock: I believe I saw in our packet, did I not, our highway report?

Lynn Ellis: I don't believe so. Milton delivered this this afternoon, so I think that is there.

President Mourdock: Alright, then for the record we have the County Highway Progress Report from April 18th through April 24th.

Lynn Ellis: Under their report there was a request to approve the hire of Sherman Taylor. I was unable to talk with Milton today regarding this and get the specifics. My understanding is that he would agree to work the second shift and I did take care of the other questions regarding the mechanics and nighttime activities and that is okay. I believe the Commissioners request was to add this individual on to the second shift.

Commissioner Jerrel: If you could just type up something so that we get a second shift report, too. I think that is important since there is no supervision. It would help to know what is happening. That wouldn't be that difficult to do a weekly report on what they're accomplishing.

Joe Harrison, Jr.: Is that going to be considered as part of the employment changes or is that separate?

President Mourdock: Yeah, that is what I was going to suggest is that we add it to our consent items. Anything else on the garage?

**Joe Harrison, Jr. - County Attorney**

President Mourdock: County Attorney's report.

Joe Harrison, Jr.: I have nothing today.

**Lynn Ellis - Superintendent of County Buildings**

President Mourdock: Lynn, Superintendent of Buildings.

Lynn Ellis: Yes, included in your packet is the summary of the issues raised in the four meetings regarding the county's personnel policy. Also circulating is a document that was drafted by the Auditor's Office with revisions that were suggested by them. I believe those are also reflected in this summary. I would suggest that the Commissioners direct the County Attorney to look into these items 10 through 24 on the first two pages. Some of these items are contradictory within

the policy itself and some of them address whether the policy is in conflict with state or federal law. I would suggest that we look into these items. The rest of this is a summary and suggestions submitted by other individuals such as Sue Hartig. I've also included a form that the county may wish to consider adopting for the Family and Medical Leave. The county, to my knowledge, does not have a form that is used for that and that request comes in many different shapes. The consistency would be nice that the individual departments would have one form to use for filing those requests so that we make sure all the information is covered on that.

President Mourdock: Okay. Questions of Lynn regarding this?

Commissioner Jerrel: No, I would just like to make a recommendation. I am trying to do it from a common sense position. We've spent, or at least the previous Commissioners, have spent a good bit of money updating this handbook. I think there are obviously some things that we need to do to correct it, but some of this is minutia if I have every read it. I think if we, you know, make those changes that are significant and are confusing, but just to rewrite every word is not practical. I think the big issues, Lynn has done a good job of outlining them, but after the attorney looks at it maybe he will be able to remove some of these issues.

President Mourdock: What would government be without minutia? Joe, you did get a copy of this? Okay, the issues in here that Lynn address, Number 3, obviously, Section 1.8 conflicts with the law, whatever, if you could report back to us and maybe even give us some suggested language for those issues.

Commissioner Jerrel: Because we should be prepared to make recommendations on the 2nd. I don't think the 2nd is a meeting where we are going to rehash everything. It's where we are going to make recommendations.

President Mourdock: The 2nd of...?

Commissioner Jerrel: June.

Lynn Ellis: Right. Would you like more summaries and final recommendations by the middle of May so that we can have those ready to distribute at that June 2nd meeting?

Commissioner Jerrel: I think that's fine.

President Mourdock: Yeah, I think that is fully appropriate. We are going to need to first look at them at some point prior to that week, so aim for the middle of May.

Lynn Ellis: In two weeks?

President Mourdock: Yeah, for each of the items that we've addressed.

Lynn Ellis: Okay, the other item, Commissioner Mourdock, you asked me to raise tonight is regarding the letter directed to Rose Zigenfus from Firooz Zandi, Deputy Chief Engineer with the

Indiana Department of Transportation. The letter was regarding...is in response to her letter to Commissioner Wiley regarding the concrete median barrier for the full length of the project from Green River Road to Epworth Road.

President Mourdock: Yeah, okay. You just jogged my memory with that. John, do you know anything about that? That was the reason that I wanted it brought up tonight before I forgot it and while you were here. Ms. Zigenfus in the letter asked that extension on out to Epworth not be...what was the term? A raised...?

John Stoll: She is asking for it to be a barrier wall rather than a mountable median.

President Mourdock: Yeah, what is a mountable median? Is that just basically a large rumble strip?

John Stoll: It would be probably similar to what we've got on the expressway out on the west side between Barker and Rosenberger. It's not a flush median, its got a slight hump in it.

President Mourdock: Is it something that can be driven over? Is that the question?

John Stoll: Yes, yes.

President Mourdock: So she is saying...and you concur with that, I think?

John Stoll: I think it would be a better design, yes, to have a barrier wall.

President Mourdock: Okay.

John Stoll: The lanes will be closer together when they eventually six lane it because they're going to take the additional two lanes out of the median, so rather than get farther apart the overall net result is going to be that the lanes will be...opposing traffic will be closer.

President Mourdock: My point in bringing it up tonight was just if, in fact, that was the consensus of the Board in dealing with Mr. Wiley. I think it would be helpful to send him a letter if, indeed, that is our consensus. Seeing no disagreement, Lynn, would you draft such a letter for us and I'll sign it?

Lynn Ellis: Another item is the painting of the pool. I asked Burdette to get a couple of letters from pool contractors regarding the paint and how to handle that and I will have that in your box so that you can review that.

President Mourdock: Okay. Is that it, Lynn?

Lynn Ellis: Yes.

President Mourdock: Okay.

**Burdette Park**

President Mourdock: What else do we have? No one here from Burdette Park, did they submit their written report?

Commissioner Tuley: Appears to be.

Lynn Ellis: Oh, regarding Burdette Park there was a letter requesting the Commissioners' attendance at that park at 10:00 on the 1st. That is conflicting with other previously scheduled meetings that I found out about this morning. I'm not sure if any of the Commissioners could attend that. The goal was to have you all out there prior to the next Advisory Board meeting which is Thursday afternoon on the 1st. I don't know that would fit in with the Commissioners' schedule.

President Mourdock: That's very short notice.

Lynn Ellis: I know Ms. Jerrel will not be able to attend that meeting at 10:00.

President Mourdock: Pat, can you go?

Commissioner Tuley: I don't think so.

President Mourdock: Okay, maybe you can give them the word that we need a little bit more advanced notice. I don't think I'm available either. I'm almost...in fact, I know I'm not. I've got an all day safety training on the first Thursday.

Lynn Ellis: Okay.

**Consent items**

President Mourdock: Consent items. We have in our packets the normal assortment of consent items dealing with travel requests and employment issues.

Commissioner Tuley: I'll move approval of the consent items with the added employment change that was discussed earlier.

Commissioner Jerrel: Second.

President Mourdock: So ordered.

**Scheduled meetings**

President Mourdock: Scheduled meetings. The calendar is in the back of your packet. One addition that I would add to that is that this Wednesday Jim Hmurovich from the Family Social Services Agency is going to be down and we're going to be convening the entire Welfare to Work Task Force that had met over a series of months. He wanted to get with them and certainly both of you if you could be there. It's at 5:30 at the...what do they call that? The Director's Room at the United Way. I thought since he was on the Board and appointed many of those members at time, it would also be appropriated to ask

Commissioner Borries if he would like to come, the former Commissioner, so I will make that call. Any other additions to our scheduled meetings list?

Commissioner Jerrel: Have the RFP...they've been picked up, but when is the final day?

President Mourdock: They were due back in 30 days which would be approximately May 10th. They went out April 10th.

**New business**

President Mourdock: Any new business this evening?

**Old business**

President Mourdock: Any old business this evening?

Joe Harrison, Jr.: On the calendar, I was just looking at it. You probably hate to hear this, but I guess we aren't meeting on the 26th of May, but we would be meeting on the 27th of May. I guess we would have a Commissioners meeting and a Drainage Board meeting.

President Mourdock: Yes, that would be right. Is that a correction?

Joe Harrison, Jr.: It's just not on there.

President Mourdock: Oh, okay.

Commissioner Jerrel: What does it show?

Joe Harrison, Jr.: Nothing.

Commissioner Tuley: Shows nothing on either day.

Joe Harrison, Jr.: It's just blank. I just wanted to point that out.

President Mourdock: Yeah, the 26th is officially Memorial Day, so the meetings from Monday would be scheduled to the following day, the 27th.

Joe Harrison, Jr.: That should probably be added to the calendar at some point.

President Mourdock: Okay, thank you. Any other new or old business? Hearing none I would say--

Commissioner Jerrel: Move adjournment.

Commissioner Tuley: Second.

President Mourdock: So ordered.

The meeting was adjourned at 6:15 p.m.

**Vanderburgh County  
Commissioners Meeting  
April 28, 1997**

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**Those in attendance:**

Richard E. Mourdock  
Bettye Lou Jerrel  
Patrick Tuley  
Joe Harrison, Jr.  
Lynn Ellis  
Suzanne M. Crouch  
Charlene Timmons  
Joe Profaizer  
John Stoll  
Janet Watkins  
Others unidentified  
Members of the media

VANDERBURGH COUNTY  
BOARD OF COMMISSIONERS

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Richard E. Mourdock, President

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Bettye Lou Jerrel, Vice President

---

Patrick Tuley, Member

Recorded and transcribed by Charlene Timmons